

Bill 39
Mr. Magnus

BILL 39

2005

TRAFFIC SAFETY AMENDMENT ACT, 2005

(Assented to , 2005)

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 1(1) is amended

(a) by adding the following after clause (l):

(l.1) “driving record” means a record of all of the information held by the Registrar that relates to an individual driver’s history;

(b) by repealing clause (aa) and substituting the following:

(aa) “non-repairable vehicle” means a motor vehicle or a trailer described by the regulations as a non-repairable vehicle;

(c) by repealing clause (cc) and substituting the following:

(cc) “optometrist” means a regulated member of the Alberta College of Optometrists;

3 Section 5(1) is amended by adding the following after clause (f):

- (f.1) an official of a jurisdiction other than Alberta who is a registrar of corporations or performs a function for that jurisdiction similar to the function that the Registrar of Corporations performs for Alberta,

4 Section 8 is amended

- (a) by repealing subsection (1) and substituting the following:**

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 contained in an individual’s driving record

that if released could identify or lead to the identification of an individual.

- (b) by repealing subsection (3).**

5 Section 11 is amended

- (a) by repealing subsection (2) and substituting the following:**

(2) Subject to the regulations, where a report is made in respect of an accident involving a motor vehicle under

- (a) the previous legislation,
- (b) section 70 or 71 of this Act, or
- (c) the regulations,

a peace officer may release information contained in that report to the Registrar for the purposes of monitoring drivers and the safe operation of commercial vehicles and motor vehicles.

(2.1) The Registrar or a peace officer may release information contained in a report referred to in subsection (2) to

- (a) a person or an insurance company or a lawyer, agent or representative of that person or company if the person or company
 - (i) has paid or may be liable to pay damages, or
 - (ii) has recovered or may be entitled to recover damages,
- (b) a road authority for the purposes of improving traffic circulation or the management of roadways, or
- (c) the Alberta Transportation Safety Board for the purposes of making a decision under Part 2, Division 2 or 3.

(b) in subsection (3) by striking out “subsection (2)” and substituting “subsections (2) and (2.1)”.

6 Section 11.1 is amended

(a) in subsection (1)(a) by adding the following after subclause (iii):

- (iv) matters related to the operation of the commercial vehicle recorded by the Registrar under this Act;
- (v) matters related to the compliance or failure to comply of an operator of the commercial vehicle or a carrier as defined in Part 7 with safety laws;
- (vi) safety matters and matters relating to the compliance or failure to comply with transportation legislation referred to in section 132(1) by carriers as defined in Part 7 and other persons who engage in, have engaged in or may become engaged in the operation of commercial vehicles.

(b) in subsection (1) by adding the following after clause (b):

(c) “safety laws” means

- (i) this Act;
- (ii) the *Dangerous Goods Transportation and Handling Act* and regulations made under that Act;
- (iii) the laws of a jurisdiction other than Alberta respecting the same, similar or equivalent subjects as those regulated or controlled by the enactments referred to in subclauses (i) and (ii).

(c) in subsection (3) by adding “and to any law enforcement agency in or outside Alberta” after “another jurisdiction”.

7 Section 24 is repealed and the following is substituted:

Functions of the Board

24 The Board shall

- (a) conduct reviews and appeals under Divisions 2 and 3, and
- (b) consider any other matter not referred to in clause (a) that is referred to the Board by the Minister.

8 Section 26 is repealed and the following is substituted:

Quorum

26 Except where otherwise directed by the Chair or the Minister, a quorum of the Board consists of one member of the Board.

9 Section 27 is amended

(a) in subsection (1) by adding the following after clause (e):

- (f) the Board may grant interim relief and stays in respect of any matter that is being heard, reviewed or appealed pending the determination of the hearing, review or appeal, subject to any directions, terms or conditions that the Board considers appropriate.

(b) in subsection (2) by repealing clause (i) and substituting the following:

- (i) governing the granting of interim relief and stays in respect of matters being heard, reviewed or appealed under this Act;

10 The following is added after section 29:

Failure to attend, etc.

29.1(1) Where, in respect of a hearing, a review or an appeal before the Board, a person is summoned or otherwise required to attend before the Board and fails or refuses to do so, the Court of Queen's Bench may, on application by the Board, commit the person for contempt or issue a bench warrant requiring the attendance of the person before the Board.

(2) The Court of Queen's Bench may, on application by the Board, commit a person for contempt where the person attends before the Board in respect of a hearing, a review or an appeal but fails or refuses either to give evidence under oath or otherwise, or to produce any record, object or thing, when required to do so.

