

2001 BILL 10

First Session, 25th Legislature, 50 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 10

TRAFFIC SAFETY AMENDMENT ACT, 2001

MR. CENAIKO

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 10

2001

TRAFFIC SAFETY AMENDMENT ACT, 2001

(Assented to _____, 2001)

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 1 is amended

**(a) in subsection (1)(l) by adding “or “drive” ” after
““driving” ”;**

(b) in subsection (1)(ff)

**(i) by repealing subclause (v) and substituting the
following:**

(v) a conservation officer appointed under section
6.1 of Schedule 5 to the *Government
Organization Act* while carrying out duties
under this Act for the purposes of enforcing this
Act;

(ii) by repealing subclause (vii);

(c) in subsection (2) by adding “70,” after “69,”;

**(d) in subsection (7) by striking out “section 1(1)(rr)” and
substituting the following:**

section 1(1)(rr);
section 11.1;

**(e) in subsections (8) and (9) by striking out “section
1(1)(rr)” and substituting “sections 1(1)(rr) and 11.1”.**

Explanatory Notes

- 1 Amends chapter T-6.4 of the Statutes of Alberta, 1999.
- 2 Section 1(1)(l), (ff)(v) and (vii), (2), (7), (8) and (9) presently read:
 - 1(1) *In this Act,*
 - (l) “driving” includes having the care or control of a vehicle;
 - (ff) “peace officer” means
 - (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;
 - (vii) a wildlife officer appointed under the Wildlife Act while carrying out duties under this Act for the purposes of enforcing this Act;
- (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.*
- (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;*

3 Section 11(2)(f) is amended by striking out “municipality” and substituting “road authority”.

4 The following is added after section 11:

Commercial
transport
information

11.1(1) In this section,

(a) “commercial transport information” means, with respect to a commercial vehicle, any information or record concerning the following:

(i) any finding of guilt for offences relating to the operation of the commercial vehicle;

(ii) any accidents relating to the operation of the commercial vehicle;

(iii) any inspections of the commercial vehicle;

(b) “commercial transport official” means an official of a jurisdiction other than Alberta who performs for that jurisdiction the functions with respect to commercial vehicles that the Registrar performs for Alberta.

(2) This section applies only in respect of those commercial vehicles or classes of commercial vehicles specified by the regulations.

(3) The Registrar may provide to a commercial transport official for another jurisdiction any commercial transport information with respect to the following:

(a) drivers whose operator’s licences are issued by that other jurisdiction;

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.

3 Section 11(2)(f) presently reads:

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

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

4 Information concerning commercial transport.

- (b) commercial vehicles for which a document is issued or otherwise provided by that other jurisdiction that, if issued or provided in Alberta, would be a motor vehicle document as defined in section 1(1)(y)(ii) to (ix);
- (c) persons that carry on business in that other jurisdiction who in Alberta are or would be carriers as defined in Part 7.

5 Section 18(2) is amended by adding the following after clause (b):

- (c) specifying commercial vehicles or classes of commercial vehicles to which section 11.1 applies.

6 The following is added after section 39:

Appeals re
one-month
suspension re
novice
operator's
licence

39.1(1) In this section, “novice driver”, “novice operator’s licence”, “peace officer” and “temporary novice operator’s permit” mean novice driver, novice operator’s licence, peace officer and temporary novice operator’s permit as defined in section 90.

(2) A person whose novice operator’s licence or temporary novice operator’s permit is suspended under section 90 may appeal that suspension 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) where an oral hearing is held, in addition to the matters referred to in clauses (a) and (b), 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 at the time of the suspension

- (a) the person was a novice driver,

5 Provides for the making of regulations by the Minister for the purposes of section 11.1.

6 Appeals arising from a suspension of an operator's licence under section 90.

- (b) the person held a novice operator's licence or a temporary novice operator's permit, and
- (c) the person,
 - (i) having consumed alcohol, drove a motor vehicle, or
 - (ii) without a reasonable excuse, failed or refused to provide a breath sample when required to do so under section 90,

the Board must confirm the suspension.

