Province of Alberta

TRAFFIC SAFETY ACT

Revised Statutes of Alberta 2000
Chapter T-6

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Office Consolidation

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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.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2005 c34 s31 amends s167(1).

2013 c19 s2(12) amends ss87.1.

2015 c13 s2 amends s158.

2016 c11 s7 repeals and substitutes s57(a) and (b) (unproclaimed).

2016 c14 s3 adds s41.1, s9 adds part 6.1 ss129.1 to 129.4 (unproclaimed).

Regulations

The following is a list of the regulations made under the *Traffic Safety Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Traffic Safety Act		
Access to Motor Vehicle Information	140/2003	*80/2004, 194/2005, 35/2006, 112/2006, 35/2007, 68/2008, 168/2010, 31/2012, 57/2013*

Alberta Transportation Safety
Board Appeal Fees .....259/2003 ..... *285/2003, 117/2013*
Bill of Lading and
Conditions of Carriage .....313/2002 ..... *203/2003, 11/2004, 117/2006, 101/2008, 79/2013*
Commercial Vehicle Certificate
and Insurance .....314/2002 ..... *136/2003, 315/2003, 100/2004, 118/2006, 211/2006, 213/2006, 98/2007, 35/2009, 121/2009, 70/2010, 208/2010, 199/2011, 87/2014*
Commercial Vehicle Dimension
and Weight .....315/2002 ..... *30/2004, 100/2004, 50/2005, 105/2005, 190/2005, 35/2007, 68/2008, 72/2008, 121/2009, 140/2009, 114/2011, 187/2011, 80/2013, 47/2014, 58/2014, 100/2015*
Commercial Vehicle Safety .....121/2009 ..... *78/2013, 60/2016*
Demerit Point Program and Service
of Documents .....331/2002 ..... *315/2003, 210/2005, 108/2006, 128/2012, 187/2015*
Distracted Driving .....113/2011 ..... *65/2016*
Driver Training and Driver
Examination .....316/2002 ..... *105/2005, 101/2006, 68/2008, 169/2011, 31/2012, 168/2012, 165/2015*
Drivers' Hours of Service .....317/2002 ..... *12/2004, 100/2004, 119/2006, 70/2008, 48/2010, 98/2012, 208/2014*
Fish Creek Provincial Park
Parking and Stopping .....175/2003 ..... *210/2011, 144/2014*
Off-highway Vehicle.....319/2002 ..... *148/2003, 38/2011, 166/2012*
Operator Licensing and Vehicle
Control .....320/2002 ..... *137/2003, 149/2003, 220/2003, 45/2004, 108/2004, 253/2004, 48/2005, 161/2006, 211/2006, 37/2008, 121/2009, 168/2009, 255/2009, 127/2010,*

131/2010, 220/2010, 37/2011, 49/2011, 170/2011, 73/2012, 101/2012, 125/2012, 196/2012, 61/2013, 160/2014, 25/2015
Service Restriction .....321/2002 ..... *43/2009, 248/2009, 187/2011, 144/2012*
Traffic Control Device .....254/2004 ..... *46/2014*
Use of Highway and Rules of the Road .....304/2002 ..... *8/2005, 152/2009, 105/2014*
Vehicle Equipment.....122/2009 ..... *165/2009, 31/2012, 143/2012, 170/2012*
Vehicle Inspection.....211/2006 ..... *49/2010, 64/2012, 12/2015*
Vehicle Seizure and Removal .....251/2006 ..... *68/2008, 31/2012, 102/2012, 170/2012, 62/2013, 42/2015*

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

Interpretation

1(1) In this Act,

(a) "alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

(b) "axle" means

(i) one or more shafts on which or with which 2 or more wheels revolve, and

(ii) the wheels on each shaft;

(c) "axle group" means 2 or more axles that are on a vehicle and that are situated on the vehicle as specified in the regulations;

(d) "Board" means the Alberta Transportation Safety Board;

(e) "boulevard" means that part of a highway in an urban area that

(i) is not roadway, and

(ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;

(f) "centre line" means

(i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway,

(ii) in the case of a highway

(A) that is an offset centre highway as designated by a traffic control device, or

(B) that is a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times as designated by a traffic control device,

the line dividing the lanes for traffic moving in opposite directions, or

(iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;

(g) "certificate of registration" means a certificate of registration that is issued under this Act and includes a document or information and other data contained in an electronic form that is recognized under this Act as a certificate of registration;

(h) "commercial vehicle" means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle;

(i) "cycle" means a bicycle, power bicycle, motorcycle or moped;

(j) "dealer" means any person who buys or sells motor vehicles as a business, either as principal or agent;

(k) "driver" means a person who is driving or is in actual physical control of a vehicle;

(l) "driving" or "drive" includes having the care or control of a vehicle;

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

(m) "emergency vehicle" means

(i) a vehicle operated by a police service as defined in the *Police Act*;

(ii) a fire-fighting or other type of vehicle operated by the fire protection service of a municipality;

(iii) an ambulance operated by a person or organization providing ambulance services;

(iv) a vehicle operated as a gas disconnection unit of a public utility;

(v) a vehicle designated by regulation as an emergency response unit;

(n) "financial responsibility card" means a card issued or authorized pursuant to the *Insurance Act*;

(o) "goods" means any thing or load that is or may be carried by means of a vehicle;

(p) "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes

(i) a sidewalk, including a boulevard adjacent to the sidewalk,

(ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and

(iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a highway;

(q) "insured motor vehicle" means a motor vehicle the owner of which

(i) is insured in respect of that motor vehicle by an insurer, or

(ii) is a corporation that has provided for financial responsibility in respect of that motor vehicle,

in accordance with the *Insurance Act*;

(r) "insurer" means an insurer licensed under the *Insurance Act* to carry on the business of automobile insurance in Alberta;

(r.1) "intersection safety device" means a device that is installed or erected at an intersection with a traffic control signal and that is capable of

(i) photographing a vehicle and recording data related to the traffic control signal and the vehicle,

(ii) being used for or in connection with establishing the speed of a vehicle while the vehicle is approaching and proceeding through the intersection, or

(iii) both photographing a vehicle and recording data as described in subclause (i) and being used as described in subclause (ii);

(r.2) "investigator" means an individual designated by the Minister as an investigator under section 2.1;

(s) "licence plate" means a licence plate that is issued under this Act and includes an object that is recognized under this Act as a licence plate;

(t) "maximum allowable weight" means the weight that may be borne by a commercial vehicle;

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

(v) "mobility aid" means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability;

(w) "motorcycle" means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motorcycles and scooters;

(x) "motor vehicle" means

(i) a vehicle propelled by any power other than muscular power, or

(ii) a moped,

but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;

(y) "motor vehicle document" means

(i) an operator's licence;

(ii) a certificate of registration;

(iii) a financial responsibility card;

(iv) a licence plate;

(v) an operating authority certificate;

(vi) a safety fitness certificate;

(vii) a permit;

(viii) a validation tab for a licence plate;

(ix) any other document not referred to in subclauses (i) to (viii) that is prescribed by regulation as a motor vehicle document;

(z) "municipality" means a municipality as defined in the *Municipal Government Act* and includes a Metis settlement;

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

(bb) "operator's licence" or "driver's licence" means an operator's licence or a driver's licence that is issued under this Act and includes a document or information and other data contained in an electronic form that is recognized under this Act as an operator's licence or a driver's licence;

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

(dd) "over-dimensional vehicle" means a vehicle, including any load that is carried on the vehicle, that exceeds the dimensions prescribed by regulation;

(ee) "owner" means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days;

(ff) "peace officer" means

(i) a police officer under the *Police Act*;

(ii) a member of a police service under the *Police Act*;

(ii.1) an investigator designated under section 2.1;

(iii) except in sections 39, 39.1, 39.2, 88, 88.1 and 90, a peace officer appointed under the *Peace Officer Act* for the purposes of this Act;

(iv) a park warden appointed under the *Parks Canada Agency Act* (Canada);

(v) a conservation officer appointed under section 1 of Schedule 3.1 to the *Government Organization Act*;

(vi) a forest officer appointed under the *Forests Act*;

(vii) a wildlife officer appointed under the *Wildlife Act*;

(gg) "pedestrian" means

(i) a person on foot, or

(ii) a person in or on a mobility aid,

and includes those persons designated by regulation as pedestrians;

(hh) "permit" means a permit issued under this Act;

(ii) "policy" means an owner's or non-owner's motor vehicle liability policy that is in conformity with Part 7 of the *Insurance Act*;

(jj) "private passenger vehicle" means a vehicle used solely for personal transportation,

(i) including the carriage of goods intended for the use or enjoyment of the owner of the vehicle or members of the owner's household, but

(ii) not including, in respect of a person's business, work or employment, the carriage of passengers or of goods, except for sample cases or display goods that are conveyed by a salesperson and that are not for delivery or resale;

(kk) repealed 2007 c45 s2;

(ll) "Registrar" means the Registrar of Motor Vehicle Services and includes any person who, on the directions of the Registrar, is acting on behalf of the Registrar of Motor Vehicle Services;

(mm) "road authority" means,

(i) in the case of a highway or road that is, by virtue of the operation of section 3 or 5 of the *Highways Development and Protection Act*, under the direction, control and management of the Minister under that Act, that Minister;

(ii) in the case of a highway that is under the direction, control and management of a municipality, the council of the municipality;

(iii) repealed 2004 cH-8.5 s76;

(iv) in the case of a highway that is located in a special area and that is under the direction, control and management of the Minister responsible for the *Special Areas Act*, the Minister responsible for the *Special Areas Act*;

(v) in the case of a highway that is located in a provincial park or recreation area and that is under the direction, control and management of the Minister responsible for the *Provincial Parks Act*, the Minister responsible for the *Provincial Parks Act*;

(vi) in the case of a licence of occupation road, the Minister responsible for the *Public Lands Act*;

(vii) repealed 2004 cH-8.5 s76;

(viii) in the case of a highway that is under the direction, control and management of a Metis settlement, the Metis settlement;

(nn) "roadway" means that part of a highway intended for use by vehicular traffic;

(oo) "salvage motor vehicle" means a motor vehicle described by regulation as a salvage motor vehicle;

(pp) "sidewalk" means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between

(i) the curb line, or

(ii) where there is no curb line, the edge of the roadway,

and the adjacent property line, whether or not it is paved or improved;

(qq) "state of the United States of America" includes the District of Columbia;

(rr) "subsisting" when used in relation to a motor vehicle document or a policy means, that at the relevant time, the motor vehicle document or policy is current and has not expired nor been suspended or cancelled;

(ss) "traffic control device" means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, warning or guiding traffic;

(tt) "traffic control signal" means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;

(uu) "trailer" means a vehicle so designed that it

(i) may be attached to or drawn by a motor vehicle or tractor, and

(ii) is intended to transport property or persons,

and includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways;

(vv) "urban area" means a city, town or village or an urban service area within a specialized municipality;

(ww) "vehicle", other than in Part 6, means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid.

(1.1) For the purposes of this Act, an individual who is a peace officer by virtue of

(a) section 1(1)(ff)(iv) has the powers, duties and functions of a peace officer only while acting in a national park established under the *National Parks Act* (Canada), and

(b) section 1(1)(ff)(vi) has the powers, duties and functions of a peace officer only while acting for the purposes of enforcing this Act with respect to off-highway vehicles as defined in Part 6.

(2) In sections 11, 69, 70, 71, 72 and 169(2)(f), a reference to a vehicle is a reference to a vehicle other than a bicycle.

(3) In sections 76, 77, 78 and 79, a reference to a vehicle includes a reference to a wrecked or partially dismantled vehicle or any part of a vehicle.

(4) In this Act,

(a) a reference to "this Act" includes the regulations made under this Act;

(b) a reference to "this statute" does not include the regulations made under this Act;

(c) a reference to a bylaw is, unless otherwise provided, a reference to a bylaw made under this Act.

(5) The Lieutenant Governor in Council may make regulations defining, for the purposes of this Act, any term used in this statute that is not otherwise defined in this statute.

(6) Any term defined pursuant to subsection (5) is to be treated in the same manner as if it had been defined in subsection (1).

(7) For the purposes of the following provisions, operator's licence includes a licence or permit issued in another jurisdiction that permits a person to operate a motor vehicle:

section 1(1)(rr);
section 11.1;
section 18(1)(d) and (e);
section 39;
section 51;
section 57;
section 61;
section 69;
section 80;

Part 4;
Part 8.

(8) For the purposes of sections 1(1)(rr) and 11.1 and Part 8, certificate of registration includes a document issued in another jurisdiction that shows that a motor vehicle or trailer is registered under the laws of that jurisdiction.

(9) For the purposes of sections 1(1)(rr) and 11.1 and Part 8, licence plate includes a licence plate issued in another jurisdiction.

(10) Where a highway is located both within an urban area and outside an urban area and this Act refers to the highway

(a) as a highway in an urban area, that reference is a reference to that portion of the highway that is located in an urban area, or

(b) as a highway outside an urban area, that reference is a reference to that portion of the highway that is not located in an urban area.

(11) In this Act, a reference to the Rules of the Road is a reference to the regulations made under section 112.

(12) Any reference in this Act to a sign erected means a sign erected under the authority of this Act.

(13) Any reference in this Act to "driver's vehicle" means the vehicle that a driver is driving whether or not that person is the owner of the vehicle.

(14) Any reference in this Act to the weight of or carried on a commercial vehicle is a reference to, as the case may be,

(a) the weight of or borne by the vehicle,

(b) the weight borne by an axle or an axle group of a vehicle,

(c) the weight borne by a tire or group or combination of tires of a vehicle, or

(d) the weight borne by any other portion or part of a vehicle.

RSA 2000 cT-6 s1; 2001 c14 s2;2002 c30 s30; 2003 c42 s15;2004 cH-8.5 s76;2005 c34 s2;2006 cP-3.5 s44; 2007 c45 s2;2009 c35 s2;2011 c22 s2;2013 c19 s2(2);2016 c14 s12

Part 1
General Administration

Division 1
General

Staff

2(1) In accordance with the *Public Service Act* there may be appointed a Registrar of Motor Vehicle Services and any other officers and employees required for the administration of this Act.

(2) For the purposes of this Act, the Minister may appoint or designate persons

(a) as engineers, and

(b) as testers of speedometers on motor vehicles, of tuning forks, of intersection safety devices and of other devices.

RSA 2000 cT-6 s2;2007 c45 s3

Investigators

2.1(1) The Minister may designate as investigators individuals or classes of individuals whom the Minister considers qualified to act as investigators for the purposes of this Act and the regulations generally or for the purposes of any specific provisions of this Act or the regulations, subject to any terms and conditions the Minister considers necessary.

(2) The Minister shall provide each investigator with a certificate of designation, and on entering any place, an investigator shall, on request, produce the certificate of designation and explain the nature of the powers or duties the investigator wishes to carry out.

(3) Notwithstanding anything in this Act, an investigator is not authorized to act outside the terms and conditions, if any, imposed in respect of that investigator under this section.

2009 c35 s3

Authority to enter and inspect premises

2.2(1) An investigator may enter any premises, other than a private dwelling, and investigate, inspect or audit the premises and any records, including electronic records, reports and documents, and any vehicles and equipment within the premises to ensure compliance with this Act and the regulations.

(2) An investigation, inspection or audit under subsection (1) must be conducted at a reasonable time.

(3) An investigator may, in the course of an investigation, inspection or audit, require a person

(a) to give written or oral replies to questions,

(b) to produce any books, records, electronic records, reports, documents or other things and to provide copies of them, and

(c) to provide any other information requested by the investigator.

(4) An investigator may, in the course of an investigation, inspection or audit, inspect, examine and make copies of or temporarily remove books, records, reports, documents or other things that are relevant to determine if persons required to comply with this Act and the regulations are complying with this Act and the regulations.

(5) When an investigator removes any books, records, reports, documents or other things under subsection (4), the investigator

(a) must give a receipt for them to the person from whom they were taken,

(b) may make copies of, take photographs of or otherwise record them, and

(c) must, within a reasonable time, return them to the person to whom the receipt was given.

2009 c35 s3

Obstruction of investigators

2.3 When an investigator is exercising powers or carrying out duties under this Act, a person shall not

(a) fail to comply with any reasonable request of the investigator,

(b) knowingly make a false or misleading statement to the investigator either orally or in writing, or

(c) otherwise obstruct or hinder the investigator.

2009 c35 s3

Delegation of power

3(1) A person who is empowered under this Act to do any act or thing or perform any function may in writing authorize the doing of that act or thing or the performance of that function, other than the making of regulations, by one or more of the following:

(a) the Board;

(b) an employee of the Government;

(c) a peace officer;

(d) any person or class of persons designated by the Minister.

(2) An authorization made under subsection (1) may be

(a) general or applicable to a particular case, and

(b) conditional or unconditional.

(3) Where an authorization

(a) purports to be signed by the person giving the authorization, and

(b) states that the person named in it is authorized to do the act or thing or perform the function set out in the written authorization,

that authorization or a copy of it shall be admitted in evidence as proof, in the absence of evidence to the contrary, of that person's authorization to do the act or thing or perform the function without proof of the signature or official character of the person appearing to have signed the authorization.

(4) Notwithstanding that a person has given an authorization under this section, that person may do the act or thing or perform the function in respect of which the authorization was given.

(5) Where authorized by the Minister,

(a) the Registrar,

(b) the Board, or

(c) an employee of the Government designated by the Minister,

may accept and exercise powers conferred on that person or body pursuant to the *Canada Transportation Act* (Canada) or the *Motor Vehicle Transport Act* (Canada).

RSA 2000 cT-6 s3;2013 c19 s2(3)

Reproduction of documents, etc.

4(1) The Minister may, on any terms or conditions that the Minister directs, authorize the Registrar to cause any document, item or thing, including a class of document, a copy of a document or a document recorded on a photographic medium or by electronic means, that is filed or maintained under this Act to be reproduced on a photographic medium or by electronic means.

(2) A reproduction of a document, item or thing that is certified by the Registrar to be a true copy of the reproduced document, item or thing

(a) stands in the place of the original document, item or thing,

(b) shall be treated as the original document, item or thing for all purposes under this Act, and

(c) is admissible in evidence in any legal proceeding in the same manner and for all purposes as if it were the original document, item or thing.

1999 cT-6.4 s4

Documents signed by officials

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,

(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,

(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 authority as defined in the *Motor Vehicle Transport Act* (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.

(2) When proof is required of

(a) the suspension or cancellation of a motor vehicle document, or

(b) the disqualification of a person from driving a motor vehicle in Alberta or from holding a motor vehicle document under this Act,

the production of a certificate purporting to be signed by the Registrar stating that

(c) the motor vehicle document issued to that person is suspended or cancelled, or

(d) the person named in the certificate is disqualified from driving a motor vehicle in Alberta or from holding a motor vehicle document under this Act,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, that the motor vehicle document is suspended or cancelled or that the person so named is so suspended or disqualified, without proof of the signature or official character of the person signing the certificate, if any.

(3) In a prosecution for an offence with respect to a failure to comply with section 70 or 71, a certificate purporting to be signed by the Registrar that any accident report required under this Act has or has not been made shall be admitted in evidence as proof, in the absence of evidence to the contrary, of all the facts stated in the certificate without proof of the signature or official character of the person signing the certificate, if any.

(4) A certificate purporting to be signed by the Chair or a Vice-chair, member or the Secretary of the Board or the Registrar certifying

(a) that a notice or document given or made under this Act was served, and

(b) that according to the records kept under this Act the notice or document was served on the person named in the notice or document,

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 official character of the person signing the certificate, if any.

(5) A document or certificate referred to in this section is admissible in evidence in all actions to which the *Alberta Evidence Act* applies.

(6) The Minister may approve a seal of office for the Board or the Registrar and that seal may for the purposes of this Act be used in conjunction with or in place of a signature.

RSA 2000 cT-6 s5;2005 c34 s3;2013 c19 s2(4)

Service

6 A notice or document that is to be served or given under this Act by or on behalf of the Registrar or the Board may be served or given

(a) by personal service;

(b) unless otherwise provided for under this Act, by being sent by ordinary mail sent to the latest address of the person who is to be served as shown on the records of the Registrar;

(c) unless otherwise provided for under this Act, by being transmitted by electronic means to the latest number or electronic address of the person who is to be served as shown on the records of the Registrar;

(d) in a manner or by a method provided for by regulation.

1999 cT-6.4 s6

Crown not liable

7 No liability attaches to the Crown for any loss or damage that arises from

(a) incorrect information contained in

(i) a motor vehicle document,

(ii) an application for a motor vehicle document, or

(iii) any other document created under this Act that is not referred to in subclauses (i) and (ii),

or

(b) the issuance of any document referred to in clause (a),

notwithstanding that the information may have been entered by some person other than an applicant for the document, if that information was entered on the document in good faith.

1999 cT-6.4 s7

Division 2
Release of Information

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.

(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) Repealed 2005 c34 s4.

(4) The Lieutenant Governor in Council may make regulations respecting

(a) the release of personal driving and motor vehicle information,

(b) the criteria that the Registrar must consider when deciding whether a person may be given access to personal driving and motor vehicle information,

(c) the circumstances under which the Registrar or a person acting on behalf of the Registrar may release personal driving and motor vehicle information,

(d) the terms and conditions that may be imposed on a person that is given access to personal driving and motor vehicle information, and

(e) notification of decisions of the Registrar regarding the release of personal driving and motor vehicle information.

RSA 2000 cT-6 s8;2003 c21 s24;2005 c34 s4

(NOTE: Section 8(2) comes into force on Proclamation.)

Information forwarded to Registrar

9(1) Notwithstanding anything in the *Youth Justice Act,* when a court

(a) finds a young person guilty of an offence under this Act,

(b) finds a young person guilty of an offence to which section 83, 84, 86, 87, 89 or 173 applies,

(c) makes a judgment for damages arising out of a motor vehicle accident, or

(d) makes any other order under this Act,

the clerk or registrar of the court shall, on the request of the Registrar, immediately forward to the Registrar a certified copy of the order, judgment, conviction, absolute discharge or conditional discharge or a transcript or certificate of it in a form prescribed by the Registrar.

(2) The certified copy or certificate is proof, in the absence of evidence to the contrary, of the order, judgment, conviction, absolute discharge or conditional discharge or of the finding of guilt of a young person.

(3) The clerk or other official charged with the duty of reporting to the Registrar is entitled to collect and receive a fee prescribed by regulation for each copy or certificate required by this section.

(4) If the defendant is not resident in Alberta, the Registrar shall provide a certificate of the order, judgment or conviction to the registrar or other officer or officers, if any, in charge of the registration of motor vehicles and the licensing of drivers in the province, territory or state in which the defendant resides.

RSA 2000 cT-6 s9;2003 c41 s4(30)

Release of safety information

10(1) The Registrar may publish reports, statistics or other information arising out of matters referred to in sections 11 and 73 for the purposes of informing the Minister and the public as to the nature and causes of accidents.

(2) Notwithstanding subsection (1), no report, statistics or other information published under subsection (1) shall contain any particulars that any person could identify as relating to any specific person or accident unless the previous consent in writing of the person, or if more than one person, of all of them, has been obtained for release of the information.

(3) Publication of information under subsection (1) is not a contravention of section 11 or 73(3) or (4).

1999 cT-6.4 s10

Inspection of accident report

11(1) In this section, "previous legislation" means

(a) sections 83, 84 and 85 of the *Highway Traffic Act*, RSA 1970 c169, and

(b) sections 77, 78 and 79 of the *Motor Vehicle Administration Act*, RSA 1980 cM-22

or any one or more of those provisions that are applicable in the circumstances.

(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.

(3) Subject to subsections (2) and (2.1), 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.

RSA 2000 cT-6 s11;2001 c14 s3;2005 c34 s5

Commercial transport information

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;

(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) "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;

(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).

(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 and to any law enforcement agency in or outside Alberta 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.

2001 c14 s4;2005 c34 s6

Certified copies of Board documents

12 On the request by a person and payment of the prescribed fee, the secretary of the Board may provide to that person a certified copy of any order, decision, certificate or other public document issued or granted by the Board that is requested by that person.

1999 cT-6.4 s12

Division 3
Municipalities and Other Authorities

General powers of municipality

13(1) Subject to this Act and the *Dangerous Goods Transportation and Handling Act*, the council of a municipality may, with respect to a highway under its direction, control and management, make bylaws that are not inconsistent with this Act, doing the following:

(a) governing the use of highways;

(b) governing the parking of vehicles;

(c) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a disabled placard or licence plate that is issued or recognized by the Registrar;

(d) governing access to highways from private land;

(e) governing fees charged with respect to the parking of vehicles;

(f) classifying motor vehicles and other vehicles and pedestrians for any purposes involving the use of streets, lanes and other public places;

(g) with respect to noise produced in connection with a vehicle,

(i) defining what constitutes an objectionable noise,

(ii) establishing a method of determining or measuring noise, and

(iii) prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;

(h) governing the turning of vehicles at intersections;

(i) governing the encumbering of highways;

(j) governing, subject to sections 77 to 79, the impounding and removal of vehicles

(i) in respect of which parking fees are payable,

(ii) that are parked in an area where parking is prohibited, or

(iii) that are parked in contravention of this Act or a bylaw;

(k) governing the licensing of bicycles;

(l) governing the impounding of bicycles, skateboards and similar devices;

(m) governing parades and processions;

(n) governing closing or restricting the use of a highway;

(o) authorizing the municipality to issue a licence or permit that is terminable on 30 days' notice in writing for the

temporary occupation or use of a road allowance or highway or a portion of a road allowance or highway when it is not required for public use;

(p) restricting the use of specific traffic lanes to vehicles carrying a prescribed number of passengers;

(q) restricting the use of specific traffic lanes to specific vehicles or classes of vehicles;

(r) governing the issuing of tags, tickets or other documents;

(s) governing the placing of tags, tickets or other documents on vehicles;

(t) governing the marking of tires on vehicles for the purpose of enforcing parking bylaws;

(u) governing the employing of or engaging the services of persons to enforce bylaws made with respect to the parking of vehicles;

(v) designating routes for vehicles or classes of vehicles;

(w) restricting the weight of vehicles or of vehicles and the goods being carried by the vehicles;

(x) prescribing or otherwise providing for penalties with respect to the contravention of a bylaw made under this Division.

(2) Where permitted under a regulation, a municipality may, subject to any term or condition prescribed by the regulation, make bylaws under which the municipality may provide that the regulation does not apply in whole or in part to or within the municipality.

1999 cT-6.4 s13

Private property

14 Subject to this Act and the *Provincial Offences Procedure Act*, the council of a municipality may make bylaws,

(a) with respect to privately owned property that is located within the municipality to which vehicles driven by members of the public generally have access,

(i) governing parking on the property without the permission or authorization of the owner of the property or a person having possession or control of the property;

(ii) governing the parking of vehicles in manufactured home communities;

(iii) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a disabled placard or licence plate that is issued or recognized by the Registrar;

(iv) prescribing speed limits in respect of lanes or other thoroughfares used by vehicles;

(b) with respect to private property that is located within the municipality to which vehicles driven by members of the public generally do not have access but on which the owner of the property or a person having possession or control of the property may park or otherwise keep vehicles, prohibiting

(i) the parking of vehicles on that property without the permission or authorization of that person;

(ii) the parking of vehicles so that the access to that property is denied or otherwise restricted;

(c) with respect to a vehicle parked or driven in contravention of a bylaw made under this section,

(i) governing the issuing of tags or tickets or other documents;

(ii) governing the placing of tags, tickets or other documents on vehicles;

(iii) governing, subject to sections 77 to 79, the removal and impounding of vehicles;

(iv) providing for the laying of an information and complaint.

