Province of Alberta

MOTOR VEHICLE ACCIDENT CLAIMS ACT

Revised Statutes of Alberta 2000
Chapter M-22

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Motor Vehicle Accident Claims Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Motor Vehicle Accident Claims Act		
Motor Vehicle Accident Claims	189/98	*206/2001, 251/2001, 333/2002, 221/2004, 241/2005, 231/2007, 207/2009, 164/2010, 177/2012*

MOTOR VEHICLE ACCIDENT CLAIMS ACT

Chapter M-22

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

Definitions

1 In this Act,

(a) "Administrator" means the officer of the Minister's Department appointed as the Administrator of the *Motor Vehicle Accident Claims Act*;

(a.1) "court" means the Court of Queen's Bench or the Provincial Court;

(b) "judgment" includes a partial judgment;

(c) "life insurance" means insurance whereby an insurer undertakes to pay insurance money

(i) on death,

(ii) on the happening of an event or contingency dependent on human life,

(iii) at a fixed or determinable future time, or

(iv) for a term dependent on human life,

and includes accidental death insurance as defined by the regulations under the *Insurance Act*, but does not include a contract of insurance that is, or any insurance under a contract of insurance that is,

(v) accident and sickness insurance,

(vi) automobile insurance, or

(vii) disability insurance,

as defined by the regulations under the *Insurance Act*;

(d) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(e) "motor vehicle" means

(i) a motor vehicle as defined in section 1 of the *Traffic Safety Act* that is required to be registered under that Act, or

(ii) an off-highway vehicle as defined in section 117 of the *Traffic Safety Act* that is required to be registered under that Act;

(f) "owner" means an owner as defined in the *Traffic Safety Act*;

(g) "partial judgment" means a judgment

(i) that is for the maximum amount prescribed by this Act or the regulations that may be paid out of the General Revenue Fund with respect to all claims arising out of one accident, and

(ii) that permits the plaintiff to continue the action against

(A) the defendant against whom the partial judgment is obtained, and

(B) any other defendant or defendants to the action,

to the extent that the plaintiff has claims against them for an amount in excess of the amount awarded in the partial judgment;

(h) "Registrar" means the Registrar as defined in the *Traffic Safety Act*;

(i) "registration" means registration under the *Traffic Safety Act* or the issue of a certificate under the *Traffic Safety Act*;

(j) "uninsured motor vehicle" means a motor vehicle that is not an insured motor vehicle within the meaning of the *Traffic Safety Act*.

RSA 2000 cM-22 s1;RSA 2000 cI-3 s864;
RSA 2000 cT-6 s203;2002 c17 s5;2004 c11 s5;
2006 c7 s2;2008 c19 s42

Fees of all owners

2(1) The owner of every motor vehicle shall, in each year,

(a) when applying for registration of the motor vehicle pursuant to the *Traffic Safety Act*, and

(b) in addition to the registration fee required to be paid under the *Traffic Safety Act*,

pay to the Minister a fee in respect of that motor vehicle in the amount prescribed by the regulations.

(2) The owner of a motor vehicle who has paid the fee required under subsection (1) in respect of that motor vehicle is not required to pay a further fee under subsection (1)

(a) when the number plates of that motor vehicle are exchanged for a different class of licence plates,

(b) when new plates are issued in substitution for the original number plates, or

(c) when the number plates of that motor vehicle are transferred to another motor vehicle to be registered in that owner's name.

(3) Notwithstanding anything in this Act, the Lieutenant Governor in Council may by regulation define and exempt any classes of motor vehicles from the application of subsection (1).

RSA 2000 cM-22 s2;RSA 2000 cT-6 s203

Conditions of registration

3 The Registrar shall not register any motor vehicle under the *Traffic Safety Act* unless the fee payable under section 2 is paid.

RSA 2000 cM-22 s3;RSA 2000 cT-6 s203

Notice to Administrator of undefended action

4(1) When, in an action for damages for bodily injury to or the death of a person arising out of the use or operation within Alberta of a motor vehicle, a plaintiff notes a defendant in default, the plaintiff shall forthwith serve on the Administrator a notice in writing informing the Administrator of the facts, and the plaintiff shall not take the next step in the action until 30 days after the service of the notice.

