



Province of Alberta

TRAFFIC SAFETY ACT

DRIVER TRAINING AND DRIVER EXAMINATION REGULATION

Alberta Regulation 316/2002

With amendments up to and including Alberta Regulation 223/2020

Current as of December 1, 2020

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
Suite 700, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

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.

(Consolidated up to 223/2020)

ALBERTA REGULATION 316/2002

Traffic Safety Act

**DRIVER TRAINING AND DRIVER
EXAMINATION REGULATION**

Table of Contents

1	Definitions
	Part 1
	Driver Training School
2	Licence required
3	Application
4	Conditions
5	Driver training school licence
6	Duties of licensee
6.1	Adoption of manuals
7	Licence not issued
8	Licence display
9	Curriculum
9.1	Training costs
10	Driving instructors
11	Disclosure to students
12	Passengers in vehicle
13	Vehicle insurance
14	Instructor's equipment
15	Condition of vehicle
16	Sign
17	Exemptions
18	Reflective vest
	Part 2
	Driving Instructor
19	Licence required
20	Application
21	Requirements
22	Licence not issued
23	Motorcycle instructor
24	Instructor's licence

25 Ongoing requirements

**Part 3
Licensed Driver Examiner**

- 26 Licence required
- 27 Application - examiner's licence
- 28 Training requirements
- 29 Qualifications
- 30 Licence not issued
- 31 Exemption
- 32 Adoption of manual
- 33 Examiner's licence
- 34 Prohibition
- 35 Conflicts of interest
- 36 Application for renewal of an examiner's licence
- 37 Standards of examination
 - 37.1 Invalid examination
 - 37.2 Monitoring examinations
 - 37.3 Records and practice monitoring
 - 37.4 Licensed driver examiner records

**Part 4
General**

- 38 Registrar's powers
- 39 Direction to report
- 40 Direction on practice
- 41 Insurance
- 42 Terms and conditions
- 43 Period of licence
- 44 Crown property
- 45 Not transferable
- 46 Production of licence to peace officer
- 47 Renewal
- 48 Cancellation, etc. - schools
- 49 Cancellation, etc. — licensed driver examiner or instructor
- 50 Notice required
- 51 Registrar's warning
- 52 Forms
- 53 Licence fees
- 54 Other fees
- 55 Records
- 56 Return of licence
- 57 Driver training school records

- 59 Offences
- 60 Transitional
- 61 Repeal
- 63 Coming into force

Definitions

1 In this Regulation,

- (a) “Act” means the *Traffic Safety Act*;
- (b) “Department” means the Ministry of Transportation;
- (c) “driver examination” means a road test designed to determine whether or not a person is competent to hold an operator’s licence of a particular class;
- (d) repealed AR 175/2018 s2;
- (e) “driver training” means instruction given to a person in a classroom or a motor vehicle that is designed to
 - (i) improve the person’s driving skills,
 - (ii) train the person to qualify for a class of operator’s licence the person does not already hold,
 - (iii) train the person to qualify for an endorsement on the person’s operator’s licence,
 - (iv) train the person to qualify for the removal of the probationary operator’s licence classification from the person’s operator’s licence, or
 - (v) train the person to be a driving instructor;
- (f) “driver training school” means a person or partnership that gives driver training, but does not include an individual who
 - (i) provides driver training solely for the purpose described in clause (e)(i), and
 - (ii) is not receiving consideration for providing that driver training;
- (g) “driver training school licence” means a licence issued under Part 1;
- (h) “driving instructor” means the holder of a subsisting instructor’s licence;

- (i) “examiner’s licence” means a licence issued under Part 3;
- (i.1) “family member” means spouse, adult interdependent partner, child, parent, sibling, son-in-law, daughter-in-law, father-in-law, mother-in-law, first cousin, aunt, uncle, niece or nephew of a driver examiner;
- (j) “instructor’s licence” means a licence issued under Part 2;
- (j.1) “licensed driver examiner” means the holder of a subsisting examiner’s licence;
- (j.1.1) “licensed driver examiner procedures manual” means the licensed driver examiner procedures manual referred to in section 32(1);
- (j.2) “licensed driver training school procedures manual” means the licensed driver training school procedures manual adopted under section 6.1;
- (j.3) “registry agent” means a registry agent as defined in the *Government Organization Act*;
- (k) “student” means a person who is receiving driver training.
AR 316/2002 s1;105/2005;68/2008;169/2011;175/2018;
101/2019;196/2020

Part 1 Driver Training School

Licence required

2(1) A person or partnership shall not operate a driver training school unless the person or partnership holds a subsisting driver training school licence for the driver training school.

(2) Subsection (1) does not apply to the following:

- (a) the Government of Alberta;
- (b) a teacher employed by a board under the *Education Act* who is giving classroom training in respect of a Class 5 operator’s licence only while in the course of the teacher’s employment;
- (c) a person or partnership providing instruction solely for the purpose of improving the driving skills of that person’s or partnership’s employees or prospective employees where that instruction is not designed to train or to qualify trainees for a purpose set out in section 1(e)(ii) to (v);

- (d) a person or partnership providing instruction for off-highway vehicle driving, racetrack driving or closed circuit driving where that instruction is not designed to train or to qualify trainees for a purpose set out in section 1(e)(ii) to (v).

AR 316/2002 s2;175/2018;81/2019

Application

- 3(1)** A person or partnership may apply to the Registrar for a driver training school licence.
- (2)** If the applicant is a company, a director of the company must sign the application.
- (3)** If the applicant is a partnership, one of the partners must sign the application.

