

2008 Bill 209

First Session, 27th Legislature, 57 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 209

**TRAFFIC SAFETY (DRIVER DISQUALIFICATION AND
SEIZURE OF VEHICLES ARISING FROM DRUG
OFFENCES) AMENDMENT ACT, 2008**

MR. QUEST

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 209
Mr. Quest

BILL 209

2008

TRAFFIC SAFETY (DRIVER DISQUALIFICATION AND SEIZURE OF VEHICLES ARISING FROM DRUG OFFENCES) AMENDMENT ACT, 2008

(Assented to _____, 2008)

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 40 is amended

- (a) in subsection (1) by striking out “section 173 or 173.1,” and substituting “section 173, 173.1 or 173.2.”;**
- (b) in subsection (2) by striking out “section 173 or 173.1.” and substituting “section 173, 173.1 or 173.2.”;**
- (c) in subsection (3) by striking out “section 173.1,” wherever it occurs and substituting “section 173.1 or 173.2.”.**

Explanatory Notes

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

2 Section 40 presently reads:

40(1) Subject to the regulations, where a person's motor vehicle is seized or immobilized under section 173 or 173.1, that person or another person who has an interest in that motor vehicle may appeal the seizure or immobilization to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may, subject to the regulations, confirm, vary or rescind the decision made or action taken under section 173 or 173.1.

(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 64(k) is amended by striking out “173 and 173.1” and substituting “173, 173.1 and 173.2”.

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

5 The following is added after section 83:

Disqualification for drug trafficking

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 the operator’s licence of that person to the Registrar.

6 Section 170(8) is amended by striking out “173 or 173.1” and substituting “173, 173.1 or 173.2”.

7 The following is added after section 173.1:

Seizure of vehicles involved in drug trafficking

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

(2) Subject to 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

3 Section 64(k) presently reads:

64 The Minister may make regulations

(k) governing the seizure and the immobilization of vehicles under sections 172, 173 and 173.1 and appeals under section 40;

4 Section 77(1)(i) presently reads:

77(1) A peace officer may cause any vehicle to be removed and taken to and stored in a suitable place when the vehicle

(i) is seized under section 172, 173 or 173.1.

5 Disqualification for drug trafficking.

6 Section 170(8) presently reads:

(8) This section does not apply in respect of a motor vehicle that is seized or immobilized under section 173 or 173.1.

7 Seizure of vehicles involved in drug trafficking.

driving the vehicle at the time is convicted of the 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.

(3) Where a person has been charged and a vehicle has been seized or immobilized pursuant to subsection (1) but the charge under section 5 of the *Controlled Drugs and Substances Act* (Canada) is withdrawn or not proceeded with but the person

(a) pleads guilty to, or

(b) is found guilty of

an offence under section 4 of the *Controlled Drugs and Substances Act* (Canada) that arises from the same incident as the charge under section 5 of that Act arose, a police officer shall release the vehicle to the registered owner or a person authorized by the registered owner, the costs referred to in section 63(1) having been paid by the registered owner, a person authorized by the registered owner or the person who has plead guilty or been found guilty.

(4) Subject to subsection (3), if no person is convicted of an offence in respect of which a motor vehicle is seized under this section, a peace officer shall release the vehicle to the registered owner or a person authorized by the registered owner.

8 Section 174(a) is amended by striking out “173 or 173.1,” and substituting “173, 173.1 or 173.2.”

9 Section 175(2) is amended by striking out “173 or 173.1,” and substituting “173, 173.1 or 173.2.”

10 This Act comes into force on Proclamation.

8 Section 174(a) reads:

174 Where

- (a) a motor vehicle has been seized or immobilized under section 172, 173 or 173.1,*

9 Section 175(2) presently reads:

(2) Where personal property is in or on a motor vehicle that is seized or immobilized under section 172, 173 or 173.1, that personal property is not subject to the seizure or immobilization and, subject to the regulations, shall, on request, be returned to the person having claim to that personal property.

10 Coming into force.