(2) When, in an action for damages for bodily injury to or the death of a person arising out of the use or operation within Alberta of a motor vehicle,

(a) a defendant's statement of defence or dispute note, as the case may be, is struck out,

(b) a defendant fails to appear by counsel at the trial, or

(c) a plaintiff receives notice that a defendant's barrister and solicitor has ceased to act,

the plaintiff may serve on the Administrator a notice in writing informing the Administrator of the facts, and the plaintiff shall not take the next step in the action until 30 days after the service of the notice.

(3) If a notice is served pursuant to subsection (1) or (2), a copy of the statement of claim or civil claim, as the case may be, and every subsequent pleading in the action shall be served on the Administrator by the party to the action who issues or files it.

(4) The Administrator may at any time within the 30 days mentioned in subsection (1) or (2) notify the plaintiff that the Administrator intends to make an investigation, and the plaintiff shall not take the next step in the action until 30 days after being so notified by the Administrator.

(5) In an action where it appears that a claim may be made under this Act, the Administrator may on notice to the plaintiff and defendant apply to be added as a party and, on being so added, may take any steps the Administrator considers proper to protect the interests of the General Revenue Fund.

(6) After making the investigation the Administrator, in the Administrator's discretion, may, on behalf of and in the name of the defendant,

(a) if the action was commenced in the Court of Queen's Bench, file a defence, have disclosure of records and conduct questioning under Part 5 of the *Alberta Rules of Court*, make payment into court, appear by counsel for trial, consent to judgment in whatever amount the Administrator considers proper in all the circumstances or take any other action that the defendant could have taken under the *Alberta Rules of Court* or any other action the Administrator considers appropriate;

(b) if the action was commenced in the Provincial Court, file a dispute note, make payment into court, appear by counsel or agent for trial, consent to judgment in whatever amount the Administrator considers proper in all the circumstances or take any other action that the defendant could have taken under the *Provincial Court Act* or any other action the Administrator considers appropriate.

(7) The Administrator may disclose in any pleading by which the Administrator is taking steps under this section that the Administrator is appearing on behalf of and in the name of the defendant pursuant to this section.

(8) All acts done by the Administrator in accordance with subsection (6) are deemed to be the acts of the defendant and the Administrator shall not be named as a defendant in the action and no judgment shall be given against the Administrator.

(9) The defendant is deemed to consent and agree with any steps or action taken by the Administrator pursuant to this section and

performed by a barrister and solicitor or any person who is acting on instructions from the Administrator.

(10) Nothing in this section and no action or steps taken under this section shall be construed to the effect that a barrister and solicitor or any person who is acting on the instructions of the Administrator is actually acting on behalf of the defendant.

(11) If the defendant is a minor, the Administrator may exercise the rights of and defend the action in the name of the minor without the appointment of a litigation representative.

(12) Subsection (2)(b) and (c) apply only to an action commenced in the Court of Queen's Bench.

RSA 2000 cM-22 s4;2006 c7 s3;2009 c53 s118;2011 c14 s21

Claim after judgment

5(1) When a person recovers in a court in Alberta a judgment for damages for bodily injury to or the death of a person arising out of the use or operation within Alberta of a motor vehicle, the person may, on the determination of all proceedings, including appeals, apply to the Administrator in the prescribed form for payment under this section of the amount of the judgment or of the amount of the unsatisfied portion of it.

(2) When an application is made under subsection (1) and the requirements of this section and the regulations have been satisfied, the Minister shall, subject to section 6 and sections 10 to 16, authorize the payment from the General Revenue Fund of the amount of the judgment or of the unsatisfied portion of it.

(3) The Minister may refuse to authorize payment of any amount in respect of a judgment

(a) when the Administrator was not served with notice as required by section 4,

(b) when the judgment was signed on the consent or with the agreement of the defendant, but without the consent of the Administrator,

(c) when the action in which the judgment was given was not brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question or prosecuted against every such person to judgment or dismissal, or

(d) when any requirement of this Act or the regulations has not been complied with.

(4) The Minister shall not authorize the payment of any amount in respect of a judgment until the judgment creditor

(a) assigns the judgment to the Administrator, and

(b) serves a copy of the assignment on the judgment debtor or obtains an order of the Court of Queen's Bench dispensing with service.

(5) If the judgment creditor is a minor the assignment of the judgment may be made by the Public Trustee on the minor's behalf.

(6) If the judgment debtor is represented by a barrister and solicitor, the judgment creditor may serve a copy of the assignment on that barrister and solicitor and that service is deemed to be service on the judgment debtor.

