



Province of Alberta

PROVINCIAL ADMINISTRATIVE PENALTIES ACT

Statutes of Alberta, 2020
Chapter P-30.8

Assented to July 23, 2020

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Bill 21

PROVINCIAL ADMINISTRATIVE PENALTIES ACT

Chapter P-30.8

(Assented to July 23, 2020)

Table of Contents

- 1 Interpretation
- 2 Purpose of Act
- 3 Application of Act
- 4 Provision of technical materials

Part 1 Contraventions

- 5 Issuance of notice of administrative penalty
- 6 Form of notice of administrative penalty
- 7 Request for review
- 8 Failure to respond to notice of administrative penalty or pay fine

Part 2 Reviews

Division 1 Designation and Assignment of Adjudicators

- 9 Designation of adjudication branch
- 10 Designation of Director and adjudicators
- 11 Assignment of adjudicator

Division 2 Records, Representations, Arguments and Evidence

- 12 Duty to provide records to recipient
- 13 Records, representations, arguments and evidence provided by recipient

**Division 3
Review**

- 14 Document deemed made under oath
- 15 Date of review
- 16 Means of review
- 17 Rules for review
- 18 Content of review
- 19 Failure to participate in or abandonment of review
- 20 Request for late review

**Division 4
Decision of Adjudicator**

- 21 Decision of adjudicator
- 22 Copy of adjudicator's decision
- 23 Delay in exceptional circumstances

**Part 3
Judicial Review**

- 24 Judicial review

**Part 4
General Matters**

- 25 Search warrants
- 26 Limitation period
- 27 Additional time to pay fine
- 28 Incomplete notice of administrative penalty
- 29 Application of money received
- 30 Civil recovery
- 31 Admissibility of confirmation of contravention
- 32 Signatures
- 33 Electronic signatures
- 34 Certified copies of documents

**Part 5
Regulations**

- 35 General regulations
- 36 Deficiency regulations
- 37 Consequential changes to regulations

**Part 6
Consequential Amendments, Coordinated
Amendment and Coming into Force**

- 38-46 Consequential amendments

- 47 Coordinated amendment
- 48 Coming into force

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) “adjudicator” means an employee of the Crown designated as an adjudicator under section 10;
- (b) “administrative penalty” includes a fine and any other administrative consequence, including, without limitation, a sanction, restriction, prohibition, requirement, condition, suspension, disqualification or cancellation imposed on a person for contravention of a prescribed enactment, but does not include imprisonment;
- (c) “contravention” includes, without limitation,
 - (i) a failure to comply with a restriction, prohibition, requirement, rule, direction, order, term or condition imposed by or under a prescribed enactment,
 - (ii) conduct that is subject to sanction under a prescribed enactment, and
 - (iii) any other action prescribed as a contravention under this Act or a prescribed enactment;
- (d) “Crown” means the Crown in right of Alberta;
- (e) “Director” means the head of the adjudication branch designated under section 10;
- (f) “electronic document” means information or data that is created, recorded, transmitted or stored in digital form or in any other intangible form by electronic, magnetic or optical means or by any other means that have similar capabilities for creation, recording, transmission or storage, and includes any display, printout or other output of the information or data;
- (g) “enactment” means any Act, regulation, order or bylaw enacted in relation to any matter over which the Legislature has legislative authority;

- (h) “fine” means a monetary penalty imposed in respect of a contravention;
- (i) “medical information” means information provided or created by a person who is licensed or authorized by law to practise medicine in the place where the person practises;
- (j) “Minister” means, except in section 10(1), the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (k) “notice of administrative penalty” means a notice of administrative penalty issued under section 5;
- (l) “officer” means a peace officer and any person authorized under a prescribed enactment to enforce the enactment;
- (m) “peace officer” means
 - (i) a police officer under the *Police Act*, while the police officer is in the exercise or discharge of the police officer’s powers or duties,
 - (ii) a member of a police service under the *Police Act*, while the member is in the exercise or discharge of the member’s powers or duties,
 - (iii) a peace officer appointed under the *Peace Officer Act*, while the peace officer is in the exercise or discharge of the peace officer’s powers or duties,
 - (iv) a person who is employed or retained by the Government, a municipality or a Metis settlement and whose duties include written authorization to issue notices of administrative penalty, while the person is in the exercise or discharge of that duty and while the person is issuing a notice of administrative penalty,
 - (v) a park warden designated under the *Parks Canada Agency Act* (Canada) and a park warden or enforcement officer designated under the *Canada National Parks Act* (Canada), while they are in the exercise or discharge of their powers or duties in a national park established under the *Canada National Parks Act* (Canada),
 - (vi) a person appointed under the *National Defence Act* (Canada) regulations for the purposes of section 156 of the *National Defence Act* (Canada), while the person is in the exercise or discharge of the person’s powers or

duties in a defence establishment as defined in that Act,
and

- (vii) any other person employed by a municipality, a Metis settlement, the Government of Alberta or the Government of Canada for the preservation and maintenance of the public peace, while the person is in the exercise or discharge of the person's powers and duties;
- (n) "prescribed" means prescribed by regulation;
- (o) "prescribed enactment" means an enactment prescribed under this Act as an enactment to which this Act applies;
- (p) "recipient" means a person to whom a notice of administrative penalty is issued;
- (q) "request for review" means a request for review filed by a recipient under section 7;
- (r) "review" means a review conducted under Part 2;
- (s) "surcharge" means a surcharge under the *Victims of Crime Act*.

(2) In this Act, a reference to the issuance of a notice of administrative penalty to a person includes the service of that notice on that person.

Purpose of Act

2 The purpose of this Act is to

- (a) adopt a simplified form and process for administratively enforcing contraventions,
- (b) establish a consistent framework for the resolution of contraventions enforced by issuance of an administrative penalty,
- (c) ensure that the process used to administratively enforce contraventions and the procedural safeguards applicable in administrative enforcement proceedings are proportionate to the regulatory nature of the contravention,
- (d) resolve disputes in relation to administrative penalties in an expedient manner consistent with the procedural protections mandated by this Act,

- (e) affirm that the consequences for a contravention enforced by issuance of an administrative penalty may not include imprisonment, and
- (f) enhance access to justice by establishing an administrative enforcement process that can be readily understood and provides for a simple method of disputing a notice of administrative penalty.

Application of Act

3(1) Subject to subsection (3), the regulations and any express provision in this or any other Act, this Act and the procedures under this Act apply to any case in which a person commits or is suspected of having committed a contravention for which that person may be liable to an administrative penalty.

(2) Subject to any express provision in another enactment, every person who commits a contravention is liable to an administrative penalty.

(3) This Act does not apply in respect of a contravention in respect of which an information has been laid or a violation ticket has been issued under the *Provincial Offences Procedure Act*.

(4) No person is liable to imprisonment as a consequence of a notice of administrative penalty.

Provision of technical materials

4 The Director may, in accordance with the regulations or the regulations under a prescribed enactment, establish and maintain publicly accessible scientific, technical or medical information and documents in any format, which may be relied on as evidence in a review.

Part 1 Contraventions

Issuance of notice of administrative penalty

5 An officer who has reasonable grounds to believe that a person has committed a contravention may issue a notice of administrative penalty to that person.

Form of notice of administrative penalty

6 A notice of administrative penalty must be in a form and contain the content satisfactory to the Minister.

Request for review

7(1) If a recipient wishes to dispute a notice of administrative penalty, the recipient shall, within 7 days after the notice of

administrative penalty is issued, file with the Director a request for review in a form and containing the content satisfactory to the Minister and pay the prescribed fee.

(2) The filing of a request for review of a notice of administrative penalty does not stay the administrative penalty.

(3) A prescribed enactment may provide for relief for persons other than recipients who are affected by the imposition of an administrative penalty under this Act or a prescribed enactment.

Failure to respond to notice of administrative penalty or pay fine

8 Subject to any extension granted under section 27, if a recipient has not

- (a) filed a request for review in accordance with section 7, or
- (b) paid any applicable fine and any applicable surcharge to the Crown within the period specified by the regulations under this Act or under a prescribed enactment,

the fine and any applicable surcharge and late payment charge, as specified in the regulations, are immediately payable to the Crown.

**Part 2
Review**

**Division 1
Designation and Assignment
of Adjudicators**

Designation of adjudication branch

9 The Lieutenant Governor in Council may designate a part of the public service as an adjudication branch to conduct reviews under this Act.

Designation of Director and adjudicators

10(1) The Minister responsible for an enactment pursuant to section 16 of the *Government Organization Act* may designate any person as the Director of the adjudication branch for reviews under this Part of notices of administrative penalty issued with respect to contraventions of that enactment.

(2) The Director may designate employees of the Crown as adjudicators for the purposes of the reviews referred to in subsection (1).

(3) The Director may in writing delegate to any employee of the Crown any power, duty or function conferred or imposed on the Director by this Act.

Assignment of adjudicator

11(1) The Director shall, after receiving a request for review and the prescribed fee, assign an adjudicator to conduct the review.

(2) A review shall be conducted by a single adjudicator.

Division 2
Records, Representations,
Arguments and Evidence

Duty to provide records to recipient

12(1) The Director shall, after receiving a request for review and the prescribed fee, provide to the recipient, in accordance with the regulations, relevant records as prescribed in the regulations or the regulations under a prescribed enactment.

(2) Unless required by the regulations or the regulations under a prescribed enactment, the Director is not required to provide a recipient with any records, representations or arguments in respect of an alleged contravention beyond the records referred to in subsection (1).

(3) Where the Director is unable to provide relevant records in accordance with subsection (1), the Director may cancel the notice of administrative penalty.

Records, representations and arguments provided by recipient

13(1) Subject to subsection (2) and the regulations or the regulations under a prescribed enactment, a recipient may provide to the Director records, representations, arguments or evidence in support of a request for review.

(2) Any written representations, written arguments or records provided as evidence must be provided to the Director at least 2 days before the date of the review.

(3) If the recipient does not provide the records, representations, arguments or evidence referred to in subsection (2) within the period specified in subsection (2), the adjudicator shall not consider those records, representations, arguments or evidence in the review.

Division 3 Review

Document deemed made under oath

14 A report, notes or other document confirmed by an officer in accordance with the regulations is deemed to have been made under oath.

Date of review

15 Subject to section 23, where a review has been requested and the prescribed fee has been paid, the Director shall schedule a review, which must be held within 21 days from issuance of the notice of administrative penalty.

Means of review

16(1) A review may be conducted orally or in writing as prescribed, but shall not be conducted in person.

(2) Oral reviews may be held by electronic means, including any method of telecommunication, in accordance with the regulations.

(3) No person may be cross-examined in a review of a notice of administrative penalty.

Rules for review

17 The Director may set rules, prohibitions and limits for evidence and submissions under section 13, including, without limitation,

- (a) maximum numbers of pages or documents submitted,
- (b) maximum duration for video and audio submissions, and
- (c) types and formats of content.

Content of review

18(1) The burden of proof in a review is on the person requesting the review.

(2) An adjudicator may, in conducting a review, consider the following records, representations, arguments and evidence before making a decision:

- (a) a copy of the notice of administrative penalty;
- (b) any records, representations, arguments and evidence submitted by the recipient;
- (c) the report of the officer who issued the notice of administrative penalty;

- (d) any other relevant records and representations of the officer who issued the notice of administrative penalty or any other officer, including peace officers' reports that have not been sworn or solemnly affirmed;
- (e) any relevant scientific, technical or medical information and documents referred to in section 4;
- (f) any other prescribed evidence or information.

