









Transportation Network Companies .....	100/2016 .....	215/2020
Use of Highway and Rules of the Road .....	304/2002 .....	8/2005, 152/2009, 105/2014, 304/2002,
<i>NOTE: AR 131/2020 comes into force January 1, 2021</i>		241/2018, 212/2020, 131/2020
Vehicle Equipment.....	122/2009 .....	165/2009, 31/2012, 143/2012, 170/2012, 49/2018, 54/2019
Vehicle Inspection.....	211/2006 .....	49/2010, 64/2012, 12/2015, 36/2017, 56/2019, 60/2019, 81/2019, 226/2020
Vehicle Seizure and Removal .....	251/2006 .....	68/2008, 31/2012, 102/2012, 170/2012, 62/2013, 42/2015, 67/2017, 29/2018, 225/2020



# **TRAFFIC SAFETY ACT**

## Chapter T-6

### *Table of Contents*

- 1 Interpretation
- 1.1 Nature of contraventions
- 1.2 No imprisonment

### **Part 1 General Administration**

#### **Division 1 General**

- 2 Staff
- 2.1 Investigators
- 2.2 Authority to enter and inspect premises
- 2.3 Obstruction of investigators
- 3 Delegation of power
- 4 Reproduction of documents, etc.
- 5 Documents signed by officials
- 6 Service
- 7 Crown not liable

#### **Division 2 Release of Information**

- 8 Release of personal driving and motor vehicle information
- 9 Information forwarded to Registrar
- 10 Release of safety information
- 11 Inspection of accident report
- 11.1 Commercial transport information

#### **Division 3 Municipalities and Other Authorities**

- 13 General powers of municipality
- 14 Private property

- 15 Prohibitions and offences
- 16 Restriction of powers
- 17 Control of traffic in provincial parks

**Division 4**  
**Regulations**

- 18 Regulations by the Lieutenant Governor in Council
- 19 Statute prevails
- 20 Prohibitions and offences
- 21 Power to establish standards, etc.

**Part 2**  
**Reviews**

**Division 1**  
**Alberta Transportation Safety Board**

- 22 Board
- 23 Chair and Vice-chair of the Board
- 24 Functions of the Board
- 25 Sittings of the Board
- 26 Quorum
- 26.1 Quorum adjustment
- 27 Procedure at Board hearings, reviews and appeals
- 29 Testimony and production of documents
- 29.1 Failure to attend, etc.
- 29.2 Regulations

**Division 2**  
**Reviews Respecting Conduct of Drivers**

- 30 Reviews by Board
- 31 Action taken re reviews
- 32 Reconsideration re reviews
- 33 Consideration of driver's record, etc.

**Division 3**  
**Reconsiderations and Reviews by Registrar**

- 34 Reconsiderations by Registrar
- 35 Review of seizure or immobilization of motor vehicle
- 36 Relief for affected persons

**Division 4**  
**Judicial Review**

- 47.1 Judicial review



**Part 3  
Motor Vehicle Administration****Division 1****Licences, Registration, Insurance and Permits**

- 51 Operator's licences
- 52 Registration of vehicles
- 53 Licence plates
- 54 Insurance required
- 55 Information
- 56 Refusal to grant or issue motor vehicle document
- 57 Restriction of services
- 58 Refusal of service re maintenance orders
- 59 Medical review committee
- 60 Exclusion of liability re medical matters
- 60.1 Confidential reporting
- 61 Altered documents
- 62 Permits
- 63 Liens
- 64 Regulations

**Division 2****Vehicles, Equipment, Accidents and Removal of Vehicles**

- 65 Equipment standards
- 66 Inspection of vehicles
- 67 Review by Court
- 68 Serially numbered vehicles and parts
- 69 Duty of driver, etc. re accident
- 70 Reports of peace officer re accidents
- 71 Reports of drivers re accidents
- 72 Place of offence re accident report
- 73 Investigations of accidents for general safety enhancement
- 74 Testing and inspection of motor vehicles in accidents
- 75 Motor vehicle surveys re safety
- 76 Prohibitions re abandoning vehicles
- 77 Removal of vehicles
- 78 Forcible entry of vehicles
- 79 Exclusion from liability
- 80 Sale and rental of vehicles
- 81 Regulations

## **Part 4 Disqualification from Driving**

### **Division 1 Disqualifications Arising from Offences**

- 82 Operator's licence suspended
- 83 Disqualification for impaired driving
- 84 Driving while prohibited under Criminal Code
- 85 Disqualification arising under National Defence Act (Canada)
- 86 Suspension of operator's licence
- 87 Licence disqualification
- 87.1 Interpretation
- 87.2 Refusal to accept notice of administrative penalty
- 88 Immediate roadside sanction: 24-hour
- 88.01 Immediate roadside sanction zero: novice
- 88.02 Immediate roadside sanction zero: commercial
- 88.03 Immediate roadside sanction: warn
- 88.1 Immediate roadside sanction: fail
- 88.11 Roadside appeals
- 88.2 Mandatory use of alcohol-sensing device when driving
- 88.3 Review of drivers from other jurisdictions
- 91 Disqualification, etc. by Registrar
- 92 Removal of requirements disqualification
- 93 Exceptions, etc.
- 94 Prohibition re driving while unauthorized
- 94.1 Prohibition re driving while suspended or disqualified under immediate roadside sanction
- 95 Punishment re driving while disqualified
- 96 Suspension continues after licence expires
- 97 Extended period of disqualification
- 98 Disqualifications to run consecutively
- 99 Setting aside suspension, etc. re demerit points
- 100 Regulations

### **Division 2 Disqualifications Arising from Judgments**

- 101 Saving of rights
- 102 Failure to satisfy judgment
- 103 Payment of judgment by instalments
- 104 Application for relief
- 105 Regulations

**Part 5  
General Operation of Vehicles****Division 1  
Speed Limits and Traffic Control Devices**

- 106 Standard speed limits
- 107 Standard speed limit re school or playground zone
- 108 Other speed limits
- 109 Application of speed limits re signs
- 110 Traffic control devices

**Division 2  
Operation of Vehicles**

- 111 Observance of Rules of the Road
- 112 Rules of the Road
- 113 Operation of vehicles
- 114 Peace officers
- 115 Prohibited operation of vehicles
- 115.1 Cellular telephones, electronic devices, etc.
- 115.2 Display screen visible to driver prohibited
- 115.3 Global positioning system
- 115.4 Prohibited activities
- 115.5,116 Regulations

**Part 6  
Off-highway Vehicles**

- 117 Definitions
- 118 Application of Act
- 119 Registration
- 120 Prohibited operation
- 121 Duty of driver re off-highway vehicle
- 122 Restriction on municipality
- 123 Stopping for peace officer
- 124 Production of documents
- 125 Onus
- 126 Duty of driver, etc. re accident
- 127 Seizure of off-highway vehicle
- 128 Municipal bylaws
- 128.1 Safety helmets
- 129 Regulations

**Part 6.1**  
**Transportation Network Companies**

- 129.1 Transportation network companies
- 129.2 Administrative penalties
- 129.3 Injunction
- 129.4 Regulations

**Part 7**  
**Commercial Motor Transport**

- 130 Interpretation

**Division 1**  
**Operation of Commercial Vehicles**

- 131 Use of commercial vehicles
- 132 Cancellation of certificate
- 133 Non-payment of fees or charges

**Division 2**  
**Compliance**

- 134 Definition
- 135 Purposes of inspections
- 136 Inspections of commercial vehicles
- 137 Stopping for peace officer
- 138 Vehicle inspection stations
- 139 Inspections of transportation business premises
- 140 Production of documents
- 141 Detention of vehicle
- 142 Review by Court
- 143 Administrative penalties
- 144 Vicarious liability

**Division 3**  
**Weight**

- 145 Weighing of vehicle
- 146 Checking of weight by portable scales, etc.
- 147 No alteration or redistribution of weight
- 148 Reduction of weight
- 149 Penalty re excess weight
- 150 Certificates of weight
- 151 Establishment of weights for vehicles
- 152 Municipalities re weight for vehicles

**Division 4  
General Matters**

- 153 Restriction on municipality
- 154 Penalty re contravention
- 155 Bills of lading, etc.
- 156 Regulations

**Part 8  
Enforcement, Rights, Remedies and Obligations****Division 1  
Contraventions**

- 157 Offences
- 158 Punishment
- 159 Onus
- 160 Owner liable
- 161 Dismissal of charge
- 162 Disposition of fines and penalties

**Division 2  
Evidence in Proceedings**

- 163 Certificates and affidavits
- 164 Traffic control device
- 165 Engineer's certificate

**Division 3  
Peace Officers**

- 166 Stopping for peace officer
- 167 Production of documents
- 168 Seizure of licence plates
- 169 Arrest without warrant
- 170 Seizure of vehicle
- 171 Seizure of motor vehicle re insurance matters
- 172 24-hour seizure or immobilization of vehicle
- 172.1 Seizure of vehicle for impaired driving, etc.
- 173 Seizure or immobilization of motor vehicle
- 173.1 Seizure of vehicle in prostitution related offences
- 174 Claim by owner for expenses
- 174.1 No action against the Crown, etc.
- 175 Personal property
- 176 Repair of damaged vehicle
- 177 Right of entry to repair shops, etc.
- 178 Assistance to peace officer

**Division 4****Pleas, Appeals, Prohibitions and Surrender of Licences**

- 179 Guilty pleas
- 180 Surrender of operator's licence
- 181 Appeal
- 182 Securing of motor vehicle document
- 183 Failure to surrender an operator's licence, etc.

**Division 5****Rights, Remedies and Obligations**

- 184 Action for negligence not affected
- 185 Onus where Act contravened
- 186 Onus on owner or driver
- 187 When driver deemed agent of owner
- 188 False statement
- 188.1 Regulations respecting reviews and non-monetary penalties under the Provincial Administrative Penalties Act

**Part 9****Transitional Provisions, Consequential Amendments, Repeals and Coming into Force**

- 189 Transitional provisions
- 189.1 Transitional — appeals and reviews
- 189.2 Transitional — reconsideration and reviews of Board decisions
- 189.3 Continued application of provisions to Alberta Transportation Safety Board
- 189.4 Dissolution of Alberta Transportation Safety Board
- 189.5 Transitional — regulations
- 191 Regulations
- 192-213 Consequential amendments
- 214 Repeals
- 216 Coming into force
- Schedule

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

**Interpretation**

**1(1)** In this Act,

- (a) “alley” means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
- (b) “axle” means
  - (i) one or more shafts on which or with which 2 or more wheels revolve, and
  - (ii) the wheels on each shaft;
- (c) “axle group” means 2 or more axles that are on a vehicle and that are situated on the vehicle as specified in the regulations;
- (d) “Board” means the Alberta Transportation Safety Board;
- (e) “boulevard” means that part of a highway in an urban area that
  - (i) is not roadway, and
  - (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (f) “centre line” means
  - (i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway,
  - (ii) in the case of a highway
    - (A) that is an offset centre highway as designated by a traffic control device, or
    - (B) that is a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times as designated by a traffic control device,

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

- (iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;
- (g) “certificate of registration” means a certificate of registration that is issued under this Act and includes a document or information and other data contained in an electronic form that is recognized under this Act as a certificate of registration;
- (h) “commercial vehicle” means a vehicle operated on a highway by or on behalf of a person for the purpose of providing transportation but does not include a private passenger vehicle;
- (h.1) “contravention” means a contravention under this Act;
- (i) “cycle” means a bicycle, power bicycle, motorcycle or moped;
- (j) “dealer” means any person who buys or sells motor vehicles as a business, either as principal or agent;
- (k) “driver” means a person who is driving or is in actual physical control of a vehicle;
- (l) “driving” or “drive” includes having the care or control of a vehicle;
- (l.1) “driving record” means a record of all of the information held by the Registrar that relates to an individual driver’s history, 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;
- (m) “emergency vehicle” means
  - (i) a vehicle operated by a police service as defined in the *Police Act*;
  - (ii) a fire-fighting or other type of vehicle operated by the fire protection service of a municipality;
  - (iii) an ambulance operated by a person or organization providing ambulance services;



- (iv) a vehicle operated as a gas disconnection unit of a public utility;
- (v) a vehicle designated by regulation as an emergency response unit;
- (n) “financial responsibility card” means a card issued or authorized pursuant to the *Insurance Act*;
- (o) “goods” means any thing or load that is or may be carried by means of a vehicle;
- (p) “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of any of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes
  - (i) a sidewalk, including a boulevard adjacent to the sidewalk,
  - (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
  - (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,but does not include a place declared by regulation not to be a highway;
- (q) “insured motor vehicle” means a motor vehicle the owner of which
  - (i) is insured in respect of that motor vehicle by an insurer, or
  - (ii) is a corporation that has provided for financial responsibility in respect of that motor vehicle,in accordance with the *Insurance Act*;
- (r) “insurer” means an insurer licensed under the *Insurance Act* to carry on the business of automobile insurance in Alberta;
- (r.1) “intersection safety device” means a device that is installed or erected at an intersection with a traffic control signal and that is capable of

- (i) photographing a vehicle and recording data related to the traffic control signal and the vehicle,
  - (ii) being used for or in connection with establishing the speed of a vehicle while the vehicle is approaching and proceeding through the intersection, or
  - (iii) both photographing a vehicle and recording data as described in subclause (i) and being used as described in subclause (ii);
- (r.2) “investigator” means an individual designated by the Minister as an investigator under section 2.1;
- (s) “licence plate” means a licence plate that is issued under this Act and includes an object that is recognized under this Act as a licence plate;
- (t) “maximum allowable weight” means the weight that may be borne by a commercial vehicle;
- (u) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (v) “mobility aid” means a device used to facilitate the transport, in a normal seated orientation, of a person with a physical disability;
- (w) “motorcycle” means a motor vehicle, other than a moped, that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motorcycles and scooters;
- (x) “motor vehicle” means
- (i) a vehicle propelled by any power other than muscular power, or
  - (ii) a moped,
- but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;
- (y) “motor vehicle document” means
- (i) an operator’s licence;
  - (ii) a certificate of registration;

- (iii) a financial responsibility card;
- (iv) a licence plate;
- (v) an operating authority certificate;
- (vi) a safety fitness certificate;
- (vii) a permit;
- (viii) a validation tab for a licence plate;
- (ix) any other document not referred to in subclauses (i) to (viii) that is prescribed by regulation as a motor vehicle document;
- (z) “municipality” means a municipality as defined in the *Municipal Government Act* and includes a Metis settlement;
- (aa) “non-repairable vehicle” means a motor vehicle or a trailer described by the regulations as a non-repairable vehicle;
- (bb) “operator’s licence” or “driver’s licence” means an operator’s licence or a driver’s licence that is issued under this Act and includes a document or information and other data contained in an electronic form that is recognized under this Act as an operator’s licence or a driver’s licence;
- (cc) “optometrist” means a regulated member of the Alberta College of Optometrists;
- (dd) “over-dimensional vehicle” means a vehicle, including any load that is carried on the vehicle, that exceeds the dimensions prescribed by regulation;
- (ee) “owner” means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days;
- (ff) “peace officer” means
  - (i) a police officer under the *Police Act*;
  - (ii) a member of a police service under the *Police Act*;
  - (ii.1) an investigator designated under section 2.1;

- (iii) a peace officer appointed under the *Peace Officer Act* for the purposes of this Act;
- (iv) a park warden appointed under the *Parks Canada Agency Act* (Canada);
- (v) a conservation officer appointed under section 1 of Schedule 3.1 to the *Government Organization Act*;
- (vi) a forest officer appointed under the *Forests Act*;
- (vii) a wildlife officer appointed under the *Wildlife Act*;
- (gg) “pedestrian” means
  - (i) a person on foot, or
  - (ii) a person in or on a mobility aid,and includes those persons designated by regulation as pedestrians;
- (hh) “permit” means a permit issued under this Act;
- (ii) “policy” means an owner’s or non-owner’s motor vehicle liability policy that is in conformity with Part 7 of the *Insurance Act*;
- (jj) “private passenger vehicle” means a vehicle used solely for personal transportation,
  - (i) including the carriage of goods intended for the use or enjoyment of the owner of the vehicle or members of the owner’s household, but
  - (ii) not including, in respect of a person’s business, work or employment, the carriage of passengers or of goods, except for sample cases or display goods that are conveyed by a salesperson and that are not for delivery or resale;
- (kk) repealed 2007 c45 s2;
- (ll) “Registrar” means the Registrar of Motor Vehicle Services and includes any person who, on the directions of the Registrar, is acting on behalf of the Registrar of Motor Vehicle Services;
- (mm) “road authority” means,

- (i) in the case of a highway or road that is, by virtue of the operation of section 3 or 5 of the *Highways Development and Protection Act*, under the direction, control and management of the Minister under that Act, that Minister;
- (ii) in the case of a highway that is under the direction, control and management of a municipality, the council of the municipality;
- (iii) repealed 2004 cH-8.5 s76;
- (iv) in the case of a highway that is located in a special area and that is under the direction, control and management of the Minister responsible for the *Special Areas Act*, the Minister responsible for the *Special Areas Act*;
- (v) in the case of a highway that is located in a provincial park or recreation area and that is under the direction, control and management of the Minister responsible for the *Provincial Parks Act*, the Minister responsible for the *Provincial Parks Act*;
- (vi) in the case of a licence of occupation road, the Minister responsible for the *Public Lands Act*;
- (vii) repealed 2004 cH-8.5 s76;
- (viii) in the case of a highway that is under the direction, control and management of a Metis settlement, the Metis settlement;
- (nn) “roadway” means that part of a highway intended for use by vehicular traffic;
- (oo) “salvage motor vehicle” means a motor vehicle described by regulation as a salvage motor vehicle;
- (pp) “sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between
  - (i) the curb line, or
  - (ii) where there is no curb line, the edge of the roadway, and the adjacent property line, whether or not it is paved or improved;

- (qq) “state of the United States of America” includes the District of Columbia;
  - (rr) “subsisting” when used in relation to a motor vehicle document or a policy means, that at the relevant time, the motor vehicle document or policy is current and has not expired nor been suspended or cancelled;
  - (ss) “traffic control device” means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, warning or guiding traffic;
  - (tt) “traffic control signal” means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;
  - (uu) “trailer” means a vehicle so designed that it
    - (i) may be attached to or drawn by a motor vehicle or tractor, and
    - (ii) is intended to transport property or persons,  
  
and includes any vehicle defined by regulation as a trailer but does not include machinery or equipment solely used in the construction or maintenance of highways;
  - (vv) “urban area” means a city, town or village or an urban service area within a specialized municipality;
  - (ww) “vehicle”, other than in Part 6, means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles but does not include a mobility aid.
- (1.1)** For the purposes of this Act, an individual who is a peace officer by virtue of
- (a) section 1(1)(ff)(iv) has the powers, duties and functions of a peace officer only while acting in a national park established under the *National Parks Act* (Canada), and
  - (b) section 1(1)(ff)(vi) has the powers, duties and functions of a peace officer only while acting for the purposes of enforcing this Act with respect to off-highway vehicles as defined in Part 6.
- (2)** In sections 11, 69, 70, 71, 72 and 169(2)(f), a reference to a vehicle is a reference to a vehicle other than a bicycle.