11 Section 35 is amended

(a) by repealing subsection (1) and substituting the following:

Appeals re permits

35(1) Where the Registrar

- (a) refuses to issue a permit to a person under section 62,
- (b) cancels a person's permit under section 62, or

- (c) imposes a term or condition to which the permit is subject,

that person may appeal the refusal, cancellation or imposition of the term or condition to the Board.

(b) in subsection (2) by adding the following after clause (a):

- (a.1) direct the Registrar to issue a permit;

12 The following is added after section 42:

Appeals re vehicle inspection facilities and vehicle inspection technicians

42.1(1) In this section,

- (a) “vehicle inspection facility” includes an inspection station;
- (b) “vehicle inspection technician” includes an inspection technician and an inspection mechanic.

(2) Where a person who pursuant to a licence issued under this Act

- (a) operates a vehicle inspection facility, or
- (b) is a vehicle inspection technician

is affected by a decision or action of the Registrar with respect to the operation of or the provision of services by the vehicle inspection facility or the actions of or the provision of services

by the vehicle inspection technician, that person may appeal that decision or action to the Board.

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

- (a) confirm, vary or rescind the decision made or action taken 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.

13 Section 44 is repealed and the following is substituted:

Other appeals

44(1) Where directed to do so by the Minister or as provided for by regulation, 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 the relief

- (a) that the Board considers appropriate in the circumstances, or
- (b) that is provided for by regulation.

(3) The Minister may make regulations

- (a) providing for appeals to the Board in respect of any matter arising under this Act where an appeal is not otherwise provided for under this Part;
- (b) providing for the relief that may be granted by the Board in respect of appeals under this section.

14 Section 47 is amended by striking out “section 43” and substituting “section 27 or 43”.

15 Section 54 is amended

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

(1.1) If a person drives or has a motor vehicle on a highway without the expressed or implied consent of the registered owner of the vehicle, that person is deemed for the purposes of subsection (1)(a) or (b) to drive or have on a highway a motor vehicle that is not an insured motor vehicle.

(b) by repealing subsection (4) and substituting the following:

(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, to a fine of not less than \$2500 and not more than \$10 000 and in default of payment to imprisonment for a term of not less than 45 days and not more than 6 months, and
- (b) for each subsequent contravention that occurs within 5 years from the day of the contravention referred to in clause (a), to a fine of not less than \$5000 and not more than \$20 000 and in default of payment to imprisonment for a term of not less than 60 days and not more than 6 months.

16 The following is added after section 60:

Confidential reporting

60.1 If information is provided to the Registrar in good faith that a person

- (a) is not competent to safely operate a motor vehicle,
- (b) is not qualified or does not have the ability to operate a motor vehicle safely, or
- (c) may have a medical or physical condition that impairs his or her ability to safely operate a motor vehicle,

no person shall release the identity of the person providing the information, or release any information provided by that person

that could reasonably be expected to reveal that person's identity, unless the person providing the information authorizes the release of that identifying information in writing.

17 Section 64 is amended by adding the following after clause (u):

- (v) governing any matter relating to the issuance of dealer's licence plates and trade licence plates and the operation of a motor vehicle on a highway with a dealer's licence plate or a trade licence plate attached, including requirements for the production and retention of documents.

18 Section 81 is amended

(a) by adding the following after clause (b):

- (b.1) establishing and governing, with respect to persons who engage in, have engaged in or may become engaged in providing any services in relation to matters referred to in clause (b), a program under which a profile or other record is kept with respect to the provision of those services and the compliance or failure to comply with this Act respecting the provision of those services;
- (b.2) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (b.1);
- (b.3) governing the inspection by a peace officer of any business related to motor vehicle inspections;

(b) in clause (g)

- (i) **by adding** "or a non-repairable vehicle" **after** "salvage motor vehicle";
- (ii) **by adding** "or non-repairable vehicles" **after** "salvage vehicles" **wherever it occurs.**

19 Section 86(1)(c) is amended by striking out “(p) or (q)” and substituting “, (p.1), (p.2), (q), (r) or (t)”.

20 Section 90(1)(e) is amended by adding “and for the purposes of subsections (2) to (8) includes a special constable” after “Police Act”.