Conditions

- 4(1)** An applicant for a driver training school licence must provide the following with the application:
- (a) the application fee set under section 54;
 - (b) a surety bond or guarantee that
 - (i) is acceptable to the Registrar, and
 - (ii) is in an amount acceptable to the Registrar of not less than \$10 000;
 - (c) the names of the senior driving instructors at the driver training school to be designated under section 10(2);
 - (d) criminal record checks acceptable to the Registrar of the applicant and the directors or partners of the applicant.
- (2)** The Registrar may waive the requirement that a particular applicant provide one or more of the items in subsection (1).
- (3)** Subsection (1) does not apply to
- (a) a comprehensive community college under the *Post-secondary Learning Act*,
 - (b) a polytechnic institution under the *Post-secondary Learning Act*,
 - (c) a university under the *Post-secondary Learning Act*, or

- (d) the holder of a driver training school licence or an applicant registered in good standing in another jurisdiction who is recognized by the Registrar as having substantively equivalent standards and who is of good character and reputation in that jurisdiction.

AR 316/2002 s4;169/2011;10/2019;175/2018

Driver training school licence

5(1) The Registrar may issue a driver training school licence to an applicant that complies with this Part and satisfies the Registrar that it can give instruction and has facilities and vehicles for driver training.

(2) The Registrar must indicate in a driver training school licence the type of training the holder of the driver training school licence is authorized to give.

Duties of licensee

6(1) The holder of a driver training school licence must ensure that a surety bond or guarantee required under section 4(1)(b) is maintained for as long as the driver training school provides driver training.

(2) Subsection (1) does not apply if the Registrar does not require the holder of the licence to provide a surety bond or guarantee under section 4.

(3) The holder of a driver training school licence must ensure that employees and driving instructors of the school comply with the Act, this Regulation and the terms and conditions of the driver training school licence.

(4) The holder of a driver training school licence must co-operate with the Registrar in any matter the Registrar considers necessary to ensure that quality driver training is provided by the school and the driving instructors.

(5) The holder of a driver training school licence, the driver training school's employees and the driver training school's driving instructors must act in accordance with the licensed driver training school procedures manual.

AR 316/2002 s6;169/2011

Adoption of manuals

6.1 The licensed driver training school procedures manual established and amended from time to time by the Registrar is adopted and applies to the operation of driver training schools, the holder of a driver training school licence, the driver training

school's employees and the driver training school's driving instructors under this Regulation.

AR 169/2011 s5

Licence not issued

7(1) The Registrar must refuse to issue a driver training school licence to an applicant if during the 5 years immediately preceding the application date

- (a) the applicant was convicted of an offence under the *Criminal Code* (Canada) that is related to the functions, duties or business of a driver training school, including, without limitation, the offences of forgery, the use of false pretences, bribery, extortion, conspiracy to defraud or theft or an offence involving moral turpitude or the unlawful operation of a vehicle, and
- (b) the conviction is final by reason of the final disposition of the appeal by the courts or the expiry of the time for appeal without the appeal's having been made.

(2) The Registrar may refuse to issue a driver training school licence to an applicant if

- (a) the applicant or the applicant's agent makes a false statement in the application for the licence,
- (b) the applicant or the applicant's agent provides false information to the Registrar,
- (c) the applicant or the applicant's agent refuses to provide the information required under this Regulation to the Registrar,
- (d) the applicant has previously held a licence issued under this Regulation that has been suspended or cancelled,
- (e) the applicant has contravened any provision of the Act or the regulations and, in the Registrar's opinion, that contravention affects the applicant's fitness to hold a driver training school licence, or
- (f) in the opinion of the Registrar, it is not in the public interest to issue a licence to the applicant.

AR 316/2002 s7;169/2011;175/2018

Licence display

8(1) The holder of a driver training school licence must display the licence or a true copy of it in a conspicuous place at every location from which the holder operates the driver training school.

(2) The holder of a driver training school licence that is subject to terms and conditions must display the terms and conditions in a manner approved by the Registrar.

Curriculum

9 The holder of a driver training school licence must give driver training in accordance with a curriculum approved by the Registrar.
AR 316/2002 s9;169/2011

Training costs

9.1 A driver training school that provides the training course referred to in section 15.1 of the *Operator Licensing and Vehicle Control Regulation* (AR 320/2002) may charge the applicant or person in receipt of the training course fees up to the maximum training course fee determined by the Registrar.

AR 175/2018 s2

Driving instructors

10(1) A holder of a driver training school licence must give driver training for consideration by using a driving instructor employed by the driver training school.

(2) The holder of a driver training school licence must designate at least one senior driving instructor for each class of operator's licence for which driver training is given at the school.

(3) To be designated a senior driving instructor under subsection (2), a driving instructor must have, immediately prior to the date on which the driving instructor is to be designated,

- (a) at least 2 years' experience in Alberta as a driving instructor in the class of operator's licence for which the driving instructor is to be designated as the senior driving instructor, or
- (b) at least 2 years' experience in another jurisdiction that, in the Registrar's opinion, is the equivalent.

(3.1) Notwithstanding subsections (1) to (3), the Registrar may require a senior driving instructor or a driving instructor referred to in subsection (3) who provides driving instruction in relation to a Class 1 or 2 operator's licence to have

- (a) more than the 2 years' experience in Alberta as a driving instructor in those classes referred to in subsection (3)(a), or
 - (b) more than the 2 years' experience in another jurisdiction referred to in subsection (3)(b) that, in the Registrar's opinion, is the equivalent.
- (4) The Registrar may waive the application of subsection (2) to a particular driver training school.
- (5) Subsection (2) does not apply to a driver training school operated by an organization referred to in section 4(3).