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

**(4)** In this Act,

- (a) a reference to “this Act” includes the regulations made under this Act;
- (b) a reference to “this statute” does not include the regulations made under this Act;
- (c) a reference to a bylaw is, unless otherwise provided, a reference to a bylaw made under this Act.

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

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

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

section 1(1)(rr);  
section 11.1;  
section 18(1)(d) and (e);  
section 51;  
section 57;  
section 61;  
section 69;  
section 80;  
Part 4;  
Part 8.

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

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

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

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

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

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

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

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

- (a) the weight of or borne by the vehicle,
- (b) the weight borne by an axle or an axle group of a vehicle,
- (c) the weight borne by a tire or group or combination of tires of a vehicle, or
- (d) the weight borne by any other portion or part of a vehicle.

RSA 2000 cT-6 s1;2001 c14 s2;2002 c30 s30;2003 c42 s15;  
2004 cH-8.5 s76;2005 c34 s2;2006 cP-3.5 s44;2007 c45 s2;  
2009 c35 s2;2011 c22 s2;2013 c19 s2(2);2016 c14 s12;  
2020 cP-30.8 s44(2)

#### **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.

2020 cP-30.8 s44(3)

#### **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*.

2020 cP-30.8 s44(3)

## **Part 1 General Administration**

### **Division 1 General**

#### **Staff**

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

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

(a) as engineers, and

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

RSA 2000 cT-6 s2;2007 c45 s3

#### **Investigators**

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

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

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

2009 c35 s3

#### **Authority to enter and inspect premises**

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

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

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

- (a) to give written or oral replies to questions,
- (b) to produce any books, records, electronic records, reports, documents or other things and to provide copies of them, and
- (c) to provide any other information requested by the investigator.

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

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

- (a) must give a receipt for them to the person from whom they were taken,
- (b) may make copies of, take photographs of or otherwise record them, and
- (c) must, within a reasonable time, return them to the person to whom the receipt was given.

2009 c35 s3

#### **Obstruction of investigators**

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

- (a) fail to comply with any reasonable request of the investigator,
- (b) knowingly make a false or misleading statement to the investigator either orally or in writing, or
- (c) otherwise obstruct or hinder the investigator.

2009 c35 s3

**Delegation of power**

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

- (a) repealed 2020 cP-30.8 s44(4);
- (b) an employee of the Government;
- (c) a peace officer;
- (d) any person or class of persons designated by the Minister.

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

- (a) general or applicable to a particular case, and
- (b) conditional or unconditional.

**(3)** Where an authorization

- (a) purports to be signed by the person giving the authorization, and
- (b) states that the person named in it is authorized to do the act or thing or perform the function set out in the written authorization,

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

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

**(5)** Where authorized by the Minister,

- (a) the Registrar, or
- (b) an employee of the Government designated by the Minister,

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

RSA 2000 cT-6 s3;2013 c19 s2(3);2020 cP-30.8 s44(4)

**Reproduction of documents, etc.**

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

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

- (a) stands in the place of the original document, item or thing,
- (b) shall be treated as the original document, item or thing for all purposes under this Act, and
- (c) is admissible in evidence in any proceeding in the same manner and for all purposes as if it were the original document, item or thing.

RSA 2000 cT-6 s4;2020 cP-30.8 s44(5)

**Documents signed by officials**

**5(1)** Every document that purports to be signed or issued by

- (a), (b) repealed 2020 cP-30.8 s44(6),
- (c) the Registrar,
- (d) a person to whom an authorization is made under section 3, if the document relates to a function that the person is authorized to perform,
- (e) the Registrar of Corporations,
- (f) a person who is authorized to perform a function of the Registrar, if the document relates to a function that the person is authorized to perform,
- (f.1) an official of a jurisdiction other than Alberta who is a registrar of corporations or performs a function for that jurisdiction similar to the function that the Registrar of Corporations performs for Alberta,
- (g) an official of a jurisdiction other than Alberta who is a registrar of motor vehicles or performs a function for that jurisdiction similar to the function that the Registrar performs for Alberta, or

- (h) the person performing the functions of the provincial authority as defined in the *Motor Vehicle Transport Act* (Canada),

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the document without proof of the signature or official character of the person who signed the document, if any.

**(2)** When proof is required of

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

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

- (c) the motor vehicle document issued to that person is suspended or cancelled, or
- (d) the person named in the certificate is disqualified from driving a motor vehicle in Alberta or from holding a motor vehicle document under this Act,

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

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

**(4)** A certificate purporting to be signed by the Registrar certifying

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

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or official character of the person signing the certificate, if any.

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

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

RSA 2000 cT-6 s5;2005 c34 s3;2013 c19 s2(4);2020 cP-30.8 s44(6)

### Service

6 A notice or document that is to be served or given under this Act by or on behalf of the Registrar, a Director or an adjudicator under the *Provincial Administrative Penalties Act* may be served or given

- (a) by personal service;
- (b) unless otherwise provided for under this Act, by being sent by ordinary mail sent to the latest address of the person who is to be served as shown on the records of the Registrar;
- (c) unless otherwise provided for under this Act, by being transmitted by electronic means to the latest email address of the person who is to be served as shown on the records of the Registrar;
- (d) in a manner or by a method provided for by regulation.

RSA 2000 cT-6 s6;2020 cP-30.8 s44(7)

### Crown not liable

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

- (a) incorrect information contained in
  - (i) a motor vehicle document,
  - (ii) an application for a motor vehicle document, or
  - (iii) any other document created under this Act that is not referred to in subclauses (i) and (ii),

or

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

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

1999 cT-6.4 s7

## **Division 2 Release of Information**

### **Release of personal driving and motor vehicle information**

**8(1)** In this section, “personal driving and motor vehicle information” means

- (a) any information supplied by an individual under this Act in order for that individual to be issued a motor vehicle document in that individual’s name, or
- (b) any information contained in an individual’s driving record

that if released could identify or lead to the identification of an individual.

**(2)** Repealed 2013 cS-19.3 s3.

**(3)** Repealed 2005 c34 s4.

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

- (a) the release of personal driving and motor vehicle information,
- (b) the criteria that the Registrar must consider when deciding whether a person may be given access to personal driving and motor vehicle information,
- (c) the circumstances under which the Registrar or a person acting on behalf of the Registrar may release personal driving and motor vehicle information,
- (d) the terms and conditions that may be imposed on a person that is given access to personal driving and motor vehicle information, and
- (e) notification of decisions of the Registrar regarding the release of personal driving and motor vehicle information.

RSA 2000 cT-6 s8;2003 c21 s24;2005 c34 s;2013 cS-19.3 s3

### **Information forwarded to Registrar**

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

- (a) finds a young person guilty of an offence under this Act,
- (b) finds a young person guilty of an offence to which section 83, 84, 86, 87, 172, 172.1 or 173 applies,
- (c) makes a judgment for damages arising out of a motor vehicle accident, or
- (d) makes any other order under this Act,

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

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

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

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

RSA 2000 cT-6 s9;2003 c41 s4(30);2020 cP-30.8 s44(8)

#### **Release of safety information**

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

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

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

1999 cT-6.4 s10



**Inspection of accident report**

**11(1)** In this section, “previous legislation” means

- (a) sections 83, 84 and 85 of the *Highway Traffic Act*, RSA 1970 c169, and
- (b) sections 77, 78 and 79 of the *Motor Vehicle Administration Act*, RSA 1980 cM-22

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

**(2)** Subject to the regulations, where a report is made in respect of an accident involving a motor vehicle under

- (a) the previous legislation,
- (b) section 70 or 71 of this Act, or
- (c) the regulations,

a peace officer may release information contained in that report to the Registrar for the purposes of monitoring drivers and the safe operation of commercial vehicles and motor vehicles.

**(2.1)** The Registrar or a peace officer may release information contained in a report referred to in subsection (2) to

- (a) a person or an insurance company or a lawyer, agent or representative of that person or company if the person or company
  - (i) has paid or may be liable to pay damages, or
  - (ii) has recovered or may be entitled to recover damages,
- (b) a road authority for the purposes of improving traffic circulation or the management of roadways, or
- (c) the Director under the *Provincial Administrative Penalties Act* for the purposes of a review under that Act.

**(3)** Subject to subsections (2) and (2.1), a report or statement made or furnished under the previous legislation or section 70 or 71 and the regulations made under this Act governing accident reports

- (a) is not open to public inspection, and
- (b) is not admissible in evidence for any purpose in a legal proceeding arising out of the accident except to prove

- (i) compliance with the previous legislation or section 70 or 71 of this Act and the regulations made under this Act governing accident reports, as the case may be,
- (ii) falsity in a prosecution for making a false statement in the report or statement, or
- (iii) the identity of the persons who were driving the vehicles involved in the accident.

RSA 2000 cT-6 s11;2001 c14 s3;2005 c34 s5;  
2020 cP-30.8 s44(9)

### **Commercial transport information**

**11.1(1)** In this section,

- (a) “commercial transport information” means, with respect to a commercial vehicle, any information or record concerning the following:
  - (i) any commission of contraventions relating to the operation of the commercial vehicle;
  - (ii) any accidents relating to the operation of the commercial vehicle;
  - (iii) any inspections of the commercial vehicle;
  - (iv) matters related to the operation of the commercial vehicle recorded by the Registrar under this Act;
  - (v) matters related to the compliance or failure to comply of an operator of the commercial vehicle or a carrier as defined in Part 7 with safety laws;
  - (vi) safety matters and matters relating to the compliance or failure to comply with transportation legislation referred to in section 132(1) by carriers as defined in Part 7 and other persons who engage in, have engaged in or may become engaged in the operation of commercial vehicles;
- (b) “commercial transport official” means an official of a jurisdiction other than Alberta who performs for that jurisdiction the functions with respect to commercial vehicles that the Registrar performs for Alberta;
- (c) “safety laws” means
  - (i) this Act;

- (ii) the *Dangerous Goods Transportation and Handling Act* and regulations made under that Act;
- (iii) the laws of a jurisdiction other than Alberta respecting the same, similar or equivalent subjects as those regulated or controlled by the enactments referred to in subclauses (i) and (ii).

(2) This section applies only in respect of those commercial vehicles or classes of commercial vehicles specified by the regulations.

(3) The Registrar may provide to a commercial transport official for another jurisdiction and to any law enforcement agency in or outside Alberta any commercial transport information with respect to the following:

- (a) drivers whose operator's licences are issued by that other jurisdiction;
- (b) commercial vehicles for which a document is issued or otherwise provided by that other jurisdiction that, if issued or provided in Alberta, would be a motor vehicle document as defined in section 1(1)(y)(ii) to (ix);
- (c) persons that carry on business in that other jurisdiction who in Alberta are or would be carriers as defined in Part 7.

2001 c14 s4;2005 c34 s6;2020 cP-30.8 s44(10)

12 Repealed 2020 cP-30.8 s44(11).

### **Division 3 Municipalities and Other Authorities**

#### **General powers of municipality**

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

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

- (d) governing access to highways from private land;
- (e) governing fees charged with respect to the parking of vehicles;
- (f) classifying motor vehicles and other vehicles and pedestrians for any purposes involving the use of streets, lanes and other public places;
- (g) with respect to noise produced in connection with a vehicle,
  - (i) defining what constitutes an objectionable noise,
  - (ii) establishing a method of determining or measuring noise, and
  - (iii) prohibiting the use or operation of a vehicle where the noise produced in connection with that vehicle is objectionable noise;
- (h) governing the turning of vehicles at intersections;
- (i) governing the encumbering of highways;
- (j) governing, subject to sections 77 to 79, the impounding and removal of vehicles
  - (i) in respect of which parking fees are payable,
  - (ii) that are parked in an area where parking is prohibited, or
  - (iii) that are parked in contravention of this Act or a bylaw;
- (k) governing the licensing of bicycles;
- (l) governing the impounding of bicycles, skateboards and similar devices;
- (m) governing parades and processions;
- (n) governing closing or restricting the use of a highway;
- (o) authorizing the municipality to issue a licence or permit that is terminable on 30 days' notice in writing for the temporary occupation or use of a road allowance or highway or a portion of a road allowance or highway when it is not required for public use;
- (p) restricting the use of specific traffic lanes to vehicles carrying a prescribed number of passengers;

- (q) restricting the use of specific traffic lanes to specific vehicles or classes of vehicles;
- (r) governing the issuing of tags, tickets or other documents;
- (s) governing the placing of tags, tickets or other documents on vehicles;
- (t) governing the marking of tires on vehicles for the purpose of enforcing parking bylaws;
- (u) governing the employing of or engaging the services of persons to enforce bylaws made with respect to the parking of vehicles;
- (v) designating routes for vehicles or classes of vehicles;
- (w) restricting the weight of vehicles or of vehicles and the goods being carried by the vehicles;
- (x) prescribing or otherwise providing for penalties with respect to the contravention of a bylaw made under this Division.

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

1999 cT-6.4 s13

#### **Private property**

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

- (a) with respect to privately owned property that is located within the municipality to which vehicles driven by members of the public generally have access,
  - (i) governing parking on the property without the permission or authorization of the owner of the property or a person having possession or control of the property;
  - (ii) governing the parking of vehicles in manufactured home communities;
  - (iii) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a disabled placard or licence plate that is issued or recognized by the Registrar;

- (iv) prescribing speed limits in respect of lanes or other thoroughfares used by vehicles;
- (b) with respect to private property that is located within the municipality to which vehicles driven by members of the public generally do not have access but on which the owner of the property or a person having possession or control of the property may park or otherwise keep vehicles, prohibiting
  - (i) the parking of vehicles on that property without the permission or authorization of that person;
  - (ii) the parking of vehicles so that the access to that property is denied or otherwise restricted;
- (c) with respect to a vehicle parked or driven in contravention of a bylaw made under this section,
  - (i) governing the issuing of tags or tickets or other documents;
  - (ii) governing the placing of tags, tickets or other documents on vehicles;
  - (iii) governing, subject to sections 77 to 79, the removal and impounding of vehicles;
  - (iv) providing for the laying of an information and complaint.

1999 cT-6.4 s14

**Prohibitions and offences**

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

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

1999 cT-6.4 s15

**Restriction of powers**

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

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

- (b) excludes pedestrians or vehicles generally from using highways;
- (c) prohibits the use of highways by pedestrians or vehicles;
- (d) affects in any way the registration or numbering of motor vehicles.