(3) The adjudicator may determine the weight to be given to any documents, records, representations or evidence.

(4) In conducting a review, the adjudicator is not bound by the rules respecting evidence applicable to judicial proceedings.

Failure to participate in or abandonment of review

19(1) Subject to subsection (2), if a recipient, after filing a request for review, fails

- (a) where the recipient requests an oral review, to attend at the review, or
- (b) where the recipient requests a written review, to provide any material in support of the recipient's request,

the request for review is deemed to be abandoned, the notice is confirmed and any fine and any applicable surcharge and late payment charge are payable to the Crown in accordance with the regulations.

(2) Where a recipient requests an oral review and fails to attend at the review, but provides material in support of the request, the review must be conducted as a written review.

(3) At any time after a recipient has filed a request for review under section 7 and before the time at which a review is scheduled, the recipient may abandon the request by

- (a) notifying the Director, or
- (b) paying the fine and any applicable surcharge and late payment charge to the Crown,

and the notice of administrative penalty is confirmed.

Request for late review

20(1) Notwithstanding sections 8 and 19, if a recipient wishes to request a late review of an administrative penalty under this section, the recipient may, within 12 months of the date the notice

of administrative penalty is issued, file with the Director a request for review in a form and containing the content satisfactory to the Minister and pay the prescribed fee.

(2) The Director may accept a request for late review if the Director is satisfied that the recipient has prescribed exceptional circumstances for

- (a) failing to file a request within the period specified in section 7, or
- (b) failing to participate in a review as referred to in section 19.

(3) The Director shall notify the recipient in writing of the decision under subsection (2) in accordance with the regulations or the regulations under a prescribed enactment.

(4) The date the Director notifies the recipient of the decision to accept the request under subsection (2) is deemed to be the date of the issuance of the notice of administrative penalty under section 5.

Division 4 Decision of Adjudicator

Decision of adjudicator

21(1) After conducting a review, the adjudicator shall, subject to subsection (2),

- (a) if the adjudicator is not satisfied that the grounds prescribed in the regulations or the regulations under a prescribed enactment for cancelling the notice of administrative penalty have been met, confirm the notice of administrative penalty, or
- (b) if the adjudicator is satisfied that the grounds prescribed in the regulations or the regulations under a prescribed enactment for cancelling the notice of administrative penalty have been met, cancel the notice of administrative penalty.

(2) Where the adjudicator is satisfied that a contravention was committed but

- (a) the administrative penalty imposed for that contravention is applicable to a 2nd or subsequent contravention and the recipient has not previously committed that contravention, or
- (b) the administrative penalty imposed for that contravention is applicable to a 3rd or subsequent contravention and the recipient has only committed a single contravention,

the adjudicator may, subject to the regulations or the regulations under a prescribed enactment, substitute the administrative penalty applicable to that contravention under a prescribed enactment and confirm the notice of administrative penalty.

(3) If the adjudicator confirms the notice of administrative penalty, any fine and any applicable surcharge are payable to the Crown within the period specified by the regulations.

(4) If the adjudicator cancels the notice of administrative penalty, the following are to be repaid to the recipient:

- (a) any fine imposed on and paid by the recipient and any applicable surcharge on that fine;
- (b) subject to subsection (5), any expenses or costs incurred by the recipient related to completing or satisfying any non-monetary portion of the administrative penalty imposed pursuant to the notice of administrative penalty.

(5) The expenses or costs referred to in subsection (4)(b) must be specified under the enactment in respect of the contravention of which the notice of administrative penalty was issued.

Copy of adjudicator's decision

22(1) As soon as practicable after making a decision under section 21, and, subject to section 23, within 30 days of issuance of the notice of administrative penalty, the adjudicator shall provide a copy of the adjudicator's decision to the recipient in the prescribed manner.

(2) Subject to section 24, a decision of the adjudicator is final.

Delay in exceptional circumstances

23(1) In exceptional circumstances prescribed in the regulations or the regulations under a prescribed enactment, the Director may extend the periods referred to in sections 15, 20(1), 22 and 27.

(2) Where the Director extends the period referred to in sections 15, 20(1), 22 and 27, the Director may provide relief as set out in the regulations or the regulations under a prescribed enactment.

Part 3 Judicial Review

Judicial review

24(1) Subject to subsection (2), no decision or order of the Director or adjudicator is to be questioned or reviewed in any court by application for judicial review or otherwise, and no order is to

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 Director or adjudicator or any of the Director's or adjudicator's proceedings.

(2) A decision or order of the Director or adjudicator 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 of Queen's Bench and served on the Director or adjudicator no later than 30 days after the date on which the decision or order was received by the applicant.

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

Part 4

General Matters

Search warrants

25 Except to the extent that they are inconsistent with this Act, and subject to the regulations, all provisions of Part XV of the *Criminal Code* (Canada) respecting search warrants and production orders apply in respect of every matter to which this Act applies.

Limitation period

26(1) Subject to any express provision in another enactment, no notice of administrative penalty may be issued more than 12 months after the time when the alleged contravention occurred.

(2) In the case of a contravention that is of a continuing nature, a contravention constitutes a separate contravention in respect of each day or part of a day on which it continues, and no notice of administrative penalty may be issued more than 12 months after the last occurrence of the alleged contravention.

Additional time to pay fine

27 Subject to the regulations or the regulations under a prescribed enactment, the Director may, on application by a recipient within 30 days after a notice of administrative penalty is issued, grant the recipient an additional period of time to pay any fine imposed and any applicable surcharge.

Incomplete notice of administrative penalty

28 Failure to complete any information required in a notice of administrative penalty does not affect the validity of a notice of administrative penalty or any part of it if

- (a) the recipient is identified with reasonable clarity,
- (b) the provision of the enactment the recipient is stated to have contravened is specified,
- (c) the date on which the contravention is stated to have occurred is specified, and
- (d) the place at or near which the contravention is stated to have occurred is specified.

Application of money received

29(1) Subject to section 8(5) of the *Victims of Crime Act* and any express provision in another enactment, the proceeds of a fine and any applicable surcharge under this Act belong to the Crown.

(2) Notwithstanding any other enactment, the proceeds of a late payment charge under this Act belong to the Crown.

(3) Where, under an enactment,

- (a) the Crown collects an amount of money in respect of a penalty, fine or sum of money payable under the enactment or the proceeds of a forfeiture, and
- (b) the amount collected by the Crown does not belong to the Crown,

the Crown may, notwithstanding any Act and subject to the regulations, retain a portion of that amount to offset the expenses incurred by the Crown with respect to the collecting of penalties, fines, sums of money or forfeitures arising under any enactment or to fund programs that support or improve the administration of justice or government initiatives, and that portion that is retained by the Crown belongs to the Crown and shall be deposited in the General Revenue Fund.

Civil recovery

30(1) In this section,

- (a) “confirmation of contravention” means a form established by the Minister that confirms the commission of a contravention;
- (b) “reserve” and “band” have the meanings assigned to them in the *Indian Act* (Canada).

(2) When a fine is imposed on a recipient and the fine is not paid within the longer of the period referred to in section 8(b) or the period allowed by the Director under section 28, the Minister or a

person authorized by the Minister may, by filing the confirmation of contravention, enter as a judgment in the Court of Queen's Bench the amount of the fine and any applicable surcharge and late payment charge, and the judgment is enforceable against the recipient in the same manner as if it were a judgment rendered against the recipient in that Court in a civil proceeding.

- (3) If an enactment provides that any fine or penalty imposed
- (a) in respect of a contravention occurring in a city, town or village, enures to the benefit of the city, town or village, or
 - (b) in respect of a contravention occurring in a summer village, municipal district, Metis settlement or reserve, elsewhere than on a provincial highway under the *Highways Development and Protection Act*, enures to the benefit of the summer village, municipal district, Metis settlement or band,

and the confirmation of contravention has not been entered as a judgment under subsection (2), an agent of the city, town, village, summer village, municipal district, Metis settlement or band, as the case may be, may enter the amount of a fine payable by the recipient for that contravention as a judgment under subsection (2).

Admissibility of confirmation of contravention

31 A document that appears to be a confirmation of contravention as defined in section 30(1) shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the document in any proceeding in respect of the alleged contravention set out in the document without proof of the signature or official character of the person who signed the document, if any.

Signatures

32 Where a document used under this Act is to be signed, that document, whether in electronic or non-electronic form, may, instead of being signed, be marked, subscribed, endorsed, acknowledged or given any other form of signification or be otherwise dealt with if so provided for under the regulations.

Electronic signatures

33 A requirement under this Act that a document be signed is satisfied by an electronic signature only if

- (a) the electronic signature identifies the person purporting to sign the document,
- (b) the electronic signature relates to the document, and

- (c) the electronic signature meets the requirements set out in the regulations.

Certified copies of documents

34 On the request by a person and payment of the prescribed fee, the Director may provide to that person a certified copy of any decision issued by an adjudicator that is requested by the person.

Part 5 Regulations

General regulations

35(1) The Lieutenant Governor in Council may make regulations prescribing enactments to which this Act and the procedures under this Act apply.

(2) The Minister may make regulations

- (a) respecting information to be included on a notice of administrative penalty;
- (b) prescribing the amounts of fines imposed in respect of contraventions;
- (c) respecting the imposition and amounts of applicable surcharges and late payment charges in respect of contraventions;
- (d) respecting the payment of fines, applicable surcharges and late payment charges to the Crown, including, without limitation, the period within which those payments must be made;
- (e) permitting agents of the Crown to receive payments of fees, fines and any applicable surcharges and late payment charges, including, without limitation, regulations
 - (i) governing the qualifications of and requirements to be met by persons who wish to act as agents of the Crown;
 - (ii) governing the carrying out of duties and functions by those agents;
 - (iii) governing the holding and handling of money by those agents;
 - (iv) permitting an agent to carry out other functions on behalf of the Crown with respect to notices of administrative penalties;

- (v) where an agent collects from a member of the public a voluntary payment, or otherwise provides a service to a member of the public in respect of a function carried out on behalf of the Crown, permitting the agent, for the agent's own benefit, to charge and collect from that member of the public a service charge for collecting the voluntary payment or in respect of providing a service;
- (vi) respecting the maximum and minimum amounts that may be charged by agents as service charges;
- (f) respecting the filing of requests for review with and the provision of records, representations and arguments to the Director;
- (g) respecting the provision of relevant records to a recipient under section 12, including, without limitation, providing for limits on the records;
- (h) respecting the grounds for a request for review under section 7 and for confirming or cancelling a notice of administrative penalty under section 21;
- (i) respecting the conduct of reviews, including, without limitation, regulations governing
 - (i) the procedure before an adjudicator;
 - (ii) adjournments of matters before an adjudicator;
 - (iii) the conduct of reviews by electronic means;
 - (iv) the taking and acceptance of evidence under oath;
 - (v) the applicability of the rules of evidence in reviews;
 - (vi) the receiving and recording of evidence;
 - (vii) the prescribed evidence or information an adjudicator may consider under section 18(2)(f);
- (j) respecting requests for late reviews under section 20;
- (k) prescribing exceptional circumstances for the purposes of sections 15, 20, 22 and 27;
- (l) respecting notifications by the Director to recipients of decisions under section 20 and by the adjudicator to recipients of decisions under section 22;