1999 cT-6.4 s14

Prohibitions and offences

15(1) The authority to make a bylaw under this Act governing or respecting any matter includes the authority to make prohibitions in respect of that matter.

(2) The authority to make a bylaw under this Act includes the authority to specify that a contravention of or a failure to comply with the bylaw is an offence.

1999 cT-6.4 s15

Restriction of powers

16 Unless specifically permitted by this Act or any other Act, a council of a municipality does not have any power to make a bylaw that does one or more of the following:

(a) imposes any tax, fee, licence or permit respecting the use of highways by pedestrians or vehicles;

(b) excludes pedestrians or vehicles generally from using highways;

(c) prohibits the use of highways by pedestrians or vehicles;

(d) affects in any way the registration or numbering of motor vehicles.

1999 cT-6.4 s16

Control of traffic in provincial parks

17 With respect to a highway under the direction, control and management of the Minister responsible for the *Provincial Parks Act*, the Minister responsible for the *Provincial Parks Act* may make regulations

(a) governing, by means of signs erected along the highway, the movement of pedestrians, vehicles or other traffic on the highway;

(b) governing the opening or closing of highways.

RSA 2000 cT-6 s17;2002 c30 s30

Division 4
Regulations

Regulations by the Lieutenant Governor in Council

18(1) The Lieutenant Governor in Council may make regulations

(a) subject to section 6, providing for and governing the service of notices and documents and the deemed service of notices and documents under this Act;

(b) subject to section 1(7), (8) and (9), specifying the provisions of this Act in which a reference to

(i) a certificate of registration includes a document issued in another jurisdiction that shows that a motor vehicle or trailer is registered under the laws of that jurisdiction;

(ii) a licence plate includes a licence plate issued in another jurisdiction;

(iii) an operator's licence includes a licence or permit issued in another jurisdiction that permits a person to operate a motor vehicle;

(c) for the purposes of section 169(2)(q) and (r), designating those offences under this Act for which a person may be arrested without a warrant;

(d) establishing and governing a program under which drivers are assessed demerit points for a contravention of

(i) this Act, or

(ii) any other Act or regulation that relates to the safe operation of a vehicle;

(e) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (d), including the suspension or cancellation of an operator's licence;

(f) for the purposes of section 1(1)(gg), designating persons as pedestrians;

(g) governing the establishment of school zones and playground zones;

(h) providing for or otherwise specifying the periods of time and the days during which speed limits established or prescribed in respect of school zones and playground zones are in effect.

(2) The Minister may make regulations

(a) exempting or providing for the granting of exemptions of persons or vehicles or classes of persons or vehicles from any provision of this Act;

(b) governing any matter respecting the seizure under this Act of vehicles and the contents of and goods carried by vehicles;

(c) specifying commercial vehicles or classes of commercial vehicles to which section 11.1 applies.

RSA 2000 cT-6 s18;2001 c14 s5

Statute prevails

19 Where there is a conflict between this statute and a regulation or bylaw made under this statute, this statute prevails.

1999 cT-6.4 s19

Prohibitions and offences

20(1) The authority to make a regulation under this statute governing or respecting any matter includes the authority to make prohibitions in respect of that matter.

(2) The authority to make a regulation under this statute includes the authority to specify that a contravention of or a failure to comply with the regulation is an offence.

1999 cT-6.4 s20

Power to establish standards, etc.

21 The authority to make a regulation or a bylaw under this statute governing or respecting any matter includes the authority

(a) to establish criteria, specifications and standards in respect of that matter,

(b) to adopt any code with respect to the matters referred to in clause (a), and

(c) to modify any code referred to in clause (b).

1999 cT-6.4 s21

Part 2
Alberta Transportation Safety Board

Division 1
Administration

Board

22(1) The Alberta Motor Transport Board and the Driver Control Board are amalgamated and continued as a single board with the name "Alberta Transportation Safety Board".

(2) The Board shall consist of the persons appointed by the Lieutenant Governor in Council as members of the Board.

(3) The Board is a corporation.

(4) The members of the Board who hold that office other than as officers or employees of the Crown or of an agency of the Crown may be paid

(a) remuneration, and

(b) payment for expenses incurred while engaged in the business of the Board,

at rates prescribed by the Lieutenant Governor in Council in accordance with any applicable regulations under the Alberta Public Agencies Governance Act.

(5) If regulations under the Alberta Public Agencies Governance Act establish rates in respect of remuneration or expenses referred to in subsection (4), those regulations prevail, to the extent of any conflict or inconsistency, over any regulations prescribing a rate under that subsection.

RSA 2000 cT-6 s22;2009 cA-31.5 s75

Chair and Vice-chair of the Board

23(1) The Lieutenant Governor in Council shall designate one member of the Board as the Chair of the Board and may designate one or more members of the Board as Vice-chairs of the Board.

(2) When the Chair is not present or able to act, a Vice-chair as specified by the Chair or, if a Vice-chair is not so specified, any Vice-chair may act in the place of the Chair.

(3) If the Chair and the Vice-chairs are not present or are unable to act, the Chair may appoint one of the members of the Board to act as the Chair.

RSA 2000 cT-6 s23;2013 c19 s2(5)

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.

RSA 2000 cT-6 s24;2005 c34 s7

Sittings of the Board

25(1) The members of the Board shall meet at the times and places specified by the Chair.

(2) With respect to a matter before the Board, the Chair may from time to time appoint one or more persons who in the opinion of the Chair have special technical or other knowledge

(a) to sit with the Board, to hear and consider the matter with the Board and to advise the Board on the matter, or

(b) to inquire into and report to or appear before the Board in respect of the matter.

1999 cT-6.4 s25

Quorum

26(1) Subject to subsection (2), except where otherwise directed by the Chair or the Minister, a quorum of the Board consists of one member of the Board.

(2) For the purposes of sections 39, 39.1 and 39.2, a quorum of the Board is 3 members.

RSA 2000 cT-6 s26;2005 c34 s8;2011 c22 s3

Procedure at Board hearings, reviews and appeals

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;

(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.

(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

(a) governing notices of hearings, reviews and appeals;

(b) governing applications for and conditions to be met respecting hearings, reviews and appeals;

(c) governing the procedure before the Board;

(d) governing adjournments of matters before the Board;

(e) governing the attendance of witnesses;

(f) governing the applicability of the rules of evidence in judicial proceedings to hearings, reviews and appeals before the Board;

(g) governing the receiving and recording of evidence;

(h) empowering the Board to proceed and determine a matter when a party to a matter before the Board fails to appear at or attend a hearing, a review or an appeal;

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

(j) providing for majority and minority decisions;

(k) empowering the Board to consider a matter based on material submitted to the Board by the parties without the parties or their representatives appearing before the Board and governing the procedure to be used in those circumstances;

(l) governing the applicability of the *Alberta Rules of Court*;

(m) providing for the issuing and publication of decisions of the Board;

(n) governing the reconsideration of decisions made by the Board;

(o) governing the providing of the decisions of the Board to the parties who are subject to the decisions;

(p) governing costs.

(3) Where the Registrar is summoned to attend before the Board, the Registrar may in writing designate an employee of the Government who is, in the opinion of the Registrar, knowledgeable in respect of the subject-matter that is being considered by the Board to attend before the Board on behalf of the Registrar and that designated person is deemed to be the person who was summoned to attend before the Board.

(4) The *Regulations Act* does not apply to rules made under subsection (2).

RSA 2000 cT-6 s27;2005 c34 s9

28 Repealed 2007 c45 s4.

Testimony and production of documents

29(1) Unless the Chair directs otherwise, no member of the Board or employee of the Government who is under the administration of the Board may be compelled

(a) to give testimony for the purposes of a civil action with regard to information obtained in the course of the member's or employee's duties, or

(b) to produce any document or information for the purposes of a civil action.

(2) Subsection (1) does not apply when the member of the Board or the employee is a party to the civil action.

1999 cT-6.4 s29

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.

2005 c34 s10

Regulations

29.2 The Lieutenant Governor in Council may make regulations prescribing qualifications and educational and training requirements for members of the Board.

2011 c22 s4

Division 2
Reviews Respecting Conduct of Drivers

Reviews by Board

30(1) The Board may conduct reviews into a person's ability or attitude respecting the operation of a motor vehicle

(a) where the Board is concerned as to the person's ability or attitude regarding the operation of a motor vehicle, or

(b) where the Minister, a court or the Registrar has advised the Board as to a concern respecting the person's ability or attitude regarding the operation of a motor vehicle.

(2) The Board may consider applications by persons seeking relief under section 31(b).

1999 cT-6.4 s30

Action taken re reviews

31 On conducting a review or considering an application under section 30 the Board may,

(a) where a person's ability or attitude regarding the operation of a motor vehicle has been considered by the Board,

(i) disqualify the person from driving a motor vehicle in Alberta for a definite or indefinite period of time;

(ii) with respect to that person, prescribe any measure or course of remedial education, monitoring or treatment as a condition of acquiring or holding an operator's licence;

(iii) prescribe terms and conditions governing that person's operator's licence;

(b) where the suspension of a person's operator's licence or the disqualification of a person to hold an operator's licence arises out of that person being found guilty under section 253 or 254 of the *Criminal Code* (Canada),

(i) on the expiration of a suspension or disqualification imposed by a court, set aside the operation of the suspension or disqualification imposed under this Act on the condition that the person who is subject to the suspension or disqualification

(A) repealed 2011 c22 s5,

(B) complies with any terms or conditions imposed by the Board;

(ii) on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or issuance of an operator's licence to the person who was subject to the suspension or disqualification be on the condition that the person,

in addition to complying with the requirements imposed under this Act,

(A) repealed 2011 c22 s5,

(B) complies with any terms or conditions imposed by the Board;

(c) where a person has been suspended or disqualified from driving 2 or more times in a 10-year period under section 88, on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or issuance of an operator's licence to the person who was subject to the suspension or disqualification be on the condition that the person, in addition to complying with the other requirements imposed under this Act,

(i) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Board, and

(ii) complies with any terms or conditions imposed by the Board.

RSA 2000 cT-6 s31;2011 c22 s5

Reconsideration re reviews

32(1) Where the Board has reviewed or considered a matter under section 30 and made a decision under section 31, the Board shall on the application of the person who is the subject of that decision reconsider the decision.

(2) Notwithstanding subsection (1), once a decision of the Board has been reconsidered by the Board in respect of a matter referred to in subsection (1), the Board may refuse to reconsider the decision again if in the opinion of the Board the circumstances in respect of the matter have not substantially changed from the time of the previous reconsideration.

1999 cT-6.4 s32

Consideration of driver's record, etc.

33 In making a decision under this Division or Division 3, the Board may take into consideration a person's accident record, conviction record, driver attitude, driving skills and knowledge, driving disabilities and any other factors that the Board considers relevant.

1999 cT-6.4 s33

Division 3
Appeals to the Board

Interpretation

34 Any reference in this Division to the Registrar in respect of any matter includes a reference to any decision or action made or taken by the Registrar relating to that matter.

1999 cT-6.4 s34

Appeals re permits

35(1) Where the Registrar

(a) refuses to issue a permit to a person under section 62,

(b) suspends or 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, suspension, cancellation or imposition of the term or condition 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;

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

(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.

RSA 2000 cT-6 s35;2005 c34 s11;2013 c19 s2(6)

Appeals re disqualification, suspension, etc. by Registrar

36(1) Where under section 91(4) the Registrar

(a) disqualifies a person from driving a motor vehicle, or

(b) suspends or cancels a certificate of registration issued to a person,

that person may appeal that disqualification, suspension or cancellation to the Board.

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

(a) confirm, vary or rescind the decision made by the Registrar, or

(b) set aside the decision made by the Registrar and make any decision that the Registrar is empowered to make.

1999 cT-6.4 s36

Appeals re demerit points

37(1) Where the Registrar conducts a review under section 99 with respect to the suspension or cancellation of a person's operator's licence by reason of the accumulation of demerit points, that person may appeal the decision of the Registrar arising out of that review to the Board.

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

(a) confirm, vary or rescind the decision made by the Registrar, or

(b) set aside the decision made by the Registrar and make any decision that the Registrar is empowered to make.

1999 cT-6.4 s37

Appeals re suspension, etc. of operator's licence

38(1) Where

(a) a person's operator's licence is suspended under section 86(1), or

(b) a person is disqualified from holding an operator's licence under section 86(2),

that person may appeal the imposition of or the length of the suspension or disqualification to the Board.

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

(a) confirm the suspension or disqualification;

(b) reduce, with or without conditions, the term of suspension or disqualification;

(c) cancel the disqualification;

(d) terminate the suspension.

1999 cT-6.4 s38

Appeals re immediate roadside suspension

39(1) In this section, "peace officer" means peace officer as defined in section 87.1.

(2) Where

(a) a person's operator's licence or temporary operator's permit is suspended, or

(b) a person is disqualified from acquiring or holding an operator's licence or from operating a motor vehicle

a 2nd or subsequent time in a 10-year period under section 88, the person may appeal that suspension or disqualification to the Board.

(3) In an appeal under this section, the Board shall consider

(a) any relevant sworn or solemnly affirmed statements and any other relevant information;

(b) the report of the peace officer;

(b.1) the certificate of annual maintenance of the approved screening device issued immediately before the issuance of the notice of suspension or notice of disqualification under section 88;

(b.2) the records of the last calibration of the approved screening device immediately before the test administered under section 88;

(c) repealed 2011 c22 s6;

(d) where an oral hearing is held, in addition to the matters referred to in clauses (a), (b), (b.1) and (b.2), any relevant evidence and information given or presentations made at the hearing.

(4) An appellant is not compelled to give evidence in an appeal under this section.

(5) If, after conducting an appeal under this section, the Board is satisfied that the person drove a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood was equal to or exceeded 50 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after having driven a motor vehicle, the Board must confirm the suspension or disqualification.

(6) If, after conducting an appeal under this section, the Board is satisfied that the person did not drive a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood was equal to or exceeded 50 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after having driven a motor vehicle, the Board must cancel the suspension or disqualification and direct the return to that

person of any fees paid to the Government by that person in respect of the appeal conducted under this section.

RSA 2000 cT-6 s39;2007 c45 s5;
2008 c40 s2;2011 c22 s6

Appeals re zero alcohol suspension, etc.

39.1(1) In this section,

(a) "novice driver" and "novice operator's licence" mean novice driver and novice operator's licence as defined in section 90;

(b) "peace officer" means peace officer as defined in section 87.1.

(2) A person whose novice operator's licence is suspended under section 90 may appeal that suspension to the Board.

(3) In an appeal under this section, the Board shall consider

(a) any relevant sworn or solemnly affirmed statements and any other relevant information;

(b) the report of the peace officer;

(b.1) the certificate of annual maintenance of the approved screening device issued immediately before the issuance of the notice of suspension or notice of disqualification under section 88;

(b.2) the records of the last calibration of the approved screening device immediately before the test administered under section 88;

(c) where an oral hearing is held, in addition to the matters referred to in clauses (a), (b), (b.1) and (b.2), any relevant evidence and information given or presentations made at the hearing.

(4) An appellant is not compelled to give evidence in an appeal under this section.

(5) If, after conducting an appeal under this section, the Board is satisfied that at the time of the suspension

(a) the person was a novice driver,

(b) the person held a novice operator's licence, and

(c) the person, having consumed alcohol, drove a motor vehicle,

the Board must confirm the suspension.

(6) If, after conducting an appeal under this section, the Board is satisfied that at the time of the suspension

(a) the person was not a novice driver,

(b) the person did not hold a novice operator's licence, or

(c) the person, having consumed alcohol, had not driven a motor vehicle,

(d) repealed 2011 c22 s7,

the Board must

(e) cancel the suspension, and

(f) direct the return to that person of any fees paid to the Government by the person in respect of the appeal conducted under this section.

2001 c14 s6;2011 c22 s7

Appeals re administrative licence suspensions

39.2(1) In this section, "peace officer" means peace officer as defined in section 87.1.

(2) Where

(a) a person's operator's licence is suspended, or

(b) a person is disqualified from acquiring or holding an operator's licence or from operating a motor vehicle

under section 88.1, the person may appeal that suspension or disqualification to the Board.

(3) In an appeal under this section, the Board shall consider

(a) any relevant sworn or solemnly affirmed statements and any other relevant information;

(b) the report of the peace officer;

(c) a copy of any certificate of analysis under section 258 of the *Criminal Code* (Canada) without proof of the identity and official character of the person appearing to have signed the certificate or that the copy is a true copy;

(d) where an oral hearing is held, in addition to the matters referred to in clauses (a), (b) and (c), any relevant

evidence and information given or presentations made at the hearing.

(4) An appellant is not compelled to give evidence in an appeal under this section.

(5) If, after conducting an appeal under this section, the Board is satisfied that

(a) the person drove a motor vehicle having consumed a drug, alcohol or a combination of a drug and alcohol in such a quantity that the person's ability to operate the motor vehicle was impaired at any time within 3 hours after having driven a motor vehicle,

(b) the person drove a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after having driven a motor vehicle, or

(c) the person, with respect to the driving of a motor vehicle, failed or refused, without a reasonable excuse, to comply with a demand made on that person under section 254 of the *Criminal Code* (Canada),

the Board must confirm the suspension or disqualification.

(6) If, after conducting an appeal under this section, the Board is satisfied

(a) that the person did not drive a motor vehicle having consumed a drug, alcohol or a combination of a drug and alcohol in such a quantity that the person's ability to operate the motor vehicle was impaired at any time within 3 hours after having driven a motor vehicle,

(b) that the person did not drive a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after having driven a motor vehicle, or

(c) that, with respect to the driving of a motor vehicle,

(i) the person did not fail or refuse to comply with a demand made on that person under section 254 of the *Criminal Code* (Canada), or

(ii) the person had a reasonable excuse for failing or refusing to comply with the demand referred to in subclause (i),

the Board must cancel the suspension or disqualification and direct the return to that person of any fees paid to the Government by that person in respect of the appeal conducted under this section.

(7) The Board, in hearing an application under this section, may not grant the use of an alcohol-sensing device for a person who has been suspended or disqualified under section 88.1.

2011 c22 s8

Appeals re mandatory use of alcohol-sensing device while driving

39.3(1) Where the Registrar

(a) refuses to set aside the operation of a disqualification imposed under this Act, or imposes terms or conditions, in accordance with section 88.2(2),

(b) refuses to reinstate or issue a licence, or imposes terms or conditions, in accordance with section 88.2(4),

(b.1) determines the length of the term under section 88.2(5)(b),

(c) repealed 2016 c14 s2,

(d) orders an extension of the requirement for the use of an alcohol-sensing device under section 88.2(6)(b), or

(e) refuses to set aside the requirement for the use of an alcohol-sensing device, or imposes a further period of disqualification or a term or condition, under section 88.2(7),

the person to whom the refusal, determination, extension or imposition of a term or condition or further period of disqualification applies may appeal the refusal, determination or extension or the imposition of a term or condition under section 88.2(2), (4), (5)(b) or (7) or of a further period of disqualification under section 88.2(7) to the Board.

(2) In determining an appeal commenced pursuant to this section, the Board may by order

(a) confirm any action taken by the Registrar that the Board considers appropriate in the circumstances,

(b) direct the Registrar to set aside the operation of a disqualification imposed under this Act and to impose, or not to impose, a term or condition under section 88.2(2),

(c) direct the Registrar to reinstate or issue an operator's licence and to impose, or not to impose, a term or condition under section 88.2(4),

(c.1) direct the Registrar to change the length of the term determined under section 88.2(5)(b),

(d) repealed 2016 c14 s2,

(e) direct the Registrar not to extend the requirement under section 88.2(6)(b), or

(f) direct the Registrar to set aside the requirement for the use of an alcohol-sensing device, or to impose, or not to impose, a further period of disqualification or a term or condition under section 88.2(7),

and may make the order subject to any terms or conditions that the Board considers appropriate in the circumstances.

2011 c22 s8;2016 c14 s2

Appeals by drivers from other jurisdictions

39.4(1) Where the Registrar, under section 88.3,

(a) refuses to declare a person eligible to obtain an operator's licence, or

(b) imposes a term or condition on the person's eligibility to obtain an operator's licence with which that person does not agree,

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

(2) In determining an appeal commenced pursuant to this section, the Board may by order

(a) confirm any action taken by the Registrar that the Board considers appropriate in the circumstances,

(b) direct the Registrar to declare the person eligible to obtain an operator's licence under section 88.3(2),

(c) direct the Registrar not to impose a term or condition under section 88.3(2), or

(d) make the order subject to any terms or conditions that the Board considers appropriate in the circumstances.

2011 c22 s8

Appeals re seizure or immobilization of motor vehicle

40(1) Subject to the regulations, where a person's motor vehicle is seized or immobilized under section 172.1(1)(b) or (3), 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 172.1(1)(b) or (3), 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.

RSA 2000 cT-6 s40;2003 c48 s2;2005 c34 s34; 2011 c22 s9;2013 c19 s2(7)

Appeals re administrative penalties re commercial transport

41(1) Where a regulated person, as defined in section 143, is affected by a decision made or an action taken by the Registrar under section 143, that person may appeal that decision or action to the Board.

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

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

1999 cT-6.4 s41

Appeals re driver training and driver examiners

42(1) Where a person who

(a) operates a driver training school,

(b) is a driver examiner, or

(c) is a driving instructor,

is affected by a decision or action of the Registrar with respect to the operation of or the provision of services by the driver training school or the actions of or the provision of services by the driver examiner or driving instructor, that person may appeal that decision or action to the Board.

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

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

RSA 2000 cT-6 s42;2009 c35 s4

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.

2005 c34 s12

Appeals re safety fitness certificate, etc.

43(1) In this section, "certificate" means a certificate as defined in section 130(1)(c).

(2) Where the Registrar

(a) refuses to issue a certificate to an applicant, the applicant may appeal the refusal to issue the certificate to the Board,

(b) imposes a term or condition in respect of a certificate, the carrier may appeal the imposition of the term or condition to the Board,

(c) makes an order under section 132(2) suspending or cancelling a certificate, the carrier may appeal the suspension or cancellation of the certificate to the Board, or

(d) makes an order changing the safety rating of a carrier, the carrier may appeal the change in the safety rating to the Board.

(3) After the commencement of an appeal pursuant to this section, the Board may grant interim relief and make the interim relief subject to any terms or conditions that the Board considers appropriate in the circumstances.

(4) The interim relief granted under subsection (3) may include the granting of an interim certificate that is valid for a period of time that does not extend beyond the point in time at which the Board renders its decision in respect of the appeal.

(5) 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 issue or not to issue a certificate;

(c) direct the Registrar to reinstate a certificate;

(d) direct the Registrar to reinstate a safety rating to what it was or to what the Board considers is appropriate in the circumstances;

(e) remove or vary any term or condition imposed in respect of a certificate;

(f) make the order subject to any terms or conditions that the Board considers appropriate in the circumstances.

1999 cT-6.4 s43

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.

RSA 2000 cT-6 s44;2005 c34 s13

Commencement of appeals

45(1) An appeal may be commenced under this Division by filing with the Secretary of the Board a notice of appeal accompanied with the prescribed fee, if any.

(2) An appeal under this Division shall not be commenced at any time after 30 days have expired from the day that the person requesting the appeal is served with the written notice of the decision or action, as the case may be, in respect of which the appeal is being commenced.

RSA 2000 cT-6 s45;2001 c14 s7

Reconsideration re appeals

46(1) Where the Board has conducted an appeal and made a decision under this Division, the Board shall on the application of the person who is the subject of the decision reconsider the decision.

(2) Notwithstanding subsection (1), once a decision of the Board has been reconsidered by the Board in respect of a matter referred to in subsection (1), the Board may refuse to reconsider the decision again if in the opinion of the Board the circumstances in respect of the matter have not substantially changed from the time of the previous reconsideration.

1999 cT-6.4 s46

Appeal is not a stay

47 An appeal commenced under this Division does not, except as otherwise directed by the Board under section 27 or 43, stay any suspension, cancellation, disqualification or other decision or action that is the subject of or otherwise related to the appeal.

RSA 2000 cT-6 s47;2001 c14 s8;2005 c34 s14

Division 4
Judicial Review

Judicial review

47.1(1) Subject to sections 32 and 46 and subsection (2), no decision or order of the Board shall be questioned or reviewed in any court by application for judicial review or otherwise, and no order shall be made, process entered or proceedings taken in any court, whether by way of certiorari, injunction, declaratory judgment, prohibition, mandamus, quo warranto, application to quash or set aside or otherwise, to question, review, prohibit or restrain any decision or order of the Board or any of its proceedings.

(2) A decision or order of the Board may be questioned or reviewed by way of an application for judicial review seeking an order in the nature of certiorari or mandamus if the application is filed with the Court and served on the Board no later than 30 days after the date of the decision or order or the date a copy of the decision or order and reasons in respect of it have been received by the applicant, whichever is later.

(3) On an application for judicial review under subsection (2), the standard of review is patent unreasonableness.

2007 c45 s6;2009 c53 s179

48 to **50** Repealed 2007 c45 s6.