1999 cT-6.4 s16

**Control of traffic in provincial parks**

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

- (a) governing, by means of signs erected along the highway, the movement of pedestrians, vehicles or other traffic on the highway;
- (b) governing the opening or closing of highways.

RSA 2000 cT-6 s17;2002 c30 s30

**Division 4  
Regulations****Regulations by the Lieutenant Governor in Council**

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

- (a) subject to section 6, providing for and governing the service of notices and documents and the deemed service of notices and documents under this Act;
- (b) subject to section 1(7), (8) and (9), specifying the provisions of this Act in which a reference to
  - (i) a certificate of registration includes a document issued in another jurisdiction that shows that a motor vehicle or trailer is registered under the laws of that jurisdiction;
  - (ii) a licence plate includes a licence plate issued in another jurisdiction;
  - (iii) an operator's licence includes a licence or permit issued in another jurisdiction that permits a person to operate a motor vehicle;
- (c) for the purposes of section 169(2)(q) and (r), designating those contraventions under this Act for which a person may be arrested without a warrant;

- (d) establishing and governing a program under which drivers are assessed demerit points for a contravention of
    - (i) this Act, or
    - (ii) any other Act or regulation that relates to the safe operation of a vehicle;
  - (e) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (d), including the suspension or cancellation of an operator's licence;
  - (f) for the purposes of section 1(1)(gg), designating persons as pedestrians;
  - (g) governing the establishment of school zones and playground zones;
  - (h) providing for or otherwise specifying the periods of time and the days during which speed limits established or prescribed in respect of school zones and playground zones are in effect.
- (2) The Minister may make regulations
- (a) exempting or providing for the granting of exemptions of persons or vehicles or classes of persons or vehicles from any provision of this Act;
  - (b) governing any matter respecting the seizure under this Act of vehicles and the contents of and goods carried by vehicles;
  - (c) specifying commercial vehicles or classes of commercial vehicles to which section 11.1 applies.

RSA 2000 cT-6 s18;2001 c14 s5;2020 cP-30.8 s44(12)

#### **Statute prevails**

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

1999 cT-6.4 s19

#### **Prohibitions and offences**

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



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

RSA 2000 cT-6 s20;2020 cP-30.8 s44(13)

**Power to establish standards, etc.**

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

- (a) to establish criteria, specifications and standards in respect of that matter,
- (b) to adopt any code with respect to the matters referred to in clause (a), and
- (c) to modify any code referred to in clause (b).

1999 cT-6.4 s21

## **Part 2 Reviews**

### **Division 1 Alberta Transportation Safety Board**

**Board**

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

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

(3) The Board is a corporation.

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

- (a) remuneration, and
- (b) payment for expenses incurred while engaged in the business of the Board,

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

(5) If regulations under the Alberta Public Agencies Governance Act establish rates in respect of remuneration or expenses referred to in subsection (4), those regulations prevail, to the extent of any

conflict or inconsistency, over any regulations prescribing a rate under that subsection.

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

#### **Chair and Vice-chair of the Board**

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

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

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

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

#### **Functions of the Board**

**24(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.

RSA 2000 cT-6 s24;2005 c34 s7;2020 cP-30.8 s44(15)

**Sittings of the Board**

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

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

- (a) to sit with the Board, to hear and consider the matter with the Board and to advise the Board on the matter, or
- (b) to inquire into and report to or appear before the Board in respect of the matter.

1999 cT-6.4 s25

**Quorum**

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

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

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

**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.

2020 cP-30.8 s44(16)

*(NOTE: Section 26.1 came into force July 23, 2020.)*

**Procedure at Board hearings, reviews and appeals**

**27(1)** For the purposes of conducting hearings, reviews and appeals before the Board,

- (a) the Chair and the other members of the Board have the same power as is vested in the Court of Queen's Bench for the trial of civil actions
  - (i) to summon and enforce the attendance of witnesses,
  - (ii) to compel witnesses to give evidence under oath or otherwise,
  - (iii) to compel witnesses to give evidence in person or otherwise, and
  - (iv) to compel witnesses to produce any record, object or thing that relates to the matter being heard;

- (b) the Board may, in its discretion, take evidence under oath;
- (c) any member of the Board or the secretary of the Board may administer oaths for the purpose of taking evidence;
- (d) the Board may require a person who is the subject of or a party to a hearing, a review or an appeal to personally attend the proceedings before the Board;
- (e) a person who is the subject of or a party to a hearing, a review or an appeal
  - (i) has the right to appear before the Board and make representations in respect of the matter, and
  - (ii) has the right to be represented before the Board by legal counsel;
- (f) the Board may grant interim relief and stays in respect of any matter that is being heard, reviewed or appealed pending the determination of the hearing, review or appeal, subject to any directions, terms or conditions that the Board considers appropriate.

**(2)** With respect to hearings, reviews and appeals before the Board, the Board, with the approval of the Minister, may, subject to this Act, make rules

- (a) governing notices of hearings, reviews and appeals;
- (b) governing applications for and conditions to be met respecting hearings, reviews and appeals;
- (c) governing the procedure before the Board;
- (d) governing adjournments of matters before the Board;
- (e) governing the attendance of witnesses;
- (f) governing the applicability of the rules of evidence in judicial proceedings to hearings, reviews and appeals before the Board;
- (g) governing the receiving and recording of evidence;
- (h) empowering the Board to proceed and determine a matter when a party to a matter before the Board fails to appear at or attend a hearing, a review or an appeal;

- (i) governing the granting of interim relief and stays in respect of matters being heard, reviewed or appealed under this Act;
- (j) providing for majority and minority decisions;
- (k) empowering the Board to consider a matter based on material submitted to the Board by the parties without the parties or their representatives appearing before the Board and governing the procedure to be used in those circumstances;
- (l) governing the applicability of the *Alberta Rules of Court*;
- (m) providing for the issuing and publication of decisions of the Board;
- (n) governing the reconsideration of decisions made by the Board;
- (o) governing the providing of the decisions of the Board to the parties who are subject to the decisions;
- (p) governing costs.

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

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

RSA 2000 cT-6 s27;2005 c34 s9

**28** Repealed 2007 c45 s4.

#### **Testimony and production of documents**

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

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

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

1999 cT-6.4 s29

**Failure to attend, etc.**

**29.1(1)** Where, in respect of a hearing, a review or an appeal before the Board, a person is summoned or otherwise required to attend before the Board and fails or refuses to do so, the Court of Queen's Bench may, on application by the Board, commit the person for contempt or issue a bench warrant requiring the attendance of the person before the Board.

(2) The Court of Queen's Bench may, on application by the Board, commit a person for contempt where the person attends before the Board in respect of a hearing, a review or an appeal but fails or refuses either to give evidence under oath or otherwise, or to produce any record, object or thing, when required to do so.

2005 c34 s10

**Regulations**

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

2011 c22 s4

**Division 2**  
**Reviews Respecting Conduct of Drivers**

**Reviews by Board**

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

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

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

RSA 2000 T-6 s30;2020 cP-30.8 s44(18)

**Action taken re reviews**

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

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

- (i) disqualify the person from driving a motor vehicle in Alberta for a definite or indefinite period of time;
  - (ii) with respect to that person, prescribe any measure or course of remedial education, monitoring or treatment as a condition of acquiring or holding an operator's licence;
  - (iii) prescribe terms and conditions governing that person's operator's licence;
- (b) where the suspension of a person's operator's licence or the disqualification of a person to hold an operator's licence arises out of that person being found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada),
- (i) on the expiration of a suspension or disqualification imposed by a court, set aside the operation of the suspension or disqualification imposed under this Act on the condition that the person who is subject to the suspension or disqualification
    - (A) repealed 2011 c22 s5,
    - (B) complies with any terms or conditions imposed by the Registrar;
  - (ii) on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or issuance of an operator's licence to the person who was subject to the suspension or disqualification be on the condition that the person, in addition to complying with the requirements imposed under this Act,
    - (A) repealed 2011 c22 s5,
    - (B) complies with any terms or conditions imposed by the Registrar;
- (c) where a person has been suspended or disqualified from driving 2 or more times in a 10-year period under section 88.1, on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or issuance of an operator's licence to the person who was subject to the suspension or disqualification be on the condition that the person, in addition to complying with the other requirements imposed under this Act,
- (i) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Registrar, and

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

RSA 2000 cT-6 s31;2011 c22 s5;2017 c26 s29;2020 cP-30.8 s44(19)

#### **Reconsideration re reviews**

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

**(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.

**(2)** Notwithstanding subsection (1), once a decision 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 if in the opinion of the Registrar the circumstances in respect of the matter have not substantially changed from the time of the previous reconsideration.

RSA 2000 cT-6 s32;2020 cP-30.8 s44(20)

#### **Consideration of driver's record, etc.**

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

RSA 2000 cT-6 s33;2020 cP-30.8 s44(21)

### **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.

RSA 2000 cT-6 s34;2020 cP-30.8 s44(22)

#### **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.

RSA 2000 cT-6 s35;2005 c34 s11;2013 c19 s2(6);2020 cP-30.8 s44(22)

#### **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.

RSA 2000 cT-6 s36;2020 cP-30.8 s44(22)

**37 to 47** Repealed 2020 cP-30.8 s44(22).

### **Division 4 Judicial Review**

#### **Judicial review**

**47.1(1)** Subject to sections 32 and 34 and subsection (2), no decision or order of the Registrar shall be questioned or reviewed in any court by application for judicial review or otherwise, and no order shall be made, process entered or proceedings taken in any court, whether by way of certiorari, injunction, declaratory judgment, prohibition, mandamus, quo warranto, application to quash or set aside or otherwise, to question, review, prohibit or restrain any decision or order of the Registrar or any of the Registrar's proceedings.

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

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

2007 c45 s6;2009 c53 s179;2020 cP-30.8 s44(23)

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

### **Part 3 Motor Vehicle Administration**

#### **Division 1 Licences, Registration, Insurance and Permits**

##### **Operator's licences**

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

- (a) drive a motor vehicle on a highway unless that person is the holder of a subsisting operator's licence;
- (b) drive a motor vehicle on a highway unless that motor vehicle is of a class or type that is authorized to be operated under the class of operator's licence held by that person;
- (c) drive a motor vehicle on a highway contrary to a restriction or condition to which that person's operator's licence is subject;
- (d) drive a motor vehicle on a highway unless that person's operator's licence is in that person's possession;
- (e) where the person holds an operator's licence classified as a learner's operator's licence, drive a motor vehicle on a highway unless there is a person occupying a front passenger seating position of the motor vehicle who
  - (i) is supervising the person driving the vehicle,
  - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the vehicle being driven,
  - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
  - (iv) is of the age prescribed by regulation;

- (f) where a motor vehicle is being driven on a highway by a person holding an operator's licence classified as a learner's operator's licence, supervise the driving of the vehicle by the person holding the learner's operator's licence unless the person carrying out that supervision
  - (i) is occupying a front passenger seating position of the motor vehicle,
  - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the vehicle being driven,
  - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
  - (iv) is of the age prescribed by the regulations;
- (f.1) notwithstanding clause (e), where the person holds an operator's licence classified as a learner's operator's licence, drive a motorcycle on a highway unless there is a person occupying the passenger seating position on the motorcycle or in or on a motor vehicle that is travelling in close proximity to the motorcycle who
  - (i) is supervising the person driving the motorcycle,
  - (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the motorcycle,
  - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
  - (iv) is of the age prescribed by the regulations;
- (f.2) notwithstanding clause (f), where a motorcycle is being driven on a highway by a person holding an operator's licence classified as a learner's operator's licence, supervise the driving of the motorcycle by the person holding the learner's operator's licence unless the person carrying out that supervision
  - (i) is occupying the passenger seating position on the motorcycle or is in or on a motor vehicle that is travelling in close proximity to the motorcycle,

- (ii) is a holder of a subsisting operator's licence that is not classified as a learner's operator's licence or a probationary operator's licence and that is valid for the operation of the motorcycle,
  - (iii) has the operator's licence referred to in subclause (ii) in that person's possession, and
  - (iv) is of the age prescribed by the regulations;
- (f.3) in the case of a motorcycle, where a person holds an operator's licence classified as a learner's operator's licence, operate a motorcycle on a highway while carrying a passenger except as permitted under clause (f.1) or (f.2);
- (g) where the person holds an operator's licence classified as a learner's operator's licence, drive a motor vehicle on a highway during any period of time that the holder of a learner's operator's licence is by regulation prohibited from operating a motor vehicle;
  - (h) where a motor vehicle is in that person's possession or under that person's care or control, permit another person to drive that vehicle unless that other person meets the requirements of this Act to drive that vehicle;
  - (i) where a motor vehicle is in that person's possession or under that person's care or control, knowingly or willingly permit a person
    - (i) whose operator's licence is suspended, or
    - (ii) who is disqualified from holding an operator's licence, to drive that motor vehicle on a highway unless it is a vehicle that the person is permitted to drive under this Act notwithstanding the suspension or disqualification;
  - (j) where the person has been issued an operator's licence under this Act, have in that person's possession more than one subsisting operator's licence issued under this Act;
  - (k) possess an operator's licence that has been issued to another person;
  - (l) possess an operator's licence that is not a subsisting operator's licence;
  - (m) possess any fictitious document purporting to be an operator's licence;

- (n) use an operator's licence that has been issued to another person;
- (o) use an operator's licence that is not a subsisting operator's licence;
- (p) use any fictitious document purporting to be an operator's licence;
- (q) where a person has been issued an operator's licence, allow another person to use or be in possession of that operator's licence;
- (r) apply for, acquire or attempt to acquire an operator's licence for that person's own use or in that person's name
  - (i) during any period that the person is disqualified from driving a motor vehicle in Alberta, another province or territory of Canada or a state of the United States of America,
  - (ii) during any period for which that person's operator's licence is suspended, or
  - (iii) during any period for which that person is disqualified from holding an operator's licence in Alberta, another province or territory of Canada or a state of the United States of America,  
  
whether or not the period for which the person's operator's licence was issued has expired;
- (s) where the person holds a subsisting operator's licence, apply for or obtain another operator's licence under this Act except
  - (i) for the purpose of obtaining a duplicate of a subsisting operator's licence that has been lost or destroyed or has become unreadable, or
  - (ii) for the purpose of obtaining a replacement for an operator's licence that is about to expire.

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

**Registration of vehicles**

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



- (a) operate a motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle;
- (b) knowingly operate a motor vehicle on a highway
  - (i) while the certificate of registration or permit issued under this Act in respect of the motor vehicle is cancelled, or
  - (ii) while the certificate of registration or permit issued under this Act in respect of the motor vehicle is under suspension;
- (c) operate a salvage motor vehicle on a highway unless there is a subsisting in-transit permit issued in respect of that vehicle;
- (d) where the person has possession of or control over a motor vehicle or a trailer, permit another person to operate that motor vehicle or trailer on a highway unless there is a subsisting certificate of registration issued in respect of that vehicle;
- (e) apply for, acquire or attempt to acquire the registration of a motor vehicle or trailer during any period when the registration of the vehicle or the certificate of registration is suspended or cancelled;
- (f) apply for, acquire or attempt to acquire the registration of a motor vehicle or trailer in the name of
  - (i) an applicant that purports to be a corporation if the corporation does not exist, or
  - (ii) a corporation, incorporated otherwise than under the laws of Alberta, that
    - (A) is required to be but is not or has ceased to be licensed as an insurer under the *Insurance Act*, or
    - (B) is required to be but is not or has ceased to be registered under
      - (I) the *Business Corporations Act*,
      - (II) the *Companies Act*,
      - (III) the *Loan and Trust Corporations Act*, or

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

- (g) use any certificate of registration that is in the name of a corporation that does not exist at the time the certificate of registration is used;
- (h) unless the motor vehicle is an insured motor vehicle,
  - (i) apply for the registration of a motor vehicle, or
  - (ii) obtain the registration of a motor vehicle.

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

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

#### Licence plates

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

- (a) operate or park a motor vehicle or trailer on a highway unless the subsisting licence plate issued for that vehicle or that is otherwise permitted under this Act is displayed on that vehicle in accordance with the regulations;
- (b) display on a motor vehicle or trailer a licence plate other than a licence plate issued or authorized for use on that vehicle;
- (c) operate or park a motor vehicle or trailer on a highway with an expired licence plate displayed on it;
- (d) permit any licence plate issued to that person to be used in contravention of this Act.

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

1999 cT-6.4 s53

#### Insurance required

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

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

- (b) have a motor vehicle on a highway unless the motor vehicle is an insured motor vehicle;
- (c) where a person is the registered owner of a motor vehicle, permit another person
  - (i) to drive the motor vehicle on a highway, or
  - (ii) to have the motor vehicle on a highway,unless the motor vehicle is an insured motor vehicle;
- (d) give or lend a financial responsibility card or a copy of it to a person not entitled to have that financial responsibility card or copy.