(7) On filing a copy of the assignment of a judgment, certified by the Administrator to be a true copy, with the clerk of the court in which the judgment was obtained, the Administrator is, to the extent of the amount of the assignment, deemed to be the judgment creditor, and the clerk of the court may issue to the Administrator a writ of enforcement in respect of that judgment.

RSA 2000 cM-22 s5;2006 c7 s4

Dispute re payment

6(1) When an application is made under section 5, the Minister may give written notice to the applicant of any objection to payment of the judgment or any part of the judgment.

(2) If the Minister gives notice pursuant to subsection (1), the applicant may, within 3 months of the time the applicant or the applicant's barrister and solicitor of record is notified, apply in accordance with the *Alberta Rules of Court* or by notice of application, as the case may be, to the court in which the judgment was obtained for a finding or determination in respect of any matter in connection with the application for payment.

(3) On hearing the application, the court may, if it is satisfied that

(a) the application is a proper one under this Act, and

(b) the application for payment is not prohibited by section 11 or 12,

make any order it considers just, including an order setting aside the judgment.

(4) When the judgment is set aside the plaintiff shall serve a copy of the statement of claim or civil claim, as the case may be, on the

Administrator who, on being served, may dispute the liability of the defendant to the plaintiff as provided in section 4.

RSA 2000 cM-22 s6;2006 c7 s5;2009 c53 s118

Claim involving unknown owner or operator

7(1) If bodily injury to or the death of a person arises out of the use or operation within Alberta of a motor vehicle and

(a) the names of the owner and operator of the motor vehicle are unknown and unascertainable, or

(b) the name of the operator is unknown and unascertainable and the owner may not be liable to an action for damages for injury or death,

a person who has a cause of action against the unknown owner or operator in respect of that bodily injury or death may bring an action against the Administrator as nominal defendant, either alone or as a co-defendant with others alleged to be responsible for the injury or death.

(2) No action may be brought against the Administrator pursuant to subsection (1) unless

(a) a notice in writing is served on the Administrator within 90 days after the cause of action arose or within any longer period that the court may allow, or

(b) the Administrator waives the requirements of notice in writing.

(3) An action under subsection (1) against the Administrator may be commenced only within the time limited by the *Limitations Act* for bringing an action against the owner or operator of the vehicle.

(4) In an action against the Administrator as nominal defendant, the Administrator may deny generally the allegations in respect of the unidentified motor vehicle and unknown owner and operator of it and shall not be required to set out the facts on which the Administrator relies.

(5) In an action against the Administrator as nominal defendant, a judgment against the Administrator shall not be granted unless the court is satisfied that all reasonable efforts have been made by the parties to ascertain the identity of the unknown owner and operator and that the identity of the owner and operator cannot be ascertained.

(6) If before judgment is granted in an action against the Administrator as nominal defendant the identity of the unknown owner or operator is ascertained, then, notwithstanding the

Limitations Act, that owner or operator shall be added as a defendant in the action in substitution for the Administrator, subject to any conditions the court prescribes.

(7) When judgment is obtained against the Administrator as nominal defendant and on the determination of all proceedings, including appeals, the Minister shall, subject to sections 10 to 16, authorize payment out of the General Revenue Fund to the judgment creditor of the amount of the judgment with respect to the bodily injury or death.

(8) Subject to the regulations, if after receiving a notice under subsection (2) and making any investigation the Administrator considers appropriate the Administrator is satisfied that the amount of a claim for damages of a person who has a cause of action under subsection (1) in respect of bodily injury to or the death of a person arising in the circumstances referred to in subsection (1) does not exceed $25 000 inclusive of costs, the Administrator may enter into a settlement agreement to settle the claim without a judgment for an amount not exceeding $25 000.

(9) When a person has entered into a settlement agreement with the Administrator under subsection (8), the person may apply to the Administrator in the prescribed form for payment under this section of the amount set out in the settlement agreement.

(10) When an application is made under subsection (9) and the requirements of this section have been satisfied, the Minister shall, subject to sections 10 to 14 and the regulations, authorize payment out of the General Revenue Fund of the amount set out in the settlement agreement.