Part 3
Motor Vehicle Administration

Division 1
Licences, Registration, Insurance and Permits

Operator's licences

51 Except as otherwise permitted under this Act, a person shall not do any of the following:

(a) drive a motor vehicle on a highway unless that person is the holder of a subsisting operator's licence;

(b) drive a motor vehicle on a highway unless that motor vehicle is of a class or type that is authorized to be operated under the class of operator's licence held by that person;

(c) drive a motor vehicle on a highway contrary to a restriction or condition to which that person's operator's licence is subject;

(d) drive a motor vehicle on a highway unless that person's operator's licence is in that person's possession;

(e) where the person holds an operator's licence classified as a learner's operator's licence, drive a motor vehicle on a highway unless there is a person occupying a front passenger seating position of the motor vehicle who

(i) is supervising the person driving the vehicle,

(ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the vehicle being driven,

(iii) has the operator's licence referred to in subclause (ii) in that person's possession, and

(iv) is of the age prescribed by regulation;

(f) where a motor vehicle is being driven on a highway by a person holding an operator's licence classified as a learner's operator's licence, supervise the driving of the vehicle by the person holding the learner's operator's licence unless the person carrying out that supervision

(i) is occupying a front passenger seating position of the motor vehicle,

(ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the vehicle being driven,

(iii) has the operator's licence referred to in subclause (ii) in that person's possession, and

(iv) is of the age prescribed by the regulations;

(f.1) notwithstanding clause (e), where the person holds an operator's licence classified as a learner's operator's licence, drive a motorcycle on a highway unless there is a person occupying the passenger seating position on the

motorcycle or in or on a motor vehicle that is travelling in close proximity to the motorcycle who

(i) is supervising the person driving the motorcycle,

(ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the motorcycle,

(iii) has the operator's licence referred to in subclause (ii) in that person's possession, and

(iv) is of the age prescribed by the regulations;

(f.2) notwithstanding clause (f), where a motorcycle is being driven on a highway by a person holding an operator's licence classified as a learner's operator's licence, supervise the driving of the motorcycle by the person holding the learner's operator's licence unless the person carrying out that supervision

(i) is occupying the passenger seating position on the motorcycle or is in or on a motor vehicle that is travelling in close proximity to the motorcycle,

(ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the motorcycle,

(iii) has the operator's licence referred to in subclause (ii) in that person's possession, and

(iv) is of the age prescribed by the regulations;

(f.3) in the case of a motorcycle, where a person holds an operator's licence classified as a learner's operator's licence, operate a motorcycle on a highway while carrying a passenger except as permitted under clause (f.1) or (f.2);

(g) where the person holds an operator's licence classified as a learner's operator's licence, drive a motor vehicle on a highway during any period of time that the holder of a learner's operator's licence is by regulation prohibited from operating a motor vehicle;

(h) where a motor vehicle is in that person's possession or under that person's care or control, permit another person to drive that vehicle unless that other person meets the requirements of this Act to drive that vehicle;

(i) where a motor vehicle is in that person's possession or under that person's care or control, knowingly or willingly permit a person

(i) whose operator's licence is suspended, or

(ii) who is disqualified from holding an operator's licence,

to drive that motor vehicle on a highway unless it is a vehicle that the person is permitted to drive under this Act notwithstanding the suspension or disqualification;

(j) where the person has been issued an operator's licence under this Act, have in that person's possession more than one subsisting operator's licence issued under this Act;

(k) possess an operator's licence that has been issued to another person;

(l) possess an operator's licence that is not a subsisting operator's licence;

(m) possess any fictitious document purporting to be an operator's licence;

(n) use an operator's licence that has been issued to another person;

(o) use an operator's licence that is not a subsisting operator's licence;

(p) use any fictitious document purporting to be an operator's licence;

(q) where a person has been issued an operator's licence, allow another person to use or be in possession of that operator's licence;

(r) apply for, acquire or attempt to acquire an operator's licence for that person's own use or in that person's name

(i) during any period that the person is disqualified from driving a motor vehicle in Alberta, another province or territory of Canada or a state of the United States of America,

(ii) during any period for which that person's operator's licence is suspended, or

(iii) during any period for which that person is disqualified from holding an operator's licence in

Alberta, another province or territory of Canada or a state of the United States of America,

whether or not the period for which the person's operator's licence was issued has expired;

(s) where the person holds a subsisting operator's licence, apply for or obtain another operator's licence under this Act except

(i) for the purpose of obtaining a duplicate of a subsisting operator's licence that has been lost or destroyed or has become unreadable, or

(ii) for the purpose of obtaining a replacement for an operator's licence that is about to expire.

RSA 2000 cT-6 s51;2001 c14 s9;2016 c14 s12

Registration of vehicles

52(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

(a) operate a motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle;

(b) knowingly operate a motor vehicle on a highway

(i) while the certificate of registration or permit issued under this Act in respect of the motor vehicle is cancelled, or

(ii) while the certificate of registration or permit issued under this Act in respect of the motor vehicle is under suspension;

(c) operate a salvage motor vehicle on a highway unless there is a subsisting in-transit permit issued in respect of that vehicle;

(d) where the person has possession of or control over a motor vehicle or a trailer, permit another person to operate that motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle;

(e) apply for, acquire or attempt to acquire the registration of a motor vehicle or trailer during any period when the registration of the vehicle or the certificate of registration is suspended or cancelled;

(f) apply for, acquire or attempt to acquire the registration of a motor vehicle or trailer in the name of

(i) an applicant that purports to be a corporation if the corporation does not exist, or

(ii) a corporation, incorporated otherwise than under the laws of Alberta, that

(A) is required to be but is not or has ceased to be licensed as an insurer under the *Insurance Act*, or

(B) is required to be but is not or has ceased to be registered under

(I) the *Business Corporations Act*,

(II) the *Companies Act*,

(III) the *Loan and Trust Corporations Act*, or

(IV) the *Co-operative Associations Act* or the *Cooperatives Act*;

(g) use any certificate of registration that is in the name of a corporation that does not exist at the time the certificate of registration is used;

(h) unless the motor vehicle is an insured motor vehicle,

(i) apply for the registration of a motor vehicle, or

(ii) obtain the registration of a motor vehicle.

(2) Subsection (1)(h)(i) does not apply to a person to whom a financial responsibility card has been issued pursuant to the *Insurance Act* by an insurer who has issued an owner's policy outside Alberta.

RSA 2000 cT-6 s52;2001 cC-28.1 s472;2001 c23 s1(20)

Licence plates

53(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

(a) operate or park a motor vehicle or trailer on a highway unless the subsisting licence plate issued for that vehicle or that is otherwise permitted under this Act is displayed on that vehicle in accordance with the regulations;

(b) display on a motor vehicle or trailer a licence plate other than a licence plate issued or authorized for use on that vehicle;

(c) operate or park a motor vehicle or trailer on a highway with an expired licence plate displayed on it;

(d) permit any licence plate issued to that person to be used in contravention of this Act.

(2) Every licence plate issued under this Act or any Act that preceded this Act remains the property of the Crown, and the person in possession of a licence plate shall return it to the Registrar when so requested by the Registrar.

1999 cT-6.4 s53

Insurance required

54(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

(a) drive a motor vehicle on a highway unless the motor vehicle is an insured motor vehicle;

(b) have a motor vehicle on a highway unless the motor vehicle is an insured motor vehicle;

(c) where a person is the registered owner of a motor vehicle, permit another person

(i) to drive the motor vehicle on a highway, or

(ii) to have the motor vehicle on a highway,

unless the motor vehicle is an insured motor vehicle;

(d) give or lend a financial responsibility card or a copy of it to a person not entitled to have that financial responsibility card or copy.

(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.

(2) If the registration of a motor vehicle is suspended under this Act, the motor vehicle is still registered for the purposes of this section.

(3) Subsection (1)(a) and (b) do not apply to a person to whom a financial responsibility card has been issued pursuant to the

Insurance Act by an insurer who has issued an owner's policy outside Alberta.

(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.

(5) On the finding of guilt of a person, other than a corporation, of contravening subsection (1) or section 52(1)(h) or 167(8), the Registrar may disqualify the person from driving a motor vehicle in Alberta until that person provides to the Registrar proof of financial responsibility.

(6) A corporation that is guilty of contravening subsection (1) or section 52(1)(h) is liable

(a) for the first contravention, to a fine of not less than $5000 and not more than $20 000, and

(b) for any subsequent contravention, to a fine of not less than $7500 and not more than $25 000.

(7) The Registrar may cancel the certificate of registration in respect of every motor vehicle owned by a person who is found guilty of contravening subsection (1) or section 52(1)(h) or 167(8).

(8) Where the Registrar has cancelled a certificate of registration under this section, the Registrar shall not issue a new certificate of registration for that motor vehicle until the owner of the motor vehicle provides to the Registrar proof of financial responsibility.

RSA 2000 cT-6 s54;2005 c34 s15

Information

55(1) The Registrar may require a person who applies for a motor vehicle document to provide such information and material and to meet such requirements that, in the opinion of the Registrar, are pertinent to determining whether that person is qualified to be issued the motor vehicle document.

(2) The Registrar may require a person who holds a motor vehicle document to provide such information and material and to meet such requirements that, in the opinion of the Registrar, are pertinent to determining whether that person continues to be qualified to hold the motor vehicle document.

1999 cT-6.4 s55

Refusal to grant or issue motor vehicle document

56 The Registrar may refuse to issue a motor vehicle document to a person if

(a) that person does not meet the requirements of this Act in order to be issued that motor vehicle document;

(b) that person is barred at law or under any enactment from holding or being issued that motor vehicle document;

(c) the vehicle in respect of which the motor vehicle document is to be issued does not meet the requirements of this Act in order for that motor vehicle document to be issued in respect of that vehicle;

(d) the person applying for the issuance of the motor vehicle document fails to provide to the Registrar any information or material or meet any requirements that, in the opinion of the Registrar, are pertinent to determining whether the applicant or the applicant's vehicle, as the case may be, meets the requirements under this Act for the issuance of the motor vehicle document.

1999 cT-6.4 s56

Restriction of services

57 Notwithstanding anything in this Act, where a person has not paid a fine or penalty levied against that person under

(a) this Act or a bylaw made under this Act,

(b) any other enactment or bylaw as prescribed by regulation, or

(c) any law in another jurisdiction that in the opinion of the Registrar deals with matters in that jurisdiction that are similar in nature to matters dealt with under this Act,

the Registrar may,

(d) in respect of that person, refuse to perform that function or service or to issue, renew or otherwise deal with any motor vehicle document or other document until the fine or penalty is paid, and

(e) if authorized by regulation, refuse to register a vehicle in the name of the new owner if the ownership of a registered vehicle passes directly or through intermediary owners from the person who has not paid the fine or penalty to a person described by regulation.

1999 cT-6.4 s57

Refusal of service re maintenance orders

58(1) In this section, "Director" means the Director of Maintenance Enforcement appointed under the *Maintenance Enforcement Act*.

(2) If the Director notifies the Registrar pursuant to section 22(2) of the *Maintenance Enforcement Act*, the Registrar shall

(a) in respect of the debtor named in the notice, refuse to perform any function or service or to issue, renew or otherwise deal with any motor vehicle document or other document, and

(b) refuse to register the vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who is a debtor under the maintenance order to a person described by the regulations,

except as permitted by the Director under section 22(4) of the *Maintenance Enforcement Act*, until the Director withdraws the notice or notifies the Registrar that the maintenance order has been withdrawn.

(3) If the Director notifies the Registrar pursuant to section 22(3) of the *Maintenance Enforcement Act*, the Registrar must, as requested in the notice, suspend any operator's licence issued to the debtor named in the notice.

(4) If the Director notifies the Registrar pursuant to section 22(7) of the *Maintenance Enforcement Act*, the Registrar must, as requested in the notice, make any operator's licence issued to the debtor named in the notice subject to any terms or conditions that the Director considers appropriate.

(5) Any suspension made under subsection (3) remains in effect, subject to section 22(5) of the *Maintenance Enforcement Act*, until the Director gives a notice to the Registrar under section 22(6) of the *Maintenance Enforcement Act*.

RSA 2000 cT-6 s58;2009 c35 s5

Medical review committee

59 By agreement with The Board of Directors of the Alberta Medical Association (C.M.A. - Alberta Division), the Minister may establish a medical review committee

(a) to act as an advisory committee to the Minister with respect to

(i) any matters concerning the health of persons that may have a bearing on the operation of motor vehicles, and

(ii) any physical conditions that may constitute a hazard to the general public with respect to the operation of motor vehicles,

(b) to advise the Minister as to qualified physicians available for physical and mental examination of drivers and applicants for operator's licences, and

(c) to act in any other capacity that may be required by the agreement with The Board of Directors of the Alberta Medical Association (C.M.A. - Alberta Division).

1999 cT-6.4 s59

Exclusion of liability re medical matters

60 No liability accrues to a physician, optometrist or other health care provider by reason only that the physician, optometrist or other health care provider provides to the Registrar under this Act information respecting a person's medical condition that may impair that person's ability to operate a motor vehicle in a safe manner.

1999 cT-6.4 s60

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.

2005 c34 s16

Altered documents

61(1) In this section, "document" means

(a) a subsisting motor vehicle document;

(b) a subsisting licence issued under the *Motor Vehicle Transport Act* (Canada);

(c) a subsisting document that is a bill of lading, way-bill, shipping bill or customs permit or any other document that pertains to goods or passengers being transported by a commercial vehicle.

(2) A person shall not

(a) mutilate, deface, alter or falsify a document,

(b) have in that person's possession a document that is mutilated, defaced, altered or falsified, or

(c) use or permit the use of a document that is mutilated, defaced, altered or falsified.

RSA 2000 cT-6 s61;2013 c19 s2(8)

Permits

62(1) Notwithstanding anything in this Act or a motor vehicle document, the Registrar may on receiving an application issue a permit doing one or more of the following:

(a) in the case of any vehicle,

(i) authorizing a person to operate on a highway a vehicle that is not registered in Alberta;

(ii) authorizing a person to operate a vehicle on a highway when that vehicle or its load does not comply with dimensional requirements specified under this Act;

(iii) authorizing a person to operate a vehicle on a highway when that vehicle does not comply with the equipment standards applicable to that vehicle;

(b) in the case of a commercial vehicle,

(i) authorizing a person to operate a vehicle in a manner or for a purpose not permitted under this Act or a motor vehicle document;

(ii) exempting a vehicle or its operation from one or more requirements of this Act or a motor vehicle document;

(iii) authorizing a person to operate a vehicle on a highway when the weight of the vehicle and any goods being carried by the vehicle exceeds the weight specified in the certificate of registration issued in respect of that vehicle;

(iv) authorizing a person to operate a vehicle on a highway when the weight of the vehicle and any goods being carried by the vehicle exceeds the maximum allowable weight permitted under this Act for the vehicle.

(2) Where the Registrar issues a permit, the Registrar may, on the permit or in an appendix to the permit, set out any term or condition to which the permit is subject that the Registrar considers appropriate in the circumstances.

(3) Where the Registrar is of the opinion that a person to whom a permit is issued is not complying with or is contravening the terms or conditions of the permit, the Registrar may suspend or cancel the permit.

RSA 2000 cT-6 s62;2013 c19 s2(9)

Liens

63(1) Where, under this Act, a vehicle, including any goods being carried by the vehicle, is seized, immobilized, detained, removed, transported or stored pursuant to the directions of a peace officer or the Registrar or a person authorized to act on behalf of a peace officer or the Registrar, all the costs of the seizure, immobilization, detention, removal, transportation and storage, or of any one or more of those functions, as the case may be, are a lien on the vehicle unless otherwise provided for under this Act.

(2) A lien referred to in subsection (1) may be enforced and dealt with in a manner provided for by the regulations.

1999 cT-6.4 s63

Regulations

64 The Minister may make regulations

(a) governing

(i) any matter with respect to the classification of, the application for, the information to be provided with an application for, the issuance of, the display of, the use of, the renewal of, the transfer of, the suspension of, the cancellation of, the reinstatement of, the term of, the expiration of and the qualifications or conditions required to be met in order to be issued or to hold a motor vehicle document;

(ii) any undertakings, terms or conditions that must be provided or otherwise complied with in order for a motor vehicle document to be issued or to remain in effect;

(iii) the return or surrender of motor vehicle documents to the Registrar or a peace officer;

(iv) any terms or conditions, including the prescribing of those terms or conditions, to which a motor vehicle document or the holder of a motor vehicle document is subject;

(v) where insurance is required in relation to a motor vehicle document or a motor vehicle, the obligations of the insurer respecting the expiration, suspension, cancellation or transfer of the motor vehicle document or the sale or transfer of ownership of a motor vehicle;

(b) governing any matter with respect to age, qualifications, examinations and testing of persons to drive or otherwise operate vehicles;

(c) governing any matter with respect to the operation of driver training schools and driving courses and the teaching or instructing of persons to operate vehicles and the provision of insurance in respect of those matters;

(c.1) governing any matter with respect to the conduct of driver examiners, driving instructors and the operation of driver training schools;

(d) governing any matter with respect to the provision of documents, the reproduction of documents and the destruction of documents under this Act;

(e) respecting the notification to the Registrar by physicians and optometrists of any condition that a person has that may affect that person's ability to operate a vehicle in a safe manner;

(f) governing any matter with respect to the provision of information to the Registrar with respect to insurance issued in respect of vehicles or any goods or passengers transported by vehicles;

(g) governing any matter with respect to the provision to the Registrar of information by the courts arising out of proceedings before the courts under

(i) this Act and any bylaw made under this Act, and

(ii) the *Criminal Code* (Canada) with respect to matters arising out of the operation of vehicles;

(h) where a person's motor vehicle document has been suspended or cancelled,

(i) governing the notice to be given of the suspension or cancellation;

(ii) governing when the notice of the suspension or cancellation is deemed to have been received by the person to whom the notice is directed;

(iii) governing when the suspension or cancellation takes effect;

(iv) requiring that person to surrender or return the suspended or cancelled motor vehicle document to the court or the Registrar;

(v) governing the reinstatement or re-issue of a suspended or cancelled motor vehicle document;

(i) declaring a highway or any portion of a highway or place not to be a highway;

(j) providing for and governing the temporary closing of a highway;

(k) governing the seizure and the immobilization of vehicles under sections 172, 172.1, 173 and 173.1 and appeals under section 40;

(l) governing the enforcement of any lien created under this Act;

(m) prescribing documents as motor vehicle documents;

(n) subject to sections 56, 57 and 58, governing the restriction of the provision of functions and services under this Act;

(o) for the purposes of section 57,

(i) authorizing the Registrar to refuse to register a vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who has not paid a fine or penalty as described in section 57 to a person or a person within a class of persons;

(ii) governing persons or classes of persons referred to in subclause (i);

(p) for the purposes of section 58,

(i) authorizing the Registrar to refuse to register a vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who is a debtor under a notice given by the Director, as defined in section 58, to the Registrar under section 58(2) to a person or a person within a class of persons;

(ii) governing persons or classes of persons referred to in subclause (i);

(q) prescribing and governing the classification of vehicles;

(r) governing alcohol-sensing devices and their installation, use and removal;

(r.1) governing the use of alcohol detection and monitoring technologies and methods;

(s) governing forms and similar documents and their electronic versions used for the purposes of this Act;

(t) designating locations as rest areas for users of highways and governing those rest areas;

(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;

(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.

RSA 2000 cT-6 s64;2002 c32 s15;2003 c48 s3; 2005 c34 s17;2009 c35 s6;2011 c22 ss10,21

Division 2
Vehicles, Equipment, Accidents and Removal of Vehicles

Equipment standards

65(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

(a) drive or operate a vehicle on a highway unless that vehicle complies with the vehicle and equipment standards set out in the regulations in respect of that vehicle;

(b) permit another person to drive or operate a vehicle on a highway unless that vehicle complies with the vehicle and equipment standards set out in the regulations in respect of that vehicle;

(c) where that person is the owner of a vehicle, drive or operate the vehicle on a highway unless the vehicle and its equipment are maintained

(i) in good working order, and

(ii) in a condition that meets the requirements of this Act;

(d) drive or operate a vehicle on a highway unless the vehicle and its equipment are used in a manner or as prescribed or provided for by regulation;

(e) sell or offer for sale in Alberta a new motor vehicle unless that motor vehicle meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;

(f) sell or offer for sale in Alberta a new trailer unless that trailer meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;

(g) sell or offer for sale in Alberta a new conversion unit unless the conversion unit meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;

(h) sell a used motor vehicle if that person is of a class described in the regulations or if that used motor vehicle is of a class or type described in the regulations unless

(i) the motor vehicle has passed the inspections and tests required by the regulations within the period of time preceding the sale prescribed by regulation and the person provides the buyer with an inspection certificate for the motor vehicle in respect of those inspections and tests, or

(ii) the person provides the buyer with a written statement containing the information prescribed by regulation respecting the motor vehicle;

(i) in the case of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment or other material or item used in respect of vehicles where that equipment, material or item does not comply with the standards or specifications set out in the regulations for that equipment, material or item;

(j) in the case of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment or other material or item used in respect of vehicles where the sale or the offering for sale of that equipment, material or item is prohibited by regulation.

(2) Where a person who is an employee or agent of a dealer of used motor vehicles contravenes subsection (1)(h), the dealer is also guilty of contravening this section and is subject to the punishment set out in section 158(2) unless the dealer proves to the satisfaction of the court that the dealer took all reasonable steps to ensure that the person would not contravene this section.

1999 cT-6.4 s65

Inspection of vehicles

66(1) A peace officer may, for the purposes of

(a) ensuring that a vehicle or its equipment, or both,

(i) are safe to operate, and

(ii) meet the vehicle and equipment standards and requirements provided for under this Act,

or

(b) determining whether the condition of a vehicle or its equipment contributed in any manner to an accident,

do one or more of the following:

(c) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test by the peace officer;

(d) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test at a place and by a person specified by the peace officer;

(e) direct that the vehicle or its equipment, or both, or any specific part of the vehicle or equipment be repaired;

(f) direct that the vehicle or its equipment, or both, be removed from the highway or from operation and that it not be returned to a highway or operation until the vehicle or its equipment, or both, have been, as the case may be,

(i) rendered safe to operate,

(ii) repaired, serviced, altered or otherwise dealt with so that they meet the requirements of this Act, or

(iii) repaired in accordance with the directions of the peace officer;

(g) direct that the directions given under this section be complied with within a time period specified by the peace officer;

(h) direct that, after the directions given under this section have been complied with, the vehicle or its equipment, or both, be reinspected by a peace officer at a time and place specified by the peace officer.

(2) A direction given under this section must

(a) be in writing, and

(b) be served on the person to whom the direction is made.

(3) Notwithstanding subsection (2), a direction given under subsection (1)(c) may be given orally if a peace officer inspects, examines or tests the vehicle and its equipment forthwith after the direction is given.

(4) If a driver or an owner of a vehicle is given a direction under subsection (1)(f), a peace officer may seize the licence plate and certificate of registration issued in respect of that vehicle, and in the case of a vehicle in a prescribed class of commercial vehicles, a peace officer may seize the certificate of registration or a copy of the certificate of registration, and hold the licence plate and certificate of registration or copy of the certificate of registration, as the case may be, until the vehicle or its equipment, or both, have been, in accordance with the direction,

(a) rendered safe to operate;

(b) repaired, serviced, altered or otherwise dealt with so that they meet the requirements of this Act;

(c) repaired in accordance with the directions of the peace officer.

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

(a) fail to comply with the directions given by a peace officer under this section;

(b) operate a vehicle on a highway in contravention of a direction given under subsection (1)(f);

(c) put a vehicle into operation in contravention of a direction given under subsection (1)(f).

RSA 2000 cT-6 s66;2007 c45 s7

Review by Court

67(1) Where

(a) a person is given a direction under section 66, a person's vehicle is detained for the purposes of section 66 or a person's licence plate and certificate of registration, or in the case of a vehicle in a prescribed class of commercial vehicles, a copy of the certificate of registration, are seized under section 66, and

(b) the person disputes the direction, detention or seizure in whole or in part,

the person may apply to the Court of Queen's Bench for an order granting relief under subsection (6).

(2) Where

(a) a person fails to comply with a direction given under section 66, or

(b) a person fails to permit a peace officer to carry out the peace officer's powers or duties under section 66,

a peace officer may apply to the Court of Queen's Bench for an order granting relief under subsection (6).

(3) Repealed 2009 c53 s179.

(4) On the filing of an application with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice, or any shorter period of time that the Court may direct, and make an interim order granting such relief as the Court considers appropriate pending the determination of the application.

(5) An interim application under subsection (4) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

(6) On hearing an application, the Court may do one or more of the following:

(a) confirm, rescind or vary the direction of the peace officer;

(b) direct the person to comply with the direction of the peace officer;

(c) give those directions that the Court considers necessary to ensure compliance with the direction of the peace officer;

(d) direct that the seized licence plate and certificate of registration, or in the case of a vehicle in a prescribed class of commercial vehicles, a copy of the certificate of registration, be returned;

(e) make the order subject to any terms or conditions that the Court considers appropriate in the circumstances;

(f) dismiss the application;

(g) award costs.

RSA 2000 cT-6 s67;2007 c45 s8;2009 c53 s179

Serially numbered vehicles and parts

68(1) In this section, "vehicle" means

(a) a motor vehicle;

(b) a trailer;

(c) any serially numbered part of a motor vehicle or trailer;

(d) any part or portion of a motor vehicle or trailer that is not a serially numbered part of a motor vehicle or trailer.

(2) Except as otherwise permitted under this Act, a person shall not do any of the following:

(a) have possession of a vehicle that does not have either

(i) the manufacturer's serial number or similar identifying mark, or

(ii) a special identification number or mark authorized under this Act where the manufacturer's serial number or identifying mark has been removed, defaced, covered, altered or destroyed or become illegible;

(b) sell or offer for sale

(i) any portion of a vehicle,

(ii) any portion of an engine of a vehicle, or

(iii) any accessory for a vehicle,

that has been serially numbered by the manufacturer if the serial number has been removed, defaced, covered, altered or destroyed or become illegible.

(3) This section does not apply to the sale of retreaded or used tires.

1999 cT-6.4 s68

Duty of driver, etc. re accident

69(1) Where an accident in which a vehicle is involved occurs on a highway, the driver or other person in charge of any vehicle that was directly or indirectly involved in the accident shall

(a) remain at the scene of the accident or, if the person has left the scene of the accident, immediately return to the scene of the accident unless otherwise directed by a peace officer,

(b) render all reasonable assistance, and

(c) produce in writing to anyone sustaining loss or injury, to any peace officer and to any witness all or such of the following information as is requested:

(i) that person's name and address;

(ii) the number of that person's operator's licence;

(iii) the name and address of the registered owner of the vehicle;

(iv) the licence plate number of the vehicle;

(v) a financial responsibility card issued in respect of that vehicle.

(2) The driver of a vehicle that

(a) is involved in an accident with an unattended vehicle shall stop at the scene of the accident and shall forthwith or as soon after the accident as is practicable

(i) locate and notify the owner or person in charge of the unattended vehicle of the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle that was involved in the accident with the unattended vehicle, or

(ii) leave in a conspicuous place in or on the unattended vehicle a written notice giving the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle that was involved in the accident with the unattended vehicle,

or

(b) is involved in an accident resulting in damage to property on or adjacent to a highway shall forthwith or as soon after the accident as is practicable take reasonable steps to locate and notify the owner or person in charge of the property of the fact and of the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle.

(3) If the driver of a vehicle is incapable of providing the information required by subsection (1) or (2) and there is another occupant of the vehicle capable of providing the information, the occupant shall provide the information required to be provided by the driver.

(4) If the information has not been provided under subsection (1), (2) or (3) and the driver or occupant of the vehicle is not the owner of the vehicle, the owner shall forthwith on determining that that owner's vehicle has been involved in an accident provide the information required under those subsections.

(5) If the driver of a vehicle is alone at the time of an accident, is the owner of the vehicle and is incapable of providing the information required by subsection (1) or (2), that person shall provide the information forthwith after becoming capable of doing so.

(6) When a vehicle that has been involved in an accident is damaged to the extent that it cannot be moved under its own power, the registered owner or the driver of the vehicle shall, after complying with subsection (1) or (2), forthwith make arrangements for the motor vehicle to be removed from the highway.

(7) Notwithstanding subsection (6), if the registered owner or the driver of the vehicle fails to make or is incapable of making arrangements to move the vehicle, a peace officer

(a) may make the arrangements to move the vehicle on the owner's or driver's behalf, and

(b) on making arrangements to move the vehicle, shall notify the registered owner of the vehicle of the disposition of the vehicle.

(8) If arrangements to move a vehicle have been made by a peace officer pursuant to subsection (7), the motor vehicle is deemed to be an abandoned motor vehicle.

1999 cT-6.4 s69

Reports of peace officers re accidents

70 A peace officer shall, in the form and the manner prescribed by regulation, provide to the Registrar reports respecting accidents involving vehicles.

1999 cT-6.4 s70

Reports of drivers re accidents

71(1) A driver of a vehicle involved in an accident shall, in the form and manner prescribed by regulation, provide a report of the accident to

(a) a peace officer having jurisdiction where the accident occurred, or

(b) an employee of a police service having jurisdiction where the accident occurred who is authorized to receive those reports.

(2) If the driver is incapable of making the report required by subsection (1) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) If a report has not been made under subsection (1) or (2) and the driver or occupant is not the owner of the vehicle, the owner shall make the report forthwith after learning of the accident.

(4) If the driver is alone, is the owner of the vehicle and is incapable of making the report required by subsection (1), the driver shall make the report forthwith after becoming capable of making it.