**(1.1)** If a person drives or has a motor vehicle on a highway without the expressed or implied consent of the registered owner of the vehicle, that person is deemed for the purposes of subsection (1)(a) or (b) to drive or have on a highway a motor vehicle that is not an insured motor vehicle.

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

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

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

- (a) 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.

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

RSA 2000 cT-6 s54;2005 c34 s15;2020 cP-30.8 s44(24)

#### Information

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

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

1999 cT-6.4 s55

#### **Refusal to grant or issue motor vehicle document**

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

- (a) that person does not meet the requirements of this Act in order to be issued that motor vehicle document;
- (b) that person is barred at law or under any enactment from holding or being issued that motor vehicle document;
- (c) the vehicle in respect of which the motor vehicle document is to be issued does not meet the requirements of this Act in order for that motor vehicle document to be issued in respect of that vehicle;
- (d) the person applying for the issuance of the motor vehicle document fails to provide to the Registrar any information or material or meet any requirements that, in the opinion of the Registrar, are pertinent to determining whether the applicant or the applicant's vehicle, as the case may be, meets the requirements under this Act for the issuance of the motor vehicle document.

1999 cT-6.4 s56

#### **Restriction of services**

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

- (a) any enactment or municipal bylaw, or any bylaw made under this Act, or
- (b) repealed 2016 c11 s7,
- (c) any law in another jurisdiction that in the opinion of the Registrar deals with matters in that jurisdiction that are similar in nature to matters dealt with under this Act,

the Registrar may,

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

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

RSA 2000 cT-6 s57;2016 c11 s7

#### **Refusal of service re maintenance orders**

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

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

- (a) in respect of the debtor named in the notice, refuse to perform any function or service or to issue, renew or otherwise deal with any motor vehicle document or other document, and
- (b) refuse to register the vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who is a debtor under the maintenance order to a person described by the regulations,

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

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

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

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

RSA 2000 cT-6 s58;2009 c35 s5

**Medical review committee**

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

- (a) to act as an advisory committee to the Minister with respect to
  - (i) any matters concerning the health of persons that may have a bearing on the operation of motor vehicles, and
  - (ii) any physical conditions that may constitute a hazard to the general public with respect to the operation of motor vehicles,
- (b) to advise the Minister as to qualified physicians available for physical and mental examination of drivers and applicants for operator's licences, and
- (c) to act in any other capacity that may be required by the agreement with The Board of Directors of the Alberta Medical Association (C.M.A. - Alberta Division).

1999 cT-6.4 s59

**Exclusion of liability re medical matters**

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

1999 cT-6.4 s60

**Confidential reporting**

**60.1** If information is provided to the Registrar in good faith that a person

- (a) is not competent to safely operate a motor vehicle,
- (b) is not qualified or does not have the ability to operate a motor vehicle safely, or
- (c) may have a medical or physical condition that impairs his or her ability to safely operate a motor vehicle,

no person shall release the identity of the person providing the information, or release any information provided by that person that could reasonably be expected to reveal that person's identity, unless the person providing the information authorizes the release of that identifying information in writing.

2005 c34 s16

**Altered documents**

**61(1)** In this section, “document” means

- (a) a subsisting motor vehicle document;
- (b) a subsisting licence issued under the *Motor Vehicle Transport Act* (Canada);
- (c) a subsisting document that is a bill of lading, way-bill, shipping bill or customs permit or any other document that pertains to goods or passengers being transported by a commercial vehicle.

**(2)** A person shall not

- (a) mutilate, deface, alter or falsify a document,
- (b) have in that person's possession a document that is mutilated, defaced, altered or falsified, or
- (c) use or permit the use of a document that is mutilated, defaced, altered or falsified.

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

**Permits**

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

- (a) in the case of any vehicle,
  - (i) authorizing a person to operate on a highway a vehicle that is not registered in Alberta;
  - (ii) authorizing a person to operate a vehicle on a highway when that vehicle or its load does not comply with dimensional requirements specified under this Act;
  - (iii) authorizing a person to operate a vehicle on a highway when that vehicle does not comply with the equipment standards applicable to that vehicle;
- (b) in the case of a commercial vehicle,



- (i) authorizing a person to operate a vehicle in a manner or for a purpose not permitted under this Act or a motor vehicle document;
- (ii) exempting a vehicle or its operation from one or more requirements of this Act or a motor vehicle document;
- (iii) authorizing a person to operate a vehicle on a highway when the weight of the vehicle and any goods being carried by the vehicle exceeds the weight specified in the certificate of registration issued in respect of that vehicle;
- (iv) authorizing a person to operate a vehicle on a highway when the weight of the vehicle and any goods being carried by the vehicle exceeds the maximum allowable weight permitted under this Act for the vehicle.

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

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

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

### Liens

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

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

1999 cT-6.4 s63

### Regulations

**64** The Minister may make regulations

- (a) governing
  - (i) any matter with respect to the classification of, the application for, the information to be provided with an

- application for, the issuance of, the display of, the use of, the renewal of, the transfer of, the suspension of, the cancellation of, the reinstatement of, the term of, the expiration of and the qualifications or conditions required to be met in order to be issued or to hold a motor vehicle document;
- (ii) any undertakings, terms or conditions that must be provided or otherwise complied with in order for a motor vehicle document to be issued or to remain in effect;
  - (iii) the return or surrender of motor vehicle documents to the Registrar or a peace officer;
  - (iv) any terms or conditions, including the prescribing of those terms or conditions, to which a motor vehicle document or the holder of a motor vehicle document is subject;
  - (v) where insurance is required in relation to a motor vehicle document or a motor vehicle, the obligations of the insurer respecting the expiration, suspension, cancellation or transfer of the motor vehicle document or the sale or transfer of ownership of a motor vehicle;
- (b) governing any matter with respect to age, qualifications, examinations and testing of persons to drive or otherwise operate vehicles;
  - (c) governing any matter with respect to the operation of driver training schools and driving courses and the teaching or instructing of persons to operate vehicles and the provision of insurance in respect of those matters;
  - (c.1) governing any matter with respect to the conduct of driver examiners, driving instructors and the operation of driver training schools;
  - (d) governing any matter with respect to the provision of documents, the reproduction of documents and the destruction of documents under this Act;
  - (e) respecting the notification to the Registrar by physicians and optometrists of any condition that a person has that may affect that person's ability to operate a vehicle in a safe manner;
  - (f) governing any matter with respect to the provision of information to the Registrar with respect to insurance issued

- in respect of vehicles or any goods or passengers transported by vehicles;
- (g) governing any matter with respect to the provision to the Registrar of information by the courts arising out of proceedings before the courts under
    - (i) this Act and any bylaw made under this Act, and
    - (ii) the *Criminal Code* (Canada) with respect to matters arising out of the operation of vehicles;
  - (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*;
  - (h) where a person's motor vehicle document has been suspended or cancelled,
    - (i) governing the notice to be given of the suspension or cancellation;
    - (ii) governing when the notice of the suspension or cancellation is deemed to have been received by the person to whom the notice is directed;
    - (iii) governing when the suspension or cancellation takes effect;
    - (iv) requiring that person to surrender or return the suspended or cancelled motor vehicle document to the court or the Registrar;
    - (v) governing the reinstatement or re-issue of a suspended or cancelled motor vehicle document;
  - (i) declaring a highway or any portion of a highway or place not to be a highway;
  - (j) providing for and governing the temporary closing of a highway;
  - (k) governing the seizure and the immobilization of vehicles under sections 88, 88.01, 88.02, 88.03, 88.1, 172, 173 and 173.1;

- (k.1) respecting requests to set aside suspensions under section 88.1(12) and (16);
  - (l) governing the enforcement of any lien created under this Act;
  - (m) prescribing documents as motor vehicle documents;
  - (n) subject to sections 56, 57 and 58, governing the restriction of the provision of functions and services under this Act;
  - (o) for the purposes of section 57,
    - (i) authorizing the Registrar to refuse to register a vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who has not paid a fine or penalty as described in section 57 to a person or a person within a class of persons;
    - (ii) governing persons or classes of persons referred to in subclause (i);
  - (p) for the purposes of section 58,
    - (i) authorizing the Registrar to refuse to register a vehicle in the name of a new owner if the ownership of a registered vehicle passes directly or through intermediary owners from a person who is a debtor under a notice given by the Director, as defined in section 58, to the Registrar under section 58(2) to a person or a person within a class of persons;
    - (ii) governing persons or classes of persons referred to in subclause (i);
  - (q) prescribing and governing the classification of vehicles;
  - (r) governing alcohol-sensing devices and their installation, use and removal;
  - (r.1) governing the use of alcohol detection and monitoring technologies and methods;
  - (s) governing forms and similar documents and their electronic versions used for the purposes of this Act;
- (s.1) respecting the use, processing and filing of electronic documents;

- (s.2) with respect to documents, whether in electronic or non-electronic form, that are to be signed,
  - (i) respecting 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;
- (t) designating locations as rest areas for users of highways and governing those rest areas;
- (u) prescribing or otherwise providing for the establishment of fees to be charged in respect of
  - (i) motor vehicle documents and other documents;
  - (ii) the providing of motor vehicle documents and other documents;
  - (iii) the administering of tests and examinations;
  - (iv) the provision of any service or function under this Act;
  - (v) the provision of any appeal, review or hearing under this Act;
- (v) governing any matter relating to the issuance of dealer's licence plates and trade licence plates and the operation of a motor vehicle on a highway with a dealer's licence plate or a trade licence plate attached, including requirements for the production and retention of documents.

RSA 2000 cT-6 s64;2002 c32 s15;2003 c48 s3;2005 c34 s17;  
2009 c35 s6;2011 c22 ss10,21;2017 c26 s8;2020 cP-30.8 s44(25)

## Division 2 Vehicles, Equipment, Accidents and Removal of Vehicles

### Equipment standards

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

- (a) drive or operate a vehicle on a highway unless that vehicle complies with the vehicle and equipment standards set out in the regulations in respect of that vehicle;
- (b) permit another person to drive or operate a vehicle on a highway unless that vehicle complies with the vehicle and equipment standards set out in the regulations in respect of that vehicle;
- (c) where that person is the owner of a vehicle, drive or operate the vehicle on a highway unless the vehicle and its equipment are maintained
  - (i) in good working order, and
  - (ii) in a condition that meets the requirements of this Act;
- (d) drive or operate a vehicle on a highway unless the vehicle and its equipment are used in a manner or as prescribed or provided for by regulation;
- (e) sell or offer for sale in Alberta a new motor vehicle unless that motor vehicle meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
- (f) sell or offer for sale in Alberta a new trailer unless that trailer meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
- (g) sell or offer for sale in Alberta a new conversion unit unless the conversion unit meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act;
- (h) sell a used motor vehicle if that person is of a class described in the regulations or if that used motor vehicle is of a class or type described in the regulations unless
  - (i) the motor vehicle has passed the inspections and tests required by the regulations within the period of time

preceding the sale prescribed by regulation and the person provides the buyer with an inspection certificate for the motor vehicle in respect of those inspections and tests, or

- (ii) the person provides the buyer with a written statement containing the information prescribed by regulation respecting the motor vehicle;
- (i) in the case of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment or other material or item used in respect of vehicles where that equipment, material or item does not comply with the standards or specifications set out in the regulations for that equipment, material or item;
- (j) in the case of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment or other material or item used in respect of vehicles where the sale or the offering for sale of that equipment, material or item is prohibited by regulation.

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

- (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.

RSA 2000 cT-6 s65;2020 cP-30.8 s44(26)

### **Inspection of vehicles**

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

- (a) ensuring that a vehicle or its equipment, or both,
  - (i) are safe to operate, and

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

or

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

do one or more of the following:

- (c) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test by the peace officer;
- (d) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test at a place and by a person specified by the peace officer;
- (e) direct that the vehicle or its equipment, or both, or any specific part of the vehicle or equipment be repaired;
- (f) direct that the vehicle or its equipment, or both, be removed from the highway or from operation and that it not be returned to a highway or operation until the vehicle or its equipment, or both, have been, as the case may be,
  - (i) rendered safe to operate,
  - (ii) repaired, serviced, altered or otherwise dealt with so that they meet the requirements of this Act, or
  - (iii) repaired in accordance with the directions of the peace officer;
- (g) direct that the directions given under this section be complied with within a time period specified by the peace officer;
- (h) direct that, after the directions given under this section have been complied with, the vehicle or its equipment, or both, be reinspected by a peace officer at a time and place specified by the peace officer.

**(2)** A direction given under this section must

- (a) be in writing, and
- (b) be served on the person to whom the direction is made.

**(3)** Notwithstanding subsection (2), a direction given under subsection (1)(c) may be given orally if a peace officer inspects,



examines or tests the vehicle and its equipment forthwith after the direction is given.

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

- (a) rendered safe to operate;
- (b) repaired, serviced, altered or otherwise dealt with so that they meet the requirements of this Act;
- (c) repaired in accordance with the directions of the peace officer.

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

- (a) fail to comply with the directions given by a peace officer under this section;
- (b) operate a vehicle on a highway in contravention of a direction given under subsection (1)(f);
- (c) put a vehicle into operation in contravention of a direction given under subsection (1)(f).

RSA 2000 cT-6 s66;2007 c45 s7

### **Review by Court**

**67(1)** Where

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

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

(2) Where

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

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

**(3)** Repealed 2009 c53 s179.

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

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

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

- (a) confirm, rescind or vary the direction of the peace officer;
- (b) direct the person to comply with the direction of the peace officer;
- (c) give those directions that the Court considers necessary to ensure compliance with the direction of the peace officer;
- (d) direct that the seized licence plate and certificate of registration, or in the case of a vehicle in a prescribed class of commercial vehicles, a copy of the certificate of registration, be returned;
- (e) make the order subject to any terms or conditions that the Court considers appropriate in the circumstances;
- (f) dismiss the application;
- (g) award costs.

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

#### **Serially numbered vehicles and parts**

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

- (a) a motor vehicle;

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

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

- (a) have possession of a vehicle that does not have either
  - (i) the manufacturer's serial number or similar identifying mark, or
  - (ii) a special identification number or mark authorized under this Act where the manufacturer's serial number or identifying mark has been removed, defaced, covered, altered or destroyed or become illegible;
- (b) sell or offer for sale
  - (i) any portion of a vehicle,
  - (ii) any portion of an engine of a vehicle, or
  - (iii) any accessory for a vehicle,
    - that has been serially numbered by the manufacturer if the serial number has been removed, defaced, covered, altered or destroyed or become illegible.

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

1999 cT-6.4 s68

#### **Duty of driver, etc. re accident**

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

- (a) remain at the scene of the accident or, if the person has left the scene of the accident, immediately return to the scene of the accident unless otherwise directed by a peace officer,
- (b) render all reasonable assistance, and
- (c) produce in writing to anyone sustaining loss or injury, to any peace officer and to any witness all or such of the following information as is requested:

- (i) that person's name and address;
  - (ii) the number of that person's operator's licence;
  - (iii) the name and address of the registered owner of the vehicle;
  - (iv) the licence plate number of the vehicle;
  - (v) a financial responsibility card issued in respect of that vehicle.
- (2)** The driver of a vehicle that
- (a) is involved in an accident with an unattended vehicle shall stop at the scene of the accident and shall forthwith or as soon after the accident as is practicable
    - (i) locate and notify the owner or person in charge of the unattended vehicle of the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle that was involved in the accident with the unattended vehicle, or
    - (ii) leave in a conspicuous place in or on the unattended vehicle a written notice giving the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle that was involved in the accident with the unattended vehicle,
- or
- (b) is involved in an accident resulting in damage to property on or adjacent to a highway shall forthwith or as soon after the accident as is practicable take reasonable steps to locate and notify the owner or person in charge of the property of the fact and of the name and address of the driver, the number of the driver's operator's licence and the licence plate number of the vehicle.
- (3)** If the driver of a vehicle is incapable of providing the information required by subsection (1) or (2) and there is another occupant of the vehicle capable of providing the information, the occupant shall provide the information required to be provided by the driver.
- (4)** If the information has not been provided under subsection (1), (2) or (3) and the driver or occupant of the vehicle is not the owner of the vehicle, the owner shall forthwith on determining that that

owner's vehicle has been involved in an accident provide the information required under those subsections.

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

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

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

- (a) may make the arrangements to move the vehicle on the owner's or driver's behalf, and
- (b) on making arrangements to move the vehicle, shall notify the registered owner of the vehicle of the disposition of the vehicle.

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

1999 cT-6.4 s69

#### **Reports of peace officers re accidents**

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

1999 cT-6.4 s70

#### **Reports of drivers re accidents**

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

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

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

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

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

1999 cT-6.4 s71

#### **Place of offence re accident report**

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

RSA 2000 cT-6 s72;2020 cP-30.8 s44(27)

#### **Investigations of accidents re general safety enhancement**

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

- (a) investigate all aspects of motor vehicle accidents with a view to compiling comparative statistics on the causes of accidents, and
- (b) make recommendations, based on those investigations, for increased road safety.