- (m) respecting the substitution by an adjudicator of applicable administrative penalties under section 21(2);
- (n) respecting the relief the Director may provide under section 23(2);
- (o) respecting applications under section 27 for an additional period of time to pay fines and applicable surcharges in respect of contraventions, including, without limitation, prescribing the maximum number of days the Director may grant a recipient to pay a fine and any applicable surcharge;
- (p) respecting the service, providing or sending of notices and any other documents under this Act, including, without limitation, regulations
 - (i) respecting a recipient's address for service;
 - (ii) respecting evidence of service of a notice of administrative penalty;
 - (iii) respecting the deemed service of notices and documents;
- (q) permitting and governing the use, processing and filing of electronic documents, including, without limitation, electronic notices of administrative penalty;
- (r) governing, where electronic documents are used, the issuance and use of any non-electronic documents that correspond to those electronic documents;
- (s) respecting the technological standards that electronic signatures authorized under this Act must meet;
- (t) establishing evidentiary presumptions in relation to electronic documents signed with electronic signatures;
- (u) respecting documents, whether in electronic or non-electronic form, that are to be signed, including, without limitation, regulations
 - (i) governing the signing of those documents, which may include dispensing with any requirement that the documents be signed;
 - (ii) providing for those documents, instead of being signed, to be marked, subscribed, endorsed, acknowledged or given any other form of signification or to be otherwise dealt with, and governing any matter relating to

- (A) the marking, subscribing, endorsing, acknowledging or signification of or dealing with those documents, and
- (B) the effect to be given to those documents;
- (v) notwithstanding anything in this Act, providing for and governing
 - (i) the carrying out of any functions under this Act by electronic means, and
 - (ii) the creation, registration, issuance, service, transmittal, storage, recording, presentation and handling of documents under this Act by electronic means;
- (w) respecting the fees payable with respect to any matter under this Act or the regulations, including, without limitation, respecting the refunding of those fees;
- (x) respecting forms to be used under this Act or the regulations;
- (y) respecting the collection, use and disclosure of information, including personal information, for the purposes of this Act;
- (z) respecting the confirmation by an officer of documents under section 14;
- (aa) respecting the applicability of provisions of Part XV of the *Criminal Code* (Canada) respecting search warrants and production orders in respect of matters to which this Act applies;
- (bb) respecting confirmations of contraventions, including, without limitation, the use of confirmations in other proceedings;
- (cc) prescribing or otherwise specifying, in whole or in part, the enactments or the penalties, fines or sums of money or forfeitures to which section 29(3) applies;
- (dd) respecting the portions of amounts that may be retained by the Crown under section 29(3);
- (ee) prescribing anything required to be prescribed under this Act or that this Act refers to as prescribed;
- (ff) defining any word or expression used but not defined in this Act;

- (gg) respecting any other matter or thing that the Minister considers necessary to carry out the intent of this Act.

Deficiency regulations

36(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

- (a) the coming into force of an amendment that adds the subject-matter of the regulation to this Act or any other enactment,
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1), and
- (c) 5 years after the regulation 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 may not be made under subsection (1) after the expiration of 5 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 the 5-year period remains in force until it is repealed under subsection (2).

(5) A regulation may not be made under subsection (1) altering the provisions of subsection (2) or extending the 5-year period provided for in subsection (4).

Consequential changes to regulations

37(1) The Lieutenant Governor in Council may, by regulation, amend any regulations filed under the *Regulations Act* to reflect changes made by this Act.

(2) An amendment made under subsection (1) may be made even though the regulation being amended was made by a member of the Executive Council or some other body or person.

Part 6

Consequential Amendments, Coordinated Amendment and Coming into Force

Consequential Amendments

Amends RSA 2000 cC-23

38 The *Conflicts of Interest Act* is amended in Part 3 of the Schedule by striking out “Alberta Transportation Safety Board”.

Amends RSA 2000 cD-4

39(1) The *Dangerous Goods Transportation and Handling Act* is amended by this section.

(2) Section 1(a.1) is repealed.

(3) Section 30.1(4) is amended by striking out “or wins an appeal under section 30.2” and substituting “or has the decision of the Director to impose the administrative penalty cancelled by the Director on a reconsideration under section 31.1”.

(4) Sections 30.2 and 30.3 are repealed

(5) The following is added after section 31:

Reconsiderations by Director

31.1(1) Where the Director makes an order under section 30.1(1), the Director shall, on the application of the person that is the subject of the order, reconsider the order.

(2) The application referred to in subsection (1) must be made within 30 days of service of the order.

(3) The Director may extend the time referred to in subsection (2) if in the opinion of the Director the circumstances in respect of the matter have substantially changed from the time of the making of the order.

(4) The Director may confirm, cancel or vary the Director’s order.

(5) Once an order under section 30.1(1) has been reconsidered by the Director under subsection (1), the Director may refuse to reconsider the order again.

(6) A reconsideration commenced under this section does not, except as otherwise directed by the Director, stay the order made by the Director under section 30.1(1).

Transitional — appeals**31.2(1)** In this section,

- (a) “appeal” means an appeal under section 30.2 of this Act as it read immediately before the coming into force of this section;
- (b) “Board” means the Alberta Transportation Safety Board referred to in section 22 of the *Traffic Safety Act*.

(2) Subject to section 189.4 of the *Traffic Safety Act*, if an appeal has commenced but is not concluded before the coming into force of this section, the appeal is to be continued under and in conformity with this Act, section 41(1) of the *Traffic Safety Act* and the provisions of that Act and the regulations under it relative to an appeal to the Board under section 41(1) of that Act as they read immediately before the coming into force of this section.

(3) Subject to section 189.4 of the *Traffic Safety Act*, where a right of appeal arose before the coming into force of this section but an appeal has not commenced before the coming into force of this section, the Board shall hear the appeal in conformity with this Act, section 41(1) of the *Traffic Safety Act* and the provisions of that Act and the regulations under it relative to an appeal to the Board under section 41(1) of that Act as they read immediately before the coming into force of this section.

Transitional — regulations**31.3** The Lieutenant Governor in Council may make regulations

- (a) respecting the transitional application of the amendments to this Act made by section 39 of the *Provincial Administrative Penalties Act*, including the interpretation of any provision amended, and
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments.

Amends SA 2004 cH-8.5

40(1) The *Highways Development and Protection Act* is amended by this section.

(2) Section 57 is amended by striking out “to the right to appeal” and substituting “to the right to a reconsideration under section 58 of”.

(3) Section 58 is repealed and the following is substituted:

Reconsiderations by Minister

58(1) Where the Minister serves a notice of administrative penalty on a person under section 55, the Minister shall, on the application of the person on whom the Minister served the notice, reconsider the notice.

(2) The application referred to in subsection (1) must be made within 30 days of service of the notice.

(3) The Minister may extend the period referred to in subsection (2) if in the opinion of the Minister the circumstances in respect of the matter have substantially changed from the time of the service of the notice.

(4) The Minister may confirm, cancel or vary the notice.

(5) Once the Minister reconsiders the notice under subsection (1), the Minister may refuse to reconsider the decision again.

(6) A reconsideration commenced under this section does not, except as otherwise directed by the Minister, stay the administrative penalty imposed by the notice.

(4) The following is added after section 63:**Transitional — appeals**

63.1(1) In this section,

- (a) “appeal” means an appeal under section 58 of this Act as it read immediately before the coming into force of this section;
- (b) “Board” means the Alberta Transportation Safety Board referred to in section 22 of the *Traffic Safety Act*.

(2) Subject to section 189.4 of the *Traffic Safety Act*, if an appeal has commenced but is not concluded before the coming into force of this section, the appeal is to be continued under and in conformity with this Act and section 41 of the *Traffic Safety Act* as they read immediately before the coming into force of this section.

(3) Subject to section 189.4 of the *Traffic Safety Act*, where a right of appeal arose before the coming into force of this section but an appeal has not commenced before the coming into force of this section, the Board shall hear the appeal in conformity with this Act and section 41 of the *Traffic Safety Act* as they read immediately before the coming into force of this section.

Transitional — regulations

63.2 The Lieutenant Governor in Council may make regulations

- (a) respecting the transitional application of the amendments to this Act made by section 40 of the *Provincial Administrative Penalties Act*, including the interpretation of any provision amended, and
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments.

Amends RSA 2000 cM-26

41(1) The *Municipal Government Act* is amended by this section.

(2) Section 602.15(1)(a) is amended by striking out “or the Alberta Transportation Safety Board”.

Amends RSA 2000 cP-34

42(1) The *Provincial Offences Procedure Act* is amended by this section.

(2) Section 2 is amended by renumbering it as section 2(1) and by adding the following after subsection (1):

(2) Where a contravention under an enactment is enforced under this Act, the contravention is deemed to be an offence under that enactment and for the purposes of this Act.

(3) Notwithstanding subsection (1), this Act does not apply in respect of contraventions in respect of which a notice of administrative penalty has been issued under the *Provincial Administrative Penalties Act*.

(3) Section 4(2) is amended

- (a) **by striking out** “a contravention constitutes a separate offence in respect of”;
- (b) **by adding** “constitutes a separate offence” **after** “continues”.

(4) Section 39(1) is amended by striking out “a contravention of” and substituting “an offence under”.

Amends RSA 2000 cR-4

43(1) The *Railway (Alberta) Act* is amended by this section.

(2) Section 1 is amended

- (a) **by repealing clause (c);**

(b) in clause (i) by striking out “, unless otherwise ordered by the Board,”.

(3) Section 8(2) is amended by striking out “Board” and substituting “Surface Rights Board”.

(4) Section 25(2) is amended by striking out “Board” and substituting “Railway Administrator”.

(5) Section 30(p) is amended by striking out “the Board,”.

(6) Section 41(1) is amended by adding “or” at the end of clause (a) and by repealing clause (b).

(7) The headings preceding section 42 are repealed and the following is substituted:

Part 4 Reviews and Reconsiderations

(8) Section 42(1)(e) is amended by striking out “Board, in its discretion,” and substituting “Railway Administrator, in the Railway Administrator’s discretion,”.

(9) Section 43 is amended

(a) in subsection (1) by striking out “may apply to the Board for a review” and substituting “may apply to the Railway Administrator for a reconsideration”;

(b) by repealing subsection (2).

(10) Section 46(1) is amended by adding the following after clause (a.1):

(a.2) notwithstanding clause (a.1), where the conduct of a review or hearing is commenced after the coming into force of this clause, the quorum of the Board for the review or hearing is one member of the Board;

(11) Sections 44 to 48 are repealed and the following is substituted:

Reconsideration by Railway Administrator

44(1) On receiving an application under section 43(1) for a reconsideration by the Railway Administrator of an action taken by the Railway Administrator, the Railway Administrator shall reconsider that action.

(2) The Railway Administrator may extend the period referred to in section 43(1) if in the opinion of the Railway Administrator the circumstances in respect of the matter have substantially changed from the time of the action.

(3) The Railway Administrator may confirm, cancel or vary the Railway Administrator's action.

(4) Once the Railway Administrator has reconsidered an action referred to in subsection (1), the Railway Administrator may refuse to reconsider the action again.

(5) A reconsideration commenced under subsection (1) does not, except as otherwise directed by the Railway Administrator, stay any action or consequence of any action that is the subject of or otherwise related to the reconsideration.