1999 cT-6.4 s71

Place of offence re accident report

72 In a prosecution for failure to provide information as required under section 69 or 126 or to make a report as required by section 70 or 71 or to provide information under the regulations with respect to accidents, the place of an offence is the place where the accident occurred.

1999 cT-6.4 s72

Investigations of accidents re general safety enhancement

73(1) The Registrar may, for the purposes of analyzing and enhancing the safe use of highways,

(a) investigate all aspects of motor vehicle accidents with a view to compiling comparative statistics on the causes of accidents, and

(b) make recommendations, based on those investigations, for increased road safety.

(2) For the purposes of carrying out the functions provided for under subsection (1), the Registrar

(a) may, in writing, require from any insurer any or all of the following with respect to any accident:

(i) copies of statements made by any person in connection with the accident;

(ii) copies of reports made by the insurer's investigators into the reasons for or causes of the accident and the conclusion of the insurer on the liability of the persons involved;

(iii) details of any money paid by an insurer in respect of property damage;

(b) may interview

(i) the drivers involved in the accident,

(ii) any witness to the accident, and

(iii) any other person who may be able to give information, whether directly relevant or not, that will assist in determining the reasons for or causes of the accident,

and with the consent of the persons interviewed may take statements in writing.

(3) In the interests of obtaining full and true information concerning an accident, any file, document or paper kept by the Registrar or any person who carries out any function under this section on behalf of the Registrar that deals with the accident, including all matters incidental to it, and that has come into existence through anything done pursuant to this section

(a) must not be disclosed to any person except as permitted under this Act,

(b) must not be used in any court proceedings, and

(c) must not be used for any purposes other than the purposes stated in subsection (1).

(4) Neither the Registrar nor any person who carries out functions under this section on behalf of the Registrar shall disclose or be compelled to disclose any information obtained by the Registrar or that person in the course of the performance of any duties under this section.

(5) No cause of action lies against any person by reason of the disclosure, for the purposes of this section, of any document or information to the Registrar or to any person who carries out functions under this section on behalf of the Registrar.

(6) Notwithstanding anything in this section, a person must not be compelled to disclose any information if the disclosure will prejudice that person.

1999 cT-6.4 s73

Testing and inspection of motor vehicles in accidents

74(1) When any motor vehicle is directly or indirectly involved in an accident, the Registrar may

(a) request a peace officer to remove the motor vehicle or cause the motor vehicle to be removed from the place where the accident occurred, and

(b) specify to the peace officer the place to which the motor vehicle is to be taken,

for the purposes of testing and inspecting the vehicle.

(2) If, for the purposes of this section, a motor vehicle

(a) is towed and stored at a place agreed on by the owner and the Registrar, the owner shall pay the costs of towing and storage;

(b) is towed and stored at a place not agreed on by the owner and the Registrar, the Crown shall pay the costs of towing and storage;

(c) is towed without the consent of the owner but stored at a place to which the owner consents, the Crown shall pay the costs of towing and the owner shall pay the costs of storage;

(d) is towed with the consent of the owner but stored at a place without the owner's consent, the owner shall pay the costs of towing and the Crown shall pay the costs of storage.

(3) On completion of the testing and inspection, if the owner of the motor vehicle wishes to have repairs carried out at a place other than the place at which the motor vehicle was tested and inspected, the Crown shall pay the reasonable costs of towing to the place specified by the owner.

(4) The Registrar is entitled to retain the motor vehicle for testing and inspection for 21 days from the day of the accident, but after 21 days the Registrar shall release it to the owner on the owner's request.

(5) Unless the motor vehicle is irreparable, the Minister shall, in an amount that the Minister considers just, compensate a person who does not have the use of that person's motor vehicle as a result of any testing or inspection carried out under this section.

(6) Notwithstanding that a motor vehicle has been taken for testing and inspection, the owner or a person authorized by the owner may enter the premises where it is kept during normal working hours and inspect the motor vehicle.

1999 cT-6.4 s74

Motor vehicle surveys

75 The Minister may authorize persons to conduct surveys on any highway under the Minister's direction, control and management, and during the course of conducting a survey the person so authorized may stop motor vehicles for the purpose of questioning the occupants with respect to the survey.

1999 cT-6.4 s75

Prohibitions re abandoning vehicles

76(1) Except as otherwise permitted under this Act, a person shall not

(a) abandon a vehicle on a highway, or

(b) abandon a vehicle on public or private property without the consent of the owner or person in possession or control of the property.

(2) A vehicle that is

(a) left standing on a highway for more than 72 consecutive hours, unless otherwise provided for in a bylaw in the case of a highway under the direction, control and management of the council of a municipality, or

(b) left standing on public or private property for more than 72 consecutive hours without the consent of the owner or person in possession or control of the property,

is deemed to have been abandoned at that location.

1999 cT-6.4 s76

Removal of vehicles

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

(a) is abandoned under section 76;

(b) is left unattended on a highway in a manner that obstructs the normal movement of traffic;

(c) is parked on any highway in contravention of this Act or a bylaw;

(d) is parked on a highway in a manner that prevents access by fire-fighting equipment to a fire hydrant;

(e) is not displaying a subsisting licence plate or a permit;

(f) is parked on private property without the consent of the owner of the property or on a highway in a manner that obstructs any private driveway;

(g) is left unattended on a highway and, in the opinion of a peace officer, the vehicle, its contents or any goods being carried by the vehicle are liable to be stolen or tampered with;

(h) is situated unattended at a location or in a condition so that, in the opinion of the peace officer, it constitutes a present or potential hazard to persons or property;

(i) is seized under section 172, 172.1, 173 or 173.1.

(2) When the Registrar, a peace officer or another person authorized by the Registrar believes on reasonable grounds that a vehicle referred to in subsection (1) is worthless, that person may, subject to the regulations, cause the vehicle to be moved to a nuisance ground, salvage yard or municipal dump for disposal or to be otherwise dealt with under the regulations.

RSA 2000 cT-6 s77;2003 c48 s4;2011 c22 s21; 2013 c19 s2(10)

Forcible entry of vehicles, etc.

78 When a vehicle is to be removed or stored under this Act, the person authorized to remove or store the vehicle, or that person's agent, may forcibly unlock or open a door of the vehicle or otherwise gain access into or on a vehicle and do those other things that are reasonably required to facilitate the removal or storage of the vehicle, its contents and any goods being carried by the vehicle.

1999 cT-6.4 s78

Exclusion from liability

79 Where a person sells, disposes of, deals with or otherwise handles a vehicle, its contents and any goods being carried by the vehicle, or any of them, under section 77 or 78 or the regulations, no liability attaches to that person with respect to that sale, disposition, dealing or handling carried out in respect of that vehicle or those contents or goods.

1999 cT-6.4 s79

Sale and rental of vehicles

80 Except as otherwise permitted under this Act, a person shall not do any of the following:

(a) hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under this Act to drive the motor vehicle;

(b) sell a motorcycle to a person who is under the age of 16 years, other than a motorcycle that

(i) is an off-highway vehicle, and

(ii) does not meet the specifications under the regulations to operate on a highway;

(c) purchase a motorcycle for or on behalf of a person who is under the age of 16 years, other than a motorcycle that

(i) is an off-highway vehicle, and

(ii) does not meet the specifications under the regulations to operate on a highway.

RSA 2000 cT-6 s80;2016 c14 s12

Regulations

81 The Minister may make regulations

(a) governing any matter with respect to

(i) the construction, modification and configuration of vehicles;

(ii) the construction, modification and configuration of any equipment or other material or items used in respect of or in connection with vehicles;

(iii) the use of and the installation and removal of any equipment or other material or items used in respect of or in connection with vehicles;

(iv) the standards to be met by vehicles;

(v) the standards to be met by any equipment or other material or items installed or used in respect of or in connection with vehicles;

(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;

(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;

(c) governing

(i) the reporting, removal and storage of vehicles, the contents of vehicles and the goods carried by vehicles

(A) that have been seized or removed under this Act, or

(B) that are abandoned,

(ii) the returning of any vehicles, contents and goods referred to in subclause (i),

(iii) the disposal of any vehicles, contents and goods referred to in subclause (i), the passage of title of those vehicles, contents and goods and the distribution of funds arising from the disposal of those vehicles, contents and goods,

(iv) the expenses incurred arising out of any matter referred to in this clause, and

(v) the liability for the expenses referred to in subclause (iv);

(d) governing, subject to sections 11, 69 to 71 and 126, any matter with respect to the provision of information and the making of reports in respect of accidents;

(e) requiring and governing the provision to the Registrar of supplemental information in respect of accidents;

(f) governing any matter with respect to the reporting, acquisition and disposal of salvage in respect of vehicles and parts of vehicles;

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

(h) respecting the sale of used vehicles and the standards to be met by those vehicles;

(i) governing identification numbers and marks with respect to vehicles and any part or portion of a vehicle.

RSA 2000 cT-6 s81;2005 c34 s18

Part 4
Disqualification from Driving

Division 1
Disqualifications Arising from Offences

Operator's licence suspended

82 When a person is disqualified from driving a motor vehicle in Alberta,

(a) that person's operator's licence, if that person holds a subsisting operator's licence, is suspended, and

(b) that person is disqualified from holding an operator's licence,

during the time that the person is disqualified from driving.

1999 cT-6.4 s82

Disqualification for impaired driving

83(1) When a person is found guilty under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada, 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) Notwithstanding subsection (1), if a person

(a) is found guilty under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada, and

(b) has, in the preceding 10 years, been found guilty of an offence under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 3 years from the day of the finding of guilt.

(2.1) In establishing for the purposes of subsection (2) whether a person has been found guilty of an offence under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada and has been found guilty within the preceding 10 years of an offence under either of those sections anywhere in Canada, the only question to be considered is the sequence of the findings of guilt and no consideration shall be given to the sequence of commission of offences or to whether an offence occurred before or after a finding of guilt.

(3) Notwithstanding anything in this section, when a person

(a) is found guilty under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada, and

(b) has, in the preceding 10 years, been found guilty of

(i) 2 offences under section 253 or 254 of the *Criminal Code* (Canada), or

(ii) one offence under section 253 of the *Criminal Code* (Canada) and one offence under section 254 of the *Criminal Code* (Canada)

anywhere in Canada, unless those 2 offences arose out of the same incident,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(3.1) In establishing for the purposes of subsection (3) whether a person

(a) has been found guilty of an offence under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada, and

(b) has been found guilty within the preceding 10 years of

(i) 2 offences under section 253 or 254 of the *Criminal Code* (Canada), or

(ii) one offence under section 253 of the *Criminal Code* (Canada) and one offence under section 254 of the *Criminal Code* (Canada)

anywhere in Canada, unless those 2 offences arose out of the same incident,

the only question to be considered is the sequence of the findings of guilt and no consideration shall be given to the sequence of commission of offences or to whether an offence occurred before or after a finding of guilt.

(4) When a person who holds an operator's licence is found guilty under section 253 or 254 of the *Criminal Code* (Canada), the court hearing the case shall forward the operator's licence of that person to the Registrar.

(5) If a person is found guilty of 2 or more offences under section 253 or 254 of the *Criminal Code* (Canada) anywhere in Canada and the offences arose out of the same incident,

(a) the findings of guilt for those offences shall, for the purposes of subsections (2)(b) and (3)(b), be considered to constitute only one finding of guilt, which shall be considered to have occurred on the day of the earliest finding of guilt respecting those offences, and

(b) for the purposes of subsection (1), the period of disqualification shall be one year and shall run from the day of the earliest finding of guilt respecting those offences.

(6) For the purposes of subsections (2) and (3), a finding of guilt for an offence

(a) under section 234 or 236 of the *Criminal Code* (Canada) as it read immediately prior to December 4, 1985 is deemed to be a finding of guilt for an offence under section 237 of the *Criminal Code* (Canada) as it read immediately after December 3, 1985, and

(b) under section 234.1 or 235 of the *Criminal Code* (Canada) as it read immediately prior to December 4, 1985 is deemed to be a finding of guilt for an offence under section 238 of the *Criminal Code* (Canada) as it read immediately after December 3, 1985.

(7) For the purposes of subsections (2) and (3), a finding of guilt for an offence

(a) under section 237 of the *Criminal Code* (Canada) as it read immediately prior to December 12, 1988 is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately after December 11, 1988, and

(b) under section 238 of the *Criminal Code* (Canada) as it read immediately prior to December 12, 1988 is deemed to be a finding of guilt for an offence under section 254 of the *Criminal Code* (Canada) as it read immediately after December 11, 1988.

(8) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately prior to November 1, 1989 is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately after October 31, 1989.

RSA 2000 cT-6 s83;2016 c14 s4

Driving while prohibited under Criminal Code

84 If a person is found guilty anywhere in Canada of an offence under section 259(4) of the *Criminal Code* (Canada), that person on

being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months from the day of the finding of guilt.

1999 cT-6.4 s84

Disqualification arising under National Defence Act (Canada)

85(1) When a person is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(2) Notwithstanding subsection (1), if a person

(a) is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada, and

(b) has, in the preceding 10 years, been found guilty of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 3 years from the day of the finding of guilt.

(3) Notwithstanding anything in subsection (1) or (2), when a person

(a) is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada, and

(b) has, in the preceding 10 years, been found guilty of 2 offences under the *National Defence Act* (Canada) by reason that the person, in the preceding 10 years,

(i) twice contravened section 253 or 254 of the *Criminal Code* (Canada), or

(ii) once contravened section 253 of the *Criminal Code* (Canada) and once contravened section 254 of the *Criminal Code* (Canada),

anywhere in or out of Canada, unless those 2 offences arose out of the same incident,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(4) If a person is found guilty of 2 or more offences under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 or 254 of the *Criminal Code* (Canada) anywhere in or out of Canada and the offences arose out of the same incident,

(a) the findings of guilt for those offences shall, for the purposes of subsections (2)(b) and (3)(b), be considered to constitute only one finding of guilt, which shall be considered to have occurred on the day of the earliest finding of guilt respecting those offences, and

(b) for the purposes of subsection (1), the period of disqualification shall be one year and shall run from the day of the earliest finding of guilt respecting those offences.

(5) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that a person contravened

(a) section 234 or 236 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 4, 1985 is deemed to be a finding of guilt under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that the person contravened section 237 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after December 3, 1985, and

(b) section 234.1 or 235 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 4, 1985 is deemed to be a finding of guilt under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that the person contravened section 238 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after December 3, 1985.

(6) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that a person contravened

(a) section 237 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 12, 1988 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) and the *National Defence Act* (Canada) read immediately after December 11, 1988, and

(b) section 238 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 12, 1988 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) and the *National Defence Act* (Canada) read immediately after December 11, 1988.

(7) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to November 1, 1989 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after October 31, 1989.

(8) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 249(1), 249.1(1) or 252(1) of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(9) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 249(3) or (4), 249.1(3), 252(1.2) or (1.3) of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(10) When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) committed by means of a motor vehicle by reason that the person contravened section 220, 221 or 236 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(11) If a person is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 259(4) of the *Criminal Code* (Canada),

(a) that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months, and

(b) if that person is under suspension or under a prohibition at the time of the finding of guilt, the period of disqualification shall run consecutively with that suspension or prohibition.

RSA 2000 cT-6 s85;2001 c14 s10

Suspension of operator's licence

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), (p.1), (p.2), (q), (r) or (t);

(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.

(2) If

(a) a person who is not the holder of an operator's licence is found guilty of contravening a provision referred to in subsection (1), and

(b) authority to disqualify that person from holding an operator's licence is not otherwise provided for under this Act,

a court may, subject to subsection (3), disqualify that person from holding an operator's licence for a period not exceeding 3 months.

(3) Subsections (1) and (2) do not apply in respect of an offence if the finding of guilt for the offence resulted from proceedings that were commenced under Part 3 of the *Provincial Offences Procedure Act*.

RSA 2000 cT-6 s86;2001 c14 s11; 2005 c34 s19; 2005 c42 s4

Licence disqualification

87(1) When a person is found guilty under subsection 249(1) or 249.1(1), 249.4(1) or 252(1) of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(2) When a person is found guilty under subsection 249(3) or (4) or 249.1(3), section 249.2 or 249.3 or subsection 249.4(3) or (4), 252(1.2) or (1.3) or 255(2), (2.1), (2.2), (3), (3.1) or (3.2) of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(3) When a person is found guilty under section 220, 221 or 236 of the *Criminal Code* (Canada) of an offence anywhere in Canada committed by means of a motor vehicle, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

RSA 2000 cT-6 s87;2001 c14 s12;2013 c19 s2(11);2016 c14 s5

Peace officer definition

87.1 In sections 88, 88.1 and 90, "peace officer" means

(a) a police officer as defined in section 1 of the *Police Act*;

(b) a person appointed under the *Peace Officer Act* as a peace officer for the purposes of sections 88, 88.1 and 90 of this Act who

(i) has been authorized under section 7(2)(e) of the *Peace Officer Act* to use the title of sheriff,

(ii) has satisfied any applicable terms and conditions under the *Peace Officer Act*, and

(iii) has been designated by the Minister of Justice and Solicitor General as qualified to enforce sections 88, 88.1 and 90 of this Act.

2011 c22 s11;2013 c10 s31

Immediate roadside sanctions

88(1) In this section,

(a) "approved instrument" means a device that is designed to receive and make an analysis of a sample of the breath of a person in order to measure the concentration of alcohol in that person's blood and that is

(i) an approved instrument within the meaning of section 254 of the *Criminal Code* (Canada), or

(ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

(b) "approved screening device" means a device that is designed to ascertain the presence of alcohol in a person's blood and that is

(i) an approved screening device within the meaning of section 254 of the *Criminal Code* (Canada), or

(ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

(c) "notice of disqualification" means a notice of disqualification served under subsection (2);

(d) "notice of suspension" means a notice of suspension served under subsection (2).

(2) Where

(a) a peace officer has reasonable grounds to believe that a person drove a motor vehicle, and

(b) in relation to that person driving that motor vehicle, the peace officer has reasonable grounds by means of analysis of a sample of breath using an approved screening device or approved instrument to believe that the person has consumed alcohol in such a quantity that the concentration of alcohol in that person's blood is equal to or exceeds 50 milligrams of alcohol in 100 millilitres of blood,

the peace officer shall, on behalf of the Registrar,

(c) in the case of a person who holds an operator's licence,

(i) require that person to surrender to the peace officer that person's operator's licence, and

(ii) serve on that person a notice of suspension of that person's operator's licence;

(d) in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification

(i) disqualifying that person from operating a motor vehicle in Alberta, and

(ii) disqualifying that person from applying for or holding an operator's licence;

(e) in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.

(3) Where

(a) a person's operator's licence is surrendered under subsection (2)(c), that person's operator's licence is immediately suspended and that person is immediately disqualified from driving a motor vehicle in Alberta for a period of

(i) 3 days, in the case of a first suspension or disqualification,

(ii) 15 days, in the case of a 2nd suspension or disqualification, and

(iii) 30 days, in the case of a subsequent suspension or disqualification;

(b) a notice of disqualification is served on a person under subsection (2)(d), that person is immediately disqualified from driving a motor vehicle in Alberta for a period of

(i) 3 days, in the case of a first disqualification,

(ii) 15 days, in the case of a 2nd disqualification, and

(iii) 30 days, in the case of a subsequent disqualification;

(c) a notice of disqualification is served on a person under subsection (2)(e), that person is immediately disqualified from driving a motor vehicle in Alberta for a period of

(i) 3 days, in the case of a first disqualification,

(ii) 15 days, in the case of a 2nd disqualification, and

(iii) 30 days, in the case of a subsequent disqualification.

(4) For the purposes of subsection (3), a suspension or disqualification is

(a) a first suspension or disqualification if a person has not been subject to a previous suspension or disqualification under that subsection within the 10-year period preceding the suspension or disqualification,

(b) a 2nd suspension or disqualification if a person has been subject to one previous suspension or disqualification under that subsection within the 10-year period preceding the suspension or disqualification, and

(c) a subsequent suspension or disqualification if a person has been subject to 2 or more previous suspensions or disqualifications under that subsection within the 10-year period preceding the suspension or disqualification.

(5) On a 2nd or subsequent suspension or disqualification under subsection (3), a person

(a) is required to complete a mandatory educational program required by the Registrar,

(b) is subject to terms and conditions set by the Registrar on that person's operator's licence,

(c) is subject to a review by the Board at the Registrar's discretion after the 2nd suspension or disqualification, and

(d) is subject to a mandatory review by the Board after the 3rd or any subsequent suspension or disqualification.

(6) Notwithstanding subsection (3), where the person voluntarily

(a) attends forthwith at a place designated by the peace officer and accompanies the peace officer to that place, if necessary, and undergoes a test using an approved instrument, or

(b) forthwith provides a 2nd breath sample into an approved screening device that is different from the device used for the test under subsection (2)(a),

the purpose of which is to show the proportion of alcohol in the person's blood, and the result of that test indicates that the proportion of alcohol in the person's blood is not equal to nor exceeds 50 milligrams of alcohol in 100 millilitres of blood, the peace officer shall forthwith return the operator's licence, if any, to the person and the disqualification from driving is terminated.

(7) Notwithstanding that a person refuses or fails

(a) to accept from a peace officer service of a notice of suspension or a notice of disqualification, that notice is deemed to have been served at the time that the peace officer attempted to serve that notice on that person;

(b) to surrender an operator's licence, that refusal or failure does not prevent the suspension or disqualification from taking effect;

(c) to accept service of a notice of suspension or a notice of disqualification, that refusal or failure does not prevent the suspension or disqualification from taking effect.

(8) With respect to a driver of a motor vehicle, this section does not apply to a case arising out of the circumstances described in subsection (2)

(a) when a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code* (Canada), committed any offence

(i) involving the actual driving of a motor vehicle by the driver, and

(ii) involving

(A) the condition of the driver or the amount of alcohol in the driver's blood, as the case may be, resulting from the consumption by the driver of alcohol,

(B) the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance,

(C) the condition of the driver resulting from the introduction by the driver into the driver's body of a combination of alcohol and a drug, or

(D) the driver, with respect to the driving of a motor vehicle, having failed or refused, without a reasonable excuse, to comply with a demand made on that driver under section 254 of the *Criminal Code* (Canada),

or

(b) where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88.1.

RSA 2000 cT-6 s88;2001 c14 s13;2008 c40 s3;
2011 c22 s12;2013 c19 s2(13)

Alcohol-related administrative licence suspension

88.1(1) In this section,

(a) "notice of disqualification" means a notice of disqualification served under subsection (2);

(b) "notice of suspension" means a notice of suspension served under subsection (2).

(2) Where

(a) a peace officer has charged a person with an offence under section 253, subsection 254(5) or section 255 of the *Criminal Code* (Canada),

the peace officer shall, on behalf of the Registrar,

(b) in the case of a person who holds an operator's licence,

(i) require that person to surrender to the peace officer that person's operator's licence, and

(ii) serve on that person a notice of suspension of that person's operator's licence;

(c) in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification

(i) disqualifying that person from operating a motor vehicle in Alberta, and

(ii) disqualifying that person from applying for or holding an operator's licence;

(d) in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.

(3) Where

(a) a person's operator's licence is surrendered under subsection (2)(b), that person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the disposition of the criminal charge referred to in subsection (2)(a);

(b) a notice of suspension is served on a person under subsection (2)(b), the suspension, with respect to the surrendered operator's licence, takes effect immediately

and remains in effect until the disposition of the criminal charge referred to in subsection (2)(a);

(c) a notice of disqualification is served on a person under subsection (2)(c), that person is immediately disqualified from driving a motor vehicle in Alberta, and the disqualification remains in effect until the disposition of the criminal charge referred to in subsection (2)(a);

(d) a notice of disqualification is served on a person under subsection (2)(d), the disqualification takes effect immediately on the service of the notice and remains in effect until the disposition of the criminal charge referred to in subsection (2)(a).

(4) Notwithstanding that a person refuses or fails

(a) to accept from a peace officer service of a notice of suspension or a notice of disqualification, that notice is deemed to have been served at the time that the peace officer attempted to serve that notice on that person;

(b) to surrender an operator's licence, that refusal or failure does not prevent the suspension or disqualification from taking effect;

(c) to accept service of a notice of suspension or a notice of disqualification, that refusal or failure does not prevent the suspension or disqualification from taking effect.

2011 c22 s12

Mandatory use of alcohol-sensing device when driving

88.2(1) Where a person has been disqualified arising out of the person being found guilty under section 253, 254 or 255 of the *Criminal Code* (Canada), on the expiration of the disqualification imposed by a court, the person may apply to the Registrar to set aside the operation of a disqualification imposed under this Act.

(2) The Registrar may set aside the operation of a disqualification imposed under this Act only on the condition that the person who is subject to the disqualification

(a) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device satisfactory to the Registrar, and

(b) complies with any terms or conditions imposed by the Registrar.

(3) Notwithstanding section 92, where a person has been disqualified arising out of the person being found guilty under

section 253, 254 or 255 of the *Criminal Code* (Canada), on the expiration of the disqualification imposed under this Act, the person may apply to the Registrar for the reinstatement or issuance of an operator's licence to the person who was subject to the disqualification.

(4) The Registrar may reinstate or issue an operator's licence only on the condition that the person, in addition to complying with the other requirements imposed under this Act,

(a) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Registrar, and

(b) complies with any terms or conditions imposed by the Registrar.

(5) The term during which the person must not operate a motor vehicle without an alcohol-sensing device as described in subsections (2) and (4) is

(a) for convictions under section 253 or 254 of the *Criminal Code* (Canada),

(i) one year for a first conviction;

(ii) 3 years for a 2nd conviction within 10 years;

(iii) 5 years for a 3rd or subsequent conviction within 10 years;

(b) for convictions under section 255 of the *Criminal Code* (Canada), up to 5 years, as determined by the Registrar.

(5.1) A conviction under section 255 of the *Criminal Code* (Canada) is deemed to be a conviction in determining whether a conviction is a 2nd, 3rd or subsequent conviction for the purposes of subsection (5)(a).

(6) Notwithstanding subsection (5), the Registrar may

(a) repealed 2016 c14 s6,

(b) order the extension of the requirement for the use of an alcohol-sensing device beyond the periods stated in subsection (5) until such time as, in the opinion of the Registrar, the person no longer poses a significant risk to public safety, or

(c) consider and grant or refuse applications for exemption from subsection (5) where it is not feasible for the disqualified person to comply with the requirement for the

use of an alcohol-sensing device as prescribed in this section.

(7) On an application referred to in subsection (6)(c), the Registrar may set aside the requirement for the use of an alcohol-sensing device, and instead impose a further period of disqualification or another term or condition that will, in the opinion of the Registrar, ensure public safety.

(8) Any requirement for the use of an alcohol-sensing device that has been prescribed as a condition of operating a vehicle under this Act is cancelled on a suspension or disqualification under section 88.1.

2011 c22 s12;2016 c14 s6

Review of drivers from other jurisdictions

88.3(1) Subject to section 51(r), where a person who is licensed in or has applied to be licensed to operate a motor vehicle in a jurisdiction outside Alberta and who

(a) has had that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta suspended or cancelled,

(b) has had that person's privilege to apply for or hold a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta disqualified, suspended or cancelled, or

(c) has had that person's driving privileges made subject to compliance with conditions imposed by the jurisdiction that issued the person's current and subsisting licence, if any,

becomes a resident of Alberta for the purposes of this Act, the person may apply to the Registrar to voluntarily comply with any conditions imposed on the person's current licence or other conditions as imposed by the Registrar in order to obtain an operator's licence.