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

- (a) may, in writing, require from any insurer any or all of the following with respect to any accident:
  - (i) copies of statements made by any person in connection with the accident;
  - (ii) copies of reports made by the insurer's investigators into the reasons for or causes of the accident and the conclusion of the insurer on the liability of the persons involved;
  - (iii) details of any money paid by an insurer in respect of property damage;

- (b) may interview
  - (i) the drivers involved in the accident,
  - (ii) any witness to the accident, and
  - (iii) any other person who may be able to give information, whether directly relevant or not, that will assist in determining the reasons for or causes of the accident,and with the consent of the persons interviewed may take statements in writing.

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

- (a) must not be disclosed to any person except as permitted under this Act,
- (b) must not be used in any court proceedings, and
- (c) must not be used for any purposes other than the purposes stated in subsection (1).

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

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

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

1999 cT-6.4 s73

#### **Testing and inspection of motor vehicles in accidents**

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

- (a) request a peace officer to remove the motor vehicle or cause the motor vehicle to be removed from the place where the accident occurred, and
- (b) specify to the peace officer the place to which the motor vehicle is to be taken,

for the purposes of testing and inspecting the vehicle.

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

- (a) is towed and stored at a place agreed on by the owner and the Registrar, the owner shall pay the costs of towing and storage;
- (b) is towed and stored at a place not agreed on by the owner and the Registrar, the Crown shall pay the costs of towing and storage;
- (c) is towed without the consent of the owner but stored at a place to which the owner consents, the Crown shall pay the costs of towing and the owner shall pay the costs of storage;
- (d) is towed with the consent of the owner but stored at a place without the owner's consent, the owner shall pay the costs of towing and the Crown shall pay the costs of storage.

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

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

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

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

1999 cT-6.4 s74



**Motor vehicle surveys**

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

1999 cT-6.4 s75

**Prohibitions re abandoning vehicles**

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

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

**(2)** A vehicle that is

- (a) left standing on a highway for more than 72 consecutive hours, unless otherwise provided for in a bylaw in the case of a highway under the direction, control and management of the council of a municipality, or
- (b) left standing on public or private property for more than 72 consecutive hours without the consent of the owner or person in possession or control of the property,

is deemed to have been abandoned at that location.

1999 cT-6.4 s76

**Removal of vehicles**

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

- (a) is abandoned under section 76;
- (b) is left unattended on a highway in a manner that obstructs the normal movement of traffic;
- (c) is parked on any highway in contravention of this Act or a bylaw;
- (d) is parked on a highway in a manner that prevents access by fire-fighting equipment to a fire hydrant;
- (e) is not displaying a subsisting licence plate or a permit;

- (f) is parked on private property without the consent of the owner of the property or on a highway in a manner that obstructs any private driveway;
- (g) is left unattended on a highway and, in the opinion of a peace officer, the vehicle, its contents or any goods being carried by the vehicle are liable to be stolen or tampered with;
- (h) is situated unattended at a location or in a condition so that, in the opinion of the peace officer, it constitutes a present or potential hazard to persons or property;
- (i) is seized under section 172, 172.1, 173 or 173.1.

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

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

#### **Forcible entry of vehicles, etc.**

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

1999 cT-6.4 s78

#### **Exclusion from liability**

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

1999 cT-6.4 s79

#### **Sale and rental of vehicles**

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

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

- (b) sell a motorcycle to a person who is under the age of 16 years, other than a motorcycle that
  - (i) is an off-highway vehicle, and
  - (ii) does not meet the specifications under the regulations to operate on a highway;
- (c) purchase a motorcycle for or on behalf of a person who is under the age of 16 years, other than a motorcycle that
  - (i) is an off-highway vehicle, and
  - (ii) does not meet the specifications under the regulations to operate on a highway.

RSA 2000 cT-6 s80;2016 c14 s12

**Regulations****81** The Minister may make regulations

- (a) governing any matter with respect to
  - (i) the construction, modification and configuration of vehicles;
  - (ii) the construction, modification and configuration of any equipment or other material or items used in respect of or in connection with vehicles;
  - (iii) the use of and the installation and removal of any equipment or other material or items used in respect of or in connection with vehicles;
  - (iv) the standards to be met by vehicles;
  - (v) the standards to be met by any equipment or other material or items installed or used in respect of or in connection with vehicles;
- (b) governing any matter with respect to the testing and inspection of and the repair of vehicles and any equipment or other material or items used in respect of or in connection with vehicles;
- (b.1) establishing and governing, with respect to persons who engage in, have engaged in or may become engaged in providing any services in relation to matters referred to in clause (b), a program under which a profile or other record is kept with respect to the provision of those services and

- the compliance or failure to comply with this Act respecting the provision of those services;
- (b.2) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (b.1);
  - (b.3) governing the inspection by a peace officer of any business related to motor vehicle inspections;
  - (c) governing
    - (i) the reporting, removal and storage of vehicles, the contents of vehicles and the goods carried by vehicles
      - (A) that have been seized or removed under this Act, or
      - (B) that are abandoned,
    - (ii) the returning of any vehicles, contents and goods referred to in subclause (i),
    - (iii) the disposal of any vehicles, contents and goods referred to in subclause (i), the passage of title of those vehicles, contents and goods and the distribution of funds arising from the disposal of those vehicles, contents and goods,
    - (iv) the expenses incurred arising out of any matter referred to in this clause, and
    - (v) the liability for the expenses referred to in subclause (iv);
  - (d) governing, subject to sections 11, 69 to 71 and 126, any matter with respect to the provision of information and the making of reports in respect of accidents;
  - (e) requiring and governing the provision to the Registrar of supplemental information in respect of accidents;
  - (f) governing any matter with respect to the reporting, acquisition and disposal of salvage in respect of vehicles and parts of vehicles;
  - (g) describing a vehicle as a salvage motor vehicle or a non-repairable vehicle and governing salvage vehicles or non-repairable vehicles and the information to be provided in respect of salvage vehicles or non-repairable vehicles;
  - (h) respecting the sale of used vehicles and the standards to be met by those vehicles;

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

RSA 2000 cT-6 s81;2005 c34 s18

## **Part 4**

### **Disqualification from Driving**

#### **Division 1**

#### **Disqualifications Arising from Offences and Contraventions**

##### **Operator's licence suspended**

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

- (a) that person's operator's licence, if that person holds a subsisting operator's licence, is suspended, and
- (b) that person is disqualified from holding an operator's licence,

during the time that the person is disqualified from driving.

1999 cT-6.4 s82

##### **Disqualification for impaired driving**

**83(1)** When a person is found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle for a period of one year from the day of the finding of guilt.

**(2)** Notwithstanding subsection (1), if a person

- (a) is found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada, and
- (b) has, in the preceding 10 years, been found guilty of an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada,

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

**(2.1)** In establishing for the purposes of subsection (2) whether a person has been found guilty of an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada and has been found guilty within the preceding 10 years of an offence under either of those sections anywhere in Canada, the only

question to be considered is the sequence of the findings of guilt and no consideration shall be given to the sequence of commission of offences or to whether an offence occurred before or after a finding of guilt.

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

- (a) is found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada, and
- (b) has, in the preceding 10 years, been found guilty of
  - (i) 2 offences under section 320.14 or 320.15 of the *Criminal Code* (Canada), or
  - (ii) one offence under section 320.14 of the *Criminal Code* (Canada) and one offence under section 320.15 of the *Criminal Code* (Canada)

anywhere in Canada, unless those 2 offences arose out of the same incident,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

**(3.1)** In establishing for the purposes of subsection (3) whether a person

- (a) has been found guilty of an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada, and
- (b) has been found guilty within the preceding 10 years of
  - (i) 2 offences under section 320.14 or 320.15 of the *Criminal Code* (Canada), or
  - (ii) one offence under section 320.14 of the *Criminal Code* (Canada) and one offence under section 320.15 of the *Criminal Code* (Canada)

anywhere in Canada, unless those 2 offences arose out of the same incident,

the only question to be considered is the sequence of the findings of guilt and no consideration shall be given to the sequence of commission of offences or to whether an offence occurred before or after a finding of guilt.

- (4) When a person who holds an operator's licence is found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada), the court hearing the case shall forward the operator's licence of that person to the Registrar.
- (5) If a person is found guilty of 2 or more offences under section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in Canada and the offences arose out of the same incident,
- (a) the findings of guilt for those offences shall, for the purposes of subsections (2)(b) and (3)(b), be considered to constitute only one finding of guilt, which shall be considered to have occurred on the day of the earliest finding of guilt respecting those offences, and
  - (b) for the purposes of subsection (1), the period of disqualification shall be one year and shall run from the day of the earliest finding of guilt respecting those offences.
- (6) For the purposes of subsections (2) and (3), a finding of guilt for an offence
- (a) under section 234 or 236 of the *Criminal Code* (Canada) as it read immediately prior to December 4, 1985 is deemed to be a finding of guilt for an offence under section 237 of the *Criminal Code* (Canada) as it read immediately after December 3, 1985, and
  - (b) under section 234.1 or 235 of the *Criminal Code* (Canada) as it read immediately prior to December 4, 1985 is deemed to be a finding of guilt for an offence under section 238 of the *Criminal Code* (Canada) as it read immediately after December 3, 1985.
- (7) For the purposes of subsections (2) and (3), a finding of guilt for an offence
- (a) under section 237 of the *Criminal Code* (Canada) as it read immediately prior to December 12, 1988 is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately after December 11, 1988, and
  - (b) under section 238 of the *Criminal Code* (Canada) as it read immediately prior to December 12, 1988 is deemed to be a finding of guilt for an offence under section 254 of the *Criminal Code* (Canada) as it read immediately after December 11, 1988.

**(8)** For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately prior to November 1, 1989 is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately after October 31, 1989.

**(9)** For the purposes of subsections (2) and (3), a finding of guilt for an offence

- (a) under section 253 of the *Criminal Code* (Canada) as it read immediately prior to the coming into force of Part 1 of the Federal Bill is deemed to be a finding of guilt for an offence under section 253 of the *Criminal Code* (Canada) as it read immediately on and after the coming into force of Part 1 of the Federal Bill, and
- (b) under section 254 of the *Criminal Code* (Canada) as it read immediately prior to the coming into force of Part 1 of the Federal Bill is deemed to be a finding of guilt for an offence under section 254 of the *Criminal Code* (Canada) as it read immediately on and after the coming into force of Part 1 of the Federal Bill.

**(10)** In subsection (9), “the Federal Bill” means Bill C-46, introduced in the 1st session of the 42nd Parliament and entitled *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.

**(11)** For the purposes of subsections (2) and (3), a finding of guilt for an offence

- (a) under section 253 of the *Criminal Code* (Canada) as it read immediately prior to the coming into force of Part 2 of the Federal Bill is deemed to be a finding of guilt for an offence under section 320.14 of the *Criminal Code* (Canada) as it read immediately on and after the coming into force of Part 2 of the Federal Bill, and
- (b) under section 254 of the *Criminal Code* (Canada) as it read immediately prior to the coming into force of Part 2 of the Federal Bill is deemed to be a finding of guilt for an offence under section 320.15 of the *Criminal Code* (Canada) as it read immediately on and after the coming into force of Part 2 of the Federal Bill.



(12) In subsection (11), “the Federal Bill” means Bill C-46, introduced in the 1st session of the 42nd Parliament and entitled *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.

RSA 2000 cT-6 s83;2016 c14 s4;2017 c26 ss9,18,29

#### **Driving while prohibited under Criminal Code**

**84** If a person is found guilty anywhere in Canada of an offence under 320.18 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months from the day of the finding of guilt.

RSA 2000 cT-6 s84;2017 c26 s19

#### **Disqualification arising under National Defence Act (Canada)**

**85(1)** When a person is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

(2) Notwithstanding subsection (1), if a person

- (a) is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada, and
- (b) has, in the preceding 10 years, been found guilty of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada,

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

(3) Notwithstanding anything in subsection (1) or (2), when a person

- (a) is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada, and

- (b) has, in the preceding 10 years, been found guilty of 2 offences under the *National Defence Act* (Canada) by reason that the person, in the preceding 10 years,
  - (i) twice contravened section 320.14 or 320.15 of the *Criminal Code* (Canada), or
  - (ii) once contravened section 320.14 of the *Criminal Code* (Canada) and once contravened section 320.15 of the *Criminal Code* (Canada),anywhere in or out of Canada, unless those 2 offences arose out of the same incident,

that person on being found guilty of the offence referred to in clause (a) becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

**(4)** If a person is found guilty of 2 or more offences under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 or 320.15 of the *Criminal Code* (Canada) anywhere in or out of Canada and the offences arose out of the same incident,

- (a) the findings of guilt for those offences shall, for the purposes of subsections (2)(b) and (3)(b), be considered to constitute only one finding of guilt, which shall be considered to have occurred on the day of the earliest finding of guilt respecting those offences, and
- (b) for the purposes of subsection (1), the period of disqualification shall be one year and shall run from the day of the earliest finding of guilt respecting those offences.

**(5)** For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that a person contravened

- (a) section 234 or 236 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 4, 1985 is deemed to be a finding of guilt under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that the person contravened section 237 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after December 3, 1985, and

(b) section 234.1 or 235 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 4, 1985 is deemed to be a finding of guilt under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that the person contravened section 238 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after December 3, 1985.

(6) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 120 of the *National Defence Act* (Canada) as the *National Defence Act* (Canada) read immediately prior to December 12, 1988 by reason that a person contravened

(a) section 237 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 12, 1988 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) and the *National Defence Act* (Canada) read immediately after December 11, 1988, and

(b) section 238 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to December 12, 1988 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) and the *National Defence Act* (Canada) read immediately after December 11, 1988.

(7) For the purposes of subsections (2) and (3), a finding of guilt for an offence under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to November 1, 1989 is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately after October 31, 1989.

(7.1) For the purposes of subsections (2) and (3), a finding of guilt for an offence

(a) under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to the coming into force of Part 1 of the Federal Bill is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason

that the person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately on and after the coming into force of Part 1 of the Federal Bill, and

- (b) under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to the coming into force of Part 1 of the Federal Bill is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately on and after the coming into force of Part 1 of the Federal Bill.

**(7.2)** In subsection (7.1), “the Federal Bill” means Bill C-46, introduced in the 1st session of the 42nd Parliament and entitled *An Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts*.

**(7.3)** For the purposes of subsections (2) and (3), a finding of guilt for an offence

- (a) under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 253 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to the coming into force of Part 2 of the Federal Bill is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.14 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately on and after the coming into force of Part 2 of the Federal Bill, and
- (b) under section 130 of the *National Defence Act* (Canada) by reason that a person contravened section 254 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately prior to the coming into force of Part 2 of the Federal Bill is deemed to be a finding of guilt under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.15 of the *Criminal Code* (Canada) as the *Criminal Code* (Canada) read immediately on and after the coming into force of Part 2 of the Federal Bill.

**(7.4)** In subsection (7.3), “the Federal Bill” means Bill C-46, introduced in the 1st session of the 42nd Parliament and entitled *An*

*Act to amend the Criminal Code (offences relating to conveyances) and to make consequential amendments to other Acts.*

**(8)** When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 320.13(1), 320.16(1) or section 320.17 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

**(9)** When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) by reason that the person contravened subsection 320.13(2) or (3), 320.16(2) or (3) of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

**(10)** When a person is found guilty anywhere in or out of Canada of an offence under section 130 of the *National Defence Act* (Canada) committed by means of a motor vehicle by reason that the person contravened section 220, 221 or 236 of the *Criminal Code* (Canada), that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

**(11)** If a person is found guilty under section 130 of the *National Defence Act* (Canada) by reason that the person contravened section 320.18 of the *Criminal Code* (Canada),

- (a) that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 6 months, and
- (b) if that person is under suspension or under a prohibition at the time of the finding of guilt, the period of disqualification shall run consecutively with that suspension or prohibition.

RSA 2000 cT-6 s85;2001 c14 s10;2017 c26 ss10,20;  
2018 c20 s17

#### **Suspension of operator's licence**

**86(1)** If authority to suspend a person's operator's licence is not otherwise provided for under this Act, a court may, subject to subsections (2) and (3), suspend a person's operator's licence for a period not exceeding 3 months where the person is found guilty of contravening one or more of the following:

- (a) section 69 or 71 with respect to carrying out any duty under that section;
- (b) any of the Rules of the Road or other regulation designated by regulation as a provision to which this section applies;
- (c) section 115(2)(b), (c), (d), (p), (p.1), (p.2), (q), (r) or (t);
- (d) any municipal bylaw that fixes a speed limit within the municipality or regulates moving motor vehicles within the municipality;
- (e) any regulation under the *National Parks Act* (Canada) designated by the regulations made under this statute as a provision to which this section applies.