(12) Section 53(1) is amended by striking out “the Board,”.

(13) Section 54 is amended

(a) by repealing clauses (a) and (b);

(b) in clauses (e) and (f) by striking out “the Board,”.

(14) Section 55(1)(b) is amended by striking out “the Board,”.

(15) The following is added after section 57.1:

Transitional — appeals, reviews and hearings

57.2(1) In this section and section 57.3,

- (a) “Board” means the Alberta Transportation Safety Board referred to in section 22 of the *Traffic Safety Act*;
- (b) “hearing” means a hearing under section 44(2) or (3) of this Act as it read immediately before the coming into force of this section;
- (c) “review” means a review under section 44(1) or (3) of this Act as it read immediately before the coming into force of this section.

(2) Subject to section 189.4 of the *Traffic Safety Act*, if a hearing or a review has commenced but is not concluded before the coming into force of this section, the hearing or review is to be continued under and in conformity with this Act as it read immediately before the coming into force of this section.

(3) Subject to section 189.4 of the *Traffic Safety Act*, where a right of review under section 44(1) arose before the coming into

force of this section or the Board has agreed to conduct a hearing under section 44(2) or a review under section 44(3), but the hearing or review has not commenced before the coming into force of this section, the Board shall hear the review or conduct the hearing in conformity with this Act as it read immediately before the coming into force of this section.

Transitional — continued application of provisions to Alberta Transportation Safety Board

57.3 Subject to section 57.2, this Act as it read immediately before the coming into force of this section continues to apply until the coming into force of section 189.4 of the *Traffic Safety Act*

- (a) in respect of the Board in relation to a hearing or review before the Board on or after the coming into force of this section, and
- (b) in respect of the rights of a person who is the subject of a decision of the Board under this Act made on or after the coming into force of this section.

Transitional — regulations

57.4 The Lieutenant Governor in Council may make regulations

- (a) respecting the transitional application of the amendments to this Act made by section 43 of the *Provincial Administrative Penalties Act*, including the interpretation of any provision amended, and
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments.

Amends RSA 2000 cT-6

44(1) The *Traffic Safety Act* is amended by this section.

(2) Section 1 is amended

(a) in subsection (1)

(i) by repealing clause (d);

(ii) by adding the following after clause (h):

(h.1) “contravention” means a contravention under this Act;

(iii) by repealing clause (l.1) and substituting the following:

- (1.1) “driving record” means a record of all of the information held by the Registrar that relates to an individual driver’s history, including, without limitation,
- (i) any convictions for a criminal or other federal offence relating to the operation of a vehicle, and
 - (ii) any commissions of contraventions;

(iv) in clause (ff)(iii) by striking out “except in sections 39, 39.1, 39.2, 88, 88.1 and 90,”;

(b) in subsection (7) by striking out “section 39”.

(3) The following is added after section 1:

Nature of contraventions

1.1 Subject to section 157(1.1), (1.2) and (1.3) or an express provision in this Act or the regulations, a contravention of this Act may be enforced

- (a) as an offence to which the *Provincial Offences Procedure Act* applies, or
- (b) as a contravention to which the *Provincial Administrative Penalties Act* applies.

No imprisonment

1.2 Notwithstanding anything to the contrary in this Act, no term of imprisonment may be imposed in respect of a contravention in respect of which a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act*.

(4) Section 3 is amended

- (a) by repealing subsection (1)(a);
- (b) in subsection (5) by repealing clauses (a) to (c) and substituting the following:
 - (a) the Registrar, or
 - (b) an employee of the Government designated by the Minister,

(5) Section 4(2)(c) is amended by striking out “legal”.

(6) Section 5 is amended

- (a) in subsection (1) by repealing clauses (a) and (b);
- (b) in subsection (3) by striking out “prosecution for an offence” and substituting “proceeding”;
- (c) in subsection (4) by striking out “the Chair or a Vice-chair, member or the Secretary of the Board or”;
- (d) in subsection (6) by striking out “the Board or”.

(7) Section 6 is amended

- (a) by striking out “or the Board” and substituting “, a Director or an adjudicator under the *Provincial Administrative Penalties Act*”;
- (b) in clause (c) by striking out “number or electronic” and substituting “email”.

(8) Section 9(1)(b) is amended by striking out “89” and substituting “172, 172.1”.

(9) Section 11 is amended by repealing subsection (2.1)(c) and substituting the following:

- (c) the Director under the *Provincial Administrative Penalties Act* for the purposes of a review under that Act.

(10) Section 11.1(1)(a)(i) is amended by striking out “finding of guilt for offences” and substituting “commission of contraventions”.

(11) Section 12 is repealed.

(12) Section 18(1)(c) is amended by striking out “offences” and substituting “contraventions”.

(13) Section 20(2) is repealed and the following is substituted:

- (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 a contravention.

(14) The headings following section 21 are repealed and the following is substituted:

**Part 2
Reviews****Division 1
Alberta Transportation Safety Board**

(15) Section 24 is repealed and the following is substituted:

Functions of the Board

24(1) The Board shall

- (a) conduct reviews and appeals under Divisions 2 and 3 as they read immediately before the coming into force of this section
 - (i) that are commenced before the coming into force of this section, or
 - (ii) for which the right of review or appeal arose before the coming into force of this section,

and

- (b) consider any other matter not referred to in clause (a) that is referred to the Board by the Minister before the coming into force of this section.

(2) For greater certainty, the Board may not

- (a) conduct a review or appeal under Division 2 or 3 for which the right of review or appeal arises after the coming into force of this section, or
- (b) consider any matter referred to in subsection (1)(b) that is not referred to the Board by the Minister before the coming into force of this section.

(16) The following is added after section 26:

Quorum adjustment

26.1 Notwithstanding section 26, the quorum of the Board for an appeal, a hearing or a review under this Part commenced after the coming into force of this section is one member.

(17) Part 2, Division 1 is repealed.

(18) Section 30 is amended

- (a) in subsection (1)

- (i) **by striking out** “The Board may conduct” **and substituting** “The Registrar may conduct”;
 - (ii) **in clause (a) by striking out** “Board” **and substituting** “Registrar”;
 - (iii) **in clause (b) by striking out** “the Minister, a court or the Registrar has advised the Board” **and substituting** “the Minister or a court has advised the Registrar”;
- (b) **in subsection (2) by striking out** “Board” **and substituting** “Registrar”.
- (19) Section 31 is amended**
- (a) **by striking out** “Board” **wherever it occurs and substituting** “Registrar”;
 - (b) **in clause (c) by striking out** “88” **and substituting** “88.1”.
- (20) Section 32 is amended**
- (a) **by striking out** “Board” **wherever it occurs and substituting** “Registrar”;
 - (b) **by adding the following after subsection (1):**
 - (1.1)** An application for reconsideration of a decision referred to in subsection (1) must be made by the person within 30 days of service of the decision on the person.
- (21) Section 33 is amended**
- (a) **by striking out** “Board” **wherever it occurs and substituting** “Registrar”;
 - (b) **by striking out** “conviction record” **and substituting** “driving record”.
- (22) Part 2, Division 3 is repealed and the following is substituted:**

Division 3 Reconsiderations and Reviews by Registrar

Reconsiderations by Registrar

34(1) Where the Registrar has made a decision or taken an action referred to in the following clauses, the Registrar shall on the application of the person who is the subject of the decision or action reconsider the decision or action:

- (a) where the Registrar
 - (i) refuses to issue a permit to a person under section 62,
 - (ii) suspends or cancels a person's permit under section 62, or
 - (iii) imposes a term or condition to which the permit is subject;
- (b) where, under section 91(4), the Registrar
 - (i) disqualifies a person from driving a motor vehicle, or
 - (ii) suspends or cancels a certificate of registration issued to a person;
- (c) where the Registrar conducts a review under section 99 and with respect to the suspension or cancellation of a person's operator's licence by reason of the accumulation of demerit points;
- (d) where the Registrar
 - (i) refuses to set aside the operation of a disqualification or suspension imposed under this Act, or imposes terms or conditions, in accordance with section 88.1(3.2) or 88.11(4) as they read immediately before the coming into force of this clause,
 - (ii) refuses to exempt a person from the requirement for the use of an alcohol-sensing device under section 88.1(3.4) or 88.11(5) as they read immediately before the coming into force of this clause,
 - (iii) sets aside the requirement for the use of an alcohol-sensing device but imposes a further period of disqualification or another term or condition under section 88.1(3.5) or 88.11(6) as they read immediately before the coming into force of this clause, or
 - (iv) rescinds the setting aside of the disqualification or suspension of the person on the basis that the alcohol-sensing device with which the person's vehicle has been equipped as a condition of the setting aside of the operation of a disqualification or suspension imposed under section 88.1(3) or 88.11(2) registers a warn or a fail under section 88.1(3.6) or 88.11(7) as they read immediately before the coming into force of this clause;

- (e) where the Registrar
 - (i) 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),
 - (ii) refuses to reinstate or issue a licence, or imposes terms or conditions, in accordance with section 88.2(4),
 - (iii) determines the length of the term under section 88.2(5)(b),
 - (iv) orders an extension of the requirement for the use of an alcohol-sensing device under section 88.2(6)(b),
 - (v) refuses an application for exemption from the requirement for the use of an alcohol-sensing device under section 88.2(6)(c) where it is not feasible for the suspended person to comply with the requirement for the use of an alcohol-sensing device, or
 - (vi) 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);
- (f) where the Registrar, under section 88.3,
 - (i) refuses to declare a person eligible to obtain an operator's licence, or
 - (ii) imposes a term or condition on the person's eligibility to obtain an operator's licence with which that person does not agree;
- (g) 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;
- (h) where a transportation network company, as defined under section 129.4, is affected by a decision made or an action taken by the Registrar under section 129.2;
- (i) where a person who
 - (i) operates a driver training school,
 - (ii) is a driver examiner, or
 - (iii) 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;

(j) where a person who pursuant to a licence issued under this Act

(i) operates a vehicle inspection facility, including an inspection station, or

(ii) is a vehicle inspection technician, including an inspection technician and an inspection mechanic,

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;

(k) where the Registrar

(i) refuses to issue a certificate as defined in section 130(1)(c) to an applicant,

(ii) imposes a term or condition in respect of a certificate as defined in section 130(1)(c),

(iii) makes an order under section 132(2) suspending or cancelling a certificate as defined in section 130(1)(c), or

(iv) makes an order changing the safety rating of a carrier.

(2) The application referred to in subsection (1) must be made within 30 days of service of the notice of the decision or action.

(3) The Registrar may extend the period referred to in subsection (2) if in the opinion of the Registrar the circumstances in respect of the matter have substantially changed from the time of the decision or action.

(4) The Registrar may confirm, cancel or vary the Registrar's decision or action.

(5) Once a decision or action of the Registrar has been reconsidered by the Registrar in respect of a matter referred to in subsection (1), the Registrar may refuse to reconsider the decision again.

(6) A reconsideration commenced under this Division does not, except as otherwise directed by the Registrar, stay any suspension,

cancellation, disqualification or other decision or action that is the subject of or otherwise related to the reconsideration.

Review of seizure or immobilization of motor vehicle

35(1) Subject to subsection (3) and the regulations, where a driver's motor vehicle is seized or immobilized under this Act, the driver may request a review of the seizure or immobilization by the Registrar.