AR 316/2002 s10;169/2011;175/2018

Disclosure to students

11 Before enrolling a person in driver training, the holder of a driver training school licence must provide the person with a dated written statement that includes

- (a) the name and address of the driver training school,
- (b) all the fees payable for enrolment, tuition, services, equipment and vehicle rentals, and
- (c) all extra charges that can be incurred by that person.

AR 316/2002 s11;169/2011

Passengers in vehicle

12(1) Except in accordance with this section, neither the holder of a driver training school licence nor a driving instructor may permit a person other than the student and the driving instructor to be a passenger in a motor vehicle while it is being used for driver training.

(2) The following may be passengers in a motor vehicle while it is being used for driver training:

- (a) another student;
- (b) another driving instructor;
- (b.1) a person being trained to become a driving instructor;
- (c) a manager of the driver training school;
- (d) an interpreter, if required;
- (e) if the student is an inmate of a correctional institution, a correctional officer;

- (f) an employee of the Department who is reviewing
 - (i) the qualifications or teaching methods of driving instructors, or
 - (ii) the operation of a driver training school.

(3) The holder of a driver training school licence or a driving instructor must not permit more than 4 people to ride in a motor vehicle that is being used for driver training.

(4) Subsection (3) does not apply if the holder of a driver training school licence or the driving instructor has approval in writing from the Registrar to permit more than 4 people to ride in the motor vehicle.

AR 316/2002 s12;169/2011

Vehicle insurance

13(1) The holder of a driver training school licence must maintain the following insurance:

- (a) a Driver Training School Standard Endorsement Form number 6d under the *Insurance Act* in respect of each motor vehicle owned by the holder that is used or intended to be used for driver training by the school;
- (b) a non-owned automobile liability insurance policy in respect of each motor vehicle not owned by the holder that is used or intended to be used for driver training by the school.

(2) The owner of a motor vehicle used or intended to be used for driver training by a driver training school must maintain a Driver Training School Standard Endorsement Form number 6d under the *Insurance Act* in respect of the motor vehicle if the owner is not the holder of a driver training school licence.

Instructor's equipment

14 A motor vehicle, other than a motorcycle or moped, used by a holder of a driver training school licence to give driver training to a person who holds a Class 6 or Class 7 operator's licence or an operator's licence classified as a learner's operator's licence must have the following for use by the driving instructor:

- (a) dual brake controls acceptable to the Registrar;
- (b) a rear-view mirror securely attached to the inside of the motor vehicle;

- (c) an outside mirror located on the right side of the motor vehicle.

AR 316/2002 s14;169/2011

Condition of vehicle

15(1) The owner of a motor vehicle used for driver training by a holder of a driver training school licence must maintain the vehicle in good mechanical condition.

(2) If the model year of a vehicle used for driver training by a holder of a driver training school licence is not the current calendar year, the owner must keep, in the vehicle, an inspection report by a technician approved by the Registrar showing that the vehicle has passed a mechanical inspection within the immediately preceding 12 months.

(3) The Registrar may, at any time by notice in writing, require the owner of a particular motor vehicle used for driver training by a holder of a driver training school licence to submit it to an inspection by a technician approved by the Registrar.

(4) A holder of a driver training school licence or a driving instructor must not use a motor vehicle whose model year is not the current calendar year in driver training if it does not have an inspection report under subsection (2).

(5) A holder of a driver training school licence or a driving instructor must not use a motor vehicle in driver training if it does not pass an inspection under subsection (3).

AR 316/2002 s15;169/2011

Sign

16(1) A motor vehicle other than a moped that is being used for driver training in relation to a Class 5 operator's licence by a holder of a driver training school licence must have a sign that

- (a) is securely mounted on top of the vehicle,
- (b) includes the name of the driver training school, and
- (c) has the words "student driver"
 - (i) in letters at least 10 centimetres high and with a stroke of 1.5 centimetres, and
 - (ii) that are clearly visible at all times to other drivers in front of and behind the vehicle.

(2) A motor vehicle that is being used for driver training in relation to a Class 1, 2, 3 or 4 operator's licence by a holder of a driver

training school licence must have a sign as determined by the Registrar.

AR 316/2002 s16;169/2011;175/2018

Exemptions

17(1) Sections 13, 14, 15 and 16 do not apply to a motor vehicle that is supplied by a student

- (a) who holds an operator's licence that allows the student to operate that vehicle, and
- (b) who is taking instruction to improve the student's driving skills.

(2) Sections 13, 14, 15 and 16 do not apply to a motor vehicle that is designed with special or modified controls to compensate for a physical impairment of a student and that is provided by the student.

Reflective vest

18 An individual who is receiving driver training for and is operating a motorcycle or moped must wear a reflective vest that conforms to the standards set out in the licensed driver training school procedures manual.

AR 316/2002 s18;175/2018

Part 2 Driving Instructor

Licence required

19(1) A person shall not give driver training for consideration unless the person

- (a) holds a subsisting instructor's licence, and
- (b) is employed by a holder of a driver training school licence.

(2) Subsection (1) does not apply to

- (a) a teacher employed by a board under the *Education Act* who is giving classroom training only while in the course of that employment,
- (a.1) an individual providing instruction for off-highway vehicle driving, racetrack driving or closed circuit driving that is not designed to train or to qualify trainees for a purpose set out in section 1(e)(ii) to (v), or

- (b) an instructor employed or engaged to give driver training to the employees or prospective employees of the person who employs or engages the instructor where that training is not designed to train or qualify the employees or prospective employees for a purpose set out in section 1(e)(ii) to (v).