(2) The Registrar may consider the person's application and may declare that the person is eligible to obtain an operator's licence, subject to any terms and conditions the Registrar may impose, or may refuse the application.

2011 c22 s12

24-hour disqualification re alcohol or drug, etc.

89(1) If a peace officer reasonably suspects that the driver of a motor vehicle

(a) has a medical or physical condition that affects, or

(b) has consumed alcohol or otherwise introduced into the driver's body any alcohol, drug or other substance in such a quantity so as to affect

the driver's physical or mental ability, the peace officer may

(c) in the case of a person who holds an operator's licence,

(i) require that person to surrender to the peace officer that person's operator's licence, and

(ii) serve on that person a notice of suspension of that person's operator's licence;

(d) in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification

(i) disqualifying that person from operating a motor vehicle in Alberta, and

(ii) disqualifying that person from applying for or holding an operator's licence;

(e) in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.

(2) Where

(a) a person's operator's licence is surrendered under subsection (1)(c), that person is immediately disqualified from driving a motor vehicle in Alberta;

(b) a notice of suspension is served on a person under subsection (1)(c), the suspension, with respect to the surrendered operator's licence, takes effect immediately;

(c) a notice of disqualification is served on a person under subsection (1)(d), that person is immediately disqualified from driving a motor vehicle in Alberta;

(d) a notice of disqualification is served on a person under subsection (1)(e), that person is immediately disqualified from driving a motor vehicle in Alberta.

(3) The refusal or other failure of a driver to surrender an operator's licence under subsection (1)(c) does not prevent the suspension or disqualification from driving from taking effect.

(4) A suspension or disqualification from driving arising pursuant to this section terminates at the end of 24 hours from the time that the suspension or disqualification takes effect.

(5) With respect to a driver of a motor vehicle, this section does not apply to a case arising out of the circumstances described in subsection (1)

(a) when a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code* (Canada), committed any offence

(i) involving the actual driving of a motor vehicle by the driver, and

(ii) involving

(A) the condition of the driver or the amount of alcohol in the driver's blood, as the case may be, resulting from the consumption by the driver of alcohol,

(B) the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance,

(C) the condition of the driver resulting from the introduction by the driver into the driver's body of a combination of alcohol and a drug, or

(D) the driver, with respect to the driving of a motor vehicle, having failed or refused, without a reasonable excuse, to comply with a demand made on that person under section 254 of the *Criminal Code* (Canada),

or

(b) where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88 or 88.1.

RSA 2000 cT-6 s90;2001 c14 s15;2011 c22 s13

30-day suspension re novice driver

90(1) In this section,

(a) "approved instrument" means a device that is designed to receive and make an analysis of a sample of the breath of a person in order to measure the concentration of alcohol in that person's blood and that is

(i) an approved instrument within the meaning of section 254 of the *Criminal Code* (Canada), or

(ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

(a.1) "approved screening device" means a device that is designed to ascertain the presence of alcohol in a person's blood and that is

(i) an approved screening device within the meaning of section 254 of the *Criminal Code* (Canada), or

(ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

(b) "notice of suspension" means a notice of suspension referred to in subsection (4);

(c) "novice driver" means a person who holds a novice operator's licence;

(d) "novice operator's licence" means an operator's licence classified as a learner's operator's licence or a probationary operator's licence.

(e), (f) repealed 2011 c22 s14.

(2) If a peace officer reasonably suspects that the driver of a motor vehicle who is a novice driver, having consumed alcohol, drove the motor vehicle, the peace officer may require that the novice driver forthwith provide a breath sample into an approved screening device or approved instrument.

(3) On being required to provide a breath sample under subsection (2), the novice driver must provide a breath sample forthwith.

(4) Where a person who is a novice driver provides a breath sample under subsection (3) and the breath sample registers a result on the approved screening device or approved instrument that indicates the presence of alcohol in that person's blood, the peace officer shall, on behalf of the Registrar, require that person to surrender to the peace officer that person's novice operator's licence and serve on that person a notice of suspension of that person's novice operator's licence.

(5) Where a person's novice operator's licence is surrendered under subsection (4), that person's novice operator's licence is immediately suspended and that person is immediately disqualified from driving a motor vehicle in Alberta, and the suspension and disqualification remain in effect for a period of 30 days.

(6) Repealed 2011 c22 s14.

(7) A suspension that comes into effect under subsection (5) is in effect, unless otherwise directed by the Board pursuant to an appeal under section 39.1, until the end of the 30-day period that commences on the day that the suspension takes effect.

(7.1) Notwithstanding subsection (5), if the novice driver voluntarily

(a) attends forthwith at a place designated by the peace officer and accompanies the peace officer to that place, if necessary, and undergoes a test using an approved instrument, or

(b) forthwith provides a 2nd breath sample on an approved screening device that is different from the device used for the test under subsection (2),

and the result of that test indicates that there was no alcohol in the novice driver's blood, the peace officer shall forthwith return the novice operator's licence, if any, to the novice driver and the disqualification from driving is terminated.

(8) Notwithstanding that a person refuses or fails

(a) to accept from a peace officer service of a notice of suspension, that notice is deemed to have been served at the time that the peace officer attempted to serve that notice on that person;

(b) to surrender a novice operator's licence, that refusal or failure does not prevent the suspension from taking effect;

(c) to accept service of a notice of suspension, that refusal or failure does not prevent the suspension or disqualification from taking effect.

(9) With respect to a driver of a vehicle, this section does not apply to a case arising out of the circumstances described in subsection (2)

(a) when a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code* (Canada), committed any offence

(i) involving the actual driving of a motor vehicle by the driver, and

(ii) involving

(A) the condition of the driver or the amount of alcohol in the driver's blood, as the case may be, resulting from the consumption by the driver of alcohol,

(B) the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance, or

(C) the condition of the driver resulting from the introduction by the driver into the driver's body of a combination of alcohol and a drug,

or

(b) where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88 or 88.1.

RSA 2000 cT-6 s90;2001 c14 s15;2011 c22 s14;
2013 c19 s2(14);2016 c14 s7

Disqualification, etc. by Registrar

91(1) The Registrar may disqualify a person from driving a motor vehicle in Alberta or cancel or suspend the certificate of registration issued for a person's motor vehicle, or both disqualify a person from driving a motor vehicle and cancel or suspend the certificate of registration issued for the person's motor vehicle,

(a) if that person contravenes this Act or the *Fuel Tax Act*;

(b) if the Registrar is not satisfied as to the competency of that person;

(c) if the Registrar is satisfied that the person is not qualified or does not have the ability to operate a motor vehicle;

(d) for any other reason appearing to the Registrar to be sufficient.

(2) If a person who is not a resident of Alberta is found guilty of contravening section 65, 68, 69, 71 or 76, the regulations governing accident reports, Division 2 of Part 5, section 166, 176 or 188 or the regulations governing the destruction of non-repairable vehicles, the Registrar

(a) may disqualify that person from driving a motor vehicle in Alberta until the fine or penalty imposed has been satisfied, and

(b) may notify the proper authorities of the jurisdiction where the person resides of the finding of guilt and of the non-satisfaction of the fine or penalty imposed.

(3) The Registrar shall not under subsection (1) disqualify a person from driving a motor vehicle or cancel or suspend a certificate of registration issued for a motor vehicle without giving that person at least 15 days' written notice of the disqualification, cancellation or suspension and giving that person an opportunity to make representations in respect of the matter.

(4) Notwithstanding that a 15-day notice period is prescribed in subsection (3), if the Registrar is of the opinion that the safety of a person referred to in subsection (1) or the public is in jeopardy with respect to the operation of a motor vehicle, the Registrar may take action under subsection (1) effective at the time of giving the notice to the person in respect of whom the action is being taken.

(5) Where the Registrar disqualifies a person from driving a motor vehicle under this section, the Registrar may prescribe any terms or conditions in respect of that disqualification that the Registrar considers appropriate in the circumstances.

1999 cT-6.4 s91

Removal of requirements disqualification

92(1) If under this Act or by an order or judgment made under this or any other Act a person is disqualified from driving a motor vehicle in Alberta, or the person's licence was suspended or cancelled, the disqualification, suspension or cancellation remains in effect notwithstanding that the period of disqualification, suspension or cancellation has expired until the Registrar removes the disqualification, suspension or cancellation.

(2) For the purpose of satisfying the Registrar as to a person's competency to drive a motor vehicle without endangering the safety of the general public, the Registrar may as a condition of removing the disqualification, suspension or cancellation referred to in subsection (1) require that person to do one or more of the following at any time before or after the removal of the disqualification, suspension or cancellation:

(a) attend interviews conducted by or on behalf of the Registrar;

(b) take and successfully complete training, educational or rehabilitation programs or courses as required by the Registrar;

(c) provide to the Registrar medical and other reports prepared by physicians and other health care providers;

(d) take and successfully complete any examinations or other tests as may be required by the Registrar;

(e) successfully complete a drug and alcohol testing program that includes specimen collection and laboratory processing as required by the Registrar.

RSA 2000 cT-6 s92;2003 c42 s15;2011 c22 s15

Exceptions, etc.

93(1) Notwithstanding that a person is disqualified from driving a motor vehicle in Alberta, that person may, subject to subsection (2), operate implements of husbandry or industrial equipment that is

(a) designed primarily for agricultural use, construction, maintenance, land clearing, ditching or other related tasks, and

(b) not required to be licensed under this Act,

unless that person is disqualified under the *Criminal Code* (Canada) from operating a motor vehicle.

(2) If, for medical reasons, a person is disqualified from driving a motor vehicle under this Act, the Registrar may also disqualify that person from driving implements of husbandry or industrial equipment of the kind referred to in subsection (1).

(3) Notwithstanding that a person is disqualified from driving a motor vehicle in Alberta, a person may operate a vehicle, on any terms or conditions the Registrar may prescribe, while engaged in any course of remedial education or treatment under section 31.

1999 cT-6.4 s93

Prohibition re driving while unauthorized

94(1) For the purposes of this section, a person is an unauthorized driver if

(a) that person's operator's licence is suspended or cancelled under this Act,

(b) that person is disqualified from driving a motor vehicle in Alberta,

(c) that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled, or

(d) that person's privilege to secure a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled.

(2) A person shall not drive a motor vehicle on a highway at any time during which that person is an unauthorized driver.

RSA 2000 cT-6 s94;2003 c42 s15

Punishment re driving while disqualified

95(1) A person who is guilty of contravening section 94 is liable

(a) for a first offence to a fine of not more than $2000 and in default of payment to a term of imprisonment of not less than 14 days nor more than 6 months, and

(b) for each subsequent offence committed within one year after the commission of the offence referred to in clause (a), to imprisonment for a term of not less than 14 days nor more than 6 months.

(2) Subject to section 98, a person who is guilty of contravening section 94 is disqualified from driving a motor vehicle in Alberta for a period of 6 months from the day of the finding of guilt.

1999 cT-6.4 s95

Suspension continues after licence expires

96(1) If a person's operator's licence is suspended or cancelled under this Act, the suspension or cancellation continues in effect notwithstanding the expiration of the licence during the period of the suspension or cancellation.

(2) If a person's operator's licence is suspended or cancelled under this Act, the suspension or cancellation operates to suspend or cancel any operator's licence held by that person during the period of suspension or cancellation, whether or not so stated in the suspension or cancellation.

1999 cT-6.4 s96

Extended period of disqualification

97 Notwithstanding anything in this Act, where

(a) a person is found guilty of an offence under

(i) the *Criminal Code* (Canada) anywhere in Canada, or

(ii) the *National Defence Act* (Canada) anywhere in or out of Canada,

(b) in respect of the conviction referred to in clause (a), that person is prohibited from operating a motor vehicle, and

(c) the period of prohibition is for a period of time that is greater than the period of disqualification from driving provided for under this Act,

that person is, on the coming into effect of the prohibition, disqualified from driving a motor vehicle in Alberta during the period that the prohibition is in effect.

1999 cT-6.4 s97

Disqualifications to run consecutively

98(1) Where

(a) a person is disqualified from driving a motor vehicle in Alberta, and

(b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta under section 94 or anywhere in Canada under section 259 of the *Criminal Code* (Canada),

that 2nd mentioned disqualification referred to in clause (b) shall run consecutively to any previous disqualification that is still in effect or waiting to go into effect, as the case may be.

(2) Where

(a) a person is disqualified from driving a motor vehicle in Alberta under section 88, 89 or 90, and

(b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta under any other provision of this Act except section 88.1,

the 2nd mentioned disqualification shall run consecutively to any previous disqualification that is still in effect or waiting to take effect, as the case may be.

(3) Where

(a) a person is disqualified from driving a motor vehicle under any other provision of this Act except section 88.1, and

(b) during the period of disqualification referred to in subsection (2)(a), that person is disqualified from driving a motor vehicle in Alberta under section 88, 89 or 90,

the 2nd mentioned disqualification shall run consecutively to any previous disqualification that is still in effect or waiting to take effect, as the case may be.

RSA 2000 cT-6 s98;2011 c22 s16

Setting aside suspension, etc. re demerit points

99 Where a person's operator's licence is, by reason of the accumulation of demerit points, suspended or cancelled, the Registrar may, on the application by that person, review the matter and if the Registrar considers it appropriate set aside the operation of the suspension or cancellation and reinstate that person's

operator's licence subject to any terms or conditions imposed by the Registrar.

1999 cT-6.4 s99

Regulations

100 The Minister may make regulations

(a) governing the information and the form of information to be provided to the Registrar by peace officers with respect to the suspensions or the disqualifications referred to in sections 88, 88.1, 89 and 90;

(b) governing the handling of operator's licences and other documents surrendered under sections 88, 88.1, 89 and 90;

(c) prescribing and governing the use of forms to be used for the purposes of sections 88, 88.1, 88.2, 89 and 90;

(d) designating

(i) any of the Rules of the Road and any other regulations under this Act, and

(ii) the regulations under the *National Parks Act* (Canada)

to which section 86 applies.

RSA 2000 cT-6 s100;2011 c22 s17

Division 2
Disqualifications Arising from Judgments

Saving of rights

101 Nothing in this Part restricts, limits or derogates from any remedy that a person may have by any statute or at law.

1999 cT-6.4 s101

Failure to satisfy judgment

102(1) If

(a) a judgment for damages arising out of a motor vehicle accident is rendered against a person by a court in Alberta or in any other province or territory in Canada, and

(b) that person fails, within 15 days from the day on which the judgment becomes final, to satisfy the judgment,

the Registrar, subject to sections 103 and 104 and the regulations, may do one or both of the following:

(c) disqualify the person from driving a motor vehicle in Alberta;

(d) suspend the registration of any motor vehicle registered in that person's name.

(2) When, under subsection (1), a person is disqualified from driving a motor vehicle in Alberta or the certificate of registration of that person's motor vehicle is suspended,

(a) the disqualification or the suspension, as the case may be, remains in effect and shall not be removed, and

(b) no motor vehicle shall be registered in that person's name,

until the judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of

(c) at least $35 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring before January 1, 1974,

(d) at least $50 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after January 1, 1974 but before July 1, 1978,

(e) at least $100 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after July 1, 1978 but before January 1, 1986, or

(f) at least $200 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after January 1, 1986.

(3) The Registrar, on being satisfied that

(a) a state of the United States of America has enacted legislation similar in effect to subsection (1), and

(b) the legislation extends and applies to judgments that are rendered by any court of competent jurisdiction in Alberta and have become final against residents of that state,

may, by order, extend and apply the provisions of subsections (1) and (2) to judgments that are rendered by any court of competent jurisdiction in that state and have become final against residents of Alberta.

(4) If, after a person has complied with subsection (2), another judgment against the same person for a motor vehicle accident that occurred before subsection (2) was complied with is reported to the Registrar,

(a) that person is disqualified from driving a motor vehicle in Alberta, and

(b) the registration of that person's motor vehicle is suspended,

until the judgment is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent of the appropriate amount set out in subsection (2).

(5) If any person to whom subsection (1) applies is not resident in Alberta,

(a) that person is disqualified from driving a motor vehicle in Alberta, and

(b) the privilege of driving in Alberta any motor vehicle registered in that person's name is suspended,

by virtue of the judgment until that person has complied with this section.

(6) If a person has been disqualified from driving a motor vehicle in Alberta or the certificate of registration of that person's motor vehicle has been suspended as a result of a judgment obtained against a person who was not driving the vehicle involved in the accident, the Registrar may remove the disqualification or reinstate the certificate of registration, or both.

1999 cT-6.4 s102

Payment of judgment by instalments

103(1) A judgment debtor to whom this Part applies may on notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments.

(2) If the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* has made a payment with respect to a judgment pursuant to the *Motor Vehicle Accident Claims Act*, the judgment debtor

(a) may apply to the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* for the privilege of paying the judgment in instalments, in which case that Minister may cause an agreement to be entered into with the debtor for payment by instalments, or

(b) may apply to the court pursuant to subsection (1) for the privilege of paying the judgment to the Minister

responsible for the administration of the *Motor Vehicle Accident Claims Act* in instalments, in which case the debtor must give notice of the application to the Administrator of the *Motor Vehicle Accident Claims Act*, who may appear personally or by counsel and be heard on the application.

(3) Except in a case to which subsection (2) applies, a judgment debtor and the judgment creditor may enter into an agreement for the payment of the judgment in instalments.

(4) While the judgment debtor is not in default in payment of the instalments, the judgment debtor is deemed not to be in default for the purposes of this Part in payment of the judgment, and the Minister in the Minister's absolute discretion may restore the operator's licence and the certificate of registration of the judgment debtor.

(5) Notwithstanding subsection (4), if the Minister is satisfied that the judgment debtor has defaulted with respect to complying with the terms of the court order or of the agreement, the judgment debtor's operator's licence and registration shall again be suspended and remain suspended as provided in section 102.

RSA 2000 cT-6 s103;2006 c23 s78

Application for relief

104(1) If a person becomes eligible to be disqualified from driving a motor vehicle in Alberta or to have the registration of that person's motor vehicle suspended on account of a final judgment being rendered against that person outside Alberta for damages arising out of a motor vehicle accident, that person may make an application for relief to the Court of Queen's Bench.

(2) On hearing an application made under subsection (1), the Court of Queen's Bench may,

(a) if

(i) the applicant has not then been disqualified from driving a motor vehicle in Alberta or the registration of the applicant's motor vehicle has not then been suspended, and

(ii) the circumstances so warrant,

direct that the operation of section 102(1) be suspended in respect of the disqualification from driving or the suspension of registration, or both, on such terms and conditions as the Court considers appropriate, or

(b) if

(i) the applicant has been disqualified from driving a motor vehicle in Alberta or the registration of the applicant's motor vehicle has been suspended by the Registrar, and

(ii) the circumstances so warrant,

direct that the Registrar remove the disqualification or suspension, or both, on such terms and conditions as the Court considers appropriate.

RSA 2000 cT-6 s104;2009 c53 s179

Regulations

105 The Minister may make regulations

(a) governing, subject to section 103, any matter with respect to the imposing of sanctions where a person fails to satisfy a judgment arising out of an accident involving a vehicle;

(b) respecting the disqualification of persons from driving a motor vehicle and the suspension of registration of motor vehicles arising out of the failure to satisfy judgments referred to in section 102.

1999 cT-6.4 s105

Part 5
General Operation of Vehicles

Division 1
Speed Limits and Traffic Control Devices

Standard speed limits

106 Subject to a speed limit that is prescribed under section 108 for a highway,

(a) 100 kilometres per hour is the maximum speed limit for a provincial highway under the *Highways Development and Protection Act* that is located outside an urban area;

(b) 80 kilometres per hour is the maximum speed limit for

(i) a highway that is subject to the direction, control and management of

(A) the council of a municipal district or Metis settlement, or

(B) the Minister responsible for the *Special Areas Act*, in the case of a special area;

(ii) a provincial highway under the *Highways Development and Protection Act* that is located within a city;

(iii) a highway that is located on an Indian reserve where the title to the highway is vested in the Crown in right of Alberta;

(iv) a forestry road;

(v) a licence of occupation road;

(vi) a highway located within an improvement district;

(vii) a highway that is subject to the direction, control and management of the Minister responsible for the *Provincial Parks Act*;

(c) subject to clause (b)(ii), 50 kilometres per hour is the maximum speed limit for a highway located within an urban area.

RSA 2000 cT-6 s106;2002 c30 s30;2004 cH-8.5 s76

Standard speed limit re school or playground zone

107(1) In this section, "school zone" and "playground zone" mean that portion of a highway identified as a school zone or a playground zone by a traffic control device in the manner prescribed by regulations.

(2) Subject to a speed limit that is prescribed under section 108(1)(h) for a highway,

(a) 30 kilometres per hour is the maximum speed limit within a school zone, other than a school zone referred to in clause (c), during the periods of time and the days provided for or otherwise specified in the regulations;

(b) 30 kilometres per hour is the maximum speed limit within a playground zone, other than a playground zone referred to in clause (c), during the period of time and the days provided for or otherwise specified in the regulations;

(c) within a school zone or a playground zone that is identified by a traffic control device that shows rapid intermittent flashes of yellow light as provided for in the regulations when the traffic control device is activated, 30 kilometres per hour is the maximum speed limit during any period when the traffic control device is showing rapid intermittent flashes of yellow light.

(3) Notwithstanding subsection (2)(a), with respect to a school zone that is located within a municipality the council of the municipality may, for a highway in respect of which it may by bylaw prescribe speed limits and having regard to the hours of opening and closing of the school for which the school zone exists, by bylaw increase or decrease the length of the periods of time referred to in the regulations during which the speed limit is in effect for that school zone.

(4) Where a council enacts a bylaw under subsection (3), the council shall cause traffic control devices to be displayed identifying the hours during which the speed limit for the school zone is in effect.

(5) Notwithstanding subsection (2)(b), with respect to a playground zone that is located within a municipality, the council of the municipality may, for a highway in respect of which it may by bylaw prescribe speed limits, by bylaw increase or decrease the length of the periods of time referred to in the regulations during which the speed limit is in effect for that playground zone.

(6) Where a council enacts a bylaw under subsection (5), the council shall cause traffic control devices to be displayed identifying the periods of time during which the speed limit for the playground zone is in effect.

RSA 2000 cT-6 s107;2013 c19 s2(15)

Other speed limits

108(1) In accordance with the following, a road authority may prescribe speed limits that are different from the speed limits established under section 106 or 107:

(a) in the case of a provincial highway or a portion of a provincial highway under the *Highways Development and Protection Act*, the Minister may prescribe a maximum speed limit that is different from the relevant maximum speed limit prescribed in section 106;

(b) in the case of a highway or any portion of a highway under the direction, control and management of a council of a municipal district or Metis settlement, the council may prescribe a maximum speed limit that is higher or lower than 80 kilometres per hour;

(c) in the case of a highway or any portion of a highway under the direction, control and management of a council of an urban area, the council may prescribe a maximum speed limit that is higher or lower than 50 kilometres per hour;

(d) in the case of a highway referred to in section 106(b) that is not a provincial highway under the *Highways Development and Protection Act*, a road authority may prescribe a maximum speed limit that is not higher than 100 kilometres per hour;

(e) in the case of a highway in respect of which a road authority may prescribe speed limits and for which a speed limit is prescribed under this section or section 106, the road authority may for all or any portion of that highway prescribe a lower maximum speed limit by erecting signs along the highway setting out the lower speed limit;

(f) in the case of a highway in respect of which a road authority may prescribe speed limits, the road authority may prescribe minimum speed limits that are lower than the maximum speed limit prescribed for that highway;

(g) in the case of a highway that

(i) is under construction or repair, or

(ii) is in a state of disrepair,

a maximum speed limit may, with respect to that portion of the highway that is under construction or repair or in disrepair, be prescribed by

(iii) an engineer under the administration of or providing services on behalf of the Minister if

(A) the highway is one in respect of which the Minister may set speed limits, or

(B) the highway is being constructed or repaired by or on behalf of the Government,

or

(iv) a person authorized by a road authority if, subject to subclause (iii)(B), the highway is one in respect of which the road authority may prescribe speed limits,

by erecting signs along the highway setting out the maximum speed limit;

(h) in the case of a school zone or playground zone located on a highway in respect of which a road authority may prescribe speed limits, the road authority may prescribe a lower maximum speed limit than that prescribed under

section 107, but the speed limit so prescribed shall not be lower than 20 kilometres per hour.

(2) Where a road authority or other person is empowered to prescribe a speed limit, the road authority or other person prescribing the speed limit may make that speed limit applicable to

(a) all vehicles or only to a certain class or classes of vehicles;

(b) daytime;

(c) nighttime;

(d) different periods of the year;

(e) different traffic lanes for the same highway.

(3) When speed limits are prescribed pursuant to this section, the road authority or the engineer or other person prescribing the speed limit shall erect signs along the highway indicating the speed limits so prescribed.

(4) Except where a speed limit may be prescribed by the erecting of signs along a highway,

(a) the Minister, where the Minister is empowered to prescribe a speed limit, may make orders prescribing speed limits, and

(b) a council of a municipality, where it is empowered to prescribe a speed limit, may make bylaws prescribing speed limits.

RSA 2000 cT-6 s108;2003 c42 s15;2004 cH-8.5 s76

Application of speed limits re signs

109 Where

(a) a speed limit is established or prescribed pursuant to

(i) section 106 or 108,

(ii) the *Government Property Traffic Act* (Canada), or

(iii) the *National Parks Act* (Canada),

and

(b) a sign is erected along the highway indicating the speed limit so established or prescribed,

that speed limit applies to all that portion of the highway that lies between the point at which a sign is erected indicating the speed limit and the next point at which a sign is erected indicating a greater or lesser speed limit or indicating that the speed limit has ceased to apply.

1999 cT-6.4 s109

Traffic control devices

110 A road authority may, in respect of a highway over which it has direction, control and management, place, erect or otherwise display traffic control devices at any location on, over or adjacent to the highway for the purposes of controlling and regulating traffic that is

(a) on or entering that highway, or

(b) crossing a railway track at railway crossings located on that highway.

1999 cT-6.4 s110

Division 2
Operation of Vehicles

Observance of Rules of the Road

111 A driver of a vehicle and any other person using a highway shall, insofar as applicable, obey the Rules of the Road, except when otherwise

(a) instructed by any applicable traffic control device, or

(b) directed by a peace officer.

1999 cT-6.4 s111

Rules of the Road

112 The Lieutenant Governor in Council may make regulations entitled, or otherwise referred to as, “Rules of the Road” governing the utilization of highways and the use and operation of vehicles in respect of the following:

(a) where to drive or not to drive a vehicle on

(i) a highway;

(ii) a roadway;

(iii) a traffic lane;

(b) the overtaking of vehicles by other vehicles;

(c) the passing of vehicles by other vehicles;

(d) the crossing of the centre line by a vehicle;

(e) the turning of a vehicle;

(f) the making of U-turns with a vehicle;

(g) the backing up of vehicles;

(h) the yielding of and to vehicles;

(i) the stopping of vehicles;

(j) the parking of vehicles;

(k) the merging of vehicles;

(l) the operation of traffic control signals;

(m) the driving of vehicles pursuant to lights, directions or signals shown or given by a traffic control device;

(n) the use of lamps located on vehicles;

(o) the operation of vehicles in relation to other vehicles that are

(i) emergency vehicles;

(ii) maintenance vehicles;

(iii) school buses;

(p) the speed at which vehicles may be operated;

(q) the operation of slow moving vehicles;

(r) the obligations of drivers with respect to the operation of vehicles;

(s) the actions of persons in relation to the operation or use of vehicles;

(t) the operation of vehicles in relation to other vehicles that are participating in processions and parades;

(u) the walking on and use of highways by pedestrians;

(v) the riding, driving and herding of animals on a highway.