(2) In determining a review commenced pursuant to this section, the Registrar may, subject to the regulations, confirm, cancel or vary the seizure or immobilization.

(3) This section does not apply to seizures or immobilizations of motor vehicles made pursuant to section 88, 88.01, 88.02, 88.03 or 88.1.

Relief for affected persons

36(1) A person who is an affected person as defined in the regulations and who is affected by an administrative penalty as defined in the *Provincial Administrative Penalties Act* may apply in accordance with the regulations to the Registrar for relief from that administrative penalty.

(2) An affected person whose motor vehicle is seized as the consequence of an administrative penalty imposed under this Act or another affected person with an interest in the motor vehicle may apply to the Registrar in accordance with the regulations for relief from that seizure.

(23) Section 47.1 is amended

(a) in subsection (1)

(i) **by striking out** "sections 32 and 46" **and substituting** "sections 32 and 34";

(ii) **by striking out** "decision or order of the Board shall" **and substituting** "decision or order of the Registrar shall";

(iii) **by striking out** "the Board or any of its proceedings" **and substituting** "the Registrar or any of the Registrar's proceedings";

(b) in subsection (2) by striking out "the Board" **wherever it occurs and substituting** "the Registrar";

(c) in subsection (3) by striking out "patent unreasonableness" **and substituting** "reasonableness".

(24) Section 54(4) to (7) are repealed and the following is substituted:

(4) A person, other than a corporation, who contravenes subsection (1) or section 52(1)(h) or 167(8) is liable,

- (a) where the person is found guilty of the contravention,
 - (i) 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
 - (ii) 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;
- (b) where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of the contravention, to a fine as prescribed under that Act.

(5) On the finding that a person, other than a corporation, is guilty of contravening subsection (1) or section 52(1)(h) or 167(8), or on the issuance of a notice of administrative penalty to the person under the *Provincial Administrative Penalties Act* in respect of the contravention, 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 contravenes subsection (1) or section 52(1)(h) is liable

- (a) where the corporation is found guilty of the contravention,
 - (i) for the first contravention, to a fine of not less than \$5000 and not more than \$20 000, and
 - (ii) for any subsequent contravention, to a fine of not less than \$7500 and not more than \$25 000;
- (b) where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of the contravention, to a fine as prescribed under that Act.

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

- (a) on the finding of guilt of the person, or
- (b) on the issuance of a notice of administrative penalty to the person under the *Provincial Administrative Penalties Act* in respect of the contravention.

(25) Section 64 is amended

(a) by adding the following after clause (g):

- (g.1) governing any matters with respect to the provision to the Registrar of information by the Director or an adjudicator under the *Provincial Administrative Penalties Act* arising out of proceedings before the adjudicator under
 - (i) this Act and any bylaw made under this Act, and
 - (ii) the *Provincial Administrative Penalties Act*;

(b) in clause (k)

- (i) **by adding** “88, 88.01, 88.02, 88.03, 88.1,” **before** “172”;
- (ii) **by striking out** “172.1.”;
- (iii) **by striking out** “and appeals under section 40”;

(c) by adding the following after clause (k):

- (k.1) respecting requests to set aside suspensions under section 88.1(12) and (16);

(26) Section 65(2) is repealed and the following is substituted:

(2) Where a person who is an employee or agent of a dealer of used motor vehicles contravenes subsection (1)(h),

- (a) where the person is found guilty of contravening this section, 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;

- (b) where a notice of administrative penalty is issued to the person under the *Provincial Administrative Penalties Act* for contravening this section, the dealer is also considered to have contravened this section and is subject to a fine as prescribed under that Act unless the dealer proves to the satisfaction of an adjudicator under that Act that the dealer took all reasonable steps to ensure that the person would not contravene this section.

(27) Section 72 is amended

- (a) **by striking out** “prosecution for” **and substituting** “proceeding with respect to a”;
- (b) **by striking out** “an offence” **and substituting** “a contravention”.

(28) The heading immediately preceding section 82 is amended by adding “and Contraventions” after “Offences”.

(29) Sections 87.1, 88, 88.1 and 88.11 are repealed and the following is substituted:

Interpretation

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

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

- (a) “motor vehicle” does not include an electric scooter, electric bicycle, electric personal assistive mobility device or other vehicle prescribed by regulation
- (i) operated by one person and carrying only that person, and
- (ii) not exceeding 30 kilometres per hour at the time of operation;
- (b) “notice of administrative penalty” means a notice of administrative penalty as defined in the *Provincial Administrative Penalties Act*;
- (c) “suspended” means
- (i) in the case of a driver who holds an operator’s licence, that the driver’s operator’s licence is suspended, the driver is disqualified from operating a motor vehicle in Alberta and the driver is

disqualified from applying for or holding an operator's licence;

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

(3) In sections 88, 88.01, 88.02, 88.1 and 88.11, "drug" includes any drug for which a blood drug concentration is prescribed by regulation under the *Criminal Code* (Canada).

Refusal to accept notice of administrative penalty

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

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

Immediate roadside sanction: 24-hour

88(1) If a peace officer has reasonable grounds to suspect 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 on behalf of the Registrar

- (c) issue a notice of administrative penalty to the driver, and

(d) in the case of a driver who holds an operator's licence, require the driver to surrender to the peace officer the operator's licence.

(2) If a notice of administrative penalty is issued under this section,

- (a) the driver is immediately suspended for 24 hours, and
- (b) the peace officer or a person authorized by the peace officer may seize the driver's vehicle for 24 hours.

(3) A suspension arising pursuant to this section terminates at the end of 24 hours from the time the notice of administrative penalty was issued.

(4) Where a notice of administrative penalty is issued under section 88.01, 88.02, 88.03 or 88.1, any notice of administrative penalty issued under this section in respect of the same contravention is cancelled.

(5) No notice of administrative penalty may be issued under this section if a notice of administrative penalty has been issued under section 88.01, 88.02, 88.03 or 88.1 in respect of the same contravention.

Immediate roadside sanction zero: novice

88.01(1) In this section,

- (a) "novice driver" means a person who holds a novice operator's licence;
- (b) "novice operator's licence" means an operator's licence classified as a learner's operator's licence or a probationary operator's licence.

(2) If a peace officer has reasonable grounds to believe that the driver of a motor vehicle is a novice driver and at the time of driving has any alcohol or drug in the driver's body, the peace officer shall, on behalf of the Registrar,

- (a) issue a notice of administrative penalty to the driver, and
- (b) require the driver to surrender to the peace officer the novice driver's novice operator's licence.

(3) If a notice of administrative penalty is issued under this section,

- (a) the novice driver is immediately suspended for 30 days,

- (b) the peace officer or a person authorized by the peace officer shall seize the novice driver's vehicle for 7 days,
- (c) the novice driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section, and
- (d) the novice driver is subject to any additional conditions for reinstatement of the novice operator's licence as set out in the regulations for contravention of this section.

(4) The peace officer shall advise the novice driver of the novice driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

Immediate roadside sanction zero: commercial

88.02(1) If a peace officer has reasonable grounds to believe that the driver of a motor vehicle is operating a commercial vehicle and has at the time of operating the commercial vehicle any alcohol or drug in the driver's body, the peace officer shall, on behalf of the Registrar,

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

(2) If a notice of administrative penalty is issued under this section,

- (a) for a first contravention of this section,
 - (i) the driver is immediately suspended for 3 days,
 - (ii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the first time, and
 - (iii) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the operator's licence as set out in the regulations for contravention of this section for the first time,
- (b) for a 2nd contravention of this section,
 - (i) the driver is immediately suspended for 15 days,

- (ii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the 2nd time, and
- (iii) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the operator's licence as set out in the regulations for contravention of this section for the 2nd time,

and

- (c) for a 3rd and subsequent contravention of this section,
 - (i) the driver is immediately suspended for 30 days,
 - (ii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the 3rd or subsequent time, and
 - (iii) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the operator's licence as set out in the regulations for contravention of this section for the 3rd or subsequent time.

(3) The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

Immediate roadside sanction: warn

88.03(1) If a peace officer has reasonable grounds to believe that a driver of a motor vehicle has a blood alcohol concentration at the time of driving that is equal to or exceeds 50 milligrams of alcohol in 100 millilitres of blood, the peace officer shall, on behalf of the Registrar,

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

(2) If a notice of administrative penalty is issued under this section,

- (a) for a first contravention of this section,
 - (i) the driver is immediately suspended for 3 days,

- (ii) the peace officer or a person authorized by the peace officer shall seize the driver's motor vehicle for 3 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for a first time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for a first time,
- (b) for a 2nd contravention of this section,
- (i) the driver is immediately suspended for 15 days,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 7 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for a 2nd time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for a 2nd time,
- and
- (c) for a 3rd and subsequent contravention of this section,
- (i) the driver is immediately suspended for 30 days,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 7 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for a 3rd or subsequent time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional

conditions for reinstatement of the licence as set out in the regulations for contravention of this section for a 3rd or subsequent time.

(3) The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

(4) A contravention of section 88 as it read immediately before the coming into force of this section is deemed to be a contravention of this section in determining whether a contravention is a 2nd, 3rd or subsequent contravention for the purposes of subsection (2).

Immediate roadside sanction: fail

88.1(1) Subject to subsection (3), if a peace officer has reasonable grounds to believe any of the following, the peace officer shall, on behalf of the Registrar, take the actions set out in subsection (2):

- (a) that a driver operated a motor vehicle while the driver's ability to operate the motor vehicle was impaired to any degree by alcohol or a drug or by a combination of alcohol and a drug;
- (b) that a driver has within 2 hours after ceasing to operate a motor vehicle a blood alcohol concentration that is equal to or exceeds 80 milligrams of alcohol in 100 millilitres of blood;
- (c) that a driver has within 2 hours after ceasing to operate a motor vehicle a blood drug concentration that is equal to or exceeds any blood drug concentration for the drug that is prescribed by regulation under the *Criminal Code* (Canada);
- (d) that a driver has within 2 hours after ceasing to operate a motor vehicle a blood alcohol concentration and a blood drug concentration that is equal to or exceeds the blood alcohol concentration and the blood drug concentration for the drug that are prescribed by regulation under the *Criminal Code* (Canada) for instances where alcohol and that drug are combined;
- (e) that a driver, knowing that a demand has been made, failed or refused, without a reasonable excuse, to comply with a demand made on the driver under section 320.27 or 320.28 of the *Criminal Code* (Canada).

(2) The peace officer shall issue a notice of administrative penalty to the driver, and, in the case of a driver who holds an operator's licence, require the driver to surrender to the peace officer the operator's licence.

(3) The peace officer shall not take the actions set out in subsection (2)

(a) if

- (i) the driver consumed alcohol after ceasing to operate the motor vehicle,
- (ii) the driver, after ceasing to operate the motor vehicle, had no reasonable expectation that the driver would be required to provide a sample of breath or blood, and
- (iii) the driver's alcohol consumption is consistent with the driver's blood alcohol concentration as determined in accordance with the regulations and with the driver having had, at the time when the driver was operating the motor vehicle, a blood alcohol concentration that was less than 80 milligrams of alcohol in 100 millilitres of blood,

(b) if

- (i) the driver consumed the drug after ceasing to operate the motor vehicle, and
- (ii) the driver, after ceasing to operate the motor vehicle, had no reasonable expectation that the driver would be required to provide a sample of a bodily substance,

or

(c) if

- (i) the driver consumed the drug or the alcohol or both after ceasing to operate the motor vehicle,
- (ii) the driver, after ceasing to operate the motor vehicle, had no reasonable expectation that the driver would be required to provide a sample of a bodily substance, and
- (iii) the driver's alcohol consumption is consistent with the driver's blood alcohol concentration as

determined in accordance with the regulations and with the driver having had, at the time when the driver was operating the motor vehicle, a blood alcohol concentration less than the blood alcohol concentration established under paragraph 320.38(c) of the *Criminal Code* (Canada).

