

2004 Bill 207

Fourth Session, 25th Legislature, 53 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 207

**TRAFFIC SAFETY (EMERGENCY VEHICLE)
AMENDMENT ACT, 2004**

MR. MAGNUS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 207
Mr. Magnus

BILL 207

2004

TRAFFIC SAFETY (EMERGENCY VEHICLE) AMENDMENT ACT, 2004

(Assented to _____ *, 2004)*

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

Amends RSA 2000 cT-6

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

- 2 Section 86(1) is amended by adding the following after clause (c):**
 - (c.1) 115.1(2);

3 The following is added after section 115:

Passing emergency vehicles

115.1(1) In this section

- (a) “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;
- (b) “stopped emergency vehicle” means an emergency vehicle that
 - (i) is stopped on a highway,
 - (ii) is attending to an incident, and
 - (iii) has its flashing lights in operation.

(2) No person shall drive a motor vehicle on a highway at a speed greater than one-half the speed limit prescribed or established for that highway if the vehicle

- (a) is travelling on the same side of the highway as a stopped emergency vehicle, and
- (b) is passing the stopped emergency vehicle.

(3) Subsection (2) does not apply if

- (a) there are 2 or more traffic lanes for traffic moving in the same direction as the vehicle, and
- (b) the driver moves the vehicle into a traffic lane that is not occupied by the stopped emergency vehicle or adjacent to that occupied lane, if the movement can be made safely.

4 Section 157(1) is amended in clause (a) by adding “115.1(2),” after “115(2),”.

5 Section 158(3) is amended by adding “or 115.1(2)” after “under section 51(i)”.

6 This Act comes into force on Proclamation.

Explanatory Notes

1 Amends chapter T-6 of the Revised Statutes of Alberta 2000.

2 Section 86(1) 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:

- (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), (d), (p) or (q);*
- (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.*

3 New section regarding the passing of emergency vehicles.

4 Section 157(1)(a) presently reads:

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;

5 Section 158 presently reads:

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.

6 Coming into force.