

2006 Bill 207

Second Session, 26th Legislature, 55 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 207

**TRAFFIC SAFETY (DRIVER DISQUALIFICATION AND
SEIZURE OF VEHICLES ARISING FROM DRUG
OFFENCES) AMENDMENT ACT, 2006**

MRS. JABLONSKI

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 207

2006

TRAFFIC SAFETY (DRIVER DISQUALIFICATION AND SEIZURE OF VEHICLES ARISING FROM DRUG OFFENCES) AMENDMENT ACT, 2006

(Assented to _____, 2006)

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 The following is added after section 83:

Disqualification for Controlled Drugs and Substances Act (Canada) offence

83.1(1) When a person is found guilty of an offence under section 5 of the *Controlled Drugs and Substances Act* (Canada) and the person was the driver of a motor vehicle at the time the offence was committed, that person on being found guilty becomes disqualified from driving a motor vehicle for a period of one year from the day of the finding of guilt.

(2) If a person referred to in subsection (1) holds an operator's licence, the court hearing the case shall forward that person's operator's licence to the Registrar.

3 The following is added before section 174:

Seizure of vehicles involved in drug related offences

173.2(1) Where a person has been charged with an offence under section 5 of the *Controlled Drugs and Substances Act* (Canada) and that person was the driver of a motor vehicle at

the time the offence was alleged to have occurred, a peace officer or a person authorized by a peace officer may seize or immobilize the motor vehicle that was being operated by that person.

(2) Where a motor vehicle is seized or immobilized under subsection (1) and the driver of the vehicle is not the registered owner, a peace officer may release the vehicle to the registered owner, or a person authorized by the registered owner, if the officer is satisfied that

- (a) the vehicle was stolen, or
- (b) seizure of the vehicle is causing or will cause undue financial hardship.

(3) When a vehicle is seized or immobilized under subsection (1), the registered owner of the vehicle may apply to Provincial Court for release of the vehicle and the Court may, if it considers it appropriate in the circumstances, order the release of the vehicle to the owner, with a requirement that the owner deposit with the Court security in an amount not exceeding the amount that the Court may grant in damages under the *Provincial Court Act*.

(4) An order made under subsection (3) may be renewed, amended or extended on application to the Provincial Court.

(5) Subject to subsection (2) and any decision of the Board in an appeal commenced pursuant to section 40, when a motor vehicle is seized or immobilized under subsection (1) and the person driving the vehicle at the time is convicted of an offence referred to in that subsection, the vehicle is forfeited to the Government subject to any security interest registered under the *Personal Property Security Act* before the seizure or immobilization.

(6) If no person is convicted of an offence in respect of which a motor vehicle is seized under this section,

- (a) a peace officer shall release the vehicle to the registered owner or a person authorized by the registered owner, and
- (b) the costs referred to in section 63(1) shall be paid by the Crown in right of Alberta.

4(1) The *Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003* is amended by this section.

(2) Section 3 is repealed and the following is substituted:

3 Section 64 is amended in clause (k) by striking out “sections 172 and 173” and substituting “sections 172, 173, 173.1 and 173.2”.

(3) Section 4 is repealed and the following is substituted:

4 Section 77(1) is amended in clause (i) by striking out “section 172 or 173” and substituting “section 172, 173, 173.1 or 173.2”.

(4) Section 5 is repealed and the following is substituted:

5 Section 170(8) is amended by adding “, 173.1 or 173.2” after “section 173”.

(5) Section 7 is repealed and the following is substituted:

7 Sections 174 and 175 are amended by striking out “section 172 or 173” and substituting “section 172, 173, 173.1 or 173.2”.

5(1) The *Traffic Safety Amendment Act, 2005* is amended by this section.

(2) Section 34 is amended by repealing subsection (2) and substituting the following:

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

2 Section 40 is amended

(a) in subsections (1) and (2) by adding “, 173.1 or 173.2” 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 or 173.2, 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 173.2, 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.

6 This Act comes into force on Proclamation.

Explanatory Notes

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

2 One year disqualification from driving for offences under the *Controlled Drugs and Substances Act* (Canada).

3 Seizure of vehicles for offences under the *Controlled Drugs and Substances Act* (Canada).

4 Amends chapter 48 of the Statutes of Alberta, 2003.

5 Amends chapter 34 of the Statutes of Alberta, 2005.

6 Coming into force.