AR 316/2002 s19;169/2011;175/2018;81/2019

Application

20 An individual may apply for an instructor's licence by providing the Registrar with

- (a) a completed application form indicating the type of driver training the applicant intends to give and setting out the information required by the Registrar for an instructor's licence of that type,
- (b) a criminal record check acceptable to the Registrar, if required by the Registrar, and
- (c) the application fee set under section 54.

AR 316/2002 s20;175/2018

Requirements

21(1) An applicant for an instructor's licence must

- (a) hold a subsisting Class 1, 2 or 4 operator's licence,
- (b) have not less than 3 years' driving experience as the holder of a Class 1, 2, 3, 4 or 5 operator's licence, or a driver's licence issued by another jurisdiction that, in the Registrar's opinion, is the equivalent,
- (c) successfully complete a course of instruction or training required by the Registrar,
- (d) pass an examination set by the Registrar, and
- (e) pay the training or testing fee set under section 54.

(2) The Registrar may waive the examination under subsection (1)(d) if the applicant

- (a) held an instructor's licence at any time in the 12 months immediately preceding the application date, or
- (b) wishes to give training in the operation of motorcycles and has successfully completed a course in motorcycle training approved by the Registrar.

AR 316/2002 s21;169/2011

Licence not issued

22(1) The Registrar must refuse to issue an instructor's licence to an applicant if

- (a) during the 5 years immediately preceding the application date
 - (i) the applicant was convicted of an offence under the *Criminal Code* (Canada) that is related to the functions, duties or business of a driving instructor, including, without limitation, the offences of forgery, the use of false pretences, bribery, extortion, conspiracy to defraud or theft or an offence involving moral turpitude or the unlawful operation of a vehicle, and
 - (ii) the conviction is final by reason of the final disposition of the appeal by the courts or the expiry of the time for appeal without an appeal having been made,
- (b) the applicant's operator's licence has been suspended or cancelled during the 2 years immediately preceding the application date, or
- (c) the applicant has accumulated 7 or more demerit points under the Act and regulations when the application is made.

(2) The Registrar may refuse to issue an instructor's licence to an applicant if

- (a) the applicant makes a false statement in the application for the licence,
- (b) the applicant provides false information to the Registrar,
- (c) the applicant refuses to provide the Registrar with information as required under this Regulation,
- (d) the applicant has previously held a licence issued under this Regulation that has been suspended or cancelled,
- (e) the applicant has contravened any provision of the Act or the regulations and, in the Registrar's opinion, that contravention affects the applicant's fitness to hold an instructor's licence, or
- (f) in the opinion of the Registrar, it is not in the public interest to issue a licence to the applicant.

(3) Repealed AR 175/2018 s2.

AR 316/2002 s22;169/2011;31/2012;175/2018

Motorcycle instructor

23(1) The Registrar may waive the requirement under section 21(1)(a) or (b) if the applicant has

- (a) not less than 3 years' driving experience as the holder of a Class 6 operator's licence, or
- (b) a driver's licence issued by another jurisdiction that, in the Registrar's opinion, is the equivalent of a Class 6 operator's licence.

(2) A person referred to in subsection (1) must provide the Registrar with a medical report certifying that the applicant meets the standards required by the Registrar for a Class 1, 2, or 4 operator's licence as if the Registrar had required the examination under section 15(2) of the *Operator Licensing and Vehicle Control Regulation*.

(3) The Registrar may issue an instructor's licence that authorizes the holder to give driver training only in the operation of motorcycles to an applicant referred to in subsection (1) who complies with subsection (2).

Instructor's licence

24(1) The Registrar may issue an instructor's licence to an applicant who complies with this Part.

(2) An instructor's licence must indicate the type of driver training the driving instructor is authorized to give.

(3) Despite section 21(1)(a), the Registrar may issue an instructor's licence that authorizes the holder to give classroom driver training to an applicant who

- (a) does not hold an operator's licence, or
- (b) holds a Class 3 or 5 operator's licence but does not hold a Class 1, 2 or 4 operator's licence.

(4) The holder of an instructor's licence must act in accordance with the licensed driver training school procedures manual.

(5) Notwithstanding sections 21 and 23, the Registrar may issue an instructor's licence to a person licensed or registered in good standing in another jurisdiction that is recognized by the Registrar

as having substantively equivalent standards and who is of good character and reputation in that jurisdiction.

AR 316/2002 s24;101/2006;169/2011

Ongoing requirements

25(1) An instructor's licence, other than one issued under section 23(3) or 24(3), is cancelled if the Class 1, 2 or 4 operator's licence held by the driving instructor is suspended, cancelled or expires.

(2) An instructor's licence issued under section 24(3) is cancelled if the Class 3 or 5 operator's licence held by the driving instructor is suspended, cancelled or expires.

(3) An instructor's licence issued under section 23(3) is cancelled if the Class 6 operator's licence held by the driving instructor is suspended, cancelled or expires.

(4) An instructor's licence is cancelled from the time the driving instructor accumulates 7 or more demerit points under the Act and regulations.

AR 316/2002 s25;175/2018

Part 3 Licensed Driver Examiner

Licence required

26(1) A person shall not conduct a driver examination unless the person

- (a) holds a subsisting examiner's licence that authorizes the person to conduct that driver examination,
- (b) is exempted under subsection (2) from the requirement to hold an examiner's licence, or
- (c) is designated by the Registrar under section 15(2.1) of the *Operator Licensing and Vehicle Control Regulation* (AR 320/2002).

(2) The Registrar may, in writing, exempt a person specified in the exemption from the requirement to hold an examiner's licence.

AR 316/2002 s26;175/2018;101/2019

Application - examiner's licence

27 An individual may apply for an examiner's licence by providing the Registrar with

- (a) a completed application form,
- (b) a criminal record check acceptable to the Registrar, and

- (c) the application fee set under section 54.