- (4) If a notice of administrative penalty is issued under this section,
- (a) for a first contravention of this section,
 - (i) the driver is suspended
 - (A) for an immediate period of 90 days, and
 - (B) following the expiration of the period in paragraph (A), for a further period of one year,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 30 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the first time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for the first time,
 - (b) for a 2nd contravention of this section,
 - (i) the driver is suspended
 - (A) for an immediate period of 90 days, and
 - (B) following the expiration of the period in paragraph (A), for a further period of 36 months,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 30 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the 2nd time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional

conditions for reinstatement of the licence as set out in the regulations for contravention of this section for the 2nd time,

and

- (c) for a 3rd and subsequent contravention under this section,
 - (i) the driver is suspended
 - (A) for an immediate period of 90 days, and
 - (B) following the expiration of the period in paragraph (A), for life,
 - (ii) the peace officer or a person authorized by the peace officer shall seize the driver's vehicle for 30 days,
 - (iii) the driver is liable to a fine as provided for under the *Provincial Administrative Penalties Act* for contravention of this section for the 3rd or subsequent time, and
 - (iv) in the case of a driver who holds an operator's licence, the driver is subject to any additional conditions for reinstatement of the licence as set out in the regulations for contravention of this section for a 3rd or subsequent time.

(5) The peace officer shall advise the driver of the driver's right to voluntarily undergo the applicable test, analysis or evaluation referred to in section 88.11(2).

(6) On the expiration of a suspension imposed under subsection (4)(a)(i)(A), (b)(i)(A) or (c)(i)(A), a person may apply to the Registrar to set aside the operation of the suspension imposed under subsection (4)(a)(i)(B), (b)(i)(B) or (c)(i)(B).

(7) The Registrar may set aside the operation of a suspension imposed under subsection (4)(a)(i)(B), (b)(i)(B) or (c)(i)(B) only on the condition that the person who is subject to the suspension

- (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.

(8) The term during which the person must not operate a motor vehicle without an alcohol-sensing device as described in subsection (7) is

- (a) for a suspension imposed under subsection (4)(a), 12 months;
- (b) for a suspension imposed under subsection (4)(b), 36 months;
- (c) for a suspension imposed under subsection (4)(c), life.

(9) Notwithstanding subsection (8), the Registrar may consider and grant or refuse an application for exemption from subsection (8) where it is not feasible for the suspended person to comply with the requirement for the use of an alcohol-sensing device as prescribed in this section.

(10) On an application referred to in subsection (9), the Registrar may set aside the requirement for the use of an alcohol-sensing device, and instead impose a further period of suspension or another term or condition that will, in the opinion of the Registrar, ensure public safety.

(11) Where the operation of a suspension imposed under subsection (4)(a)(i)(B), (b)(i)(B) or (c)(i)(B) has been set aside by the Registrar on the condition that a person does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device, the Registrar may rescind the setting aside of the suspension if the alcohol-sensing device with which the person's vehicle has been equipped registers a warn or a fail.

(12) A person may apply to the Registrar for a review of the suspension imposed by subsection (4)(c)(i)(B) following the expiry of 10 years after the expiry of the period referred to in subsection (4)(c)(i)(A).

(13) The Registrar may set aside the operation of a suspension imposed under subsection (4)(c)(i)(B) subject to any conditions prescribed by the regulations.

(14) If the Registrar refuses to set aside the operation of a suspension imposed under subsection (4)(c)(i)(B), the person subject to the suspension may apply to the Registrar for a reconsideration within 30 days of the Registrar's decision.

(15) Notwithstanding subsection (14), where a person applies for a reconsideration more than 30 days after the Registrar's decision

under subsection (13), the Registrar may reconsider the Registrar's decision under subsection (13) if in the opinion of the Registrar the circumstances in respect of the matter have substantially changed from the time of the decision.

(16) If the Registrar refuses to reconsider the decision under subsection (15), the person subject to the suspension may apply again to the Registrar at the end of 5 years after the Registrar's refusal for a review of the suspension imposed by subsection (4)(c)(i)(B), and subsection (13) applies to that application.

(17) A contravention of section 88.1 as it read immediately before the coming into force of this section is deemed to be a contravention of this section in determining whether a contravention is a 2nd, 3rd or subsequent contravention for the purposes of subsection (4).

Roadside appeals

88.11(1) In this section,

- (a) "approved drug screening equipment" means equipment that is designed to ascertain the presence of a drug in a person's body and that is
 - (i) approved drug screening equipment within the meaning of section 320.11 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 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 320.11 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) "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 320.11 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;
- (d) “drug recognition evaluation” means an evaluation conducted by an evaluating officer for the purpose of determining the presence of a drug and whether the person’s ability to operate a motor vehicle is impaired by a drug, or a combination of alcohol and a drug;
- (e) “evaluating officer” means an evaluating officer as defined in section 320.11 of the *Criminal Code* (Canada).

(2) Notwithstanding that a notice of administrative penalty has been issued to a driver under section 88.01, 88.02, 88.03 or 88.1, where a driver requests an appeal of that notice of administrative penalty and voluntarily attends immediately at a place designated by the peace officer and accompanies the peace officer to that place, if necessary, the driver shall immediately

- (a) where the basis for issuing the notice of administrative penalty was an initial test performed on an approved screening device, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on a different approved screening device, or on an approved instrument, at the discretion of the peace officer,
- (b) where the basis for issuing the notice of administrative penalty was an initial test on an approved instrument, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on an approved instrument,
- (c) where the basis for issuing the notice of administrative penalty was an initial test on approved drug screening equipment, provide a 2nd sample of oral fluid that in the opinion of the peace officer is suitable for analysis by approved drug screening equipment,
- (d) where the basis for issuing the notice of administrative penalty was performance of a drug recognition evaluation, provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis, at the discretion of the peace officer,
- (e) where the basis for issuing the notice of administrative penalty was an analysis of blood, provide an additional sample of blood that in the opinion of the peace officer is suitable for analysis,

- (f) where the basis, in whole or part, for issuing the notice of administrative penalty was reasonable grounds to believe there was alcohol in the driver's body, and an initial test, evaluation or analysis referred to in clause (a), (b), (d) or (e) was not performed on the driver, provide a sample of breath that in the opinion of the peace officer is suitable for analysis on either an approved screening device or approved instrument, at the discretion of the officer,
- (g) where the basis, in whole or part, for issuing the notice of administrative penalty was reasonable grounds to believe there was a drug in the driver's body, and an initial test, evaluation or analysis referred to in clause (c), (d) or (e) was not performed on the driver,
 - (i) provide a sample of oral fluid that in the opinion of the peace officer is suitable for analysis on approved drug screening equipment,
 - (ii) undergo a drug recognition evaluation, or
 - (iii) provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis,

at the discretion of the peace officer, or
- (h) where the basis for issuing the notice of administrative penalty was reasonable grounds to believe that the driver had both alcohol and a drug in the driver's body,
 - (i) provide a sample of breath that in the opinion of the peace officer is suitable for analysis on an approved screening device or approved instrument, at the discretion of the officer, and
 - (ii) either
 - (A) provide a sample of oral fluid that in the opinion of the peace officer is suitable for analysis on approved drug screening equipment or undergo a drug recognition evaluation, or
 - (B) provide a sample of blood or urine that in the opinion of the peace officer is suitable for analysis,

at the discretion of the peace officer.

- (3) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a novice driver under section 88.01 shows the novice driver does not have alcohol or a drug in the novice driver's body, the peace officer shall cancel the notice of administrative penalty and immediately return the novice operator's licence, if any, to the novice driver.
- (4) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to the driver of a commercial vehicle under section 88.02 shows the driver does not have alcohol or a drug in the driver's body, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.
- (5) Where the result of a test or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a driver under section 88.03 shows the driver does not have a blood alcohol concentration that is equal to or exceeds 50 milligrams of alcohol in 100 millilitres of blood, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.
- (6) Where the result of a test, evaluation or analysis pursuant to an appeal under subsection (2) of a notice of administrative penalty issued to a driver under section 88.1(1)(b), (c) or (d) is that the driver no longer meets the conditions in those provisions in respect of which the notice of administrative penalty was issued, the peace officer shall cancel the notice of administrative penalty and immediately return the operator's licence, if any, to the driver.
- (7) Despite subsection (6),
- (a) if the result of the test, evaluation or analysis referred to in subsection (2) indicates that the driver's blood alcohol concentration is equal to or greater than 50 milligrams of alcohol in 100 millilitres of blood but less than 80 milligrams of alcohol in 100 millilitres of blood, the peace officer shall take the action set out in section 88.03(1) and (2)(a);
 - (b) if the result of the test, evaluation or analysis referred to in subsection (2) indicates the presence of alcohol in the driver's body and

- (i) the driver is a novice driver as defined in section 88.01(1)(a), the peace officer shall take the action set out in section 88.01(2) and (3)(b), or
- (ii) the driver is the driver of a commercial vehicle, the peace officer shall take the action set out in section 88.02(1);
- (c) if the result of the test, evaluation or analysis referred to in subsection (2) indicates the presence of a drug in the driver's body and
 - (i) the driver is a novice driver as defined in section 88.01(1)(a), the peace officer shall take the action set out in section 88.01(2) and (3)(b), or
 - (ii) the driver is the driver of a commercial vehicle, the peace officer shall take the action set out in section 88.02(1).

(8) No person may seek a roadside appeal under this section of a notice of administrative penalty

- (a) issued under section 88.01 as a result of subsection (7)(b)(i),
- (b) issued under section 88.02 as a result of subsection (7)(b)(ii),
- (c) issued under section 88.03 as a result of subsection (7)(a), or
- (d) issued based on reasonable grounds that were formed after the time of the contravention and where in the opinion of the peace officer a roadside appeal could no longer provide any evidence of the blood alcohol or blood drug concentration of the recipient at the time of driving.

(30) Section 88.2(8) is amended by adding “88, 88.01, 88.02, 88.03 or” after “section”.

(31) Sections 89 and 90 are repealed.

(32) Section 91(2) is repealed and the following is substituted:

- (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, or has a notice of administrative penalty issued to the person under the *Provincial Administrative Penalties Act* in respect of the contravention, 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 contravention and of the non-satisfaction of the fine or penalty imposed.

(33) Section 94 is amended by adding the following after subsection (2):

(3) This section does not apply to a person referred to in section 94.1.

(34) The following is added after section 94:

Prohibition re driving while suspended or disqualified under immediate roadside sanction

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

- (a) that person's operator's licence is suspended under section 88, 88.01, 88.02, 88.03 or 88.1, or
- (b) that person is disqualified from driving a motor vehicle in Alberta under section 88, 88.01, 88.02, 88.03 or 88.1.