RSA 2000 cM-22 s7;2013 c23 s9

Driving with consent in issue

7.1 If

(a) bodily injury to or the death of a person arises out of the use or operation within Alberta of a motor vehicle,

(b) the operator of the motor vehicle at the time of the cause of the injury or death was not the owner of the motor vehicle, and

(c) an issue arises as to whether the operator of the motor vehicle had the consent of the owner of the motor vehicle, expressed or implied, to operate the motor vehicle at that time,

the operator of the motor vehicle and the owner of the motor vehicle, for the purposes of any action where a claim may be made under this Act, are adverse in interest.

2002 c17 s5

Partial judgment

8(1) Where, under section 4, the Administrator consents to a partial judgment against a defendant or makes an offer of partial judgment against a defendant, a court shall award partial judgment in either case on the application of the plaintiff.

(2) When the Administrator is a defendant under section 7, the Administrator may consent to a partial judgment, or make an offer of partial judgment, and a court shall award partial judgment in either case on the application of the plaintiff.

1998 c23 s16

Subsequent identification of owner, operator

9(1) When judgment has been obtained under section 7 against the Administrator as nominal defendant, the Administrator may at any time afterwards, in accordance with the *Alberta Rules of Court* or by notice of application, as the case may be, apply to the court where judgment was obtained for an order declaring that a person was at the time of the accident the owner or operator of the motor vehicle that caused the bodily injury or death in respect of which the judgment was obtained.

(2) If the court is satisfied on the evidence that the person named in the application was, at the time of the accident that caused the bodily injury or death giving rise to the action in which the judgment was recovered, the owner or operator, or both, of the motor vehicle involved in that accident, the court may make the order applied for, unless it is satisfied that the person would not have been liable for any damages if the person had appeared and defended the action, or it may direct the trial of an issue.

(3) On the making of an order or judgment declaring that a person was the owner or operator of a motor vehicle,

(a) that person is for the purpose of this Act deemed to be the defendant in the action in which judgment was given against the Administrator, and the judgment against the Administrator is deemed to be a judgment against that person, and

(b) the Administrator is deemed to have a judgment against that person for the amount of all money paid out of the General Revenue Fund in respect of the judgment and accordingly has all the rights of the judgment creditor.

RSA 2000 cM-22 s9;2006 c7 s6;2009 c53 s118

Limit on payments from the General Revenue Fund

10(1) Subject to this section and sections 11 to 16, the Minister may make payments out of the General Revenue Fund.

(2) No payment may be made out of the General Revenue Fund for an amount for loss of or damage to property.

(3) When all claims arising out of one accident have been jointly or severally satisfied to the extent of the amount prescribed by the regulations, no payment may be made out of the General Revenue Fund with respect to claims arising out of that accident.

(4) No payment may be made out of the General Revenue Fund with respect to all claims arising out of one accident that is greater than the amount prescribed by the regulations.

(5) When

(a) 2 or more persons have claims arising out of one accident, and

(b) the total of their damages exceeds the amount referred to in subsection (4),

the amount to be paid to each person shall bear as nearly as possible the same proportion to the total amount payable as the damages of that person bear to the total amount of their damages.

(6) From the amount payable to a person as calculated in accordance with this section there shall be deducted

(a) any amount the applicant has recovered or can recover from the debtor,

(b) any amount paid out of the General Revenue Fund pursuant to section 17 to the applicant or on the applicant's behalf,

(c) any amount paid or payable for and on behalf of the applicant under the *Hospitals Act*, and

(d) any amount that the applicant has recovered or can recover by reason of the existence of any prepaid medical, dental or hospital services or a contract of insurance, other than a contract of life insurance.

RSA 2000 cM-22 s10;2006 c23 s55

Prohibitions on recovery from General Revenue Fund

11 When application is made for payment out of the General Revenue Fund no payment shall be made

(a) in respect of an amount paid or payable by an insurer by reason of the existence of a contract of prepaid medical, dental or hospital services or a contract of insurance, other than life insurance,

(b) in place of the applicant making a claim or receiving payment that is payable by reason of the existence of a contract of prepaid medical, dental or hospital services or a contract of insurance, other than life insurance,

(c) to an insurer to reimburse or otherwise indemnify the insurer in respect of an amount paid or payable by the insurer by reason of the existence of a contract of prepaid medical, dental or hospital services or a contract of insurance, other than life insurance,

(d) to indemnify a person with respect to any amount

(i) that as the result of the ownership, use or operation of a motor vehicle by the person, the person is liable to pay and has paid to another person, or

(ii) that the person is entitled to recover from another person by way of indemnity or contribution,

(e) in respect of bodily injury to or the death of a person occurring while the person is in or is entering into or descending from a bus or other public transportation vehicle owned and operated by a municipality unless a judgment is obtained against a defendant other than the municipality, or

(f) in respect of any amount that the applicant is legally entitled to receive from any other source.