(6) If, after conducting an appeal under this section, the Board is satisfied that at the time of the suspension

- (a) the person was not a novice driver,
- (b) the person did not hold a novice operator's licence or a temporary novice operator's permit,
- (c) the person, having consumed alcohol, had not driven a motor vehicle, or
- (d) the person, having failed or refused to provide a breath sample when required to do so under section 90, had a reasonable excuse for doing so,

the Board must

- (e) cancel the suspension, and
- (f) 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.

7 Section 45(2) is amended by striking out "Board's".

8 Section 47 is amended by adding "under section 43" after "the Board".

7 Section 45(2) presently reads:

(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.

8 Section 47 presently reads:

47 An appeal commenced under this Division does not, except as otherwise directed by the Board, stay any suspension, cancellation,

9 Section 51 is amended

(a) in clause (e)(ii) by adding “or a probationary operator’s licence” **after** “a learner’s operator’s licence”;

(b) in clause (f)(ii) by adding “or a probationary operator’s licence” **after** “a learner’s operator’s licence”;

(c) by adding the following after clause (f):

(f.1) notwithstanding clause (e), where the person holds an operator’s licence classified as a learner’s operator’s licence, drive a motor cycle on a highway unless there is a person occupying the passenger seating position on the motor cycle or in or on a motor vehicle that is travelling in close proximity to the motor cycle who

(i) is supervising the person driving the motor cycle,

(ii) is a holder of a subsisting operator’s licence that is not classified as a learner’s operator’s licence or a probationary operator’s licence and that is valid for the operation of the motor cycle,

(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;

(f.2) notwithstanding clause (f), where a motor cycle 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 motor cycle by the person holding the learner’s operator’s licence unless the person carrying out that supervision

(i) is occupying the passenger seating position on the motor cycle or is in or on a motor vehicle that is travelling in close proximity to the motor cycle,

(ii) is a holder of a subsisting operator’s licence that is not classified as a learner’s operator’s licence or a probationary operator’s licence and that is valid for the operation of the motor cycle,

disqualification or other decision or action that is the subject of or otherwise related to the appeal.

9 Section 51(e), (f), (g) and (i) presently read:

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

(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;

(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

(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;

(f.3) in the case of a motor cycle, where a person holds an operator's licence classified as a learner's operator's licence, operate a motor cycle on a highway while carrying a passenger except as permitted under clause (f.1) or (f.2);

(d) in clause (g) by striking out "operate" and substituting "drive";

(e) in clause (i) by striking out "operate" wherever it occurs and substituting "drive".

10 Section 85 is amended

(a) in subsection (8)

(i) by striking out "or section 252" and substituting ", 249.1(1) or 252(1)";

(ii) by striking out "6 months" and substituting "one year";

(b) in subsection (9) by adding ", 249.1(3), 252(1.2) or (1.3)" after "249(3) or (4)".

11 Section 86(1)(c) is amended by striking out "or (d)" and substituting ", (d), (p) or (q)".

12 Section 87 is amended

- (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;

10 Section 85(8) and (9) presently read:

(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.

11 Section 86(1)(c) presently reads:

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:

- (c) section 115(2)(b), (c) or (d);*

12 Section 87(1) and (2) presently read:

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

(a) in subsection (1) by striking out “section 249(1) or 252” **and substituting** “subsection 249(1), 249.1(1) or 252(1)”;

(b) in subsection (2) by striking out “section 249(3) or (4)” **and substituting** “subsection 249(3) or (4), 249.1(3), 252(1.2) or (1.3)”.

13 Section 88 is amended

(a) in subsection (3)

(i) by repealing clause (a) and substituting the following:

(a) a person’s operator’s licence is surrendered and a temporary operator’s permit is issued under subsection (2)(c),

(i) that person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the temporary operator’s permit comes into effect,

(ii) the temporary operator’s permit comes into effect at the expiration of 24 hours from the time that the disqualification referred to in subclause (i) came into effect, and

(iii) the temporary operator’s permit expires at the end of the 21st day following the day on which the temporary operator’s permit came into effect;

(ii) in clauses (b) and (c) by adding “on a person” after “is served”;

(iii) by repealing clause (d) and substituting the following:

(d) a notice of disqualification is served on a person under subsection (2)(e),

(i) that person is immediately disqualified from driving a motor vehicle in Alberta, but that disqualification temporarily ceases to have effect at the end of 24 hours from the time

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.