AR 316/2002 s28;175/2018;101/2019

Training requirements

28 An applicant for an examiner's licence must

- (a) complete the licensed driver examiner training program established by the Registrar for the type of examiner's licence applied for,
- (b) pass the licensed driver examiner test established by the Registrar with a grade satisfactory to the Registrar, and
- (c) pay the training or testing fees set under section 54.

AR 316/2002 s29;175/2018;101/2019

Qualifications

29 An applicant for an examiner's licence must

- (a) hold a subsisting operator's licence for the class of operator's licence for which the person will be conducting driver examinations,
- (b) have not less than 5 years' driving experience as the holder of a Class 1, 2, 3, 4 or 5 operator's licence, or a driver's licence issued by another jurisdiction that, in the Registrar's opinion, is the equivalent of a Class 1, 2, 3, 4 or 5 operator's licence,
- (c) have accumulated fewer than 7 demerit points under the Act and regulations,
- (d) hold an operator's licence that was not cancelled or suspended under the Act during the 2 years immediately preceding the application date, and
- (e) hold an operator's licence that was not cancelled or suspended under the *Criminal Code* (Canada) during the 5 years immediately preceding the application date.

AR 316/2002 s30;175/2018;101/2019

Licence not issued

30(1) The Registrar must refuse to issue an examiner's licence to a person if during the 5 years immediately preceding the application date

- (a) the person was convicted of an offence under the *Criminal Code* (Canada) that is related to the functions, duties or business of a licensed driver examiner, including, without limitation, the offences of forgery, the use of false pretences, bribery, extortion, conspiracy to

defraud or theft or an offence involving moral turpitude or the unlawful operation of a vehicle, and

- (b) the conviction is final by reason of the final disposition of the appeal by the courts or the expiry of the time for appeal without an appeal having been made.

(2) The Registrar may refuse to issue an examiner's licence to a person if

- (a) the person makes a false statement in the application for the licence,
- (b) the person provides false information to the Registrar,
- (c) the person fails to provide the Registrar with information and licence fees as required under this Regulation,
- (d) the person has previously held a licence issued under this Regulation that has been suspended or cancelled,
- (e) the person has contravened any provision of the Act or the regulations and, in the Registrar's opinion, that contravention affects the person's fitness to hold an examiner's licence, or
- (f) in the opinion of the Registrar, it is not in the public interest to issue a licence to the person.

AR 316/2002 s31;175/2018;101/2019

Exemption

31 The Registrar may, in writing, exempt an applicant for an examiner's licence from the requirements of section 27, 28 or 29.

AR 316/2002 s32;175/2018;101/2019

Adoption of manual

32(1) The licensed driver examiner procedures manual established and amended from time to time by the Registrar is adopted and applies to licensed driver examiners under this Regulation.

(2) For greater certainty, the licensed driver examiner procedures manual referred to in subsection (1) may relate to any matters concerning the functions, duties or business of a licensed driver examiner, including, but not limited to, the following:

- (a) the use of information technology devices, systems and programs to schedule, conduct and process payment for road tests;
- (b) hours of service;
- (c) hours of work;

- (d) the volume of road tests that a licensed driver examiner may or must conduct on a daily, weekly, monthly or annual basis;
- (e) standards of conduct.

AR 169/2011 s19;175/2018;101/2019

Examiner's licence

33(1) The Registrar may issue an examiner's licence to an applicant who complies with this Part and pays the licence fee as required under section 54.

(2) The examiner's licence must indicate

- (a) the class of driver examination for which the licensee is authorized to conduct examinations, and
- (b) the geographic region, as determined by the Registrar, in which the licensee is authorized to conduct examinations.

(3) An examiner's licence authorizes the person who holds it to conduct the class of driver examination specified in the licence in accordance with the terms and conditions of the licence.

(4) The holder of an examiner's licence must act in accordance with the licensed driver examiner procedures manual.

(5) Notwithstanding subsections (2) and (3), the Registrar may, in writing, authorize a licensed driver examiner to operate in a geographic region other than the geographic region indicated on the examiner's licence.

(6) Notwithstanding sections 29 and 30, on being satisfied that it is in the public interest to issue a licence to a person and on payment of the licence fee as required under section 54, the Registrar may issue an examiner's licence to a person

- (a) who is licensed or registered in good standing in another jurisdiction that is recognized by the Registrar as having substantively equivalent standards, and
- (b) who is of good character and reputation.

AR 316/2002 s33;169/2011;175/2018;101/2019

Prohibition

34 A licensed driver examiner shall not collect fees, compensation, commissions or any other consideration

- (a) directly from a tested person,
- (b) from a driver training school or instructor, or

- (c) in respect of conducting driver examinations from a registry agent who is or whose owner, part owner, shareholder, director or partner is a family member.

AR 101/2019 s1;196/2020

Conflicts of interest

35(1) An examiner's licence is suspended during a period in which the holder is a driving instructor or an owner, part owner, shareholder, director, partner or employee of a driving school.

(2) An examiner's licence is suspended during a period in which the holder is

- (a) a registry agent or an owner, part owner, shareholder, director or partner of a registry agent,
- (b) an employee of a registry agent who is or whose owner, part owner, shareholder, director or partner is a family member, or
- (c) a party to an agreement to conduct driver examinations with a registry agent who is or whose owner, part owner, shareholder, director or partner is a family member.

(3) An examiner's licence is cancelled from the time

- (a) the operator's licence required under section 29 held by the licensed driver examiner is suspended, cancelled or expires,
- (b) the Registrar determines that the licensed driver examiner has collected a fee, compensation, commission or other consideration, contrary to section 34, or
- (c) the licensed driver examiner accumulates 7 or more demerit points under the Act and regulations.