RSA 2000 cM-22 s11;2006 c7 s7

Certain payments prohibited

12 No payment shall be made under this Act to the Government of Canada, the government of a province or territory of Canada, any agency of any of those governments, or to any municipality or other unit of local government within any province or territory of Canada.

RSA 1980 cM-21 s14;1994 c31 s7

Effect when other compensation payable

13 In the discretion of the Minister and notwithstanding anything in the *Workers' Compensation Act*, if compensation or an award is made by the Workers' Compensation Board of any province or territory of Canada in respect of bodily injury or death of any person as a result of an automobile accident, and there is a larger

judgment or settlement for the same injury or death made in respect of a claim under this Act, then

(a) there is to be paid out of the General Revenue Fund the difference between the compensation or award made by the Workers' Compensation Board and the judgment or settlement under this Act, and

(b) the Workers' Compensation Board is not subrogated to the rights of the claimant, the claimant's legal personal representatives or the claimant's dependants and has no right whatsoever in respect of the sum paid pursuant to clause (a).

RSA 1980 cM-21 s16;1994 c31 s7

Non-residents

14(1) The Minister shall not authorize payment under this Act of any amount in favour of a person who ordinarily resides outside Alberta unless the person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Act is afforded to residents of Alberta.

(2) When a payment is to be made to a person who ordinarily resides outside Alberta the payment shall not include any amount that would not be payable by the law of the jurisdiction in which the person resides.

(3) For the purposes of this section, "residence" shall be determined as of the date of the motor vehicle accident as a result of which the damages are claimed.

RSA 1980 cM-21 s17;1994 c31 s7

Submission of bill of costs

15(1) No money shall be paid under this Act under or in respect of an order or judgment until there is filed with the Administrator the bill or bills of costs on a solicitor and client basis of the barrister and solicitor acting or who acted for the applicant in the application or action that resulted in the order or judgment, either reviewed under the *Alberta Rules of Court* or having endorsed on it or annexed to it,

(a) a signed certificate of the barrister and solicitor, in the prescribed form, certifying that the barrister and solicitor has explained to the applicant the right to have the bill reviewed under the *Alberta Rules of Court*, and

(b) a signed acknowledgement of the applicant, in the prescribed form, acknowledging that the right to have the bill reviewed under the *Alberta Rules of Court* has been explained to the applicant and is understood by the applicant.

(2) No amount shall be charged or received either directly or indirectly for legal services in connection with an application or action referred to in subsection (1), other than the amounts set out in a bill of costs reviewed under the *Alberta Rules of Court* or certified and acknowledged as provided in subsection (1).

(3) This section applies only when

(a) the applicant is represented by a barrister and solicitor, and

(b) a bill of costs is required to be submitted pursuant to the *Alberta Rules of Court*.

RSA 2000 cM-22 s15;2006 c7 s8;2009 c53 s118

Recovery of costs from General Revenue Fund

16(1) When a payment is made out of the General Revenue Fund in respect of a judgment, the Administrator shall authorize payment out of the General Revenue Fund of costs of the action not exceeding

(a) the actual disbursements, and

(b) the costs calculated

(i) in the case of a judgment of the Court of Queen's Bench, under the column of Division 2 of Schedule 2 to the *Alberta Rules of Court* that is applicable to the amount of the judgment, notwithstanding that the court may have awarded costs in any multiple of or in any way greater than the costs specified in that column;

(ii) in the case of a judgment of the Provincial Court, under the provisions of the *Provincial Court Fees and Costs Regulation* (AR 18/91) that are applicable to the amount of the judgment, notwithstanding that the court may have awarded costs in any multiple of or in any way greater than the costs specified in that Regulation.

(2) When

(a) an insurer has an interest in a judgment obtained in an action maintained in part by the insurer, and

(b) the amount payable out of the General Revenue Fund in respect of that judgment is reduced by reason of that interest,

the amount paid out of the General Revenue Fund for the costs in that action shall not be more than the amount of costs that would have been payable if the insurer's interest had not been included in the action.