**(2) If**

- (a) a person who is not the holder of an operator's licence is found guilty of contravening a provision referred to in subsection (1), and
- (b) authority to disqualify that person from holding an operator's licence is not otherwise provided for under this Act,

a court may, subject to subsection (3), disqualify that person from holding an operator's licence for a period not exceeding 3 months.

**(3)** Subsections (1) and (2) do not apply in respect of an offence if the finding of guilt for the offence resulted from proceedings that were commenced under Part 3 of the *Provincial Offences Procedure Act*.

RSA 2000 cT-6 s86;2001 c14 s11; 2005 c34 s19;  
2005 c42 s4

**Licence disqualification**

**87(1)** When a person is found guilty under subsection 320.13(1), 320.16(1) or section 320.17 of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of one year from the day of the finding of guilt.

**(2)** When a person is found guilty under subsection 320.13(2) or (3) or 320.14(2) or (3) or 320.15(2) or (3) or 320.16(2) or (3) of the *Criminal Code* (Canada) anywhere in Canada, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

(3) When a person is found guilty under section 220, 221 or 236 of the *Criminal Code* (Canada) of an offence anywhere in Canada committed by means of a motor vehicle, that person on being found guilty becomes disqualified from driving a motor vehicle in Alberta for a period of 5 years from the day of the finding of guilt.

RSA 2000 cT-6 s87;2001 c14 s12;2013 c19 s2(11);2016 c14 s5;  
2017 c26 s21

### 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).

2011 c22 s11;2013 c10 s31;2017 c26 s11;2020 cP-30.8 s44(29)

**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.

2020 cP-30.8 s44(29)

**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.

RSA 2000 cT-6 s88;2001 c14 s13;2008 c40 s3;2011 c22 s12;  
2013 c19 s2(13);2017 c26 ss12,22;2020 cP-30.8 s44(29)

**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).

2020 cP-30.8 s44(29)

**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).

2020 cP-30.8 s44(29)

**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).

2020 cP-30.8 s44(29)

**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).

2011 c22 s12;2017 c26 ss13,23;2020 cP-30.8 s44(29)

### 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.

2017 c26 s14;2020 cP-30.8 s44(29)

**Mandatory use of alcohol-sensing device when driving**

**88.2(1)** Where a person has been disqualified arising out of the person being found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada), on the expiration of the disqualification imposed by a court, the person may apply to the Registrar to set aside the operation of a disqualification imposed under this Act.

**(2)** The Registrar may set aside the operation of a disqualification imposed under this Act only on the condition that the person who is subject to the disqualification

- (a) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device satisfactory to the Registrar, and
- (b) complies with any terms or conditions imposed by the Registrar.

**(3)** Notwithstanding section 92, where a person has been disqualified arising out of the person being found guilty under section 320.14 or 320.15 of the *Criminal Code* (Canada), on the expiration of the disqualification imposed under this Act, the person may apply to the Registrar for the reinstatement or issuance of an operator's licence to the person who was subject to the disqualification.

**(4)** The Registrar may reinstate or issue an operator's licence only on the condition that the person, in addition to complying with the other requirements imposed under this Act,

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

(b) complies with any terms or conditions imposed by the Registrar.

**(5)** The term during which the person must not operate a motor vehicle without an alcohol-sensing device as described in subsections (2) and (4) is

- (a) for convictions under section 320.14 or 320.15 of the *Criminal Code* (Canada),
  - (i) one year for a first conviction;
  - (ii) 3 years for a 2nd conviction within 10 years;
  - (iii) 5 years for a 3rd or subsequent conviction within 10 years;
- (b) for convictions under subsection 320.14(2) or (3) or 320.15(2) or (3) of the *Criminal Code* (Canada), up to 5 years, as determined by the Registrar.

**(5.1)** A conviction under subsection 320.14(2) or (3) or 320.15(2) or (3) of the *Criminal Code* (Canada) is deemed to be a conviction in determining whether a conviction is a 2nd, 3rd or subsequent conviction for the purposes of subsection (5)(a).

**(6)** Notwithstanding subsection (5), the Registrar may

- (a) repealed 2016 c14 s6,
- (b) order the extension of the requirement for the use of an alcohol-sensing device beyond the periods stated in subsection (5) until such time as, in the opinion of the Registrar, the person no longer poses a significant risk to public safety, or
- (c) consider and grant or refuse applications for exemption from subsection (5) where it is not feasible for the disqualified person to comply with the requirement for the use of an alcohol-sensing device as prescribed in this section.

**(7)** On an application referred to in subsection (6)(c), the Registrar may set aside the requirement for the use of an alcohol-sensing device, and instead impose a further period of disqualification or another term or condition that will, in the opinion of the Registrar, ensure public safety.

**(8)** Any requirement for the use of an alcohol-sensing device that has been prescribed as a condition of operating a vehicle under this

Act is cancelled on a suspension or disqualification under section 88, 88.01, 88.02, 88.03 or 88.1.

2011 c22 s12;2016 c14 s6;2017 c26 ss24,29;2020 cP-30.8 s44(30)

#### **Review of drivers from other jurisdictions**

**88.3(1)** Subject to section 51(r), where a person who is licensed in or has applied to be licensed to operate a motor vehicle in a jurisdiction outside Alberta and who

- (a) has had that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta suspended or cancelled,
- (b) has had that person's privilege to apply for or hold a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta disqualified, suspended or cancelled, or
- (c) has had that person's driving privileges made subject to compliance with conditions imposed by the jurisdiction that issued the person's current and subsisting licence, if any,

becomes a resident of Alberta for the purposes of this Act, the person may apply to the Registrar to voluntarily comply with any conditions imposed on the person's current licence or other conditions as imposed by the Registrar in order to obtain an operator's licence.

**(2)** The Registrar may consider the person's application and may declare that the person is eligible to obtain an operator's licence, subject to any terms and conditions the Registrar may impose, or may refuse the application.

2011 c22 s12

**89 and 90** Repealed 2020 cP-30.8 s44(31).

#### **Disqualification, etc. by Registrar**

**91(1)** The Registrar may disqualify a person from driving a motor vehicle in Alberta or cancel or suspend the certificate of registration issued for a person's motor vehicle, or both disqualify a person from driving a motor vehicle and cancel or suspend the certificate of registration issued for the person's motor vehicle,

- (a) if that person contravenes this Act or the *Fuel Tax Act*;
- (b) if the Registrar is not satisfied as to the competency of that person;
- (c) if the Registrar is satisfied that the person is not qualified or does not have the ability to operate a motor vehicle;



(d) for any other reason appearing to the Registrar to be sufficient.

(2) If a person who is not a resident of Alberta is found guilty of contravening section 65, 68, 69, 71 or 76, the regulations governing accident reports, Division 2 of Part 5, section 166, 176 or 188 or the regulations governing the destruction of non-repairable vehicles, 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.

(3) The Registrar shall not under subsection (1) disqualify a person from driving a motor vehicle or cancel or suspend a certificate of registration issued for a motor vehicle without giving that person at least 15 days' written notice of the disqualification, cancellation or suspension and giving that person an opportunity to make representations in respect of the matter.

(4) Notwithstanding that a 15-day notice period is prescribed in subsection (3), if the Registrar is of the opinion that the safety of a person referred to in subsection (1) or the public is in jeopardy with respect to the operation of a motor vehicle, the Registrar may take action under subsection (1) effective at the time of giving the notice to the person in respect of whom the action is being taken.

(5) Where the Registrar disqualifies a person from driving a motor vehicle under this section, the Registrar may prescribe any terms or conditions in respect of that disqualification that the Registrar considers appropriate in the circumstances.

RSA 2000 cT-6 s91;2020 cP-30.8 s44(32)

#### **Removal of requirements disqualification**

**92(1)** If under this Act or by an order or judgment made under this or any other Act a person is disqualified from driving a motor vehicle in Alberta, or the person's licence was suspended or cancelled, the disqualification, suspension or cancellation remains in effect notwithstanding that the period of disqualification, suspension or cancellation has expired until the Registrar removes the disqualification, suspension or cancellation.

(2) For the purpose of satisfying the Registrar as to a person's competency to drive a motor vehicle without endangering the safety of the general public, the Registrar may as a condition of removing the disqualification, suspension or cancellation referred to in subsection (1) require that person to do one or more of the following at any time before or after the removal of the disqualification, suspension or cancellation:

- (a) attend interviews conducted by or on behalf of the Registrar;
- (b) take and successfully complete training, educational or rehabilitation programs or courses as required by the Registrar;
- (c) provide to the Registrar medical and other reports prepared by physicians and other health care providers;
- (d) take and successfully complete any examinations or other tests as may be required by the Registrar;
- (e) successfully complete a drug and alcohol testing program that includes specimen collection and laboratory processing as required by the Registrar.

RSA 2000 cT-6 s92;2003 c42 s15;2011 c22 s15

**Exceptions, etc.**

**93(1)** Notwithstanding that a person is disqualified from driving a motor vehicle in Alberta, that person may, subject to subsection (2), operate implements of husbandry or industrial equipment that is

- (a) designed primarily for agricultural use, construction, maintenance, land clearing, ditching or other related tasks, and
- (b) not required to be licensed under this Act,

unless that person is disqualified under the *Criminal Code* (Canada) from operating a motor vehicle.

(2) If, for medical reasons, a person is disqualified from driving a motor vehicle under this Act, the Registrar may also disqualify that person from driving implements of husbandry or industrial equipment of the kind referred to in subsection (1).

(3) Notwithstanding that a person is disqualified from driving a motor vehicle in Alberta, a person may operate a vehicle, on any terms or conditions the Registrar may prescribe, while engaged in any course of remedial education or treatment under section 31.

1999 cT-6.4 s93

**Prohibition re driving while unauthorized**

**94(1)** For the purposes of this section, a person is an unauthorized driver if

- (a) that person's operator's licence is suspended or cancelled under this Act,
- (b) that person is disqualified from driving a motor vehicle in Alberta,
- (c) that person's licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled, or
- (d) that person's privilege to secure a licence or permit to operate a motor vehicle in a jurisdiction outside Alberta is suspended or cancelled.

**(2)** A person shall not drive a motor vehicle on a highway at any time during which that person is an unauthorized driver.

**(3)** This section does not apply to a person referred to in section 94.1.  
RSA 2000 cT-6 s94;2003 c42 s15;2020 cP-30.8 s44(33)

**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.

2020 cP-30.8 s44(34)

**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.

RSA 2000 cT-6 s95;2020 cP30.8 s44(35)

#### **Suspension continues after licence expires**

**96(1)** If a person's operator's licence is suspended or cancelled under this Act, the suspension or cancellation continues in effect notwithstanding the expiration of the licence during the period of the suspension or cancellation.

(2) If a person's operator's licence is suspended or cancelled under this Act, the suspension or cancellation operates to suspend or cancel any operator's licence held by that person during the period of suspension or cancellation, whether or not so stated in the suspension or cancellation.

1999 cT-6.4 s96

#### **Extended period of disqualification**

**97** Notwithstanding anything in this Act, where

- (a) a person is found guilty of an offence under
  - (i) the *Criminal Code* (Canada) anywhere in Canada, or
  - (ii) the *National Defence Act* (Canada) anywhere in or out of Canada,
- (b) in respect of the conviction referred to in clause (a), that person is prohibited from operating a motor vehicle, and
- (c) the period of prohibition is for a period of time that is greater than the period of disqualification from driving provided for under this Act,

that person is, on the coming into effect of the prohibition, disqualified from driving a motor vehicle in Alberta during the period that the prohibition is in effect.

1999 cT-6.4 s97

#### **Disqualifications to run consecutively**

**98(1)** Where

- (a) a person is disqualified from driving a motor vehicle in Alberta, and
- (b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta under section 94 or anywhere in Canada under section 320.24 of the *Criminal Code* (Canada),

that 2nd mentioned disqualification referred to in clause (b) shall run consecutively to any previous disqualification that is still in effect or waiting to go into effect, as the case may be.

**(2) Where**

- (a) a person is disqualified from driving a motor vehicle in Alberta, and
- (b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta,

the 2nd mentioned disqualification shall run consecutively to any previous disqualification that is still in effect or waiting to take effect, as the case may be.

**(3) Repealed 2020 cP-30.8 s44(36).**

RSA 2000 cT-6 s98;2011 c22 s16;2017 c26 s27;2020 cP-30.8 s44(36)

**Setting aside suspension, etc. re demerit points**

**99** Where a person's operator's licence is, by reason of the accumulation of demerit points, suspended or cancelled, the Registrar may, on the application by that person, review the matter and if the Registrar considers it appropriate set aside the operation of the suspension or cancellation and reinstate that person's operator's licence subject to any terms or conditions imposed by the Registrar.

1999 cT-6.4 s99

**Regulations**

**100** The Minister may make regulations

- (a) governing the information and the form of information to be provided to the Registrar by peace officers with respect to the suspensions or the disqualifications referred to in sections 88, 88.01, 88.02, 88.03 and 88.1;
- (b) governing the handling of operator's licences and other documents surrendered under sections 88, 88.01, 88.02, 88.03 and 88.1;

- (c) prescribing and governing the use of forms to be used for the purposes of sections 88, 88.01, 88.02, 88.03 and 88.1;
- (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);
- (d) designating
  - (i) any of the Rules of the Road and any other regulations under this Act, and
  - (ii) the regulations under the *Canada National Parks Act* (Canada)

to which section 86 applies.

RSA 2000 cT-6 s100;2011 c22 s17;2020 cP-30.8 s44(37)

## **Division 2 Disqualifications Arising from Judgments**

### **Saving of rights**

**101** Nothing in this Part restricts, limits or derogates from any remedy that a person may have by any statute or at law.

1999 cT-6.4 s101

### **Failure to satisfy judgment**

**102(1)** If

- (a) a judgment for damages arising out of a motor vehicle accident is rendered against a person by a court in Alberta or in any other province or territory in Canada, and
- (b) that person fails, within 15 days from the day on which the judgment becomes final, to satisfy the judgment,

the Registrar, subject to sections 103 and 104 and the regulations, may do one or both of the following:

- (c) disqualify the person from driving a motor vehicle in Alberta;
- (d) suspend the registration of any motor vehicle registered in that person's name.

**(2)** When, under subsection (1), a person is disqualified from driving a motor vehicle in Alberta or the certificate of registration of that person's motor vehicle is suspended,

- (a) the disqualification or the suspension, as the case may be, remains in effect and shall not be removed, and
- (b) no motor vehicle shall be registered in that person's name,

until the judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of

- (c) at least \$35 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring before January 1, 1974,
- (d) at least \$50 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after January 1, 1974 but before July 1, 1978,
- (e) at least \$100 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after July 1, 1978 but before January 1, 1986, or
- (f) at least \$200 000, exclusive of interest and costs, if the judgment arises out of a motor vehicle accident occurring on or after January 1, 1986.

**(3)** The Registrar, on being satisfied that

- (a) a state of the United States of America has enacted legislation similar in effect to subsection (1), and
- (b) the legislation extends and applies to judgments that are rendered by any court of competent jurisdiction in Alberta and have become final against residents of that state,

may, by order, extend and apply the provisions of subsections (1) and (2) to judgments that are rendered by any court of competent jurisdiction in that state and have become final against residents of Alberta.

**(4)** If, after a person has complied with subsection (2), another judgment against the same person for a motor vehicle accident that



occurred before subsection (2) was complied with is reported to the Registrar,

- (a) that person is disqualified from driving a motor vehicle in Alberta, and
- (b) the registration of that person's motor vehicle is suspended,

until the judgment is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent of the appropriate amount set out in subsection (2).

(5) If any person to whom subsection (1) applies is not resident in Alberta,

- (a) that person is disqualified from driving a motor vehicle in Alberta, and
- (b) the privilege of driving in Alberta any motor vehicle registered in that person's name is suspended,

by virtue of the judgment until that person has complied with this section.

(6) If a person has been disqualified from driving a motor vehicle in Alberta or the certificate of registration of that person's motor vehicle has been suspended as a result of a judgment obtained against a person who was not driving the vehicle involved in the accident, the Registrar may remove the disqualification or reinstate the certificate of registration, or both.

1999 cT-6.4 s102

#### **Payment of judgment by instalments**

**103(1)** A judgment debtor to whom this Part applies may on notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments.

(2) If the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* has made a payment with respect to a judgment pursuant to the *Motor Vehicle Accident Claims Act*, the judgment debtor

- (a) may apply to the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* for the privilege of paying the judgment in instalments, in which case that Minister may cause an agreement to be entered into with the debtor for payment by instalments, or

(b) may apply to the court pursuant to subsection (1) for the privilege of paying the judgment to the Minister responsible for the administration of the *Motor Vehicle Accident Claims Act* in instalments, in which case the debtor must give notice of the application to the Administrator of the *Motor Vehicle Accident Claims Act*, who may appear personally or by counsel and be heard on the application.