1999 cT-6.4 s112

Operation of vehicles

113(1) The Lieutenant Governor in Council may make regulations

(a) governing the driving and operation of

(i) emergency vehicles;

(ii) maintenance vehicles;

(iii) school buses;

(iv) cycles;

(b) governing the use of vehicles in relation to

(i) peace officers,

(ii) emergency vehicle personnel,

(iii) maintenance vehicle personnel, and

(iv) tow truck personnel

who are carrying out functions, duties or work on or in relation to a highway or vehicles or persons located on or using a highway.

(2) Subject to the regulations made under subsection (1), in the case of a highway or a portion of a highway

(a) that is under the direction, control and management of the Minister, the Minister may make a regulation, or

(b) that is under the direction, control and management of a municipality, the municipality may pass a bylaw,

governing the times during which, the locations at which or the circumstances under which, as the case may be, the alternately flashing lights and stop arm on a school bus may be, shall be or shall not be used while the school bus is operating on that highway or that portion of highway.

1999 cT-6.4 s113

Peace officers

114 The Lieutenant Governor in Council may make regulations providing for and governing the powers of peace officers to give orders and directions to persons concerning the actions of persons or in relation to matters arising under the regulations made under this Division and the consequences as a result of and sanctions that may be imposed on persons not following those orders or directions.

1999 cT-6.4 s114

Prohibited operation of vehicles, etc.

115(1) For the purposes of this section, a driver of a vehicle is driving carelessly if that driver drives the vehicle

(a) without due care and attention, or

(b) without reasonable consideration for persons using the highway.

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

(a) except where otherwise provided for under this Act, drive a vehicle in a manner contrary to the Rules of the Road or regulations governing the operation of vehicles;

(b) drive a vehicle on a highway in a manner that constitutes driving carelessly;

(c) drive a vehicle on a highway in a race unless authorized pursuant to a permit issued under subsection (3);

(d) drive a vehicle on a highway on a bet or wager;

(e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway;

(f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway;

(g) drive a non-repairable vehicle on a highway;

(h) drive a salvage motor vehicle on a highway unless it is being operated for the purposes of conducting a road test under the regulations;

(i) where that person is the driver of a vehicle, permit any person, animal or thing to occupy the front seat of the vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle;

(j) where that person is the driver of a vehicle, permit any person, animal or thing in the vehicle to cause any obstruction to the driver's clear vision in any direction;

(k) ride in a position in a vehicle that interferes with the driver's control over the driving mechanism of the vehicle or that obstructs the driver's clear vision in any direction;

(l) where the person is the driver of a vehicle, exchange places with any other person when the vehicle is in motion;

(m) exchange places with the driver when the vehicle is in motion;

(n) operate an over-dimensional vehicle on a highway other than in accordance with the terms and conditions specified in a permit or under this Act;

(o) repealed 2001 c14 s16;

(p) drive a vehicle on a highway at a speed that is greater than 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);

(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;

(q) drive a vehicle on a highway at a speed that is less than the minimum speed limit established or prescribed for that highway under this Act;

(r) where a maximum 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 greater than the maximum speed limit established or prescribed for that highway for that period of time;

(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;

(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.

(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.

(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.

RSA 2000 cT-6 s115;2001 c14 s16;2005 c34 s21

Cellular telephones, electronic devices, etc.

115.1(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while at the same time

(a) holding, viewing or manipulating a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone communication, electronic data, electronic mail or text messages, or

(b) holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.

(2) An individual may drive or operate a vehicle on a highway while using a cellular telephone or radio communication device in hands-free mode.

(3) Subsection (1)(a) does not apply to

(a) the use of a 2-way radio communication device, only for the purposes set out in the regulation, by an individual driving or operating an escort, pilot or trail vehicle who is required by regulation under this Act to maintain 2-way radio communication, or the use of a cellular telephone or other communication device by that individual for those purposes when 2-way radio communication is not functional or is unavailable,

(b) the use of a 2-way radio communication device, only for the purpose of maintaining communication with the individual's employer, by an individual driving or operating a vehicle who is required by the individual's employer to maintain 2-way radio communication while the individual is acting within the scope of the individual's employment, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable,

(c) the use of a 2-way radio communication device, only for the purpose of participating in a search, rescue or emergency management situation, by an individual driving or operating a vehicle, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable, or

(d) the use of a cellular telephone or other communication device, only for the purpose of contacting an emergency response unit, by an individual driving or operating a vehicle.

(4) Subsection (1) does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.

(5) Subsection (1) does not apply in respect of a vehicle that

(a) is not on a highway, or

(b) is parked in a manner specified in a regulation under this Act.

2010 c23 s2

Display screen visible to driver prohibited

115.2(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a

highway if the display screen of a television, computer or other device in the vehicle is activated and is visible to the individual.

(2) Subsection (1) does not apply in respect of the display screen of

(a) a global positioning system navigation device while it is being used to obtain navigation information in accordance with section 115.3,

(b) a cellular telephone or radio communication device being used in hands-free mode,

(c) a logistical transportation tracking system device that is used to track vehicle location, driver status or the delivery of packages or other goods for commercial purposes,

(d) a dispatch system used for the transportation of passengers,

(e) a collision avoidance system device while it is being used to provide collision avoidance information, or

(f) an instrument, gauge, device or system that is used to provide information to the individual regarding the status of various systems or the location of the vehicle.

(3) Subsection (1) does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.

2010 c23 s2

Global positioning system

115.3(1) Subject to this section and the regulations made under section 115.5, no individual shall use a global positioning system navigation device for navigation purposes while driving or operating a vehicle on a highway.

(2) An individual may use a global positioning system navigation device while driving or operating a vehicle on a highway if the system

(a) is programmed before the individual begins to drive or operate the vehicle, or

(b) is used in a voice-activated manner.

(3) If a global positioning system navigation device is portable, an individual may use the system while driving or operating a vehicle on a highway if, in addition to the requirements of subsection (2), the system

(a) is not held in the individual's hand, and

(b) is securely affixed to the vehicle in a manner that does not interfere with the safe operation of the vehicle.

2010 c23 s2

Prohibited activities

115.4(1) Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while engaged in an activity that distracts the individual from the operation of the vehicle, including but not limited to

(a) reading or viewing printed material located within the vehicle other than an instrument, gauge, device or system referred to in section 115.2(2)(f),

(b) writing, printing or sketching,

(c) engaging in personal grooming or hygiene, and

(d) any other activity that may be prescribed in the regulations.

(2) Subsection (1) does not apply in respect of a vehicle that

(a) is not on a highway, or

(b) is parked in a manner specified in a regulation made under this Act.

2010 c23 s2

Regulations

115.5 The Minister may make regulations

(a) exempting any individual or class of individuals, vehicles or devices from section 115.1, 115.2, 115.3 or 115.4 and prescribing conditions and circumstances for any such exemption;

(b) prescribing prohibited activities for the purposes of section 115.4;

(c) respecting the manner in which a cellular telephone, radio communication device or electronic device may be used in hands-free mode.

2010 c23 s2

Regulations

116 The Minister may make regulations

(a) governing any matter with respect to

(i) the loading of and the transporting of goods on vehicles,

(ii) the towing of vehicles, and

(iii) the transporting of passengers by vehicles;

(b) governing any matter with respect to

(i) the dimensions of vehicles, including any goods transported on a vehicle;

(ii) the operation of over-dimensional vehicles;

(iii) the operation of vehicles that may be a hazard to users of a highway by reason of a vehicle's unusual or novel size, dimension or shape;

(c) governing any matter respecting the amount of noise, sounds or substances that may be emitted, given off or made by a vehicle;

(d) governing any matter respecting trailers, the towing of trailers and the transporting of goods and persons by trailers;

(e) governing any matter respecting the riding of persons on or in or the carrying of persons by vehicles;

(f) governing any matter respecting the safe use and operation of vehicles;

(g) limiting the operation of vehicles during specific periods of time;

(h) governing any matter respecting the equipping of vehicles with and the use of flashing lights;

(i) designating vehicles as emergency response units and governing any matter respecting the use and operation of those vehicles;

(j) governing any matter respecting traffic control devices;

(k) governing the prescribing and utilization of speed limits referred to in section 108(1)(g);

(l) respecting the requirements for and the use of intersection safety devices;

(m) restricting the use of specified traffic lanes to vehicles carrying a prescribed number of passengers;

(n) restricting the use of specified traffic lanes to specific vehicles or classes of vehicles.

RSA 2000 cT-6 s116;2007 c45 s9;2013 c19 s2(16)

Part 6
Off-highway Vehicles

Definitions

117 In this Part,

(a) "off-highway vehicle" means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,

(i) 4-wheel drive vehicles,

(ii) low pressure tire vehicles,

(iii) motorcycles and related 2-wheel vehicles,

(iv) amphibious machines,

(v) all terrain vehicles,

(vi) miniature motor vehicles,

(vii) snow vehicles,

(viii) minibikes, and

(ix) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

(x) motor boats, or

(xi) any other vehicle exempted from being an off-highway vehicle by regulation;

(b) "vehicle" means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid.

RSA 2000 cT-6 s117;2016 c14 s12

Application of Act

118(1) When a person drives an off-highway vehicle on a highway,

(a) the driving of that vehicle by that person on the highway is, and

(b) the obligations on the person driving the vehicle and any person riding in or on that vehicle while the vehicle is located on the highway are,

except as otherwise provided for under this Act, subject to the other Parts of this Act in the same manner as if the off-highway vehicle were a vehicle as defined in section 1.

(2) When a person drives an off-highway vehicle in a location other than on a highway,

(a) the driving of that vehicle by that person is, and

(b) the obligations on the person driving the vehicle and any person riding in or on that vehicle are,

except as otherwise provided for under this Act, subject to this Part and sections 53(1)(b), 160(1) and (2) and 169(2)(j), (k), (l) and (m).

(3) In sections 18, 64, 70, 71, 81 and 91(1), (3) and (4), any reference to a vehicle includes a reference to an off-highway vehicle.

RSA 2000 cT-6 s118;2001 c14 s17

Registration

119(1) Except as otherwise permitted under this Act, a person shall not do any of the following:

(a) drive or permit another person to drive an off-highway vehicle unless there is a subsisting certificate of registration issued in respect of that vehicle;

(b) drive an off-highway vehicle unless the vehicle is an insured motor vehicle;

(c) where a person is the registered owner of an off-highway vehicle, permit another person to drive the vehicle unless the vehicle is an insured motor vehicle;

(d) unless an off-highway vehicle is an insured motor vehicle,

(i) apply for the registration of the off-highway vehicle, or

(ii) obtain the registration of the off-highway vehicle.

(2) Subsection (1)(a), (b) and (c) do not apply to the driving of an off-highway vehicle while the off-highway vehicle is being driven

(a) on land owned by the person driving the off-highway vehicle, or

(b) on land owned by some other person if that other person has expressly or impliedly consented to the driving of that off-highway vehicle on that land.

(3) If the registration of an off-highway vehicle is suspended under this Act, the off-highway vehicle is still registered for the purposes of subsection (1)(b), (c) and (d).

(4) Where a person is found guilty of a contravention of subsection (1)(b), (c) or (d) or section 124(6), the Registrar may cancel the certificate of registration in respect of every off-highway vehicle owned by the person.

(5) Where the Registrar has cancelled a certificate of registration for a contravention of subsection (1)(b), (c) or (d), the Registrar shall not issue a new certificate of registration for that off-highway vehicle until the owner of the motor vehicle provides to the Registrar proof of financial responsibility.

1999 cT-6.4 s119

Prohibited operation

120(1) For the purposes of this section, a driver of an off-highway vehicle is driving carelessly if that driver drives the off-highway vehicle

(a) without due care and attention, or

(b) without reasonable consideration for other persons or property.

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

(a) drive an off-highway vehicle on any property, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use, in a manner that constitutes driving carelessly;

(b) except as permitted under this Act, drive an off-highway vehicle on any portion of a highway;

(c) permit another person to drive an off-highway vehicle in contravention of this Act.

(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,

(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.

(4) Notwithstanding subsection (2)(b),

(a) in the case of any highway or class of highway under the Minister's direction, control and management,

(i) the Minister may by order authorize persons to drive off-highway vehicles along any portion of that highway, or

(ii) the Minister may issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;

(b) in the case of any highway or class of highway that is under the direction, control and management of a municipality, the council of the municipality may by bylaw authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;

(c) in the case of any highway or class of highway that is under the direction, control and management of a Minister other than the Minister responsible for this Act, that

Minister may by order authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway.

(5) A permit, order or bylaw issued or made under this section may do one or more of the following:

(a) prescribe terms and conditions, or either of them, under which an off-highway vehicle may be operated on a highway;

(b) prescribe the maximum speed limits, not to exceed the maximum speed limits prescribed for vehicles under this Act, that are applicable to an off-highway vehicle;

(c) prescribe the minimum speed limits that are applicable to off-highway vehicles;

(d) prescribe routes to be used by off-highway vehicles.

(6) The *Regulations Act* does not apply to an order made under subsection (4)(a) or (c).

RSA 2000 cT-6 s120;2005 c34 s22

Duty of driver re off-highway vehicle

121(1) Notwithstanding anything in this Act, the driver of an off-highway vehicle shall at all times yield the right of way to all other classes of vehicles.

(2) When an off-highway vehicle is on or approaching a highway, the driver of the off-highway vehicle shall obey all traffic control devices regulating traffic on, approaching or leaving the highway.

1999 cT-6.4 s121

Restriction on municipality

122 Whether an off-highway vehicle is located on or off a highway, the council of a municipality does not, except where this Act or any other Act specifically provides for a contrary effect, have any power to make a bylaw that

(a) forbids, in a manner contrary to or inconsistent with this Act, the operation of off-highway vehicles;

(b) requires from any owner or driver of an off-highway vehicle any tax, fee, licence or permit for the use, possession or operation of an off-highway vehicle;

(c) affects in any way the registration or numbering of off-highway vehicles.

1999 cT-6.4 s122

Stopping for peace officer

123(1) For the purposes of administering and enforcing this Act, a peace officer may

(a) signal or direct a driver of an off-highway vehicle to stop the vehicle, and

(b) request information from the driver of the off-highway vehicle and any passengers on or in the vehicle.

(2) When signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, a driver of an off-highway vehicle shall

(a) forthwith bring the vehicle to a stop,

(b) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and

(c) remain stopped until permitted by the peace officer to leave.

(3) At the request of a peace officer who is readily identifiable as a peace officer, a passenger in or on an off-highway vehicle who is acting in a manner that is contrary to this Act shall forthwith furnish to the peace officer the passenger's name and address.

1999 cT-6.4 s123

Production of documents

124(1) On the request of a peace officer, a person driving an off-highway vehicle 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 if the vehicle is being operated on a highway;

(b) the subsisting certificate of registration issued in respect of that vehicle;

(c) the subsisting financial responsibility card issued in respect of that vehicle.

(2) Subsection (1)(b) and (c) do not apply with respect to the operation of an off-highway vehicle while that vehicle is being operated on land and in the circumstances referred to in section 119(2).

(3) Where a peace officer makes a request under subsection (1)(b) or (c), the peace officer shall allow the person to whom the request

was made reasonable time within which to produce the document issued in respect of the off-highway vehicle.

(4) If a person produces to a peace officer a document under this section that is illegible, mutilated, defaced or altered, the peace officer may request that person to produce to a peace officer within a reasonable time a new document or duplicate of the document issued under this Act.

(5) A person who fails to produce to a peace officer a document as requested under subsection (1) or (4) is guilty of an offence.

(6) A person driving an off-highway vehicle is guilty of an offence if, when requested to produce a financial responsibility card under subsection (1), the person produces

(a) a document that purports to be a financial responsibility card but that was not issued pursuant to the *Insurance Act*, or

(b) a financial responsibility card relating to an insurance policy that is not in force or is otherwise invalid at the time of production.

(7) Subsection (6)(b) does not apply where the person also produces the subsisting financial responsibility card issued in respect of the vehicle.

RSA 2000 cT-6 s124;2016 c14 s8

Onus

125 In a prosecution for an offence,

(a) in the case of a contravention of or failure to comply with section 119(1)(b), (c) or (d), the onus is on the accused to show that, at the time of the offence, the vehicle was an insured motor vehicle, and

(b) in the case of a contravention of or failure to comply with section 124, the onus is on the accused to show that, at the time of the offence, the accused held subsisting insurance at the time that the accused was required to produce a financial responsibility card.

1999 cT-6.4 s125

Duty of driver, etc. re accident

126(1) Where an accident in which an off-highway vehicle is involved occurs off a highway, the driver or other person in charge of any vehicle that was directly or indirectly involved in the accident shall

(a) remain at the scene of the accident, or if the person has left the scene of the accident, immediately return to the scene of the accident unless otherwise directed by a peace officer,

(b) render all reasonable assistance, and

(c) produce in writing to anyone sustaining loss or injury, to any peace officer and to any witness all or such of the following information as is requested:

(i) that person's name and address;

(ii) the name and address of the owner of the vehicle;

(iii) where the vehicle is a registered off-highway vehicle, the licence plate number of the vehicle;

(iv) where the vehicle is an insured off-highway vehicle, a financial responsibility card issued in respect of that vehicle.

(2) The driver of an off-highway vehicle that

(a) is involved in an accident with an unattended vehicle shall stop at the scene of the accident and shall forthwith or as soon thereafter as is practicable

(i) locate and notify the owner or person in charge of the unattended vehicle of the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the off-highway vehicle that was involved in the accident with the unattended vehicle, or

(ii) leave in a conspicuous place in or on the unattended vehicle a written notice giving the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the off-highway vehicle that was involved in the accident with the unattended vehicle,

or

(b) is involved in an accident resulting in damage to any property that is not dealt with under clause (a) or subsection (1), shall forthwith or as soon after the accident as is practicable take reasonable steps to locate and notify the owner or person in charge of the property of the fact

and of the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the vehicle.

(3) If the driver of an off-highway vehicle is incapable of providing the information required by subsection (1) or (2) and there is a passenger in or on the off-highway vehicle capable of providing the information, the passenger shall provide the information required to be provided by the driver.

(4) If the information has not been provided under subsection (1), (2) or (3) and the driver of or passenger in or on the off-highway vehicle is not the owner of the off-highway vehicle, the owner shall forthwith on determining that that owner's off-highway vehicle has been involved in an accident provide the information required under those subsections.

(5) If the driver of an off-highway vehicle is alone at the time of an accident, is the owner of the vehicle and is incapable of providing the information required by subsection (1) or (2), that person shall provide the information forthwith after becoming capable of doing so.

1999 cT-6.4 s126

Seizure of off-highway vehicle

127 A peace officer who on reasonable grounds believes that section 71, 119 or 120(2)(a) or (b) has been contravened may seize and detain any off-highway vehicle in respect of which the offence was committed until the final disposition of any proceedings taken under this Act, and section 170 applies to that off-highway vehicle as if it were a vehicle to which section 169 applies.

RSA 2000 cT-6 s127;2013 c19 s2(17)

Municipal bylaws

128 The council of a municipality may make bylaws that are not inconsistent with this Act, doing the following:

(a) requiring persons driving or otherwise riding on or in an off-highway vehicle to wear helmets;

(b) setting maximum speed limits respecting the operation of off-highway vehicles with respect to property that is not a highway that is located within the municipality and to which members of the public have access while operating off-highway vehicles.

1999 cT-6.4 s128

Regulations

129 The Minister may make regulations

(a) governing the driving and operation of off-highway vehicles;

(b) exempting vehicles from being off-highway vehicles.

1999 cT-6.4 s129

Part 7
Commercial Motor Transport

Interpretation

130(1) In this Part,

(a) "bus" means a commercial 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 commercial vehicle designated as a bus by regulation;

(b) "carrier" means an owner of a commercial vehicle in respect of which a certificate is issued or who holds a certificate or is required to hold a certificate;

(c) "certificate" means,

(i) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, a safety fitness certificate,

(ii) in the case of a commercial vehicle that is a bus as defined in this Part,

(A) a safety fitness certificate, and

(B) an operating authority certificate,

and

(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;

(d) "compensation" means any rate, remuneration, reimbursement or consideration of any kind paid, payable or received, directly or indirectly;

(e) "driver" includes a co-driver of a commercial vehicle who is travelling in the vehicle;

(f) "exempted operator" means

(i) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, the owner of a commercial vehicle in respect of which a safety fitness certificate is not required,

(ii) in the case of a commercial vehicle that is a bus as defined in this Part, the owner of a commercial vehicle in respect of which a safety fitness certificate and an operating authority certificate are not required, and

(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;

(g) "motor transport regulatory legislation" means

(i) this Act,

(ii) in the case of a commercial vehicle that is a bus as defined in this Part, a safety fitness certificate and the operating authority certificate issued in respect of the operating authority under which the bus is operated;

(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 the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, 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;

(h) "passenger" means any person, other than the driver of a commercial vehicle, who is transported by a commercial vehicle;

(i) "record" includes

(i) any document, agreement, account, book, return, statement, report or other memorandum of financial or non-financial information whether in writing or in electronic form or represented or reproduced by any other means, and

(ii) the results of the recording of details of electronic data processing systems to illustrate what the systems do and how they operate;

(j) "Registrar of Corporations" means the Registrar as defined in the *Business Corporations Act*;

(k) "road ban" means the maximum allowable weight that may be borne on a highway by a commercial vehicle pursuant to a regulation made under section 151 or a bylaw made under section 152;

(l) "toll" or "rate" means a fee or rate charged, levied or collected

(i) for the transportation of passengers or goods, or

(ii) for the use of a commercial vehicle;

(m) "transportation" includes one or more of the following:

(i) the driving or utilization of a commercial vehicle;

(ii) the carrying of goods or passengers, or both, on or in a commercial vehicle;

(iii) the care, handling, assembly or storage of goods that are being carried in or on a commercial vehicle or that are in the possession or under the control of a carrier, permit holder or exempted operator or of a person on behalf of a carrier, permit holder or exempted operator and awaiting carriage or delivery by means of a commercial vehicle;

(iv) the handling of passengers awaiting carriage by means of a commercial vehicle;

(n) "vehicle inspection sign" means a traffic control device that is designed to indicate to the driver of a commercial vehicle that the driver of the vehicle is required to report to a vehicle inspection station;

(o) "vehicle inspection station" means a site or facility that is used by persons who are under the administration of or providing services on behalf of the Minister for the purposes of carrying out inspections under this Act and other duties and functions under motor transport regulatory legislation.

(2) For the purposes of this Part and the regulations and bylaws made in respect of matters governed by this Part, a person operates a commercial vehicle if

(a) the person drives the vehicle, or

(b) the person owns or otherwise has control over the vehicle and uses the vehicle for the provision of transportation in respect of that person's undertaking, business, work or employment whether or not that person actually drives the vehicle.

RSA 2000 cT-6 s130;2005 c34 s23

Division 1
Operation of Commercial Vehicles

Use of commercial vehicles

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 used or intended to be used to transport goods or provide a service other than the transportation of passengers, 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;

(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;

(c) operate a commercial vehicle on a highway unless the operation of the vehicle is carried out

(i) within the requirements of this Part and the regulations made in respect of matters governed by this Part, and

(ii) where a certificate is required in respect of that vehicle, within the terms and conditions of the certificate granted in respect of that vehicle;

(d) operate a commercial vehicle in a manner that is prohibited under or does not comply with motor transport regulatory legislation;

(e) dump or unload on a highway or at a vehicle inspection station any goods being transported by a commercial vehicle unless otherwise authorized to do so by a peace officer, an employee of the Government who is under the administration of the Minister or a person performing services on behalf of or for the Minister;

(f) except where authorized by permit, operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum allowable weight for that vehicle provided for under this Act;

(g) except where authorized by permit, operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum weight specified on the certificate of registration issued in respect of that vehicle;

(h) operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum allowable weight specified in a permit issued in respect of that vehicle;

(i) except where authorized by permit, operate a commercial vehicle on a bridge when the weight of the vehicle exceeds the maximum weight specified for that bridge;

(j) operate a commercial vehicle on a bridge when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that bridge;

(k) except where authorized by permit, operate a commercial vehicle on a highway that is subject to a road ban when the weight of the vehicle exceeds the maximum weight allowed for that vehicle under the road ban;

(l) operate a commercial vehicle on a highway that is subject to a road ban when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that road ban;

(m) operate a commercial vehicle on a highway if any portion or part of the vehicle exceeds the dimensions prescribed in a permit or under this Act;

(n) solicit or undertake to arrange the transportation of passengers or goods by means of a vehicle operated on a highway unless the person by, for or on behalf of whom the vehicle is operated is authorized under this Act to transport passengers or goods in accordance with the solicitation or undertaking.

(2) For the purposes of

(a) clauses (b) and (c) and subsection (1)(f) to (m), “vehicle” includes any goods carried on or in a vehicle;

(b) subsection (1)(k) and (l), “permit” means a permit issued to a person specifically allowing a vehicle to be operated on a highway that is subject to a road ban when the weight of the vehicle is in excess of that allowed under the road ban;

(c) subsection (1)(i), where a sign is erected indicating the maximum allowable weight that may be carried by a vehicle on a bridge, the weight indicated on the sign is the maximum weight specified for the bridge in respect of which the sign is erected.

RSA 2000 cT-6 s131;2005 c34 s24

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).

(2) Where with respect to the operation of a commercial vehicle the Registrar is of the opinion that

(a) a carrier, or

(b) a driver of the commercial vehicle who is employed or otherwise engaged by a carrier,

is not complying with or is contravening any transportation legislation, the Registrar may, on 15 days' written notice to the carrier, suspend or cancel any certificate issued in respect of that carrier.

(3) Where a certificate is issued to a carrier that is a corporation and the corporation is dissolved, the Registrar may, on 15 days' written notice to the person who in the opinion of the Registrar was the manager or a senior officer of the corporation, cancel that certificate.

(4) Where with respect to the operation of a commercial vehicle the Registrar is of the opinion that

(a) a carrier, or

(b) an exempted operator,

is not complying with or is contravening any transportation legislation, the Registrar may on 15 days' written notice to the carrier or exempted operator, as the case may be, do one or more of the following:

(c) suspend or cancel the certificate of registration of the commercial vehicle;

(d) cause the licence plates issued in respect of the commercial vehicle to be seized and detained.

(5) Notwithstanding that a 15-day notice period is prescribed under subsection (2), if the Registrar is of the opinion that

(a) the safety of the driver or the public is in jeopardy with respect to the operation of a commercial vehicle, or

(b) the requirements relating to the insuring of the commercial vehicle have not been met,

the Registrar may take action under subsection (2) effective at the time of giving the notice to the person in respect of whom the action is being taken.

(6) In giving a notice under subsection (2) or (3), the Registrar may give the notice subject to any terms or conditions that the Registrar considers appropriate in the circumstances.

(7) Where the Registrar suspends or cancels a certificate, the carrier shall, within the period of time set by the Registrar, deliver

to the Registrar the document held by that carrier that evidences the issuing of the certificate.

(8) Where a carrier does not comply with subsection (7), a peace officer shall, when directed to do so by the Registrar, attend on the carrier and take possession of the document held by the carrier that evidences the issuing of the certificate.