21 Section 115 is amended

(a) in subsection (2)

(i) by adding the following after clause (p):

(p.1) drive a vehicle on a portion of a highway that is under construction or repair or is in a state of disrepair at a speed that is greater than the maximum speed limit established or prescribed under section 108(1)(g) for that portion of highway;

(p.2) drive a vehicle on a portion of a highway at a speed that is greater than the maximum speed limit established or prescribed under section 108(1)(g) for that portion of highway where there are persons present on the highway who are constructing or repairing that portion of highway or who are directing traffic in connection with the construction or repair of that portion of highway;

(ii) by adding the following after clause (s):

(t) subject to subsection (4), drive a vehicle on a highway at a speed greater than 60 kilometres per hour, or 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),

whichever is lower, if the vehicle

- (iv) is travelling on the same side of the highway as a stopped emergency vehicle or tow truck, and
- (v) is passing the stopped emergency vehicle or tow truck when its flashing lamps are operating.

(b) by adding the following after subsection (3):

(4) Subsection (2)(t) does not apply if there are 2 or more traffic lanes for traffic moving in the same direction as the

vehicle and there is at least one traffic lane between the driver's vehicle and the stopped emergency vehicle or tow truck.

22 Section 120(3) is amended by striking out “and” at the end of clause (c) and by repealing clause (d) and substituting the following:

- (d) the driver drives the off-highway vehicle across the highway or portion of the highway to be crossed
 - (i) by the most direct and shortest route of travel available to the driver, or
 - (ii) if the most direct and shortest route of travel available to the driver is not the safest route, with reasonable care and caution by the safest and most direct route available to the driver,

and

- (e) the driver waits to proceed across the highway until the condition of the traffic on the highway being entered on and crossed is such that the off-highway vehicle can enter on and cross the highway in safety.

23 Section 130(1) is amended

- (a) in clause (a) by striking out “motor vehicle” wherever it occurs and substituting “commercial vehicle”;
- (b) in clause (c)
 - (i) in subclause (i) by striking out “not a bus” and substituting “used or intended to be used to transport goods or provide a service other than the transportation of passengers”;
 - (ii) in subclause (ii) by adding “as defined in this Part” after “that is a bus”;

(iii) by striking out “and” at the end of subclause (i), by adding “and” at the end of subclause (ii) and by adding the following after subclause (ii):

(iii) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, an operating authority certificate;

(c) in clause (f)

(i) in subclause (i) by striking out “not a bus” and substituting “used or intended to be used to transport goods or provide a service other than the transportation of passengers”;

(ii) in subclause (ii) by adding “as defined in this Part” after “that is a bus”;

(iii) by striking out “and” at the end of subclause (i), by adding “and” at the end of subclause (ii) and by adding the following after subclause (ii):

(iii) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, the owner of a commercial vehicle in respect of which an operating authority certificate is not required;

(d) in clause (g)

(i) in subclause (ii) by adding “as defined in this Part” after “that is a bus”;

(ii) by adding the following after subclause (ii):

(ii.1) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the commercial vehicle, the operating authority certificate issued in respect of the commercial vehicle;

- (iii) **in subclause (iii) by striking out “not a bus” and substituting “used or intended to be used to transport goods or provide a service other than the transportation of passengers”.**

24 Section 131(1) is amended

- (a) **in clause (a) by striking out “not a bus” and substituting “used or intended to be used to transport goods or provide a service other than the transportation of passengers”;**

- (b) **by adding the following after clause (b):**

- (b.1) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, operate the vehicle on a highway unless the operation of the vehicle
 - (i) is carried out under the authority of an operating authority certificate, or
 - (ii) is exempted from the requirements of an operating authority certificate being issued in respect of the vehicle;

25 Section 132(1) is repealed and the following is substituted:

Cancellation of certificate

132(1) In this section,

- (a) “federal transportation legislation” means an enactment or a provision of an enactment of Canada that relates to transportation;
- (b) “foreign transportation legislation” means an enactment or a provision of an enactment of
 - (i) the United States of America,
 - (ii) a state or territory of the United States of America,

- (iii) Mexico, or
- (iv) a state of Mexico,
that relates to transportation;
- (c) “provincial transportation legislation” means an enactment or a provision of an enactment of a province or territory of Canada that relates to transportation;
- (d) “transportation legislation” means motor transport regulatory legislation and includes, except where otherwise provided by regulations made under section 156,
 - (i) federal transportation legislation,
 - (ii) foreign transportation legislation,
 - (iii) provincial transportation legislation, and
 - (iv) any certificate, authorization, licence, permit or order that relates to transportation that is issued, granted, provided or otherwise made under any enactment referred to in subclauses (i) to (iii).