(2) A person who is guilty of contravening subsection (1) is liable

- (a) for a first offence
 - (i) to a fine of not less than \$5000 and in default of payment to a term of imprisonment of not less than the term of imprisonment determined according to subsection 734(5) of the *Criminal Code* (Canada), and
 - (ii) to having the person's operator's licence suspended where the person holds an operator's licence, to being disqualified from applying for or holding an operator's licence and to being disqualified from driving in Alberta for 6 months from the day of finding of guilt,

- (b) for a 2nd offence committed after the commission of the offence referred to in clause (a),
 - (i) to imprisonment for a term of not less than 30 days and not more than one year, and
 - (ii) to having the person's operator's licence suspended where the person holds an operator's licence, to being disqualified from applying for or holding an operator's licence and to being disqualified from driving a motor vehicle in Alberta for 12 months from the day of finding of guilt,

and

- (c) for a 3rd or subsequent offence committed after the commission of the offence referred to in clause (a) or (b),
 - (i) to imprisonment for a term of not less than 60 days and not more than one year, and
 - (ii) to having the person's operator's licence suspended where the person holds an operator's licence, to being disqualified from applying for or holding an operator's licence and to being disqualified from driving a motor vehicle in Alberta for 18 months from the day of finding of guilt.

(35) Section 95 is repealed and the following is substituted:

Punishment re driving while disqualified

95(1) A person who contravenes section 94 is liable

- (a) where the person is found guilty of the contravention,
 - (i) 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 and not more than 6 months, and
 - (ii) for each subsequent offence committed within one year after the commission of the offence referred to in subclause (i), to imprisonment for a term of not less than 14 days and not more than 6 months,

and

- (b) where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of the contravention, to a fine as prescribed under that Act.

(2) Subject to section 98, a person who contravenes section 94 is disqualified from driving a motor vehicle in Alberta for a period of 6 months from

- (a) where subsection (1)(a) applies, the day of the finding of guilt of the person, or
- (b) where subsection (1)(b) applies, the date of the issuance of a notice of administrative penalty to the person under the *Provincial Administrative Penalties Act* in respect of the contravention.

(36) Section 98 is amended

(a) in subsection (2)

- (i) **in clause (a) by striking out** “under section 88, 89 or 90”;
- (ii) **in clause (b) by striking out** “under any other provision of this Act except section 88.1”;

(b) by repealing subsection (3).

(37) Section 100 is amended

(a) by striking out “sections 88, 88.1, 89 and 90” **wherever it occurs and substituting** “sections 88, 88.01, 88.02, 88.03 and 88.1”;

(b) by adding the following after clause (c):

- (c.1) prescribing the grounds for a review under the *Provincial Administrative Penalties Act* of a suspension or disqualification imposed under section 88, 88.01, 88.02, 88.03 or 88.1;
- (c.2) respecting the determination of blood alcohol concentrations, blood drug concentrations or blood drug and blood alcohol concentrations for the purposes of section 88.1;
- (c.3) prescribing vehicles that are not motor vehicles for the purposes of section 87.1(2)(a);

(c) in clause (d)(ii) by adding “*Canada*” **before** “*National*”.

(38) Section 119(4) is amended by adding “or has a notice of administrative penalty issued to the person under the *Provincial Administrative Penalties Act* in respect of” **after** “found guilty of”.

(39) Section 124(5) and (6) are amended by striking out “is guilty of an offence” **and substituting** “commits a contravention”.

(40) Section 125 is amended

(a) by striking out “prosecution for an offence” **and substituting** “proceeding in respect of a contravention”;

(b) in clause (a)

(i) by striking out “the accused” **and substituting** “the person alleged to have contravened or failed to comply with section 119(1)(b), (c) or (d)”;

(ii) by striking out “the offence” **and substituting** “the contravention or failure to comply”;

(c) by repealing clause (b) and substituting the following:

(b) in the case of a contravention of or failure to comply with section 124, the onus is on the person alleged to have contravened or failed to comply with section 124 to show that, at the time of the contravention or failure to comply, the person held subsisting insurance at the time that the person was required to produce a financial responsibility card.

(41) Section 127 is amended by striking out “offence” **and substituting** “contravention”.

(42) Section 132(9) is repealed and the following is substituted:

(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) a carrier or an exempted operator, as the case may be, may apply to the Registrar for a reconsideration of the Registrar’s decision to suspend or cancel the certificate within 30 days of service of notice of the decision, and

(b) the Registrar may grant interim relief in accordance with the regulations

at any time after the giving of the notice respecting the suspension or cancellation, whether or not the suspension or cancellation is in effect.

(10) The Registrar may extend the period referred to in subsection (9) if in the opinion of the Registrar the circumstances in respect of the matter have substantially changed from the time of the decision.

(11) The Registrar may confirm, cancel or vary the Registrar's decision.

(12) Once a decision or action of the Registrar has been reconsidered by the Registrar in respect of a matter referred to in subsection (9)(a), the Registrar may refuse to reconsider the decision again.

(13) A reconsideration commenced under this section does not, except as otherwise directed by the Registrar, stay the suspension or cancellation of the certificate.

(43) Section 143 is amended by adding the following after subsection (4):

(5) The *Provincial Administrative Penalties Act* does not apply to a failure by a regulated person to comply with regulatory legislation.

(44) Section 149 is amended by striking out "is guilty of an offence" and substituting "commits a contravention".

(45) Section 150 is amended

(a) in subsection (1)

(i) by striking out "prosecution" and substituting "proceeding";

(ii) in clause (b) by striking out "offence" and substituting "contravention";

(b) in subsection (3) by striking out "prosecution" and substituting "proceeding".

(46) Section 154 is amended

(a) by repealing subsections (1) and (2) and substituting the following:

Penalty re contravention

154(1) A person who commits a contravention referred to in section 157 by reason of the contravention of or failure to comply with a provision of this Part is liable

- (a) where the person is found guilty of the contravention, to a fine of not more than \$25 000, and
- (b) where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of the contravention, to a fine as prescribed under that Act.

(2) A person who commits a contravention 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 contravention.

- (b) **in subsections (3) and (4) by striking out** “subsection (1)” **wherever it occurs and substituting** “subsection (1)(a)”.

(47) Section 155 is amended by striking out “prosecution” and substituting “proceeding”.

(48) Section 156 is amended by adding the following after clause (j):

- (j.1) respecting interim relief that may be granted under section 132(9);

(49) The heading immediately preceding section 157 is repealed and the following is substituted:

**Division 1
Contraventions**

(50) Section 157 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “is guilty of an offence” **and substituting** “commits a contravention”;
 - (ii) **in clause (a)**
 - (A) **by adding** “88, 88.01, 88.02, 88.03, 88.1,” **after** “80,”;
 - (B) **by striking out** “90(3), 90(3.1),”;
 - (C) **by adding** “, 94.1(1)” **after** “94(2)”;

(iii) **in clause (b) by striking out** “it is an offence” **and substituting** “it is a contravention”;

(b) by adding the following after subsection (1):

(1.1) A notice of administrative penalty under the *Provincial Administrative Penalties Act* may not be issued in respect of a contravention of section 70 or 94.1(1).

(1.2) An information may not be laid or a summons or violation ticket issued under the *Provincial Offences Procedure Act* in respect of a contravention of section 88, 88.01, 88.02, 88.03 or 88.1.

(1.3) An information may not be laid or a summons or violation ticket issued under the *Provincial Offences Procedure Act* and a notice of administrative penalty under the *Provincial Administrative Penalties Act* may not be issued in respect of a failure to comply by a regulated person as defined in section 143(1)(a) with regulatory legislation as defined in section 143(1)(b).

(c) in subsection (2)

(i) **by striking out** “an offence referred to in subsection (1)” **and substituting** “a contravention referred to in subsection (1)”;

(ii) **in clause (b) by striking out** “an offence” **and substituting** “a contravention”;

(d) in subsection (3)(b) by striking out “the offence” **and substituting** “the contravention”;

(e) by adding the following after subsection (3):

(4) When a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of a contravention referred to in subsection (1), the person shall on the notice of administrative penalty provide the content required by that Act or by regulations under this Act.

(5) Where an information is laid or a summons or violation ticket is issued in respect of a contravention referred to in subsection (1), a notice of administrative penalty may not be issued under the *Provincial Administrative Penalties Act* in respect of the same contravention.

(6) Where a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* in respect of a

contravention referred to in subsection (1), an information may not be laid and a summons or violation ticket may not be issued in respect of the same contravention.

(51) Section 158 is amended by adding the following after subsection (1):

(1.1) Except as otherwise provided in this Act, a person who commits a contravention to which the *Provincial Administrative Penalties Act* applies for which a penalty is not otherwise provided is liable to a fine or other administrative penalty as provided for under that Act.

(52) Section 159 is repealed and the following is substituted:

Onus

159 In a proceeding in respect of a contravention,

- (a) in the case of a contravention of or failure to comply with section 51, the onus is on the person alleged to have contravened or failed to comply with section 51 to show that, at the time of the contravention or failure to comply, the person 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 person alleged to have contravened or failed to comply with section 52(1)(h) or 54 to show that, at the time of the contravention or failure to comply, 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 person alleged to have contravened or failed to comply with section 167 to show that, at the time of the contravention or failure to comply, the person held subsisting insurance at the time that the person was required to produce a financial responsibility card.

(53) Section 160 is repealed and the following is substituted:

Owner liable

160(1) If a vehicle is involved in a contravention referred to in section 157 or a bylaw, the owner of that vehicle has committed a contravention.

(2) Subsection (1) does not apply if the owner of the vehicle satisfies

- (a) the court, where the contravention is an offence to which the *Provincial Offences Procedure Act* applies, or
- (b) an adjudicator under the *Provincial Administrative Penalties Act* where the contravention is a contravention to which that Act applies that, at the time that the vehicle was involved in a contravention referred to in section 157 or a bylaw,
- (c) 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
- (d) 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 has committed a contravention under this section is not liable to imprisonment in respect of that contravention or in respect of a default of a fine imposed in respect of that contravention.

(54) Section 162 is amended

(a) in subsection (2)

- (i) **by striking out** "Fines" **and substituting** "Subject to subsection (4), fines";
- (ii) **by striking out** "offences" **and substituting** "contraventions";

(b) by repealing subsections (3) and (4) and substituting the following:

(3) Subject to subsection (4), fines and penalties imposed under this Act in respect of contraventions for which informations are laid or violation tickets are issued under the *Provincial Offences Procedure Act* or notices of administrative penalty are issued under the *Provincial Administrative*

Penalties Act by peace officers employed by a municipality belong to that municipality.

(4) Subsections (2) and (3) do not apply to fines imposed for contraventions of sections 88.01, 88.02, 88.03 or 88.1.

(55) The heading preceding section 163 is amended by striking out “Prosecutions” and substituting “Proceedings”.

(56) Section 163 is amended

(a) in subsection (1)

(i) by striking out “prosecution” and substituting “proceeding”;

(ii) in clause (b)(i), (ii) and (iii) by adding “or in respect of which contravention a notice of administrative penalty was issued under the *Provincial Administrative Penalties Act*” after “offence was charged”;

(b) in subsection (2) by striking out “prosecution” and substituting “proceeding”;

(c) by repealing subsections (3) and (4) and substituting the following:

(3) In any proceedings under which a person is charged with, or a notice of administrative penalty is issued under the *Provincial Administrative Penalties Act* with respect to, a contravention of 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, or a notice of administrative penalty under the *Provincial Administrative Penalties Act*, in respect of that failure to comply 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) where the contravention is deemed by section 2(2) of the *Provincial Offences Procedures Act* to be an offence under this Act and an offence to which that Act applies,

- (i) 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;
- (ii) 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, or a notice of administrative penalty issued under the *Provincial Administrative Penalties Act*, 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) where the contravention is deemed by section 2(2) of the *Provincial Offences Procedures Act* to be an offence under this Act and an offence to which that Act applies,
 - (i) 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;
 - (ii) 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

(57) Section 164(1) is amended by striking out “prosecution” and substituting “proceeding”.