RSA 2000 cM-22 s16;2006 c7 s9.2009 c53 s118

Payment of hospital, medical expenses, etc., from General Revenue Fund

17(1) In addition to the other remedies provided by this Act, if a person is injured

(a) by the operation of a motor vehicle driven by another person on or after April 1, 1947, or

(b) by the operation of a motor vehicle driven by himself or herself on or after September 1, 1963,

to an extent requiring hospital or medical treatment or ambulance services, the Administrator may authorize payment out of the General Revenue Fund for the expenses in relation to the treatment and services and, when necessary, for the costs of appliances and treatments used in the complete or partial restoration of the person's muscular activity or co-ordination or to give the person complete or limited mobility, and so to rehabilitate the person.

(2) If the Administrator is satisfied

(a) as to the facts with respect to the claim,

(b) that the person was injured in Alberta,

(c) that the person is either a resident of Alberta or, if the person is a non-resident, that the person was injured through the operation of a motor vehicle registered in Alberta,

(d) that payment is for hospital, medical or ambulance expenses incurred in Alberta, or for the costs of appliances or treatments used or to be used in the rehabilitation of the person, and

(e) that the person cannot recover those expenses or costs under the *Alberta Health Care Insurance Act* or pursuant to a contract of prepaid medical, dental or hospital services or any contract of insurance, other than life insurance,

the Administrator may issue a certificate to that effect to the Minister stating the amount to be paid and to whom it is to be paid.

(3) On receipt of the certificate, the Minister shall pay the amount stated in the certificate.

(4) The hospital and medical fees and rehabilitation costs payable out of the General Revenue Fund pursuant to this section are payable at the rates and for the periods prescribed by the regulations.

(5) The Minister is not required to pay out of the General Revenue Fund for hospital, medical and ambulance expenses and rehabilitation costs incurred in the treatment of injuries to one or more persons in one accident

(a) more than $30 000 when the accident occurred before January 1, 1974,

(b) more than $45 000 when the accident occurred on or after January 1, 1974, or

(c) more than $95 000 when the accident occurred on or after July 1, 1978.

(6) For any amount paid pursuant to this section the Administrator is subrogated to any rights that the person injured has against a person whose actions caused or contributed to the injuries in respect of which the hospital, medical and ambulance expenses or rehabilitation costs were incurred and the Administrator may maintain an action in the name of that person or in the name of the Administrator.

(7) When

(a) hospital, medical and ambulance expenses or rehabilitation costs have been paid to or to the order of any person pursuant to this section, and

(b) that person begins or joins or is joined as a plaintiff in an action arising out of the use or operation of a motor vehicle through which were sustained the injuries in respect of which those expenses or costs were paid,

the statement of claim or civil claim shall include a claim for special damages for those hospital, medical and ambulance expenses and rehabilitation costs incurred by that person.

(8) If subsection (7) is not complied with, a statement of claim or civil claim is not invalidated, but the Administrator on application made at any time before judgment or settlement is entitled to have the statement of claim or civil claim amended to include a claim for the special damages required to be claimed by subsection (7).

(9) A payment of hospital, medical and ambulance expenses or rehabilitation costs pursuant to this section is no defence to a claim for special damages for hospital, medical or ambulance expenses or rehabilitation costs.

(10) When subsection (7) is not complied with and the plaintiff obtains a judgment or settlement that does not include an award of special damages for the hospital, medical and ambulance expenses or rehabilitation costs incurred by the plaintiff, if the judgment is satisfied or the settlement is concluded, the Administrator may claim from the successful plaintiff the amount paid pursuant to this section in respect of the hospital, medical and ambulance expenses or rehabilitation costs of the plaintiff.

(11) This section only applies to ambulance expenses incurred by a person on or after April 1, 1962.

(12) Nothing in section 570 of the *Insurance Act* affects the Administrator's right of subrogation under subsection (6).

RSA 2000 cM-22 s17;2003 c40 s24;2006 c7 s10;
2006 c23 s55;2008 c19 s42

Court procedure

18 Except as otherwise provided in this Act,

(a) the *Alberta Rules of Court* apply to applications and actions brought under this Act in the Court of Queen's Bench, and

(b) the *Provincial Court Act* applies to applications and actions brought under this Act in the Provincial Court.

