

2022 Bill 203

Fourth Session, 30th Legislature, 1 Charles III

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 203

TRAFFIC SAFETY (EXCESSIVE SPEEDING PENALTIES) AMENDMENT ACT, 2022

MR. TOOR

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 203
Mr. Toor

BILL 203

2022

TRAFFIC SAFETY (EXCESSIVE SPEEDING PENALTIES) AMENDMENT ACT, 2022

(Assented to _____, 2022)

HIS 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 In section 87.1

- (a) subsection (1) is amended by striking out “88.03 and 88.1” and substituting “88.03, 88.1 and 88.21”, and**
- (b) subsection (2) is amended by striking out “88.1 and 88.11” and substituting “88.1, 88.11 and 88.21”.**

Explanatory Notes

Traffic Safety Act

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

2 Section 87.1(1) and (2) presently reads:

87.1(1) In sections 88, 88.01, 88.02, 88.03 and 88.1, “issue a notice of administrative penalty” includes service of the notice.

(2) In this section and sections 88, 88.01, 88.02, 88.03, 88.1 and 88.11,

(a) “motor vehicle” does not include an electric scooter, electric bicycle, electric personal assistive mobility device or other vehicle prescribed by regulation

(i) operated by one person and carrying only that person, and

(ii) not exceeding 30 kilometres per hour at the time of operation;

(b) “notice of administrative penalty” means a notice of administrative penalty as defined in the Provincial Administrative Penalties Act;

(c) “suspended” means

(i) in the case of a driver who holds an operator’s licence, that the driver’s operator’s licence is suspended, the driver is disqualified from operating a motor vehicle in Alberta and the driver is disqualified from applying for or holding an operator’s licence;

3 Section 87.2 is amended by striking out “88.03 and 88.1” and substituting “88.03, 88.1 and 88.21”.

4 Section 94.1(1)(a) is amended by striking out “88.03 and 88.1” and substituting “88.03, 88.1 and 88.21”.

5 The following is added immediately after section 88.2:

Immediate roadside sanction: stunting

88.21(1) If a peace officer has reasonable grounds to believe that a driver of a motor vehicle contravened a provision referred to in subsection (2), the peace officer may, on behalf of the Registrar

- (a) issue a notice of administrative penalty to the driver, and
- (b) in the case of a driver who holds an operator’s licence, require the driver to surrender to the peace officer the operator’s licence.

(2) For the purpose of subsection (1), the provisions are as follows:

- (ii) *in the case of a driver who holds a licence or permit issued in another jurisdiction that permits the driver to operate a motor vehicle, that the driver is disqualified from operating a motor vehicle in Alberta and from holding or applying for an operator's licence;*
- (iii) *in the case of a driver who does not hold an operator's licence, that the driver is disqualified from applying for or holding an operator's licence.*

3 Section 87.2 presently reads:

87.2 When a notice of administrative penalty is issued to a driver under section 88, 88.01, 88.02, 88.03 or 88.1, notwithstanding that the driver refuses or fails

- (a) *to accept from a peace officer the notice of administrative penalty, the notice is deemed to have been issued at the time that the officer attempted to provide it to the driver,*
- (b) *to surrender an operator's licence, that refusal or failure does not prevent the administrative penalty from taking effect, and*
- (c) *to accept service of the notice of administrative penalty, that refusal or failure does not prevent the administrative penalty from taking effect.*

4 Section 94.1(1) (a) presently reads:

94.1(1) A person shall not drive a motor vehicle on a highway at any time during which

- (a) *that person's operator's licence is suspended under section 88, 88.01, 88.02, 88.03 or 88.1, or*

5 Immediate roadside sanction: stunting.

- (a) section 115(2)(f);
 - (b) section 115(2)(p) if the contravention is driving at a speed that is at least 40 kilometres per hour over a maximum speed limit that is 80 kilometres per hour or less.
- (3) If a peace officer issues a notice of administrative penalty to a driver in accordance with subsection (1)
- (a) the driver's operating licence is immediately suspended for 7 days, and
 - (b) the peace officer or a person authorized by a peace officer may seize the driver's motor vehicle for 7 days.

6 Section 158 is amended by adding the following immediately after subsection (3):

- (3.1) A person who is guilty of an offence under section 115(2)(f) is liable to a fine of not more than \$5000.
- (3.2) A person who is guilty of an offence under section 115(2)(p) is liable to a fine of not more than \$5000 if the offence is driving at a speed that is at least 40 kilometres per hour over a maximum speed limit that is 80 kilometres per hour or less.
- (3.3) For greater certainty, subsection (1) applies to an offence under section 115(2)(p) to which subsection (3.2) does not apply.

Coming into force

- 7 This Act comes into force on Proclamation.

6 Section 158 presently reads in part:

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.

(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.

7 Coming into force.

Record of Debate

STAGE	DATE	MEMBER	FROM	TO	TOTAL	CUMULATIVE TOTAL