13 Section 88(3), (5) and (6) presently read:

(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.

(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.

that the notice of disqualification was served on that person, and

- (ii) that person is, at the end of the 21st day following the day on which the disqualification temporarily ceased to have effect under subclause (i), once again disqualified from driving a motor vehicle in Alberta;

(iv) in clause (e) by adding “on a person” after “is served”;

(b) in subsections (5) and (6) by striking out “referred to in subsection (3)(b), (d) or (e)” and substituting “that comes into effect under subsection (3)(b), (d) or (e)”;

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

(6.1) For the purposes of subsections (5) and (6), a disqualification referred to in subsection (3)(d) is deemed to come into effect when the disqualification once again comes into effect under subsection (3)(d)(ii).

14 Section 89(6) is repealed and the following is substituted:

(6) With respect to a driver of a vehicle, this section does not apply to a case arising out of the circumstances described in subsection (1)

(a) 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

(i) involving the actual driving of a motor vehicle by the driver, and

(ii) involving

(A) 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

(B) the condition of the driver resulting from the introduction by the driver into the

14 Section 89(6) presently reads:

(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.

driver's body of any drug or other substance,

or

- (b) where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88.

15 Section 90 is repealed and the following is substituted:

One-month
suspension 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
 - (i) an approved screening device within the meaning of section 254 of the *Criminal Code* (Canada), or
 - (ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;
- (b) "notice of suspension" means a notice of suspension referred to in subsection (4);
- (c) "novice driver" means a person who holds a novice operator's licence;
- (d) "novice operator's licence" means an operator's licence classified as a learner's operator's licence or a probationary operator's licence;
- (e) "peace officer" means a police officer as defined in section 1 of the *Police Act*;
- (f) "temporary novice operator's permit" means a temporary novice operator's permit issued under subsection (4).

(2) If a peace officer reasonably suspects that the driver of a motor vehicle who is a novice driver, having consumed alcohol, drove the motor vehicle, the peace officer may require that the novice driver forthwith provide a breath sample into an approved screening device.

15 Section 90 presently reads:

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.

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

(4) Where a novice driver

- (a) provides a breath sample under subsection (3) and the breath sample registers a result on the approved screening device that indicates the presence of alcohol in that driver's blood, or
- (b) without a reasonable excuse fails or refuses to provide a breath sample when required to do so by a peace officer under subsection (2),

the peace officer shall, on behalf of the Registrar,

- (c) in the case of a person who holds a novice operator's licence,
 - (i) require that person to surrender to the peace officer that novice operator's licence and issue to that person a temporary novice operator's permit, and
 - (ii) serve on that person a notice of suspension of that person's novice operator's licence;
- (d) in the case of a person who holds a temporary novice operator's permit,
 - (i) require that person to surrender to the peace officer that temporary novice operator's permit, and
 - (ii) serve on that person a notice of suspension of that temporary novice operator's permit.

(5) Where

- (a) a person's novice operator's licence is surrendered and a temporary novice operator's permit is issued under subsection (4)(c),
 - (i) that person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the temporary novice operator's permit comes into effect,

(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.

- (ii) the temporary novice operator's permit comes into effect at the expiration of 24 hours from the time that the disqualification referred to in subclause (i) came into effect, and
 - (iii) the temporary novice operator's permit expires at the end of the 7th day following the day on which the temporary novice operator's permit came into effect;
 - (b) a notice of suspension is served on a person under subsection (4)(c), the suspension, with respect to the surrendered novice operator's licence, takes effect immediately on the expiration of the temporary novice operator's permit issued in respect of the surrendered novice operator's licence;
 - (c) a notice of suspension is served on a person under subsection (4)(d), the suspension, with respect to the surrendered temporary novice operator's permit, takes effect immediately on the service of the notice.
- (6) A temporary novice operator's permit, during the period of time that it is in effect, stands in the place of the surrendered novice operator's licence and is subject to the same terms and conditions as those to which the surrendered novice operator's licence was subject.
- (7) A suspension that comes into effect under subsection (5)(b) is in effect, unless otherwise directed by the Board pursuant to an appeal under section 39.1, until the end of the one-month period that commences on the day that the suspension takes effect.
- (8) Notwithstanding that a person refuses or fails
- (a) to accept from a peace officer service of a notice of suspension, 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 a novice operator's licence or a temporary novice operator's permit, that refusal or failure does not prevent the suspension from taking effect;
 - (c) to accept service of a notice of suspension, that refusal or failure does not prevent the suspension or disqualification from taking effect.