RSA 2000 cM-22 s18;2006 c7 s11

Exempting Administrator from examination

18.1 Unless otherwise directed by a court, the person who is the Administrator, including any person who is acting on behalf of the Administrator, is not, in that person's capacity as the Administrator or as acting on behalf of the Administrator,

(a) subject to being questioned at trial or at any questioning under Part 5 of the *Alberta Rules of Court*, or

(b) subject to any requirement to produce, file or serve any affidavit of records,

with respect to any action where a claim may be made under this Act.

2002 c17 s5;2009 c53 s118

Substitutional service

19 No court shall make an order authorizing the service of any document on the Administrator in substitution for service on a defendant.

RSA 1980 cM-21 s23

Style of claim

20 A claim against the Administrator, whether by court action or otherwise, is to be made in the following style:

> "The Administrator of the *Motor Vehicle Accident Claims Act*"

and not against the Administrator in the Administrator's personal name.

RSA 1980 cM-21 s24

Interest payments

21 Any person who is liable to pay money to the General Revenue Fund under this Act may be charged interest on the balance owing at a rate to be prescribed by the Lieutenant Governor in Council when the liability to pay occurs after November 10, 1977.

RSA 1980 cM-21 s25;1994 c31 s7

Delegation of Minister's powers

22 The Minister may delegate all or any of the powers and duties conferred on the Minister by this Act to any person or persons the Minister considers advisable.

RSA 1980 cM-21 s28

Seal of office

23 The Administrator shall have a seal of office in a form prescribed by the Minister.

RSA 1980 cM-21 s29

Administration costs

24 The Minister may expend money from the General Revenue Fund for the cost of the administration of this Act and for any other purpose that the Lieutenant Governor in Council approves.

RSA 1980 cM-21 s30;1994 c31 s7

Forms and regulations

25(1) The Administrator may prescribe forms to be used under this Act.

(2) The Lieutenant Governor in Council may make regulations for the purpose of carrying out this Act according to its intent and of supplying any deficiency in this Act, and without limiting the generality of the foregoing may make regulations

(a) prescribing the evidence that an applicant is required to give to the Administrator to establish the applicant's claim for payment under this Act and the amount of that payment;

(b) prescribing the manner of obtaining and proving any information required to be given to the Administrator;

(c) prescribing when an applicant may be required to exercise other remedies before or instead of receiving payment under this Act, and what remedies the applicant may be required to exercise;

(d) authorizing the Minister or the Administrator, in the Minister's or Administrator's discretion or in specified circumstances, to waive compliance, in whole or in part, with any regulation made under clause (b) or (c);

(d.1) respecting the settlement of claims under section 7 without a judgment;

(d.2) respecting the authorization under section 7(10) of the payment out of the General Revenue Fund of the amount set out in a settlement agreement, including, without limitation, regulations providing for deductions from, or limiting, the amount that may be authorized to be paid or prohibiting the authorization of payment in specified circumstances;

(e) prescribing amounts for the purposes of section 10(3) and (4);

(f) specifying other duties to be undertaken by the Administrator in addition to those given to the Administrator by this Act or assigned to the Administrator by the Minister;

(g) prescribing the fees to be paid under this Act on the registration of a motor vehicle;

(h) prescribing the costs to be paid for services performed in connection with proceedings under this Act subsequent to obtaining judgment and providing for the payment of the costs including the disbursements out of the General Revenue Fund;

(i) prescribing the rates at which fees and costs may be paid under section 17 and the periods for which those fees may be paid;

(j) prescribing, for the purpose of section 77 of the *Traffic Safety Act*, limitations on the payments that may be made from the General Revenue Fund toward the costs of removal and storage of motor vehicles;

(k) prescribing, in addition to the amounts payable under the other provisions of this Act, the accident insurance benefits payable in the same manner and to the same limit and extent that they are payable under Part 5, Subpart 2 of the *Insurance Act*, for a motor vehicle accident occurring on or after April 1, 1972.

RSA 2000 cM-22 s25;RSA 2000 cI-3 s864;
RSA 2000 cT-6 s203;2006 c7 s12;2008 c19 s42;
2013 c23 s9

Transitional

26 The *Motor Vehicle Accident Claims Act*, RSA 1980 cM-21, and the regulations under it as they read immediately before June 1, 1997 continue to apply to claims relating to property damage in respect of motor vehicle accidents that occur before June 1, 1997.

1996 c36 s12

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