AR 316/2002 s34;175/2018;101/2019;196/2020

Application for renewal of an examiner's licence

36(1) The Registrar may require a licensed driver examiner who applies to renew an examiner's licence to provide the Registrar with a criminal record check acceptable to the Registrar.

(2) The Registrar may require a licensed driver examiner who applies to renew an examiner's licence to do one or more of the following:

- (a) complete a licensed driver examiner training program established by the Registrar for the type of examiner's licence to be renewed;

- (b) complete professional development courses related to the functions, duties or business of a licensed driver examiner established or required by the Registrar;
- (c) pass a licensed driver examiner test established by the Registrar with a grade satisfactory to the Registrar;
- (d) pay an application, training, testing or licence fee set under section 54.

(3) A person whose examiner's licence is suspended, cancelled or expires must comply with this section before the Registrar may reinstate or reissue the licence.

Ar 316/2002 s35;175/2018;101/2019

Standards of examination

37 A person who conducts a licensed driver examination must conduct it in accordance with the standards established by the Registrar.

AR 316/2002 s27;175/2018;101/2019

Invalid examination

37.1(1) The Registrar may decide that a driver examination conducted by a licensed driver examiner is invalid and require that another driver examination be conducted by the same licensed driver examiner or by another driver examiner.

(2) The Registrar may require a licensed driver examiner to reimburse the fees paid by the Registrar to the licensed driver examiner in respect of an invalid examination.

AR 316/2002 s36;175/2018;101/2019

Monitoring examinations

37.2 The Registrar, or a person authorized in writing by the Registrar, may accompany a licensed driver examiner on a driver examination for the purpose of monitoring the performance of the driver examiner.

AR 316/2002 s37;175/2018;101/2019

Records and practice monitoring

37.3(1) A licensed driver examiner shall use the information technology devices, systems and programs authorized or required by the Registrar.

(2) A licensed driver examiner shall retain, store and protect the records required in accordance with the licensed driver examiner procedures manual for a period of 2 years after they are created.

(3) The Registrar, or a person authorized in writing by the Registrar, may

- (a) access, inspect and copy information from an information technology device, system or program referred to in subsection (1), and
 - (b) make copies of the records referred to in subsection (2) during regular business hours.
- (4)** The Registrar, or a person authorized in writing by the Registrar, may, for the purpose of ensuring compliance with the Act and regulations,
- (a) inspect or audit the devices, records, including electronic records, reports, documents, books of account and receipts related to the functions, duties or business of a licensed driver examiner,
 - (b) interview the licensed driver examiner with regard to the devices, records, documents, books of account and receipts and any other matter related to the functions, duties or business of a licensed driver examiner, and
 - (c) interview persons who have been examined by the licensed driver examiner.
- (5)** A licensed driver examiner shall, on the request of the Registrar, or a person authorized in writing by the Registrar,
- (a) facilitate access to a device, system or program referred to in subsections (1) and (3), and
 - (b) produce the records referred to in subsections (2), (3) and (4) for examination and provide copies of them.
- (6)** A person acting under the authority of this section must carry identification in the form established by the Registrar and present it on request to the licensed driver examiner being monitored.

AR 101/2019 s1

Licensed driver examiner records

37.4 A person who stops conducting driver examinations under this Part shall immediately send to the Registrar

- (a) all devices and records referred to in section 37.3(1) and (2), and
- (b) all unused forms and materials respecting driver examinations that were supplied to the person by the Government.

AR 101/2019 s1

Part 4 General

Registrar's powers

38(1) The Registrar may review the following at any time:

- (a) the operation of a driver training school;
- (b) the performance of the employees of a driver training school;
- (c) the performance of a driving instructor;
- (d) the performance of a licensed driver examiner.

(2) The Registrar may make any inquiries or investigations the Registrar considers necessary regarding an application for a licence under this Regulation in order to determine whether the licence should be issued.

(3) Unless the Registrar considers there is good reason to issue the licence, the Registrar must not issue a licence under this Regulation to an applicant who, in the Registrar's opinion, has done or omitted to do something which, if the person were a licensee, would allow the Registrar to suspend or cancel the licence applied for.

AR 316/2002 s38;175/2018;101/2019

Direction to report

39(1) The Registrar may, by written notice, direct a driving instructor, a licensed driver examiner, the holder of a driver training school licence or a representative of the holder of a driver training school licence to report to a place designated by the Registrar and to discuss with a person designated by the Registrar a practice that, in the Registrar's opinion, is not consistent with good driver training or examining principles or is not in accordance with the licensed driver training school procedures manual or licensed driver examiner procedures manual.

(2) A person who receives a notice under subsection (1) must comply with the direction.

AR 316/2002 s39;169/2011;175/2018;101/2019

Direction on practice

40(1) The Registrar may, by written notice, direct a holder of a driver training school licence, a licensed driver examiner or a driving instructor to use a practice that, in the opinion of the Registrar, is consistent with good driver training or examining principles or is in accordance with the licensed driver training school procedures manual or licensed driver examiner procedures manual.

- (2) The Registrar may, by written notice, direct a holder of a driver training school licence, a licensed driver examiner or a driving instructor to stop a practice that, in the opinion of the Registrar, is not consistent with good driver training or examining principles or is not in accordance with the licensed driver training school procedures manual or licensed driver examiner procedures manual.
- (3) The Registrar may, by written notice, direct a driving instructor or a licensed driver examiner to complete a training program specified by the Registrar to a standard required by the Registrar.
- (4) A person who receives a notice under subsection (1), (2) or (3) must comply with the direction.
- (5) The Registrar may suspend a driver training school licence, an examiner's licence or an instructor's licence in the notice given under subsection (1), (2) or (3) under terms and conditions specified in the notice by the Registrar.
- (6) Section 50 does not apply to a suspension under this section.