26 Section 143(1) is repealed and the following is substituted:

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;

- (vi) a person engaged in carrying out inspections, evaluations, repairs and other services provided by persons licensed under this Act to carry out inspections of motor vehicles, whether or not the vehicles are commercial vehicles;
- (b) “regulatory legislation” means
 - (i) transportation legislation as defined in section 132(1), and
 - (ii) any regulation under this Act that provides for testing, inspecting, evaluating, repairing and providing similar services, or any one or more of those functions, in respect of motor vehicles, whether or not the vehicles are commercial vehicles.

27 Section 156 is amended

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

- (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 transportation legislation as defined in section 132(1);

(b) by adding the following after clause (b):

- (b.1) establishing and governing with respect to carriers and other persons who engage in, have engaged in or may become engaged in the operation of commercial vehicles a program under which a profile or other record is kept in respect of safety matters and matters relating to compliance or the failure to comply with transportation legislation as defined in section 132(1);
- (b.2) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (b.1);
- (b.3) governing any matter with respect to the safe operation of commercial vehicles, including minimum performance standards and safety management practices;

(c) by repealing clause (j) and substituting the following:

- (j) for the purposes of this Part,
 - (i) excluding an enactment or a provision of an enactment from the definition of transportation legislation;
 - (ii) providing that an enactment or a provision of an enactment may only be included in the definition of transportation legislation subject to any directions, terms, conditions or modifications established or otherwise provided for under the regulations or by the Minister;

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

- (o) designating a commercial vehicle, or a class of commercial vehicles, as a bus.

28 Section 157(1)(a) is amended by striking out “173(4)” and substituting “173(5)”.

29 Section 162 is repealed and the following is substituted:

Disposition of fines and penalties

162(1) Subject to subsections (2) and (3), fines and penalties imposed under this Act belong to the Crown in right of Alberta.

(2) Fines and penalties imposed under this Act in respect of offences occurring in a municipality for which policing services are required to be provided under section 4(5) or (6) of the *Police Act* belong to the municipality that is required to provide the policing services.

(3) Fines and penalties imposed under this Act in respect of offences for which informations are laid or violation tickets are issued by peace officers employed by a municipality belong to that municipality.

(4) This section applies in respect of fines and penalties imposed on or after the date this section comes into force.

30 Section 163 is amended

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

Certificates and affidavits

163(0.1) In this section, “recording device” means a device that is installed by the manufacturer of a motor vehicle as part of the original vehicle equipment, or by or at the request of the owner of a motor vehicle, that is capable of recording or

transmitting information regarding any one or more of the following:

- (a) the speed at which the motor vehicle is travelling;
- (b) the direction in which the motor vehicle is travelling;
- (c) a history of where the motor vehicle has travelled;
- (d) steering performance;
- (e) brake performance, including, but not limited to, whether brakes were applied before a collision;
- (f) whether the driver was wearing a complete seatbelt assembly;
- (g) the number of hours a commercial vehicle has been operating;
- (h) a collision in which the motor vehicle has been involved.

(b) by adding the following after subsection (3):

(4) In any proceedings in respect of a charge that a person has failed to comply with this Act,

- (a) the evidence of any person involved in the manufacture, installation or operation of, or analysis or interpretation of data collected, reported or transmitted by, a recording device located in a motor vehicle may be given by affidavit;
- (b) an affidavit referred to in clause (a) is proof, in the absence of evidence to the contrary, of 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.

31 Section 167(1) is amended by adding the following after clause (d):

- (e) any document required to be produced pursuant to the regulations respecting dealer's licence plates or trade licence plates.

32 Section 172 is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding the following after clause (b):

- (c) section 115(2)(c) or (d), where a peace officer believes that the safety of the public may be at risk, then, notwithstanding sections 169 and 170,

33 Section 173 is repealed and the following is substituted:

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's 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 seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

(2) Where a motor vehicle is seized or immobilized under subsection (1), the seizure or immobilization is in effect for

- (a) 30 days from the day that the motor vehicle is seized or immobilized, or
- (b) if a shorter period of time is provided for by regulation, that shorter period of time.

(3) Notwithstanding subsection (2), where

- (a) a person has previously been charged with an offence referred to in subsection (1),
- (b) as a result of that charge, the motor vehicle that was being operated by that person was seized or immobilized under subsection (1),
- (c) that seizure or immobilization has not been revoked or rescinded,
- (d) within 3 years from the day that the motor vehicle referred to in clause (b) was seized or immobilized, the person referred to in clause (a) is once again charged with an offence referred to in subsection (1), and
- (e) as a result of the charge referred to in clause (d), the motor vehicle that was being operated by that person has been seized or immobilized under subsection (1),

the seizure or immobilization of the motor vehicle referred to in clause (e) is in effect for

- (f) 60 days from the day that the motor vehicle is seized or immobilized, or
- (g) if a shorter period of time is provided for by regulation, that shorter period of time.