(58) Section 167 is amended

- (a) in subsection (7) by striking out “is guilty of an offence” and substituting “commits a contravention”;

- (b) **in subsection (8) by striking out** “is guilty of an offence and liable” **and substituting** “commits a contravention and is liable”.

(59) Section 169 is amended

- (a) **in subsection (1)**
 - (i) **in clause (a) by striking out** “an offence” **and substituting** “a contravention”;
 - (ii) **in clause (b)(i) by striking out** “offence” **and substituting** “contravention”;
- (b) **by adding the following after subsection (2):**
 - (3) Where a peace officer arrests a person under this section, the peace officer may not issue a notice of administrative penalty under the *Provincial Administrative Penalties Act* in respect of the contravention.

(60) Section 170(2) is amended

- (a) **in clause (a) by striking out** “offences” **and substituting** “contraventions”;
- (b) **in clause (b) by striking out** “offence” **and substituting** “contravention”.

(61) Section 171 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “an offence” **and substituting** “a contravention”;
 - (ii) **by striking out** “and cause it to be removed, taken and stored in a suitable place pending the granting of an order pursuant to subsection (3)”;
- (b) **by repealing subsections (2) to (6).**

(62) Section 172.1 is amended

- (a) **in subsection (1) by striking out** “disqualified from driving under section 88 or 88.1, or has been”;
- (b) **by repealing subsections (2) and (3) and substituting the following:**

(2) Subsection (1) does not apply where a driver has been suspended under section 88, 88.01, 88.02 or 88.1 and the driver's vehicle has been seized under one of those sections.

(63) Section 173(1)(a) is amended by adding "or 94.1(1)" after "94".

(64) Section 173.1(3) is amended by striking out "and any decision of the Board in an appeal commenced pursuant to section 40" and substituting "and any review by the Registrar under Division 3 of Part 2".

(65) Section 179 is amended by adding "that is a contravention" after "an offence".

(66) The following is added after section 188:

Regulations respecting reviews and non-monetary penalties under the Provincial Administrative Penalties Act

188.1 The Minister may make regulations

- (a) respecting applications to the Registrar for relief under section 36 from the imposition of an administrative penalty through the issuance of a notice of administrative penalty under the *Provincial Administrative Penalties Act* for a contravention to which that Act applies by affected persons other than recipients under that Act, including, without limitation, regulations
 - (i) determining who is an affected person;
 - (ii) respecting the grounds for a request for relief and for granting or refusing relief;
 - (iii) respecting the relief that may be granted to affected persons;
 - (iv) respecting costs and expenses that may be refunded to affected persons;
- (b) respecting non-monetary administrative penalties that may be imposed in respect of contraventions to which the *Provincial Administrative Penalties Act* applies;
- (c) respecting publicly accessible information to be made available for the purposes of section 4 of the *Provincial Administrative Penalties Act* in respect of contraventions to which that Act applies;

- (d) respecting the grounds for a request for review under section 7 of the *Provincial Administrative Penalties Act* respecting a notice of administrative penalty issued under that Act for a contravention and for confirming or cancelling a notice of administrative penalty under section 21 of that Act;
- (e) respecting the payment of fines, applicable surcharges and late payment charges to the Crown for a contravention, including, without limitation, the period within which those payments must be made;
- (f) respecting the records the Director under the *Provincial Administrative Penalties Act* may or must provide to a recipient under section 12 of that Act;
- (g) respecting the refund to recipients under the *Provincial Administrative Penalties Act* of fines, applicable surcharges, late payment charges and costs and expenses incurred by recipients related to administrative penalties other than fines imposed for contraventions to which that Act applies;
- (h) respecting notifications to recipients under the *Provincial Administrative Penalties Act* of decisions by the adjudicator under that Act of decisions under section 20 of that Act respecting reviews of contraventions to which that Act applies;
- (i) respecting the substitution by an adjudicator under the *Provincial Administrative Penalties Act* of applicable administrative penalties under section 21(2) of that Act for contraventions to which that Act applies;
- (j) respecting the relief the Director under the *Provincial Administrative Penalties Act* may provide under section 23(2) of that Act;
- (k) respecting applications under section 27 of the *Provincial Administrative Penalties Act* for an additional period of time to pay fines and applicable surcharges for contraventions to which that Act applies, including, without limitation, prescribing the maximum number of days the Director defined in that Act may grant a recipient to pay a fine and any applicable surcharge;
- (l) prescribing exceptional circumstances for the purposes of sections 15, 20, 22 and 27 of the *Provincial Administrative Penalties Act* relating to a review under

that Act of a notice of administrative penalty issued under that Act for a contravention to which that Act applies;

- (m) respecting the information that is required on a notice of administrative penalty issued under the *Provincial Administrative Penalties Act* for a contravention referred to in section 157(1).
- (n) in respect of this Act as a prescribed enactment under the *Provincial Administrative Penalties Act*, respecting any matter or thing that that Act refers to as being set out in, subject to, specified by, prescribed in, required by or in accordance with the regulations under a prescribed enactment, or as prescribed under a prescribed enactment.

(67) The following is added after section 189:

Transitional — appeals and reviews

189.1(1) In this section and section 189.3,

- (a) “appeal” means an appeal under Part 2, Division 3 of this Act as it read immediately before the coming into force of this section;
- (b) “Board” means the Alberta Transportation Safety Board referred to in section 22;
- (c) “hearing” means a hearing under Part 2 of this Act as it read immediately before the coming into force of this section;
- (d) “review” means a review under Part 2, Division 2 of this Act as it read immediately before the coming into force of this section.

(2) Subject to subsection (4)(a) and section 189.4, if a hearing, a review or an appeal has commenced but is not concluded before the coming into force of this section, the hearing, review or appeal is to be continued under and in conformity with this Act as it read immediately before the coming into force of this section.

(3) Subject to subsection (4)(b) and section 189.4, where an obligation to hold a hearing or a right of review or appeal arose before the coming into force of this section but the hearing, review or appeal has not commenced before the coming into force of this section, the Board shall conduct the hearing or hear

the review or appeal in conformity with this Act as it read immediately before the coming into force of this section.

(4) If

- (a) the hearing, review or appeal referred to in subsection (2) is not concluded before the coming into force of section 189.4, the Minister may appoint a person to continue the hearing, review or appeal, and subsection (2) applies with any necessary modifications to the continuation of that hearing, review or appeal;
- (b) an obligation to hold a hearing or a right of review or appeal arose before the coming into force of this section, but the hearing, review or appeal has not commenced before the coming into force of section 189.4, the Minister may appoint a person to conduct the hearing, review or appeal, and subsection (3) applies with any necessary modifications to the conduct of that hearing, review or appeal.

Transitional — reconsideration and reviews of Board decisions

189.2(1) Subject to subsection (3), where a reconsideration under section 32 or 46 of this Act as it read immediately before the coming into force of this section of a decision by the Alberta Transportation Safety Board has commenced but is not concluded before the coming into force of this section, the reconsideration is to be continued under and in conformity with this Act as it read immediately before the coming into force of this section.

(2) Subject to subsection (3), where a right of reconsideration under section 32 or 46 of this Act as it read immediately before the coming into force of this section arose before the coming into force of this section but the reconsideration has not commenced before the coming into force of this section, the Board shall reconsider the decision in conformity with this Act as it read immediately before the coming into force of this section.

(3) If the reconsideration referred to in subsection (1) is not concluded or a reconsideration referred to in subsection (2) has not commenced before the coming into force of section 189.4, the Minister may appoint a person to review the Board's decision.

**Continued application of provisions to
Alberta Transportation Safety Board**

189.3(1) In this section, “reconsideration” means a reconsideration under Part 2 of this Act as it read immediately before the coming into force of this section.

(2) Subject to sections 24, 189.1 and 189.2, this Act as it read immediately before the coming into force of this section continues to apply until the coming into force of section 189.4

- (a) in respect of the Board in relation to any appeal, hearing, review, reconsideration or other matter before the Board on or after the coming into force of this section, and
- (b) in respect of the rights of a person who is the subject of a decision of the Board under this Act made on or after the coming into force of this section.

Dissolution of Alberta Transportation Safety Board

189.4 The Alberta Transportation Safety Board referred to in section 22 is dissolved and the appointments of members of the Board are terminated on the coming into force of section 44(17) of the *Provincial Administrative Penalties Act*

Transitional — regulations

189.5 The Lieutenant Governor in Council may make regulations

- (a) respecting the transitional application of the amendments to this Act made by section 44 of the *Provincial Administrative Penalties Act*, including the interpretation of any provision amended, and
- (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the amendments.

Repeals SA 2015 c13

45 The *Traffic Safety (Distracted Driving Demerit) Amendment Act, 2014* is repealed.

Amends RSA 2000 cV-3

46(1) The *Victims of Crime Act* is amended by this section.

(2) Section 1 is amended

(a) by adding the following after clause (d):

- (d.1) “contravention” means a contravention as defined in the *Provincial Administrative Penalties Act*;

(b) in clause (l)(ii) by adding “or a contravention” after “offence”.

(3) Section 8 is amended

(a) in subsection (1)

(i) by adding “or who commits a contravention” after “who is convicted of an offence”;

(ii) in clause (a) by adding “or the contravention” after “offence”;

(iii) in clause (b) by adding “or contravention” after “offence”;

(b) in subsection (4) by adding “or on whom a fine has been imposed in respect of a contravention” after “offence”.

(4) Section 17(a) is amended by adding “or contraventions” after “offences”.

Coordinated Amendment

Coordinated amendment

47(1) This section applies only if Bill 16, introduced during the 2nd session of the 30th Legislature and entitled the *Victims of Crime (Strengthening Public Safety) Amendment Act, 2020* receives Royal Assent.

(2) On the later of the day that section 2 of the *Victims of Crime (Strengthening Public Safety) Amendment Act, 2020* comes into force and the day this Act receives Royal Assent, section 1(1)(s) is amended by striking out “*Victims of Crime Act*” and substituting “*Victims of Crime and Public Safety Act*”.

(3) On the later of the day that section 2 of the *Victims of Crime (Strengthening Public Safety) Amendment Act, 2020* comes into force and the day this Act receives Royal Assent, section 29(1) is amended by striking out “*Victims of Crime Act*” and substituting “*Victims of Crime and Public Safety Act*”.

(4) If section 2 of the *Victims of Crime (Strengthening Public Safety) Amendment Act, 2020* comes into force before the coming into force of section 46(1) of this Act, then on the later of the day that section 2 of the *Victims of Crime (Strengthening Public Safety) Amendment Act, 2020* comes into force and the day this Act receives Royal Assent, section 46(1) of this Act is amended by striking out “*Victims of Crime Act*” and substituting “*Victims of Crime and Public Safety Act*”.

Coming into Force

Coming into force

48 This Act, except sections 43(1) and (10) and 44(1) and (16), comes into force on Proclamation.