(9) Where a certificate is or is to be suspended or cancelled pursuant to this section, that suspension or cancellation may take place without a hearing being conducted or an opportunity for representations being given, but

(a) an appeal in respect of the suspension or cancellation may be commenced under section 43, and

(b) interim relief may be granted under section 43,

at any time after the giving of the notice respecting the suspension or cancellation, whether or not the suspension or cancellation is in effect.

RSA 2000 cT-6 s132;2005 c34 s25

Non-payment of fees or charges

133 When a fee or charge provided for pursuant to this Act, or a fee or charge provided for pursuant to the laws of a jurisdiction outside Alberta that is similar in nature to a fee or charge provided for pursuant to this Act,

(a) is imposed on a carrier but not paid, the Registrar may suspend or cancel any certificate or permit issued to that carrier, or

(b) is imposed on an exempted operator but not paid, the Registrar may suspend or cancel any permit issued to that exempted operator.

1999 cT-6.4 s133

Division 2
Compliance

Definition

134 In this Division, "commercial vehicle" includes any vehicle that a peace officer has reasonable grounds to believe is a commercial vehicle and includes any goods being carried by the vehicle.

1999 cT-6.4 s134

Purposes of inspections

135 For the purposes of

(a) administering motor transport regulatory legislation,

(b) fostering compliance with motor transport regulatory legislation,

(c) fostering the safe operation of commercial vehicles, and

(d) preserving the physical condition of highways,

a peace officer may carry out inspections under sections 136 and 139 and determine weight pursuant to Division 3.

1999 cT-6.4 s135

Inspections of commercial vehicles

136 A peace officer may carry out an inspection of a commercial vehicle and in respect of that inspection with respect to matters that come under this Act may do one or more of the following:

(a) require the driver of the vehicle to stop the vehicle for the purposes of inspecting the vehicle;

(b) enter the vehicle;

(c) inspect the vehicle;

(d) inspect

(i) any goods being carried by the vehicle, and

(ii) any record relating to any goods being carried by the vehicle;

(e) weigh the vehicle or any portion or part of a vehicle and any goods being carried by the vehicle or any portion or part of the vehicle;

(f) inspect any record relating to, issued or required under transportation legislation as defined in section 132(1);

(g) inspect any record, object or thing that relates to the vehicle, its operation or any goods being carried by the vehicle;

(h) make inquiries of any person who operates the vehicle being inspected under this section;

(i) perform or cause to be performed tests or examinations of or in respect of the vehicle or any goods being carried by the vehicle.

1999 cT-6.4 s136

Stopping for peace officer

137 For the purposes of enabling an inspection to take place under section 136 or weight to be determined pursuant to Division 3, a driver of a commercial vehicle shall,

(a) on being signalled or requested to do so by a peace officer who is readily identifiable as a peace officer, forthwith bring the vehicle to a stop, and

(b) if requested to do so by the peace officer, forthwith take the vehicle to a vehicle inspection station as directed by the peace officer.

1999 cT-6.4 s137

Vehicle inspection stations

138 When a vehicle inspection station sign indicates that the vehicle inspection station is in operation and directs that a commercial vehicle or class of commercial vehicles is to be taken to the vehicle inspection station, the driver of a vehicle that is subject to that direction shall, for purposes of enabling an inspection to take place under section 136,

(a) forthwith take the vehicle to the vehicle inspection station, and

(b) subject to any directions given by the person operating the vehicle inspection station,

(i) permit an inspection to take place, and

(ii) remain at the vehicle inspection station until the driver is informed by the person operating the vehicle inspection station that the inspection has been completed.

1999 cT-6.4 s139

Inspections of transportation business premises

139(1) In this section,

(a) "safety services" means inspections, evaluations, repairs and other services provided by persons licensed under this Act to carry out inspections of commercial vehicles;

(b) "transportation business" means any undertaking by a carrier or the holder of a permit under which

(i) goods are received, shipped or transported,

(ii) commercial vehicles are operated, or

(iii) persons are transported;

(c) "transportation business premises" means premises that are used with respect to

(i) the operation of a commercial vehicle by a carrier or the holder of a permit,

(ii) the operation of a transportation business, or

(iii) the provision of safety services.

(2) A peace officer may do any one or more of the following:

(a) during any time that any transportation business premises are open to the public or are in use, enter and inspect

(i) those premises, and

(ii) any commercial vehicle that is at the time of inspection located at or in the premises;

(b) inspect any records, objects or things that relate to

(i) the provision of safety services in respect of a commercial vehicle, or

(ii) the operation of a transportation business;

(c) make inquiries of any person who

(i) drives a commercial vehicle that is operated by a carrier or the holder of a permit, or

(ii) is employed in the transportation business or the provision of safety services;

(d) make inquiries of any carrier or holder of a permit with respect to the operation of a commercial vehicle.

(3) Notwithstanding subsection (2)(a), a peace officer shall not enter a private residence without the permission of an adult resident of that residence.

1999 cT-6.4 s139

Production of documents

140(1) A person who is subject to an inspection under section 136 or 139 shall, when requested to do so by a peace officer, forthwith produce for inspection any record, object or thing that may be inspected under section 136 or 139.

(2) A peace officer may remove the record, object or thing being inspected and make copies or take photographs of it.

(3) Where a peace officer removes a record, object or thing under subsection (2), the peace officer

(a) may retain possession of the record, object or thing only for the period of time that is reasonably required to make copies or take photographs of it, and

(b) shall, on the copies being made or photographs taken, return the record, object or thing to the person from whom it was taken.

(4) Notwithstanding subsection (3), when, on inspecting a record, object or thing, a peace officer is of the opinion that for the purposes of this Part the peace officer must retain possession of the record, object or thing for a longer period of time than that permitted under subsection (3), the peace officer may retain possession of the record, object or thing for a longer period of time if the peace officer gives to the person from whom the record, object or thing was taken a receipt for it.

(5) Where a peace officer retains possession of a record, object or thing pursuant to subsection (4), the peace officer shall, once the record, object or thing has served the purposes for which it was retained, forthwith return the record, object or thing to the person from whom it was taken.

(6) If a peace officer retains possession of a record, object or thing under subsection (4), the peace officer shall, where requested to do so by the person from whom the record, object or thing was taken and if practicable to do so, provide to that person a copy or a photograph of that record, object or thing.

1999 cT-6.4 s140

Detention of vehicle

141(1) If a peace officer is of the opinion that in order

(a) to determine or confirm the ownership of a commercial vehicle,

(b) to determine whether a person who is a carrier or an exempted operator is complying with motor transport regulatory legislation,

(c) to determine whether a commercial vehicle meets the requirements of motor transport regulatory legislation, or

(d) to determine whether a commercial vehicle is being operated in accordance with motor transport regulatory legislation,

it is necessary to detain the vehicle, the peace officer may, subject to section 142, detain the vehicle for not more than 72 hours or such longer period that is reasonable under the circumstances.

(2) Where a commercial vehicle is detained, a peace officer may

(a) cause the vehicle to be removed to and stored in a suitable place, and

(b) carry out any of those functions that may be carried out under sections 136, 139 and 140.

1999 cT-6.4 s141

Review by Court

142(1) Where a peace officer is unable to detain a commercial vehicle under section 141, the peace officer may apply to the Court of Queen's Bench for an order directing that the vehicle be seized for the purposes of section 141.

(2) Where a peace officer wishes to detain a commercial vehicle under section 141 for a longer period of time than that permitted under section 141, the peace officer may apply to the Court of Queen's Bench for an order authorizing the vehicle to be detained for a longer period of time.

(3) Where a commercial vehicle is detained under section 141, the owner or driver of the vehicle may apply to the Court of Queen's Bench for an order directing that the detained vehicle be released to the owner or the driver, as the case may be.

(4) Repealed 2009 c53 s179.

(5) On the filing of an application with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice, or any shorter period of time that the Court may direct, and make an interim order granting any relief that the Court considers appropriate pending the determination of the application.

(6) An interim application under subsection (5) may be made ex parte if the Court considers it appropriate in the circumstances.

(7) On hearing an application, the Court may do one or more of the following:

(a) in the case of an application made under subsection (1), direct that the commercial vehicle be seized;

(b) in the case of an application made under subsection (2),

(i) direct that the commercial vehicle be detained for a longer period of time, and

(ii) set out the period of time for which the commercial vehicle may be detained;

(c) in the case of an application made under subsection (3), direct that a commercial vehicle be released from detention;

(d) in the case where a commercial vehicle is detained under section 141 or is to be detained pursuant to a seizure referred to in clause (a),

(i) give directions as to where and how the vehicle shall be seized or detained, as the case may be;

(ii) direct that the vehicle be released subject to security being provided to the Government in the form and an amount determined by the Court;

(iii) give directions as to the disposition of the security given;

(e) dismiss the application;

(f) make the order subject to any terms or conditions that the Court considers appropriate in the circumstances;

(g) award costs in respect of the matter.

RSA 2000 cT-6 s142;2009 c53 s179

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;

(vii) a driver examiner;

(viii) a driving instructor;

(ix) the operator of a driver training school;

(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.

(2) Where the Registrar is of the opinion that a regulated person has failed to comply with regulatory legislation, the Registrar may, subject to the regulations, by notice in writing given to the regulated person, require that regulated person to pay to the Government an administrative penalty in an amount set out in the notice, not to exceed $10 000

(a) for the failure to comply, or

(b) for each day or part of a day that the failure to comply occurs or continues.

(3) A regulated person who pays an administrative penalty in respect of a failure to comply may not be charged under this Act with an offence in respect of that failure to comply.

(4) Where a regulated person fails to pay an administrative penalty in accordance with a notice under subsection (2), the Government may recover the amount owing in respect of the penalty by an action in debt.

RSA 2000 cT-6 s143;2005 c34 s26;2009 c35 s7

Vicarious liability

144(1) In this section, "related function" means

(a) the loading of goods on or into a commercial vehicle;

(b) the adjusting or rearranging of goods being carried by a commercial vehicle;

(c) the unloading or removal of goods from a commercial vehicle;

(d) the provision of documentation or records, other than motor vehicle documents, with respect to the operation of a commercial vehicle;

(e) the giving of directions, directives, instructions or orders respecting the operation of the commercial vehicle.

(2) With respect to a commercial vehicle, where a person other than the carrier responsible for the commercial vehicle carries out a related function in respect of that commercial vehicle and as a result of carrying out that related function this Act is not complied with, that person and the carrier are jointly and severally liable for that non-compliance.

(3) Subsection (2) does not apply to a person referred to in subsection (2) who is not the carrier if that person establishes to the satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that person.

(4) Subsection (2) does not apply to a carrier if that carrier establishes to the satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that carrier.

1999 cT-6.4 s144

Division 3
Weight

Weighing of vehicle

145 Where a commercial vehicle is stopped by a peace officer for the purpose of determining the weight of or being carried on a commercial vehicle, the driver of the commercial vehicle shall, if directed to do so by the peace officer, forthwith take the vehicle as directed by the peace officer to a vehicle inspection station or other weigh scale that is capable of measuring the weight of the vehicle on a stationary scale that is certified under the *Weights and Measures Act* (Canada).

1999 cT-6.4 s145

Checking of weight by portable scales, etc.

146(1) When a peace officer has reason to believe that the weight of or carried on a commercial vehicle exceeds the weight permitted under this Act or a permit, the peace officer may require the driver of the vehicle to allow the weight to be measured by means of a portable scale.

(2) When a portable scale is used to measure weight under subsection (1), the peace officer shall advise the driver of the vehicle that the driver has the right to take the vehicle forthwith to a vehicle inspection station or other weigh scale that is capable of measuring the weight of the vehicle on a stationary scale that is certified under the *Weights and Measures Act* (Canada).

1999 cT-6.4 s146

No alteration or redistribution of weight

147 From the time that a driver

(a) is directed by a peace officer under section 145 to take a commercial vehicle to a vehicle inspection station or a stationary scale, or

(b) elects to exercise the right provided for under section 146(2),

whichever is the earlier, that driver shall ensure that no alteration in or redistribution of the weight of or on the vehicle occurs from that time until after the weight of the vehicle is finished being measured or a peace officer otherwise permits the alteration in or redistribution of the weight.

1999 cT-6.4 s147

Reduction of weight

148(1) When a peace officer determines that the weight of or carried on a commercial vehicle exceeds the weight permitted under this Act or a permit, the peace officer may require the driver of the vehicle to stop the vehicle in a suitable place and remain there until a sufficient portion of the goods being carried by the vehicle are redistributed or removed, as the case requires, to reduce weight so that the weight of or carried on the vehicle complies with that permitted under this Act or a permit.

(2) Where goods or any portion of the goods being carried are redistributed or removed under subsection (1), the handling and storage, or either of those functions, as the case may be, of the goods or any portion of the goods remains the responsibility of the driver of the vehicle and the owner of the vehicle and, in the case where the carrier is not the owner of the vehicle, the carrier.

1999 cT-6.4 s148

Penalty re excess weight

149 Where a person is guilty of an offence by reason of that person contravening or failing to comply with

(a) section 131,

(b) a regulation made under this Act, or

(c) a permit

with respect to the maximum weight of or that may be carried by or on a commercial vehicle, that person is liable to a penalty as prescribed by regulation.

1999 cT-6.4 s149

Certificates of weight

150(1) In a prosecution under this Act or a bylaw, a certificate or a statement of accuracy

(a) purporting to be issued and signed by an inspector under the *Weights and Measures Act* (Canada), and

(b) bearing a date that is not more than one year before or after the day on which the offence was charged,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate or the statement of accuracy without proof of the signature or official character of the person who signed the certificate or the statement of accuracy.

(2) A certificate purporting to be signed by a peace officer

(a) stating that the peace officer weighed a vehicle on a scale, and

(b) setting out either

(i) the gross weight of the vehicle or the vehicle and the goods being carried by the vehicle, or

(ii) the gross weight carried on or by any portion, part, axle, axle group or tire of the vehicle where that weight is transferred to the road through any point or points of contact of the vehicle with the road,

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 official character of the person who signed the certificate if the scale is inspected under the *Weights and Measures Act* (Canada) and a certificate described in subsection (1) is issued in respect of the scale.

(3) In a prosecution under this Act or a bylaw, a certificate purporting to be signed by a peace officer or a person authorized by the Registrar

(a) stating that the weight of a vehicle was measured on a portable scale or other scale,

(b) setting out either

(i) the gross weight of the vehicle or the vehicle and the goods being carried by the vehicle, or

(ii) the gross weight carried on or by any portion, part, axle, axle group or tire of the vehicle where that weight is transferred to the road through any point or points of contact of the vehicle with the road,

and

(c) stating that the driver of the vehicle agreed to accept the weight determined as being accurate,

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 official character of the person who signed the certificate.

1999 cT-6.4 s150

Establishment of weights for vehicles

151 The Minister may make regulations in respect of commercial vehicles

(a) governing any matter with respect to the weight that may be carried on a highway, including any bridge that forms part of a highway, by or on

(i) a commercial vehicle;

(ii) an axle or an axle group of a commercial vehicle;

(iii) a tire or a group or combination of tires of a commercial vehicle;

(iv) any other portion or part of a commercial vehicle;

(b) governing any matter with respect to

(i) road bans and their establishment,

(ii) the criteria under which road bans may be established,

(iii) delegating the authority to establish road bans, and

(iv) exempting the establishment of road bans from the operation of the *Regulations Act*;

(c) prescribing and governing any matter with respect to or the imposition of penalties or a graduated series of penalties in respect of vehicles that are carrying weight

that is in excess of that permitted under this Act or a permit.

1999 cT-6.4 s151

Municipalities re weight for vehicles

152(1) Subject to this Act and the *Dangerous Goods Transportation and Handling Act*, a council of a municipality may, for the physical preservation of a highway under its direction, control and management, including any bridge that forms part of that highway, make bylaws restricting the weight of a commercial vehicle or a commercial vehicle and any goods being carried by the vehicle, to weight that is less than the weight that may be borne under this Act.

(2) Where there is a conflict between

(a) a bylaw made under subsection (1), and

(b) a provision of this Act or a permit,

this Act or the permit, as the case may be, prevails.

(3) The council of a municipality may by bylaw delegate to an employee of the municipality or to a committee established by the council the power to impose road bans.

(4) Where under subsection (1) a council of a municipality imposes a prohibition, limitation, condition or restriction in respect of a highway, the council shall cause signs to be erected along the highway as the council considers necessary to notify persons using commercial vehicles on the highway of the prohibition, limitation, condition or restriction.

(5) Where, with respect to commercial vehicles,

(a) a penalty is provided by bylaw in respect of overweight vehicles, and

(b) the penalty is greater than the penalty provided for under this Act in respect of overweight vehicles for a similar matter,

the penalty provided for under this Act in respect of overweight vehicles shall apply as if it had been provided for under the bylaw.

(6) With respect to an improvement district or a special area,

(a) where a council of a municipality is empowered to make bylaws under subsection (1),

(i) the Minister, in the case of an improvement district, or

(ii) the Minister responsible for the *Special Areas Act*, in the case of a special area,

may make regulations in respect of the matters for which a council may make bylaws under subsection (1);

(b) a regulation made under this section shall be treated for the purposes of this Act as if it were a bylaw made under this Act;

(c) in the case of an improvement district, the Minister may in writing delegate to an employee of the Government the power to make regulations for the purposes of imposing and governing road bans under subsection (1);

(d) in the case of a special area, the Minister responsible for the *Special Areas Act* may in writing delegate to the Minister or an employee of the Government or authorize the Minister to delegate to an employee of the Government, the power to make regulations for the purposes of imposing or governing road bans under subsection (1).

1999 cT-6.4 s152

Division 4
General Matters

Restriction on municipality

153(1) The council of a municipality shall not impose a fee or charge in respect of the operation of a commercial vehicle by a person who is a carrier, a holder of a permit or an exempted operator, other than

(a) a business tax, where the person maintains an office within the boundaries of the municipality, or

(b) a property tax, where a municipality is authorized to impose a property tax.

(2) Subsection (1) does not apply to the imposition of a fee or charge by a council of an urban area on a person who is a carrier, a holder of a permit or an exempted operator carrying on business within the limits of the urban area if the major portion of that person's revenue is obtained within the boundaries of that urban area.

1999 cT-6.4 s153

Penalty re offences

154(1) A person who is guilty of an offence referred to in section 157 by reason of the contravention of or failure to comply with a provision of this Part is subject to a fine of not more than $25 000.

(2) A person who is guilty of an offence referred to in section 157 by reason of the contravention of or failure to comply with a provision of this Part is not liable to imprisonment in respect of that offence.

(3) The Minister may make regulations governing fines referred to in subsection (1), including setting a maximum or minimum amount for a fine, but shall not increase a fine to an amount greater than the maximum amount prescribed in subsection (1).

(4) Subsection (1) does not apply where a penalty is otherwise prescribed under this Part or the regulations made in respect of matters coming under this Part.

1999 cT-6.4 s154

Bills of lading, etc.

155 In a prosecution under this Act, a document that is a bill of lading, way-bill, shipping bill or customs permit or any other document that pertains to the goods or passengers being transported by a commercial vehicle

(a) that is produced to a peace officer by the carrier or the owner or driver of the vehicle,

(b) that is a copy of that document and that is certified by a peace officer as being a true copy of the document, or

(c) that is a copy made under this Act of that document,

shall be admitted in evidence as proof, in absence of evidence to the contrary, of

(d) the origin and destination of the trip,

(e) the description of the goods or passengers transported, and

(f) the carrier, owner, driver or lessee of the vehicle,

without proof of the signature or official character of the person who signed or certified the copies of the document.

1999 cT-6.4 s155

Regulations

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 transportation legislation as defined in section 132(1);

(b) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (a);

(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) providing for a person who does not own a commercial vehicle or a class or type of commercial vehicle but who, as an integral part of that person's business, uses the services of a commercial vehicle to be treated under this Act as if that person were the owner of that commercial vehicle;

(d) exempting or providing for the granting of an exemption of the operation of commercial vehicles from the requirement of a certificate;

(e) governing any matter with respect to the operation of and the provision of services using commercial vehicles for commercial and business purposes;

(f) governing any matter with respect to driving and the physical operation of a commercial vehicle;

(g) governing any matter with respect to bills of lading and the conditions of carriage of and the insuring of goods and passengers being transported by commercial vehicles and the provision of bonds or other security respecting the operation of commercial vehicles;

(h) governing signage on or in respect of commercial vehicles;

(i) prescribing and governing classes or types of carriers;

(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;

(k) for the purposes of section 143, respecting the form and contents of notices relating to administrative penalties;

(l) prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed by the Registrar, not to exceed $10 000 for each contravention;

(m) prescribing limitation periods for the giving of notices of administrative penalties;

(n) respecting any other matter necessary for the administration of the system of administrative penalties;

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

RSA 2000 cT-6 s156;2005 c34 s27

Part 8
Enforcement, Rights, Remedies and Obligations

Division 1
Offences

Offences

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), 115.1, 115.2, 115.3, 115.4, 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(5), 176(2), 183 or 188;

(b) a regulation made under this statute where the regulation specifies that it is an offence to contravene or fail to comply with the regulation;

(c) a certificate as defined in section 130(1)(c);

(d) an order made under section 120(4);

(e) a permit;

(f) any terms or conditions to which a certificate as defined in section 130(1)(c) or a permit is subject.

(2) When an information is laid or a summons or a violation ticket is issued by a person in respect of an offence referred to in subsection (1), that person shall on the information, summons or violation ticket, as the case may be, refer

(a) to the provision that the accused is alleged to have contravened or failed to comply with, and

(b) in the case of an offence with respect to section 115(2)(a), to the provision of the Rules of the Road or other regulations that the accused is alleged to have contravened or failed to comply with.

(3) Where a person is alleged to have contravened or failed to comply with a provision of this statute by reason that the person contravened or failed to comply with a provision of a regulation, it is sufficient, for the purposes of subsection (2), not to refer to that provision of this statute but instead only

(a) to refer to the provision of the regulation, and

(b) to describe in words the nature of the offence under the regulation.

RSA 2000 cT-6 s157;2001 c14 s18;2003 c42 s15;
2005 c34 s28;2010 c23 s3

Punishment

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*.

(2) A person who is guilty of an offence under section 52(1)(c), 65(1)(h) or (2) or 115(2)(g) or (h) is liable to a fine of not less than $500 and not more than $25 000 and in default of payment to imprisonment for a term not exceeding 6 months, or to imprisonment for a term not exceeding 6 months without the option of a fine.

(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.

(4) A person who is guilty of an offence under section 176 is liable to a fine of not less than $200 and in default of payment to imprisonment for a term not exceeding 2 months.

1999 cT-6.4 s158

Onus

159 In a prosecution for an offence,

(a) in the case of a contravention of or failure to comply with section 51, the onus is on the accused to show that, at the time of the offence, the accused held a subsisting operator's licence;

(b) in the case of a contravention of or failure to comply with section 52(1)(h) or 54, the onus is on the accused to show that, at the time of the offence, the vehicle was an insured motor vehicle;

(c) in the case of a contravention of or failure to comply with section 167, the onus is on the accused to show that, at the time of the offence, the accused held subsisting insurance at the time that the accused was required to produce a financial responsibility card.

1999 cT-6.4 s159

Owner liable

160(1) If a vehicle is involved in an offence referred to in section 157 or a bylaw, the owner of that vehicle is guilty of an offence.

(2) Subsection (1) does not apply if the owner of the vehicle satisfies the court that, at the time that the vehicle was involved in an offence referred to in section 157 or a bylaw,

(a) in the case of a vehicle that was in motion,

(i) the owner of the vehicle was not driving the vehicle, and

(ii) no other person was driving the vehicle with the owner's expressed or implied consent,

and

(b) in the case of a vehicle that was parked,

(i) the owner did not park the vehicle, and

(ii) no other person parked the vehicle with the owner's expressed or implied consent.

(3) An owner who is guilty of an offence under this section is not liable to imprisonment in respect of that offence or in respect of a default of a fine imposed in respect of that offence.

1999 cT-6.4 s160

Dismissal of charge

161 Where a person is charged with an offence under this Act or a bylaw, the court trying the case may dismiss the charge if the person satisfies the court that the offence could not have been avoided by the exercise of reasonable care or precaution.

1999 cT-6.4 s161

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.

RSA 2000 cT-6 s162;2004 cH-8.5 s76;
2005 c34 s29;2010 c11 s2

Division 2
Evidence in Prosecutions

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.

(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 an intersection safety 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 an intersection safety 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 a provision of this Act or the regulations relating to the speed at which the motor vehicle was travelling or 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 an intersection safety 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 the permission of the court, require the attendance of any person giving evidence by affidavit pursuant to clause (a) for the purpose of cross-examination.

(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 the permission of the court, require the attendance of any person giving evidence by affidavit pursuant to clause (a) for the purpose of cross-examination.

RSA 2000 cT-6 s163;2005 c34 s30; 2007 c45 s10;2014 c13 s44

Traffic control device

164(1) In any prosecution under this Act or a bylaw, the existence of a traffic control device is proof, in the absence of evidence to the contrary, that the device was properly designated and erected by the proper authority without other or further proof.

(2) For the purposes of this Act or a bylaw, a traffic sign or device marked or erected pursuant to regulations under the *Government Property Traffic Act* (Canada) or the *National Parks Act* (Canada) is deemed to be a traffic control device as defined in this Act and to have been erected under the authority of this Act.

1999 cT-6.4 s164

Engineer's certificate

165 Where lines for the purpose of indicating distances are painted or repainted on the highway, a certificate or statement of accuracy

(a) purporting to be signed by an engineer or land surveyor who is

(i) employed by the Government and under the administration of the Minister,

(ii) employed by a road authority other than the Minister, or

(iii) providing services to the Government or a road authority,

and

(b) certifying the measured distance between those lines,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate or statement of accuracy without proof of the signature or official character of the person signing the certificate or statement of accuracy.

1999 cT-6.4 s165

Division 3
Peace Officers

Stopping for peace officer

166(1) For the purposes of administering and enforcing this Act or a bylaw, a peace officer may

(a) with respect to a vehicle,

(i) signal or direct a driver of a vehicle to stop the vehicle, and

(ii) request information from the driver of the vehicle and any passengers in the vehicle,

and

(b) with respect to a pedestrian using or located on a highway, request information from that pedestrian.

(2) When signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, a driver of a vehicle shall

(a) forthwith bring the vehicle to a stop,

(b) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and

(c) remain stopped until permitted by the peace officer to leave.

(3) At the request of a peace officer who is readily identifiable as a peace officer, a passenger in a vehicle who is acting in a manner that is contrary to this Act or a bylaw shall forthwith furnish to the peace officer the passenger's name and address.

(4) At the request of a peace officer who is readily identifiable as a peace officer, a pedestrian using or located on a highway in a manner contrary to this Act or a bylaw shall forthwith furnish to the peace officer the pedestrian's name and address.

1999 cT-6.4 s166

Production of documents

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 and, in the case of a vehicle in a prescribed class of commercial vehicles, either the subsisting certificate of registration or a copy of the certificate of registration;

(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.

(2) On the request of a peace officer a person who is engaged in supervising a student driver in a motor vehicle shall produce to the peace officer for inspection that person's operator's licence.

(3) Where a peace officer makes a request under subsection (1)(d), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document.