AR 316/2002 s40;169/2011;175/2018;101/2019;196/2020

Insurance

- 41** The Registrar may require the holder of a licence under this Regulation to maintain liability insurance in the amount and of the type that the Registrar specifies.

Terms and conditions

- 42(1)** The Registrar, at any time, may make a licence under this Regulation subject to the terms and conditions the Registrar considers appropriate.
- (2) The Registrar may impose terms and conditions on a licence under this Regulation when the licence is issued or renewed or by written notice to the holder after the licence is issued or renewed, or at both times.

Period of licence

- 43(1)** A driver training school licence is effective on the commencement date stated on the licence and expires one year later unless it is suspended or cancelled before that time.
- (2) An instructor's licence is effective on the commencement date stated on the licence and expires 2 years later unless it is suspended or cancelled before that time.

(3) An examiner's licence is effective on the commencement date stated on the licence and expires 2 years later unless it is suspended or cancelled before that time.

AR 316/2002 s43;175/2018;101/2019

Crown property

44(1) A licence under this Regulation is the property of the Crown in right of Alberta.

(2) A person in possession of a licence under this Regulation must return it to the Registrar when the Registrar requests its return.

Not transferable

45 A licence under this Regulation cannot be assigned or transferred to another person by the holder of the licence or the Registrar.

Production of licence to peace officer

46 A holder of a licence under this Regulation must produce the licence for examination on being requested to do so by a peace officer or the Registrar.

Renewal

47(1) A holder of a licence under this Regulation may apply to the Registrar to renew the licence.

(2) The Registrar may renew a licence if

- (a) the licence is not cancelled or under suspension on its expiry date, and
- (b) subject to subsection (4), the applicant complies with the requirements for issuing the licence under this Regulation.

(3) The Registrar may accept an application for renewal of a licence even though the licence has expired.

(4) The Registrar has, in the case of an application to renew a licence, the same power to waive requirements as the Registrar has in the case of an initial application.

(5) This section applies to a licence whether or not it has been renewed before.

Cancellation, etc. - schools

48(1) The Registrar may cancel or suspend a driver training school licence if

- (a) the holder of the licence or the holder's agent makes a false statement in the application for the licence,
- (b) the holder of the licence or the holder's agent provides false information to the Registrar,
- (c) the holder of the licence or the holder's agent or employee refuses to produce information as required under this Regulation,
- (d) the holder of the licence or the holder's agent or employee contravenes this Regulation,
- (e) the holder of the licence or the holder's agent or employee contravenes a direction made by the Registrar under this Regulation,
- (f) the holder of the licence or the holder's agent or employee contravenes a term or condition of the licence,
- (g) the holder of the licence or the holder's agent or employee contravenes a provision of the licensed driver training school procedures manual,
- (h) in the opinion of the Registrar, it is not in the public interest for the person to continue to hold a licence, or
- (i) the holder of the licence or the holder's agent or employee fails to pay an administrative penalty in accordance with section 143 of the Act.

(2) The Registrar may suspend a driver training school licence for one or more specified periods or pending the final disposition of an appeal by a court if

- (a) the holder of the licence, or a director or partner of the holder, is charged with an offence under the *Criminal Code* (Canada) that is related to the functions, duties or business of a driver training school, including, without limitation, the offences of forgery, the use of false pretences, bribery, extortion, conspiracy to defraud or theft or an offence involving moral turpitude or the unlawful operation of a vehicle, and
- (b) the Registrar is of the opinion that the licence should be suspended.

(3) The Registrar may cancel or suspend a driver training school licence if

- (a) the holder of the licence, or a director or partner of the holder, is convicted of an offence under the *Criminal Code* (Canada) that is related to the functions, duties or business of a driver training school, including, without limitation, the offences of forgery, the use of false pretences, bribery extortion, conspiracy to defraud or theft or an offence involving moral turpitude or the unlawful operation of a vehicle, and
- (b) the conviction is final by reason of the expiry of the time for appeal without the appeal's having been made or the final disposition of the appeal by the courts.

AR 316/2002 s48;169/2011

Cancellation, etc. — licensed driver examiner or instructor

49(1) The Registrar may cancel or suspend a licensed driver examiner's licence or an instructor's licence if

- (a) the holder of the licence makes a false statement in the application for the licence,
- (b) the holder of the licence provides false information to the Registrar,
- (c) the holder of the licence refuses to produce information as required under this Regulation,
- (d) the holder of the licence contravenes this Regulation,
- (e) the holder of the licence contravenes a direction by the Registrar under this Regulation,
- (f) the holder of the licence contravenes a term or condition of the licence,
- (g) the holder of the licence contravenes a provision of the licensed driver examiner procedures manual or the licensed driver training school procedures manual,
- (h) in the opinion of the Registrar, it is not in the public interest for the person to continue to hold a licence,
- (i) in the opinion of the Registrar, the licence should be cancelled or suspended for administrative reasons including but not limited to the demand or need for services generally, or in a particular geographic region as determined by the Registrar, or