(3) Except in a case to which subsection (2) applies, a judgment debtor and the judgment creditor may enter into an agreement for the payment of the judgment in instalments.

(4) While the judgment debtor is not in default in payment of the instalments, the judgment debtor is deemed not to be in default for the purposes of this Part in payment of the judgment, and the Minister in the Minister's absolute discretion may restore the operator's licence and the certificate of registration of the judgment debtor.

(5) Notwithstanding subsection (4), if the Minister is satisfied that the judgment debtor has defaulted with respect to complying with the terms of the court order or of the agreement, the judgment debtor's operator's licence and registration shall again be suspended and remain suspended as provided in section 102.

RSA 2000 cT-6 s103;2006 c23 s78

#### **Application for relief**

**104(1)** If a person becomes eligible to be disqualified from driving a motor vehicle in Alberta or to have the registration of that person's motor vehicle suspended on account of a final judgment being rendered against that person outside Alberta for damages arising out of a motor vehicle accident, that person may make an application for relief to the Court of Queen's Bench.

(2) On hearing an application made under subsection (1), the Court of Queen's Bench may,

- (a) if
  - (i) the applicant has not then been disqualified from driving a motor vehicle in Alberta or the registration of the applicant's motor vehicle has not then been suspended, and
  - (ii) the circumstances so warrant,

direct that the operation of section 102(1) be suspended in respect of the disqualification from driving or the

suspension of registration, or both, on such terms and conditions as the Court considers appropriate, or

- (b) if
  - (i) the applicant has been disqualified from driving a motor vehicle in Alberta or the registration of the applicant's motor vehicle has been suspended by the Registrar, and
  - (ii) the circumstances so warrant,

direct that the Registrar remove the disqualification or suspension, or both, on such terms and conditions as the Court considers appropriate.

RSA 2000 cT-6 s104;2009 c53 s179

### Regulations

**105** The Minister may make regulations

- (a) governing, subject to section 103, any matter with respect to the imposing of sanctions where a person fails to satisfy a judgment arising out of an accident involving a vehicle;
- (b) respecting the disqualification of persons from driving a motor vehicle and the suspension of registration of motor vehicles arising out of the failure to satisfy judgments referred to in section 102.

1999 cT-6.4 s105

## Part 5 General Operation of Vehicles

### Division 1 Speed Limits and Traffic Control Devices

#### Standard speed limits

**106** Subject to a speed limit that is prescribed under section 108 for a highway,

- (a) 100 kilometres per hour is the maximum speed limit for a provincial highway under the *Highways Development and Protection Act* that is located outside an urban area;
- (b) 80 kilometres per hour is the maximum speed limit for
  - (i) a highway that is subject to the direction, control and management of
    - (A) the council of a municipal district or Metis settlement, or

- (B) the Minister responsible for the *Special Areas Act*, in the case of a special area;
- (ii) a provincial highway under the *Highways Development and Protection Act* that is located within a city;
- (iii) a highway that is located on an Indian reserve where the title to the highway is vested in the Crown in right of Alberta;
- (iv) a forestry road;
- (v) a licence of occupation road;
- (vi) a highway located within an improvement district;
- (vii) a highway that is subject to the direction, control and management of the Minister responsible for the *Provincial Parks Act*;
- (c) subject to clause (b)(ii), 50 kilometres per hour is the maximum speed limit for a highway located within an urban area.

RSA 2000 cT-6 s106;2002 c30 s30;2004 cH-8.5 s76

#### **Standard speed limit re school or playground zone**

**107(1)** In this section, “school zone” and “playground zone” mean that portion of a highway identified as a school zone or a playground zone by a traffic control device in the manner prescribed by regulations.

**(2)** Subject to a speed limit that is prescribed under section 108(1)(h) for a highway,

- (a) 30 kilometres per hour is the maximum speed limit within a school zone, other than a school zone referred to in clause (c), during the periods of time and the days provided for or otherwise specified in the regulations;
- (b) 30 kilometres per hour is the maximum speed limit within a playground zone, other than a playground zone referred to in clause (c), during the period of time and the days provided for or otherwise specified in the regulations;
- (c) within a school zone or a playground zone that is identified by a traffic control device that shows rapid intermittent flashes of yellow light as provided for in the regulations when the traffic control device is activated, 30 kilometres per hour is the maximum speed limit during any period

when the traffic control device is showing rapid intermittent flashes of yellow light.

(3) Notwithstanding subsection (2)(a), with respect to a school zone that is located within a municipality the council of the municipality may, for a highway in respect of which it may by bylaw prescribe speed limits and having regard to the hours of opening and closing of the school for which the school zone exists, by bylaw increase or decrease the length of the periods of time referred to in the regulations during which the speed limit is in effect for that school zone.

(4) Where a council enacts a bylaw under subsection (3), the council shall cause traffic control devices to be displayed identifying the hours during which the speed limit for the school zone is in effect.

(5) Notwithstanding subsection (2)(b), with respect to a playground zone that is located within a municipality, the council of the municipality may, for a highway in respect of which it may by bylaw prescribe speed limits, by bylaw increase or decrease the length of the periods of time referred to in the regulations during which the speed limit is in effect for that playground zone.

(6) Where a council enacts a bylaw under subsection (5), the council shall cause traffic control devices to be displayed identifying the periods of time during which the speed limit for the playground zone is in effect.

RSA 2000 cT-6 s107;2013 c19 s2(15)

#### **Other speed limits**

**108(1)** In accordance with the following, a road authority may prescribe speed limits that are different from the speed limits established under section 106 or 107:

- (a) in the case of a provincial highway or a portion of a provincial highway under the *Highways Development and Protection Act*, the Minister may prescribe a maximum speed limit that is different from the relevant maximum speed limit prescribed in section 106;
- (b) in the case of a highway or any portion of a highway under the direction, control and management of a council of a municipal district or Metis settlement, the council may prescribe a maximum speed limit that is higher or lower than 80 kilometres per hour;
- (c) in the case of a highway or any portion of a highway under the direction, control and management of a council of an

urban area, the council may prescribe a maximum speed limit that is higher or lower than 50 kilometres per hour;

(d) in the case of a highway referred to in section 106(b) that is not a provincial highway under the *Highways Development and Protection Act*, a road authority may prescribe a maximum speed limit that is not higher than 100 kilometres per hour;

(e) in the case of a highway in respect of which a road authority may prescribe speed limits and for which a speed limit is prescribed under this section or section 106, the road authority may for all or any portion of that highway prescribe a lower maximum speed limit by erecting signs along the highway setting out the lower speed limit;

(f) in the case of a highway in respect of which a road authority may prescribe speed limits, the road authority may prescribe minimum speed limits that are lower than the maximum speed limit prescribed for that highway;

(g) in the case of a highway that

(i) is under construction or repair, or

(ii) is in a state of disrepair,

a maximum speed limit may, with respect to that portion of the highway that is under construction or repair or in disrepair, be prescribed by

(iii) an engineer under the administration of or providing services on behalf of the Minister if

(A) the highway is one in respect of which the Minister may set speed limits, or

(B) the highway is being constructed or repaired by or on behalf of the Government,

or

(iv) a person authorized by a road authority if, subject to subclause (iii)(B), the highway is one in respect of which the road authority may prescribe speed limits,

by erecting signs along the highway setting out the maximum speed limit;

(h) in the case of a school zone or playground zone located on a highway in respect of which a road authority may prescribe speed limits, the road authority may prescribe a lower maximum speed limit than that prescribed under section 107, but the speed limit so prescribed shall not be lower than 20 kilometres per hour.

(2) Where a road authority or other person is empowered to prescribe a speed limit, the road authority or other person prescribing the speed limit may make that speed limit applicable to

- (a) all vehicles or only to a certain class or classes of vehicles;
- (b) daytime;
- (c) nighttime;
- (d) different periods of the year;
- (e) different traffic lanes for the same highway.

(3) When speed limits are prescribed pursuant to this section, the road authority or the engineer or other person prescribing the speed limit shall erect signs along the highway indicating the speed limits so prescribed.

(4) Except where a speed limit may be prescribed by the erecting of signs along a highway,

- (a) the Minister, where the Minister is empowered to prescribe a speed limit, may make orders prescribing speed limits, and
- (b) a council of a municipality, where it is empowered to prescribe a speed limit, may make bylaws prescribing speed limits.

RSA 2000 cT-6 s108;2003 c42 s15;2004 cH-8.5 s76

#### **Application of speed limits re signs**

**109** Where

- (a) a speed limit is established or prescribed pursuant to
  - (i) section 106 or 108,
  - (ii) the *Government Property Traffic Act* (Canada), or
  - (iii) the *National Parks Act* (Canada),

and

- (b) a sign is erected along the highway indicating the speed limit so established or prescribed,

that speed limit applies to all that portion of the highway that lies between the point at which a sign is erected indicating the speed limit and the next point at which a sign is erected indicating a greater or lesser speed limit or indicating that the speed limit has ceased to apply.

1999 cT-6.4 s109

#### **Traffic control devices**

**110** A road authority may, in respect of a highway over which it has direction, control and management, place, erect or otherwise display traffic control devices at any location on, over or adjacent to the highway for the purposes of controlling and regulating traffic that is

- (a) on or entering that highway, or
- (b) crossing a railway track at railway crossings located on that highway.

1999 cT-6.4 s110

## **Division 2 Operation of Vehicles**

#### **Observance of Rules of the Road**

**111** A driver of a vehicle and any other person using a highway shall, insofar as applicable, obey the Rules of the Road, except when otherwise

- (a) instructed by any applicable traffic control device, or
- (b) directed by a peace officer.

1999 cT-6.4 s111

#### **Rules of the Road**

**112** The Lieutenant Governor in Council may make regulations entitled, or otherwise referred to as, "Rules of the Road" governing the utilization of highways and the use and operation of vehicles in respect of the following:

- (a) where to drive or not to drive a vehicle on
  - (i) a highway;
  - (ii) a roadway;
  - (iii) a traffic lane;



- (b) the overtaking of vehicles by other vehicles;
- (c) the passing of vehicles by other vehicles;
- (d) the crossing of the centre line by a vehicle;
- (e) the turning of a vehicle;
- (f) the making of U-turns with a vehicle;
- (g) the backing up of vehicles;
- (h) the yielding of and to vehicles;
- (i) the stopping of vehicles;
- (j) the parking of vehicles;
- (k) the merging of vehicles;
- (l) the operation of traffic control signals;
- (m) the driving of vehicles pursuant to lights, directions or signals shown or given by a traffic control device;
- (n) the use of lamps located on vehicles;
- (o) the operation of vehicles in relation to other vehicles that are
  - (i) emergency vehicles;
  - (ii) maintenance vehicles;
  - (iii) school buses;
- (p) the speed at which vehicles may be operated;
- (q) the operation of slow moving vehicles;
- (r) the obligations of drivers with respect to the operation of vehicles;
- (s) the actions of persons in relation to the operation or use of vehicles;
- (t) the operation of vehicles in relation to other vehicles that are participating in processions and parades;
- (u) the walking on and use of highways by pedestrians;

- (v) the riding, driving and herding of animals on a highway.

1999 cT-6.4 s112

**Operation of vehicles****113(1)** The Lieutenant Governor in Council may make regulations

- (a) governing the driving and operation of
  - (i) emergency vehicles;
  - (ii) maintenance vehicles;
  - (iii) school buses;
  - (iv) cycles;
- (b) governing the use of vehicles in relation to
  - (i) peace officers,
  - (ii) emergency vehicle personnel,
  - (iii) maintenance vehicle personnel, and
  - (iv) tow truck personnel

who are carrying out functions, duties or work on or in relation to a highway or vehicles or persons located on or using a highway.

**(2)** Subject to the regulations made under subsection (1), in the case of a highway or a portion of a highway

- (a) that is under the direction, control and management of the Minister, the Minister may make a regulation, or
- (b) that is under the direction, control and management of a municipality, the municipality may pass a bylaw,

governing the times during which, the locations at which or the circumstances under which, as the case may be, the alternately flashing lights and stop arm on a school bus may be, shall be or shall not be used while the school bus is operating on that highway or that portion of highway.

1999 cT-6.4 s113

**Peace officers****114** The Lieutenant Governor in Council may make regulations providing for and governing the powers of peace officers to give orders and directions to persons concerning the actions of persons

or in relation to matters arising under the regulations made under this Division and the consequences as a result of and sanctions that may be imposed on persons not following those orders or directions.

1999 cT-6.4 s114

**Prohibited operation of vehicles, etc.**

**115(1)** For the purposes of this section, a driver of a vehicle is driving carelessly if that driver drives the vehicle

- (a) without due care and attention, or
- (b) without reasonable consideration for persons using the highway.

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

- (a) except where otherwise provided for under this Act, drive a vehicle in a manner contrary to the Rules of the Road or regulations governing the operation of vehicles;
- (b) drive a vehicle on a highway in a manner that constitutes driving carelessly;
- (c) drive a vehicle on a highway in a race unless authorized pursuant to a permit issued under subsection (3);
- (d) drive a vehicle on a highway on a bet or wager;
- (e) perform or engage in any stunt or other activity that is likely to distract, startle or interfere with users of the highway;
- (f) drive a vehicle so as to perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway;
- (g) drive a non-repairable vehicle on a highway;
- (h) drive a salvage motor vehicle on a highway unless it is being operated for the purposes of conducting a road test under the regulations;
- (i) where that person is the driver of a vehicle, permit any person, animal or thing to occupy the front seat of the vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle;

- (j) where that person is the driver of a vehicle, permit any person, animal or thing in the vehicle to cause any obstruction to the driver's clear vision in any direction;
- (k) ride in a position in a vehicle that interferes with the driver's control over the driving mechanism of the vehicle or that obstructs the driver's clear vision in any direction;
- (l) where the person is the driver of a vehicle, exchange places with any other person when the vehicle is in motion;
- (m) exchange places with the driver when the vehicle is in motion;
- (n) operate an over-dimensional vehicle on a highway other than in accordance with the terms and conditions specified in a permit or under this Act;
- (o) repealed 2001 c14 s16;
- (p) drive a vehicle on a highway at a speed that is greater than the maximum speed limit established or prescribed for that highway under
  - (i) this Act,
  - (ii) the *Government Property Traffic Act* (Canada), or
  - (iii) the *National Parks Act* (Canada);
- (p.1) drive a vehicle on a portion of a highway that is under construction or repair or is in a state of disrepair at a speed that is greater than the maximum speed limit established or prescribed under section 108(1)(g) for that portion of highway;
- (p.2) drive a vehicle on a portion of a highway at a speed that is greater than the maximum speed limit established or prescribed under section 108(1)(g) for that portion of highway where there are persons present on the highway who are constructing or repairing that portion of highway or who are directing traffic in connection with the construction or repair of that portion of highway;
- (q) drive a vehicle on a highway at a speed that is less than the minimum speed limit established or prescribed for that highway under this Act;
- (r) where a maximum speed limit is established or prescribed under this Act for a highway with respect to a period of

time, drive a vehicle on a highway during that period of time at a speed that is greater than the maximum speed limit established or prescribed for that highway for that period of time;

- (s) where a minimum speed limit is established or prescribed under this Act for a highway with respect to a period of time, drive a vehicle on a highway during that period of time at a speed that is less than the minimum speed limit established or prescribed for that highway for that period of time;
- (t) subject to subsection (4), drive a vehicle on a highway at a speed greater than 60 kilometres per hour, or the maximum speed limit established or prescribed for that highway under
  - (i) this Act,
  - (ii) the *Government Property Traffic Act* (Canada), or
  - (iii) the *National Parks Act* (Canada),whichever is lower, if the vehicle
  - (iv) is travelling on the same side of the highway as a stopped emergency vehicle or tow truck, and
  - (v) is passing the stopped emergency vehicle or tow truck when its flashing lamps are operating.

(3) Notwithstanding subsection (2)(c), the Registrar or the road authority may issue a permit authorizing a race to be held on a highway subject to any terms or conditions that the Registrar or the road authority considers appropriate.

(4) Subsection (2)(t) does not apply if there are 2 or more traffic lanes for traffic moving in the same direction as the vehicle and there is at least one traffic lane between the driver's vehicle and the stopped emergency vehicle or tow truck.

RSA 2000 cT-6 s115;2001 c14 s16;2005 c34 s21

**Cellular telephones, electronic devices, etc.**

**115.1(1)** Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while at the same time

- (a) holding, viewing or manipulating a cellular telephone, radio communication device or other communication device that is capable of receiving or transmitting telephone

communication, electronic data, electronic mail or text messages, or

- (b) holding, viewing or manipulating a hand-held electronic device or a wireless electronic device.

**(2)** An individual may drive or operate a vehicle on a highway while using a cellular telephone or radio communication device in hands-free mode.