(4) Subsection (3) applies only where the person who is the registered owner of the motor vehicle referred to in subsection (3)(e) at the time that that vehicle is seized or immobilized was the registered owner of the motor vehicle referred to in subsection (3)(b) at the time that the vehicle referred to in subsection (3)(b) was seized or immobilized.

(5) Subject to the regulations, no person shall release a motor vehicle from seizure or immobilization while the seizure or immobilization of the motor vehicle is in effect.

34(1) The Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003 is amended by this section.

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

2 Section 40 is amended

(a) in subsections (1) and (2) by adding “or 173.1” after “section 173”;

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

(3) In determining an appeal of a seizure or immobilization under section 173.1, the Board may order the release of the motor vehicle to the registered owner or someone authorized by the registered owner if the Board is satisfied that

(a) the registered owner could not reasonably have known that the vehicle was being operated in the course of committing an offence referred to in section 173.1, or

(b) at the time the vehicle was seized, the driver was in possession of it without the knowledge and consent of its registered owner.

(3) Section 6 is amended

(a) in the new section 173.1(1)

(i) by striking out “, the Registrar”;

(ii) by striking out “or the Registrar”;

(b) in the new section 173.1(4) by striking out “the Registrar” and substituting “a peace officer”.

35 This Act comes into force on Proclamation.

Explanatory Notes

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

2 Section 1(1) presently reads in part:

1(1) In this Act,

- (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;*
- (cc) “optometrist” means a person who is a member of the Alberta Association of Optometrists;*

3 Section 5(1) presently reads:

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 proof, in the absence of evidence to the contrary, of the facts stated in the document without proof of the signature or official character of the person who signed the document, if any.

4 Section 8 presently reads in part:

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 driving and motor vehicle information may be released in accordance with the regulations.

(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.*

5 Section 11 presently reads in part:

(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 road authority 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..*

6 Section 11.1 presently reads:

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;*
- (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.*

7 Section 24 presently reads:

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.*

8 Section 26 presently reads:

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.*

9 Section 27 presently reads in part:

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*
- (i) *governing interim relief that may be granted under section 43;*

10 Failure to attend before the Board, etc.

11 Section 35 presently reads:

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.*

12 Appeals re vehicle inspection station and inspection technicians.

13 Section 44 presently reads:

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.

14 Section 47 presently reads:

47 An appeal commenced under this Division does not, except as otherwise directed by the Board under section 43, stay any

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

15 Section 54 presently reads in part:

(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.

16 Confidential reporting.

17 Section 64 presently reads in part:

64 The Minister may make regulations

(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.*

18 Section 81 presently reads in part:

81 The Minister may make regulations

- (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;*
- (g) *describing a vehicle as a salvage motor vehicle and governing salvage vehicles and the information to be provided in respect of salvage vehicles;*

19 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.

20 Section 90(1)(e) presently reads:

90(1) In this section,

- (e) “peace officer” means a police officer as defined in section 1 of the Police Act;*

21 Section 115(2) presently reads in part:

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

- (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.

22 Section 120(3) presently reads:

(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.*

23 Section 130(1) presently reads in part:

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;
- (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;*
- (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;

24 Section 131 presently reads in part:

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;*

25 Section 132(1) presently reads:

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 or territorial Act or provision of a provincial or territorial Act that relates to transportation;*
 - (iii) *any federal regulation or provision of a federal regulation that relates to transportation;*

- (iv) *any provincial or territorial regulation or provision of a provincial or territorial 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).*

26 Section 143(1) presently reads:

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).*

27 Section 156 presently reads in part:

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);*
- (j) for the purposes of this Part, designating what constitutes transportation legislation;*
- (o) designating a motor vehicle, or a class of motor vehicles, as a bus.*

28 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), 94(2), 111, 115(2), 119(1), 120(2), 120(3), 121, 123(2), 123(3), 126, 131(1), 137, 138, 140(1), 145, 147, 166(2), 166(3), 166(4), 173(4), 176(2), 183 or 188;*

29 Section 162 presently reads:

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).

30 Section 163 presently reads:

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 proof, in the absence of evidence to the contrary, 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 proof, in the absence of evidence to the contrary, 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, proof, in*

the absence of evidence to the contrary, 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.*

31 Section 167(1) presently reads:

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.*

32 Section 172 presently reads:

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.

33 Section 173 presently reads:

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 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.

(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.

34 Consequential amendments.

35 Coming into force.