- (j) the holder of the licence or the holder's agent or employee fails to pay an administrative penalty in accordance with section 143 of the Act.
- (2) The Registrar may suspend an examiner's licence or an instructor's licence for one or more specified periods or pending the final disposition of an appeal by the court if
- (a) the holder of the licence is charged with an offence under the *Criminal Code* (Canada) that is related to the functions, duties or business of a licensed driver examiner or an instructor, including, without limitation, the offences of forgery, the use of false pretences, bribery, extortion, conspiracy to defraud or theft or an offence involving moral turpitude or the unlawful operation of a vehicle, and
 - (b) the Registrar is of the opinion that the licence should be suspended.
- (3) An instructor's licence is cancelled from the time the conviction is final if
- (a) the driving instructor is convicted of an offence under the *Criminal Code* (Canada) that is related to the functions, duties or business of a driving instructor, including, without limitation, the offences of forgery, the use of false pretences, bribery, extortion, conspiracy to defraud or theft or an offence involving moral turpitude or the unlawful operation of a vehicle, and
 - (b) the conviction is final by reason of the expiry of the time for appeal without the appeal's having been made or the final disposition of the appeal by the courts.
- (4) An examiner's licence is cancelled from the time the conviction is final if
- (a) the driver examiner is convicted of an offence under the *Criminal Code* (Canada) that is related to the functions, duties or business of a driver examiner, including, without limitation, the offences of forgery, the use of false pretences, bribery, extortion, conspiracy to defraud or theft or an offence involving moral turpitude or the unlawful operation of a vehicle, and
 - (b) the conviction is final by reason of the expiry of the time for appeal without the appeal having been made or the final disposition of the appeal by the courts.

AR 316/2002 s49;169/2011;175/2018;101/2019;
196/2020

Notice required

50(1) The Registrar must give written notice immediately of the cancellation or suspension of a licence under this Regulation to the holder of the licence, other than a cancellation or suspension under section 25 or 34.

(2) The Registrar must give written notice immediately of the Registrar's refusal to issue a licence under this Regulation to the applicant for the licence.

(3) The Registrar must include reasons for the cancellation, suspension or refusal in the notice under this section and must advise the person to whom the notice is given of the right to a reconsideration under section 34 of the Act, how the application for reconsideration is to be made, the date by which it is to be made and the address to which it is to be sent.

AR 316/2002 s50;223/2020

Registrar's warning

51(1) The Registrar may issue a written warning to the holder of a licence if the Registrar has reason to believe that the holder, a director or partner of the holder or the holder's agent or employee has contravened this Regulation.

(2) A warning from the Registrar may include directions to the holder of the licence or impose terms and conditions on the licence.

(3) The holder of a licence must comply with the directions, terms and conditions in a warning from the Registrar.

(4) The Registrar may require the holder of an examiner's licence or an instructor's licence to successfully complete a training program specified by the Registrar.

AR 316/2002 s51;175/2018;101/2019

Forms

52(1) An application under this Regulation for a licence or the renewal of a licence must be made in the manner and using the form approved by the Registrar.

(2) A licence issued or renewed under this Regulation must be in the form approved by the Registrar.

Licence fees

53(1) The licence fee for a driver training school licence is \$175.

(2) The licence fee for an instructor's licence is \$30 per year.

(3) Repealed AR 175/2018 s2.

(4) A licence fee is payable at the time and in the manner required by the Registrar.

AR 316/2002 s53;175/2018

Other fees

54(1) The Registrar may set fees for applications made under this Regulation.

(2) The Registrar may set training, testing or examiner's licence fees required under this Regulation.

AR 316/2002 s54;101/2019

Records

55(1) A holder of a licence under this Regulation must keep the records required by the Registrar for a period of 2 years after they are created.

(2) A holder of a licence under this Regulation must manage the records in accordance with the directions of the Registrar.

(3) The Registrar may examine the records of a holder of a licence under this Regulation during regular business hours at the place of business of the holder of the licence.

(4) A holder of a licence under this Regulation must produce the licence and all records for examination when asked to do so by the Registrar.

(5) A holder of a licence under this Regulation must not disclose personal information about a student to anyone other than the Registrar or the student.

(6) Despite subsection (5), the student may give written consent to the disclosure of personal information about the person who is receiving driver training.

(7) In subsections (5) and (6), "student" includes a person who is examined by a licensed driver examiner.

AR 316/2002 s53;175/2018;101/2019

Return of licence

56 A person whose licence is no longer subsisting must send it immediately to the Registrar.

Driver training school records

57(1) A holder of a driver training school licence who stops operating the driver training school shall immediately

- (a) send the Registrar all unused forms and materials respecting the operation of the school that were supplied to it by the Government, and
- (b) give the Registrar written notice of the name, address and telephone number of the person who will be keeping the records under section 55.

(2) A person named in a notice under subsection (1)(b) must keep the records of the driver training school in accordance with section 55.

AR 316/2002 s57;169/2011

58 Repealed AR 175/2018 s2.

Offences

59 A person who contravenes or fails to comply with any of the following is guilty of an offence:

- (a) section 2;
- (b) section 19;
- (c) section 26;
- (d) section 34.

AR 316/2002 s59;175/2018;101/2019

Transitional

60(1) A driver training school licence issued under the *Driver Training Regulation* (AR 133/90) is deemed to be issued under this Regulation under the same terms and conditions and with the same expiry date.

(2) An instructor's licence issued under the *Driver Training Regulation* (AR 133/90) is deemed to be issued under this Regulation under the same terms and conditions and with the same expiry date.

(3) Repealed AR 175/2018 s2.

AR 316/2002 s60;175/2018

Repeal

61 The *Driver Training Regulation* (AR 133/90) and the *Driver Examiner Regulation* (AR 20/95) are repealed.

62 Repealed AR 175/2018 s2(27).

Coming into force

63 This Regulation comes into force on the date on which section 64(c) of the *Traffic Safety Act* comes into force.



Printed on Recycled Paper 