(9) With respect to a driver of a vehicle, this section does not apply to a case arising out of the circumstances described in subsection (2)

(a) 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

(i) involving the actual driving of a motor vehicle by the driver, and

(ii) involving

(A) 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

(B) the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance,

or

(b) where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88.

16 Section 115(2) is amended by repealing clauses (o) and (p) and substituting the following:

(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

(i) this Act,

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

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

17 Section 118(3) is amended by striking out "64, 70, 71 and 81" and substituting "18, 64, 70, 71, 81 and 91(1), (3) and (4)".

16 Section 115(2)(o) and (p) presently read:

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

(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;

17 Section 118(3) presently reads:

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

18 Section 157 is amended

(a) in subsection (2)(a) and (b) by striking out “have complied” and substituting “comply”;

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

(3) Where a person is alleged to have contravened or failed to comply with a provision of this statute by reason that the person contravened or failed to comply with a provision of a regulation, it is sufficient, for the purposes of subsection (2), not to refer to that provision of this statute but instead only

(a) to refer to the provision of the regulation, and

(b) to describe in words the nature of the offence under the regulation.

19 Section 173(2) is repealed and the following is substituted:

(2) Where

(a) a motor vehicle was seized or immobilized under subsection (1),

(b) that seizure or immobilization has not been revoked, and

(c) within 3 years from the day that the motor vehicle was seized or immobilized under subsection (1), the person referred to in subsection (1) 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.

20 Section 205(3) is amended as to section 112 of the *Motor Vehicle Administration Act* by repealing subsection (1.1) and substituting the following:

(1.1) Where

18 Section 157(2) presently reads:

(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.

19 Section 173(2) presently reads:

(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.

20 Section 112(1.1) of the Motor Vehicle Administration Act as enacted by section 205(3) presently reads:

(1.1) Where

(a) a person's operator's licence has been suspended or a person has been disqualified from driving a motor

- (a) a motor vehicle was seized or immobilized under subsection (1),
- (b) that seizure or immobilization has not been revoked, and
- (c) within 3 years from the day that the motor vehicle was seized or immobilized under subsection (1), the person referred to in subsection (1) 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.

21 The Schedule is amended in section 2

(a) in subsection (2)

(i) by repealing clause (a) and substituting the following:

- (a) a person's operator's licence is surrendered and a temporary operator's permit is issued under subsection (1)(c),
 - (i) that person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the temporary operator's permit comes into effect,
 - (ii) the temporary operator's permit comes into effect at the expiration of 24 hours from the time that the disqualification referred to in subclause (i) comes into effect, and
 - (iii) the temporary operator's permit expires at the end of the 21st day following the day on which the temporary operator's permit comes into effect;

(ii) in clauses (b) and (c) by adding "on a person" after "is served";

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.

21 Section 2(2), (4) and (5) of the Schedule presently read:

(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.*

(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

(iii) by repealing clause (d) and substituting the following:

(d) a notice of disqualification is served on a person under subsection (1)(e),

(i) that person is immediately disqualified from driving a motor vehicle in Alberta, but that disqualification temporarily ceases to have effect at the end of 24 hours from the time that the notice of disqualification was served on that person, and

(ii) that person is, at the end of the 21st day following the day on which the disqualification temporarily ceased to have effect under subclause (i), once again disqualified from driving a motor vehicle in Alberta;

(iv) in clause (e) by adding “on a person” after “is served”;

(b) in subsections (4) and (5) by striking out “referred to in subsection (2)(b), (d) or (e)” and substituting “that comes into effect under subsection (2)(b), (d) or (e)”;

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

(5.1) For the purposes of subsections (4) and (5), a disqualification referred to in subsection (2)(d) is deemed to come into effect when the disqualification once again comes into effect under subsection (2)(d)(ii).

22 This Act comes into force on Proclamation.

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.

22 Coming into force.