(4) Where a peace officer makes a request under subsection (1)(b) or (c), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document issued in respect of the vehicle if the vehicle

(a) is being operated

(i) with dealer's licence plates,

(ii) by an appraiser who has custody of the vehicle for the purpose of appraising it, or

(iii) by a person who has custody of the vehicle for the purpose of repairing it,

or

(b) is a newly acquired vehicle being operated with licence plates as allowed under the regulations.

(5) Subsection (1)(c) does not apply in respect of a motor vehicle that

(a) is registered in a jurisdiction other than Alberta,

(b) is registered only as an antique motor vehicle, or

(c) is owned by the Crown.

(6) If a person produces to a peace officer a document under this section that is illegible, mutilated, defaced or altered, the peace

officer may request that person to produce to a peace officer within a reasonable time a new document or duplicate of the document issued under this Act.

(7) A person who fails to produce to a peace officer a document as requested under subsection (1), (2) or (6) is guilty of an offence.

(8) A person driving a motor vehicle is guilty of an offence and liable to the penalty and any other sanction provided for under section 54(4) to (7) if, when requested to produce a financial responsibility card under subsection (1), the person produces

(a) a document that purports to be a financial responsibility card but that was not issued pursuant to Part 7 of the *Insurance Act*, or

(b) a financial responsibility card relating to an insurance policy that is not in force or is otherwise invalid at the time of production.

(9) Subsection (8)(b) does not apply where the person also produces the subsisting financial responsibility card issued in respect of the motor vehicle.

RSA 2000 cT-6 s167;2007 c45 s11;2016 c14 s10

Seizure of licence plates

168(1) If a peace officer has reasonable grounds to believe

(a) that a vehicle is displaying licence plates that

(i) were not issued for that vehicle, or

(ii) were obtained by false pretenses,

or

(b) that a vehicle is located on a highway in contravention of section 54,

the peace officer may seize and take possession of the licence plates displayed on that vehicle.

(2) When licence plates are seized under subsection (1)(a) they may be retained by the peace officer until the facts concerning the issue of those licence plates have been determined or, if an information is laid, until the final disposition of the matter.

(3) When licence plates are seized under subsection (1)(b), they may be retained by the peace officer until the owner of the vehicle is in compliance with the requirements of this Act respecting the insuring of the vehicle.

(4) If licence plates are not returned to the Registrar pursuant to a request made under this Act, a peace officer on the direction of the Registrar may seize those licence plates and return them to the Registrar.

RSA 2000 cT-6 s168;2013 c19 s2(18)

Arrest without warrant

169(1) A peace officer may arrest a person without warrant if the peace officer, on reasonable grounds, believes that

(a) the person has committed an offence in respect of any of the provisions set out in subsection (2), and

(b) the person

(i) will continue or repeat that offence if not arrested, or

(ii) has provided the peace officer with inadequate or questionable information as to the person's identification.

(2) For the purposes of subsection (1), the following are the provisions for which a person may be arrested without a warrant:

(a) sections 51(a) and 94 relating to the operation of a motor vehicle without having a subsisting operator's licence;

(b) section 52(1)(a) and (d) relating to the operation of a motor vehicle without having a subsisting certificate of registration;

(c) section 53(1)(b) relating to the displaying of a licence plate other than one authorized under this Act;

(d) section 61 relating to the defacing of licence plates;

(e) section 68(2)(a) relating to possession of a motor vehicle or serially numbered part,

(i) where a serial number or other authorized identifying number or mark is not displayed in the space provided for displaying that identification by the manufacturer, or

(ii) where the serial number has been removed, defaced, covered, altered or destroyed or become illegible;

(f) section 69 relating to the duties of a driver of a vehicle at the scene of an accident;

(g) section 115(2)(b) relating to driving a motor vehicle carelessly;

(h) section 115(2) relating to driving a motor vehicle in a race or on a bet or wager;

(i) section 115(2) and the Rules of the Road relating to the speed of motor vehicles;

(j) section 120(2)(a) relating to driving an off-highway vehicle carelessly;

(k) section 123(2) relating to the requirement that drivers of off-highway vehicles stop when so requested by a peace officer who is readily identifiable as a peace officer;

(l) section 123(3) relating to the requirement that a passenger in or on an off-highway vehicle furnish to a peace officer who is readily identifiable as a peace officer the passenger's name and address when so requested by the peace officer;

(m) section 126 relating to the duties of a driver of an off-highway vehicle at the scene of an accident;

(n) section 166(2) relating to the requirement that drivers of motor vehicles stop when so requested by a peace officer who is readily identifiable as a peace officer;

(o) section 166(3) relating to the requirement that a passenger in a motor vehicle furnish to a peace officer who is readily identifiable as a peace officer the passenger's name and address when so requested by the peace officer;

(p) section 166(4) relating to the requirement that a pedestrian furnish to a peace officer who is readily identifiable as a peace officer the pedestrian's name and address when so required by the peace officer;

(q) where designated by the regulations, the provisions of the regulations relating to tampering with motor vehicles;

(r) where designated by the regulations, the provisions of the regulations relating to the defacement of signs.

RSA 2000 cT-6 s169;2013 c19 s2(19)

Seizure of vehicle

170(1) In this section, "vehicle" includes any contents in the vehicle or goods being carried by the vehicle.

(2) Where a peace officer believes, on reasonable grounds,

(a) that any of the offences referred to in section 169 has been committed with or in relation to any vehicle,

(b) that examination or testing of the vehicle will furnish evidence relevant to the offence, and

(c) that the evidence could be lost if the vehicle is not seized at that time,

the peace officer may seize that vehicle and cause it to be removed, taken and stored in a suitable place pending the granting of an order pursuant to subsection (4).

(3) When a peace officer has seized a vehicle pursuant to subsection (2), the peace officer shall, as soon as practicable after the seizure, apply to the Provincial Court for an order permitting the examination, testing or detention of the seized vehicle.

(4) On application under subsection (3), the Provincial Court may, if it considers it appropriate in the circumstances, do one or more of the following:

(a) order the examination or testing of the seized vehicle;

(b) order the further detention and storage of the vehicle;

(c) order the release of the vehicle to any person with a rightful claim to it, with or without a requirement that the person deposit with the Court security not exceeding the amount that the Court may grant in damages under the *Provincial Court Act*.

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

(6) In hearing an application pursuant to subsection (4), the Provincial Court may, if it orders the vehicle to be released to a person with a rightful claim to it without the requirement of any deposit of security with the Court, order that the costs referred to in section 63(1) be paid

(a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or

(b) in any other case, by the Crown in right of Alberta.

(7) In hearing a trial of any offence relating to any vehicle seized pursuant to this section the Provincial Court may, if the person with a rightful claim to the vehicle is not convicted of any offence relating to the vehicle, order that the costs referred to in section 63(1) be paid

(a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or

(b) in any other case, by the Crown in right of Alberta.

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

RSA 2000 cT-6 s170;2003 c48 s5;2013 c19 s2(20)

Seizure of motor vehicle re insurance matters

171(1) Where a peace officer believes, on reasonable grounds, that a person has committed an offence in respect of section 52(1)(h) or 54(1)(a), (b) or (c) in relation to the operation of a motor vehicle, the peace officer may seize or immobilize that vehicle and cause it to be removed, taken and stored in a suitable place pending the granting of an order pursuant to subsection (3).

(2) When a peace officer has seized a vehicle pursuant to subsection (1), the peace officer shall, as soon as practicable after the seizure, apply to the Provincial Court for an order permitting the seized vehicle to be detained until the final disposition of any proceedings that may be taken under this Act in respect of the offence for which the vehicle was seized.

(3) On application under subsection (2), the Provincial Court may, if it considers it appropriate in the circumstances, do one or more of the following:

(a) order that the seized vehicle be detained until the final disposition of any proceedings taken under this Act in respect of the offence for which the vehicle was seized;

(b) order that the seized vehicle be detained for a period of time that is less than that provided for under clause (a);

(c) order the release of the vehicle to any person with a rightful claim to it, with or without a requirement that the person deposit with the Court security 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) In hearing an application pursuant to subsection (3), the Provincial Court may, if it orders the vehicle to be released to a person with a rightful claim to it without the requirement of any deposit of security with the Court, order that the costs referred to in section 63(1) be paid

(a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or

(b) in any other case, by the Crown in right of Alberta.

(6) In hearing a trial of the offence in respect of which the vehicle was seized the Provincial Court may, if the person with a rightful claim to the vehicle is not convicted of any offence relating to the vehicle, order that the costs referred to in section 63(1) be paid

(a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or

(b) in any other case, by the Crown in right of Alberta.

RSA 2000 cT-6 s171;2013 c19 s2(21)

24-hour seizure or immobilization of vehicle

172 Where a person has been charged with an offence under

(a), (b) repealed 2011 c22 s18,

(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,

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.

RSA 2000 cT-6 s172;2005 c34 s32;2011 c22 s18

Seizure of vehicle for impaired driving, etc.

172.1(1) Where a person has been disqualified from driving under section 88 or 88.1, or has been charged with an offence under section 130 of the *National Defence Act* (Canada) by reason of that person contravening section 253, 254 or 255 of the *Criminal Code* (Canada), a peace officer or another person authorized by a peace officer shall seize or immobilize the motor vehicle that was being operated by that person at the time that the person was disqualified or charged

(a) for a period of 3 days, if it is the first time the person has been disqualified or charged within 10 years, and

(b) for a period of 7 days, if it is the 2nd or a subsequent time the person has been disqualified or charged within 10 years.

(2) Where a person has been disqualified from driving under section 89, a peace officer or another 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 disqualified for 24 hours.

(3) Where a person has been disqualified from driving under section 90, a peace officer or another person authorized by a peace officer shall seize or immobilize the motor vehicle that was being operated by that person at the time that the person was disqualified for a period of 7 days.

2011 c22 s19;2013 c19 s2(22)

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.

RSA 2000 cT-6 s173;2001 c14 s19;2005 c34 s33

Seizure of vehicle in prostitution related offences

173.1(1) Where a person has been charged with an offence under section 211, 212 or 213 of the *Criminal Code* (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) Where a motor vehicle is seized or immobilized under subsection (1), 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,

(b) every person

(i) who was in the vehicle at the time it was seized, and

(ii) who the peace officer had reasonable grounds to believe had committed an offence referred to in subsection (1),

is eligible for, and consents to be dealt with by way of, a program of alternative measures authorized under section 717(1)(a) of the *Criminal Code* (Canada), or

(c) seizure of the vehicle is causing or will cause undue financial hardship.

(3) Subject to subsection (2) and any decision of the Board in an appeal commenced pursuant to section 40, when a person who is in

a motor vehicle at the time it is seized or immobilized under subsection (1) 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.

(4) 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.

2003 c48 s6;2005 c34 s34

Claim by owner for expenses

174 Where

(a) a motor vehicle has been seized or immobilized under section 172, 172.1, 173 or 173.1,

(b) the person driving the vehicle at the time of the seizure or immobilization was not the owner of the vehicle, and

(c) the owner of the vehicle incurs expenses in respect of the release of the vehicle,

the owner of the motor vehicle may claim against the person who was driving the vehicle at the time of the seizure or immobilization any expenses incurred by the owner with respect to the release of the vehicle from the seizure or immobilization.

RSA 2000 cT-6 s174;2003 c48 s7;2011 c22 s21

No action against the Crown, etc.

174.1 Except as provided for under this Act, no action lies or order or judgment may be made against the Crown, the Minister, any employee of the Crown or any person acting on behalf of the Crown for anything done or omitted to be done under section 172, 172.1, 173 or 173.1.

2011 c22 s20

Personal property

175(1) In this section, "personal property" means personal property other than personal property that is a part of a motor vehicle.

(2) Where personal property is in or on a motor vehicle that is seized or immobilized under section 172, 172.1, 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.

RSA 2000 cT-6 s175;2003 c48 s7;2011 c22 s21

Repair of damaged vehicle

176(1) In this section, "repairs" means the repair of damage to a motor vehicle that arises out of

(a) the vehicle having been in an accident that is required to be reported under this Act, or

(b) the vehicle having been struck by a bullet.

(2) A person shall not commence repairs or direct or require repairs to be commenced on a motor vehicle

(a) unless a notice in the form provided by the Registrar has been affixed to the motor vehicle, or

(b) if no notice is affixed to the motor vehicle, until the person has been authorized to do so in writing,

by a peace officer or other person on behalf of the police service that provides policing services for the jurisdiction in which the vehicle was damaged.

1999 cT-6.4 s176

Right of entry to repair shops, etc.

177(1) In this section, "taxi" means a motor vehicle

(a) that has a seating capacity of not more than 10 persons, including the person driving the vehicle, and

(b) that is used to transport passengers and their baggage to a requested destination,

but does not include a motor vehicle that is operated outside an urban area

(c) at regular intervals,

(d) in accordance with a set time schedule, or

(e) over a specified route.

(2) A peace officer may, without permission, enter at any time between 6 a.m. and 9 p.m.,

(a) the business premises of any dealer in motor vehicles or trailers or any person operating a taxi,

(b) any place where motor vehicles or trailers or serially numbered parts of those vehicles are kept for sale, hire, dismantling, destruction or storage, or

(c) any garage or place of business where motor vehicles or trailers are repaired,

for the purpose of ascertaining whether this Act is being complied with in respect of the vehicles located in that place and by the persons employed in that place.

1999 cT-6.4 s177

Assistance to peace officer

178(1) A person may assist another person who appears to be a peace officer in the carrying out of the duties of a peace officer under this Act if

(a) requested to do so by that other person, and

(b) the person to whom the request is made reasonably believes that the other person making the request for assistance is in fact a peace officer.

(2) In making a request under subsection (1), a peace officer shall not request a person

(a) to operate a vehicle in pursuit of another vehicle, or

(b) to carry out a function that would place the person in a position of apparent abnormal danger.

(3) When a person provides assistance pursuant to a request made under this section, that person is, with respect to providing the assistance, entitled to the same rights and protection under the law that a peace officer is entitled to.

(4) Nothing in subsection (3) shall be construed so as to waive or restrict any rights or protection under the law to which the person providing the assistance would be entitled if that person were not providing the assistance.

1999 cT-6.4 s178

Division 4
Pleas, Appeals, Prohibitions and Surrender of Licences

Guilty pleas

179 For the purposes of this Act, a person who pleads guilty to an offence referred to in this Act is deemed to have been found guilty of that offence.

1999 cT-6.4 s179

Surrender of operator's licence

180 When, after a finding of guilt,

(a) the operator's licence of a person is suspended, or

(b) a person is disqualified from holding an operator's licence,

the court shall by order require that person to surrender that person's operator's licence to the court and on the surrender of the licence the court shall cause the operator's licence to be forwarded to the Registrar.

1999 cT-6.4 s180

Appeal

181(1) If a person who has been disqualified from driving a motor vehicle in Alberta appeals against that person's conviction, applies for permission to appeal against the conviction or applies to quash the conviction, the disqualification remains in effect unless

(a) the court being appealed to or to which the application is made orders that the disqualification be stayed pending the disposition of the appeal or application, and

(b) the appellant or applicant serves on the Registrar by personal service or by registered mail

(i) a copy of the notice of appeal, stated case, application or other document by which the appeal or application is commenced,

(ii) a copy of the document by which the application to stay the disqualification from driving a motor vehicle is commenced,

(iii) a copy of the order staying the disqualification, and

(iv) a notice setting out the person's full name, address, date of birth and operator's licence number.

(2) An application for a stay of the disqualification under subsection (1) must be brought by

(a) an application, if the application for the stay is to be made in the same court as the application for the appeal, application for permission to appeal or application to quash the conviction, or

(b) an originating application, if the application for the stay is to be made in the Court of Queen's Bench and the application for permission to appeal or application to quash the conviction is to be made in the Court of Appeal.

(3) The applicant must serve a copy of the application referred to in subsection (2) and the supporting documents on the Minister of

Justice and Solicitor General or that Minister's agent on not less than 2 days' notice of the application.

(4) If the court on an appeal or application under subsection (1) confirms the finding of guilt,

(a) a disqualification from driving a motor vehicle in Alberta that has been stayed under subsection (1) is revived on the day that the finding of guilt is confirmed, and

(b) the period of time during which the disqualification was stayed shall not be included in calculating the termination day of the disqualification.

(5) If an appeal, or an application described in subsection (1), of a person whose disqualification is stayed under subsection (1) is abandoned, withdrawn, discontinued or dismissed, the disqualification that has been stayed under subsection (1)

(a) is automatically revived on the day the appeal or application is abandoned, withdrawn, discontinued or dismissed, and

(b) the period of time during which the disqualification was stayed shall not be included in calculating the termination day of the disqualification.

(6) If a disqualification from driving a motor vehicle in Alberta is revived under subsection (4) or (5), the person disqualified from driving is deemed to have knowledge of that revival and notice under this Act is not required to be served on that person.

RSA 2000 cT-6 s181;2009 c53 s179;2013 c10 s31;2014 c13 s44

Securing of motor vehicle document

182 If a person fails to return a suspended or cancelled motor vehicle document as required under this Act, a peace officer on the request of the Registrar shall secure possession of it and return it to the Registrar.

1999 cT-6.4 s182

Failure to surrender an operator's licence, etc.

183 A person shall not do the following:

(a) fail to surrender or return to a court or the Registrar a suspended or cancelled motor vehicle document as required under this Act;

(b) fail to deliver a suspended or cancelled motor vehicle document to a peace officer acting under section 182.

1999 cT-6.4 s183

Division 5
Rights, Remedies and Obligations

Action for negligence not affected

184 Subject to section 187, nothing in this Act shall be construed to curtail or abridge the right of any person to commence and maintain an action for damages by reason of any injuries to a person or any property resulting from

(a) the negligence of the owner or driver of any motor vehicle, or

(b) the negligence of any agent or employee of the owner of the motor vehicle.

RSA 2000 cT-6 s184;2007 c45 s12

Onus where Act contravened

185 If

(a) a person sustains loss or damage arising out of the operation of a motor vehicle on a highway, and

(b) that motor vehicle is operated by a person who is in contravention of or fails to comply with this Act,

the onus of proof in any civil proceeding that the loss or damage did not arise by reason of that contravention or failure to comply is on the owner or driver of the motor vehicle.

1999 cT-6.4 s185

Onus on owner or driver

186(1) If a person sustains loss or damage by reason of a motor vehicle being in motion, the onus of proof in any civil proceeding that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is on that owner or driver.

(2) This section does not apply in the case of an accident between motor vehicles on a highway.

(3) In this section, "motor vehicle" includes a self-propelled implement of husbandry.

1999 cT-6.4 s186

When driver deemed agent of owner

187(0.1) In this section,

(a) "lender" means a person who holds a security interest in a motor vehicle through a written security agreement, who under that agreement has lent money to a person in respect of the motor vehicle and who is not in possession

of the motor vehicle but retains title to the motor vehicle, or a person to whom the lender has assigned the agreement;

(b) "lessor" means a person who by agreement, in the ordinary course of the person's business, leases or grants exclusive use of a motor vehicle to another person for a term of more than 30 days or otherwise grants exclusive use of a motor vehicle to another person for a period of more than 30 days, and who is not in possession of the motor vehicle, or a person to whom the lessor has assigned the agreement;

(c) "motor vehicle liability policy" means a motor vehicle liability policy under the *Insurance Act*;

(c.1) "renter" means a person who, by agreement, in the ordinary course of the person's business, rents a motor vehicle to another person for a term of no more than 30 days and who is not in possession of the motor vehicle, or a person to whom the renter has assigned the agreement;

(d) "security agreement" means a security agreement under the *Personal Property Security Act*;

(e) "security interest" means a security interest under the *Personal Property Security Act*;

(f) "seller" means a person who holds a security interest in a motor vehicle through a written security agreement and sells the motor vehicle to another person under a contract in writing but retains title to the motor vehicle until the purchaser has carried out the terms of the contract and who is not in possession of the motor vehicle, or a person to whom the seller has assigned the security agreement or the contract.

(1) In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, a person who, at the time that the loss or damage occurred,

(a) was driving the motor vehicle, and

(b) was living with and as a member of the family of the owner of the motor vehicle,

is deemed, with respect to that loss or damage,

(c) to be the agent or employee of the owner of the motor vehicle,

(d) to be employed as the agent or employee of the owner of the motor vehicle, and

(e) to be driving the motor vehicle in the course of that person's employment.

(2) In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, a person who, at the time that the loss or damage occurred,

(a) was driving the motor vehicle, and

(b) was in possession of the motor vehicle with the consent, expressed or implied, of the owner of the motor vehicle,

is deemed, with respect to that loss or damage,

(c) to be the agent or employee of the owner of the motor vehicle,

(d) to be employed as the agent or employee of the owner of the motor vehicle, and

(e) to be driving the motor vehicle in the course of that person's employment.

(2.1) Notwithstanding any other provision in this Division except subsections (5) and (6), in an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, the maximum amount for which a lender, lessor, renter or seller of the motor vehicle is liable in respect of the same incident in its capacity as a lender, lessor, renter or seller of the motor vehicle is the amount determined under subsection (4) less any amounts that

(a) are recovered for loss or damage under the third party liability provisions of contracts evidenced by a motor vehicle liability policy issued to a person other than a lender, lessor, renter or seller,

(b) are in respect of the use or operation of the motor vehicle, and

(c) are in respect of the same incident.

(3) Notwithstanding subsections (1) to (2.1), nothing in this section relieves any person who is deemed to be the agent or employee of the owner and to be driving the motor vehicle in the course of that person's employment from liability for the loss or damage.

(4) The maximum amount for which a lender, lessor, renter or seller of a motor vehicle is liable for the purposes of subsection (2.1) is the greatest of

(a) $1 000 000,

(b) the amount of third party liability insurance required by law to be carried in respect of the motor vehicle, and

(c) the amount established, or determined in the manner prescribed, by regulation.

(5) Subsection (2.1) does not apply

(a) in respect of amounts payable by a lender, lessor, renter or seller other than by reason of vicarious liability imposed by this section, or

(b) to prescribed lenders, lessors, renters or sellers or motor vehicles, or prescribed classes of lenders, lessors, renters or sellers or motor vehicles.

(6) This section applies only in relation to loss or damage sustained on or after the date this section comes into force.

(7) The Minister may make regulations

(a) establishing amounts payable, or prescribing the manner of determining amounts payable, for the purposes of subsection (4)(c);

(b) prescribing lenders, lessors, renters and sellers and motor vehicles or classes of lenders, lessors, renters and sellers and motor vehicles for the purposes of subsection (5)(b).

(8) The Minister may make different regulations under subsection (7)(b) in relation to lenders, lessors, renters and sellers and motor vehicles, or classes of lenders, lessors, renters and sellers and motor vehicles, for different circumstances.

RSA 2000 cT-6 s187;2007 c45 s13;2009 c35 s9

False statement

188 A person shall not knowingly make a false statement in a document, application, statement, declaration or accident report made under this Act.

1999 cT-6.4 s188

Part 9
Transitional Provisions, Consequential Amendments, Repeals and Coming into Force

Transitional provisions

189(1) In this section, "previous legislation" means

(a) the *Highway Traffic Act*;

(b) the *Motor Transport Act*, RSA 1980 cM-20;

(c) the *Motor Transport Act*, SA 1992 cM-20.1;

(d) the *Motor Vehicle Administration Act;*

(e) the *Off-highway Vehicle Act*.

(2) Where on the coming into force of this Act

(a) a proceeding is in progress or pending

(i) before the Alberta Motor Transport Board, that proceeding shall be continued under this Act before the Alberta Transportation Safety Board, or

(ii) before the Driver Control Board, that proceeding shall be continued under this Act before the Alberta Transportation Safety Board;

(b) a reference is made in any enactment, order in council, agreement or document to the Alberta Motor Transport Board or the Driver Control Board, that reference is deemed to be a reference to the Alberta Transportation Safety Board;

(c) a reference is made to a provision of any Act repealed pursuant to this Act, that reference is deemed to be a reference to the appropriate corresponding provision of this Act;

(d) a person is subject to a prosecution for a failure to comply with an Act repealed pursuant to this Act, that prosecution shall be carried on as if that repealed Act had not been repealed;

(e) a person is disqualified from driving in Alberta, that person is disqualified under this Act from driving in Alberta;

(f) the registration of a vehicle has been suspended or cancelled, that registration is suspended or cancelled, as the case may be, under this Act;

(g) any licence plates issued in respect of a vehicle have been suspended or cancelled, those licence plates are suspended or cancelled, as the case may be, under this Act;

(h) a person's operator's licence is suspended, that operator's licence is suspended under this Act;

(i) any reference in any provision of an enactment, other than a provision that is amended by sections 192 to 214, to a vehicle that is a public vehicle as defined in the *Motor Transport Act*, RSA 1980 cM-20, is deemed to be a reference to a commercial vehicle;

(j) subject to clauses (a) to (i), any order, rule, regulation, direction, permit, instrument or document that was made, issued, created, registered or otherwise dealt with and every action taken, decision made or thing done under an Act repealed pursuant to this Act that could have been made, issued, created, registered, dealt with, taken or done under this Act if this Act had been then in force and that is still valid at the commencement of this section is deemed to have been made, issued, created, registered, dealt with, taken or done under this Act.

(3) The Minister may make regulations

(a) respecting the transition of any matter from the previous legislation;

(b) to deal with any difficulty or impossibility resulting from the transition from the previous legislation.

1999 cT-6.4 s189

190 Repealed 2016 c14 s11.

Regulations

191(1) The Lieutenant Governor in Council may make regulations in respect of matters coming under this Act that the Minister considers are not provided for or are insufficiently provided for in this Act.

(2) A regulation made under subsection (1) is repealed on the earliest of the following:

(a) the coming into force of an amendment to a statute that provides for the matter dealt with in the regulation;

(b) the coming into force of a regulation that repeals the regulation made under subsection (1);

(c) the expiration of 2 years from the day that the regulation made under subsection (1) comes into force.

(3) The repeal of a regulation under subsection (2)(b) or (c) does not affect anything done, incurred or acquired under the authority of that regulation before the repeal of that regulation.

(4) A regulation shall not be made under subsection (1) after the expiration of 3 years from the day that this section comes into force, but any regulation made under subsection (1) that is in force on the expiration of that 3-year period remains in force until it is repealed under subsection (2).

(5) A regulation shall not be made under subsection (1) altering the provisions of subsection (2) or extending the 3-year period provided for under subsection (4).

1999 cT-6.4 s191

192 to **213** *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

Repeals

214 The following enactments are repealed on Proclamation:

(a) the *Highway Traffic Act*;

(b) the *Motor Transport Act*, RSA 2000 cM-21;

(c) the *Motor Transport Act*, SA 1992 cM-20.1;

(d) *the Motor Vehicle Administration Act;*

(e) the *Motor Vehicle Administration Amendment Act, 1995;*

(f) the *Off-highway Vehicle Act*;

(g) the Schedule to this Act.

1999 cT-6.4 s215

(NOTE: RSA 2000 cH-8, RSA 2000 cM-21, 1992 cM-20.1, RSA 2000 cM-23, RSA 2000 cO-5 and the Schedule to the Traffic Safety Act proclaimed repealed May 19, 2003.)

Coming into force

216 This Act, except sections 64(a), (m) and (u) and 189 and the Schedule, comes into force on Proclamation.

1999 cT-6.4 s216

(NOTE: Proclaimed in force May 20, 2003, except ss8(2) and (3), 64(a), (m) and (u) and 189 and the Schedule.)

Schedule Repealed RSA 2000 cT-6 s214.

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