**(3)** Subsection (1)(a) does not apply to

- (a) the use of a 2-way radio communication device, only for the purposes set out in the regulation, by an individual driving or operating an escort, pilot or trail vehicle who is required by regulation under this Act to maintain 2-way radio communication, or the use of a cellular telephone or other communication device by that individual for those purposes when 2-way radio communication is not functional or is unavailable,
- (b) the use of a 2-way radio communication device, only for the purpose of maintaining communication with the individual's employer, by an individual driving or operating a vehicle who is required by the individual's employer to maintain 2-way radio communication while the individual is acting within the scope of the individual's employment, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable,
- (c) the use of a 2-way radio communication device, only for the purpose of participating in a search, rescue or emergency management situation, by an individual driving or operating a vehicle, or the use of a cellular telephone or other communication device by that individual for that purpose when 2-way radio communication is not functional or is unavailable, or
- (d) the use of a cellular telephone or other communication device, only for the purpose of contacting an emergency response unit, by an individual driving or operating a vehicle.

**(4)** Subsection (1) does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.

**(5)** Subsection (1) does not apply in respect of a vehicle that

- (a) is not on a highway, or
- (b) is parked in a manner specified in a regulation under this Act.

2010 c23 s2

**Display screen visible to driver prohibited**

**115.2(1)** Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway if the display screen of a television, computer or other device in the vehicle is activated and is visible to the individual.

**(2)** Subsection (1) does not apply in respect of the display screen of

- (a) a global positioning system navigation device while it is being used to obtain navigation information in accordance with section 115.3,
- (b) a cellular telephone or radio communication device being used in hands-free mode,
- (c) a logistical transportation tracking system device that is used to track vehicle location, driver status or the delivery of packages or other goods for commercial purposes,
- (d) a dispatch system used for the transportation of passengers,
- (e) a collision avoidance system device while it is being used to provide collision avoidance information, or
- (f) an instrument, gauge, device or system that is used to provide information to the individual regarding the status of various systems or the location of the vehicle.

**(3)** Subsection (1) does not apply to an individual driving or operating an emergency vehicle while the individual is acting within the scope of the individual's employment.

2010 c23 s2

**Global positioning system**

**115.3(1)** Subject to this section and the regulations made under section 115.5, no individual shall use a global positioning system navigation device for navigation purposes while driving or operating a vehicle on a highway.

**(2)** An individual may use a global positioning system navigation device while driving or operating a vehicle on a highway if the system

(a) is programmed before the individual begins to drive or operate the vehicle, or

(b) is used in a voice-activated manner.

**(3)** If a global positioning system navigation device is portable, an individual may use the system while driving or operating a vehicle on a highway if, in addition to the requirements of subsection (2), the system

(a) is not held in the individual's hand, and

(b) is securely affixed to the vehicle in a manner that does not interfere with the safe operation of the vehicle.

2010 c23 s2

#### **Prohibited activities**

**115.4(1)** Subject to this section and the regulations made under section 115.5, no individual shall drive or operate a vehicle on a highway while engaged in an activity that distracts the individual from the operation of the vehicle, including but not limited to

(a) reading or viewing printed material located within the vehicle other than an instrument, gauge, device or system referred to in section 115.2(2)(f),

(b) writing, printing or sketching,

(c) engaging in personal grooming or hygiene, and

(d) any other activity that may be prescribed in the regulations.

**(2)** Subsection (1) does not apply in respect of a vehicle that

(a) is not on a highway, or

(b) is parked in a manner specified in a regulation made under this Act.

2010 c23 s2

#### **Regulations**

**115.5** The Minister may make regulations

(a) exempting any individual or class of individuals, vehicles or devices from section 115.1, 115.2, 115.3 or 115.4 and prescribing conditions and circumstances for any such exemption;

(b) prescribing prohibited activities for the purposes of section 115.4;



- (c) respecting the manner in which a cellular telephone, radio communication device or electronic device may be used in hands-free mode.

2010 c23 s2

**Regulations****116** The Minister may make regulations

- (a) governing any matter with respect to
  - (i) the loading of and the transporting of goods on vehicles,
  - (ii) the towing of vehicles, and
  - (iii) the transporting of passengers by vehicles;
- (b) governing any matter with respect to
  - (i) the dimensions of vehicles, including any goods transported on a vehicle;
  - (ii) the operation of over-dimensional vehicles;
  - (iii) the operation of vehicles that may be a hazard to users of a highway by reason of a vehicle's unusual or novel size, dimension or shape;
- (c) governing any matter respecting the amount of noise, sounds or substances that may be emitted, given off or made by a vehicle;
- (d) governing any matter respecting trailers, the towing of trailers and the transporting of goods and persons by trailers;
- (e) governing any matter respecting the riding of persons on or in or the carrying of persons by vehicles;
- (f) governing any matter respecting the safe use and operation of vehicles;
- (g) limiting the operation of vehicles during specific periods of time;
- (h) governing any matter respecting the equipping of vehicles with and the use of flashing lights;
- (i) designating vehicles as emergency response units and governing any matter respecting the use and operation of those vehicles;

- (j) governing any matter respecting traffic control devices;
- (k) governing the prescribing and utilization of speed limits referred to in section 108(1)(g);
- (l) respecting the requirements for and the use of intersection safety devices;
- (m) restricting the use of specified traffic lanes to vehicles carrying a prescribed number of passengers;
- (n) restricting the use of specified traffic lanes to specific vehicles or classes of vehicles.

RSA 2000 cT-6 s116;2007 c45 s9;2013 c19 s2(16)

## **Part 6** **Off-highway Vehicles**

### **Definitions**

**117** In this Part,

- (a) “off-highway vehicle” means any motorized mode of transportation built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
  - (i) 4-wheel drive vehicles,
  - (ii) low pressure tire vehicles,
  - (iii) motorcycles and related 2-wheel vehicles,
  - (iv) amphibious machines,
  - (v) all terrain vehicles,
  - (vi) miniature motor vehicles,
  - (vii) snow vehicles,
  - (viii) minibikes, and
  - (ix) any other means of transportation that is propelled by any power other than muscular power or wind,  
  
but does not include
  - (x) motor boats, or

- (xi) any other vehicle exempted from being an off-highway vehicle by regulation;
- (b) “vehicle” means a device in, on or by which a person or thing may be transported or drawn and includes a combination of vehicles but does not include a mobility aid.

RSA 2000 cT-6 s117;2016 c14 s12

#### **Application of Act**

**118(1)** When a person drives an off-highway vehicle on a highway,

- (a) the driving of that vehicle by that person on the highway is, and
- (b) the obligations on the person driving the vehicle and any person riding in or on that vehicle while the vehicle is located on the highway are,

except as otherwise provided for under this Act, subject to the other Parts of this Act in the same manner as if the off-highway vehicle were a vehicle as defined in section 1.

**(2)** When a person drives an off-highway vehicle in a location other than on a highway,

- (a) the driving of that vehicle by that person is, and
- (b) the obligations on the person driving the vehicle and any person riding in or on that vehicle are,

except as otherwise provided for under this Act, subject to this Part and sections 53(1)(b), 160(1) and (2) and 169(2)(j), (k), (l) and (m).

**(3)** In sections 18, 64, 70, 71, 81 and 91(1), (3) and (4), any reference to a vehicle includes a reference to an off-highway vehicle.

RSA 2000 cT-6 s118;2001 c14 s17

#### **Registration**

**119(1)** Except as otherwise permitted under this Act, a person shall not do any of the following:

- (a) drive or permit another person to drive an off-highway vehicle unless there is a subsisting certificate of registration issued in respect of that vehicle;
- (b) drive an off-highway vehicle unless the vehicle is an insured motor vehicle;

- (c) where a person is the registered owner of an off-highway vehicle, permit another person to drive the vehicle unless the vehicle is an insured motor vehicle;
  - (d) unless an off-highway vehicle is an insured motor vehicle,
    - (i) apply for the registration of the off-highway vehicle, or
    - (ii) obtain the registration of the off-highway vehicle.
- (2) Subsection (1)(a), (b) and (c) do not apply to the driving of an off-highway vehicle while the off-highway vehicle is being driven
- (a) on land owned by the person driving the off-highway vehicle, or
  - (b) on land owned by some other person if that other person has expressly or impliedly consented to the driving of that off-highway vehicle on that land.
- (3) If the registration of an off-highway vehicle is suspended under this Act, the off-highway vehicle is still registered for the purposes of subsection (1)(b), (c) and (d).
- (4) Where a person is found guilty of or has a notice of administrative penalty issued to the person under the *Provincial Administrative Penalties Act* in respect of a contravention of subsection (1)(b), (c) or (d) or section 124(6), the Registrar may cancel the certificate of registration in respect of every off-highway vehicle owned by the person.
- (5) Where the Registrar has cancelled a certificate of registration for a contravention of subsection (1)(b), (c) or (d), the Registrar shall not issue a new certificate of registration for that off-highway vehicle until the owner of the motor vehicle provides to the Registrar proof of financial responsibility.

RSA 2000 cT-6 s119;2020 cP-30.8 s44(38)

**Prohibited operation**

- 120(1)** For the purposes of this section, a driver of an off-highway vehicle is driving carelessly if that driver drives the off-highway vehicle
- (a) without due care and attention, or
  - (b) without reasonable consideration for other persons or property.
- (2) A person shall not do any of the following:

- (a) drive an off-highway vehicle on any property, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use, in a manner that constitutes driving carelessly;
- (b) except as permitted under this Act, drive an off-highway vehicle on any portion of a highway;
- (c) permit another person to drive an off-highway vehicle in contravention of this Act.

**(3)** A driver of an off-highway vehicle may drive the off-highway vehicle across any highway, including the roadway, parking lane or sidewalk portion of the highway, as the case may be, if

- (a) the driver stops the off-highway vehicle before driving it on the highway or portion of the highway to be crossed,
- (b) all passengers disembark from the off-highway vehicle and any vehicle or thing attached to it before the driver commences to drive the off-highway vehicle across the highway,
- (c) the driver yields the right of way to all other vehicles and persons on the highway,
- (d) the driver drives the off-highway vehicle across the highway or portion of the highway to be crossed
  - (i) by the most direct and shortest route of travel available to the driver, or
  - (ii) if the most direct and shortest route of travel available to the driver is not the safest route, with reasonable care and caution by the safest and most direct route available to the driver,

and

- (e) the driver waits to proceed across the highway until the condition of the traffic on the highway being entered on and crossed is such that the off-highway vehicle can enter on and cross the highway in safety.

**(4)** Notwithstanding subsection (2)(b),

- (a) in the case of any highway or class of highway under the Minister's direction, control and management,

- (i) the Minister may by order authorize persons to drive off-highway vehicles along any portion of that highway, or
  - (ii) the Minister may issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;
- (b) in the case of any highway or class of highway that is under the direction, control and management of a municipality, the council of the municipality may by bylaw authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;
  - (c) in the case of any highway or class of highway that is under the direction, control and management of a Minister other than the Minister responsible for this Act, that Minister may by order authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway.
- (5) A permit, order or bylaw issued or made under this section may do one or more of the following:
- (a) prescribe terms and conditions, or either of them, under which an off-highway vehicle may be operated on a highway;
  - (b) prescribe the maximum speed limits, not to exceed the maximum speed limits prescribed for vehicles under this Act, that are applicable to an off-highway vehicle;
  - (c) prescribe the minimum speed limits that are applicable to off-highway vehicles;
  - (d) prescribe routes to be used by off-highway vehicles.
- (6) The *Regulations Act* does not apply to an order made under subsection (4)(a) or (c).

RSA 2000 cT-6 s120;2005 c34 s22

**Duty of driver re off-highway vehicle**

**121(1)** Notwithstanding anything in this Act, the driver of an off-highway vehicle shall at all times yield the right of way to all other classes of vehicles.

**(2)** When an off-highway vehicle is on or approaching a highway, the driver of the off-highway vehicle shall obey all traffic control devices regulating traffic on, approaching or leaving the highway.

1999 cT-6.4 s121

**Restriction on municipality**

**122** Whether an off-highway vehicle is located on or off a highway, the council of a municipality does not, except where this Act or any other Act specifically provides for a contrary effect, have any power to make a bylaw that

- (a) forbids, in a manner contrary to or inconsistent with this Act, the operation of off-highway vehicles;
- (b) requires from any owner or driver of an off-highway vehicle any tax, fee, licence or permit for the use, possession or operation of an off-highway vehicle;
- (c) affects in any way the registration or numbering of off-highway vehicles.

1999 cT-6.4 s122

**Stopping for peace officer**

**123(1)** For the purposes of administering and enforcing this Act, a peace officer may

- (a) signal or direct a driver of an off-highway vehicle to stop the vehicle, and
- (b) request information from the driver of the off-highway vehicle and any passengers on or in the vehicle.

**(2)** When signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, a driver of an off-highway vehicle shall

- (a) forthwith bring the vehicle to a stop,
- (b) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and
- (c) remain stopped until permitted by the peace officer to leave.

**(3)** At the request of a peace officer who is readily identifiable as a peace officer, a passenger in or on an off-highway vehicle who is acting in a manner that is contrary to this Act shall forthwith furnish to the peace officer the passenger's name and address.

1999 cT-6.4 s123

**Production of documents**

**124(1)** On the request of a peace officer, a person driving an off-highway vehicle shall produce to the peace officer for inspection the following documents as requested by the peace officer:

- (a) the person's subsisting operator's licence if the vehicle is being operated on a highway;
- (b) the subsisting certificate of registration issued in respect of that vehicle;
- (c) the subsisting financial responsibility card issued in respect of that vehicle.

(2) Subsection (1)(b) and (c) do not apply with respect to the operation of an off-highway vehicle while that vehicle is being operated on land and in the circumstances referred to in section 119(2).

(3) Where a peace officer makes a request under subsection (1)(b) or (c), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document issued in respect of the off-highway vehicle.

(4) If a person produces to a peace officer a document under this section that is illegible, mutilated, defaced or altered, the peace officer may request that person to produce to a peace officer within a reasonable time a new document or duplicate of the document issued under this Act.

(5) A person who fails to produce to a peace officer a document as requested under subsection (1) or (4) commits a contravention.

(6) A person driving an off-highway vehicle commits a contravention if, when requested to produce a financial responsibility card under subsection (1), the person produces

- (a) a document that purports to be a financial responsibility card but that was not issued pursuant to the *Insurance Act*, or
- (b) a financial responsibility card relating to an insurance policy that is not in force or is otherwise invalid at the time of production.

(7) Subsection (6)(b) does not apply where the person also produces the subsisting financial responsibility card issued in respect of the vehicle.

RSA 2000 cT-6 s124;2016 c14 s8;2020 cP-30.8 s44(39)

### Onus

**125** In a proceeding in respect of a contravention,

- (a) in the case of a contravention of or failure to comply with section 119(1)(b), (c) or (d), the onus is on the person alleged to have contravened or failed to comply with section



119(1)(b), (c) or (d) to show that, at the time of the contravention or failure to comply, the vehicle was an insured motor vehicle, and

- (b) in the case of a contravention of or failure to comply with section 124, the onus is on the 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.

RSA 2000 cT-6 s125;2020 cP-30.8 s44(40)

#### **Duty of driver, etc. re accident**

**126(1)** Where an accident in which an off-highway vehicle is involved occurs off a highway, the driver or other person in charge of any vehicle that was directly or indirectly involved in the accident shall

- (a) remain at the scene of the accident, or if the person has left the scene of the accident, immediately return to the scene of the accident unless otherwise directed by a peace officer,
- (b) render all reasonable assistance, and
- (c) produce in writing to anyone sustaining loss or injury, to any peace officer and to any witness all or such of the following information as is requested:
  - (i) that person's name and address;
  - (ii) the name and address of the owner of the vehicle;
  - (iii) where the vehicle is a registered off-highway vehicle, the licence plate number of the vehicle;
  - (iv) where the vehicle is an insured off-highway vehicle, a financial responsibility card issued in respect of that vehicle.

#### **(2)** The driver of an off-highway vehicle that

- (a) is involved in an accident with an unattended vehicle shall stop at the scene of the accident and shall forthwith or as soon thereafter as is practicable
  - (i) locate and notify the owner or person in charge of the unattended vehicle of the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway

vehicle, of the licence plate number of the off-highway vehicle that was involved in the accident with the unattended vehicle, or

- (ii) leave in a conspicuous place in or on the unattended vehicle a written notice giving the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the off-highway vehicle that was involved in the accident with the unattended vehicle,

or

- (b) is involved in an accident resulting in damage to any property that is not dealt with under clause (a) or subsection (1), shall forthwith or as soon after the accident as is practicable take reasonable steps to locate and notify the owner or person in charge of the property of the fact and of the name and address of the driver and of the owner of the off-highway vehicle and, where the off-highway vehicle is a registered off-highway vehicle, of the licence plate number of the vehicle.

**(3)** If the driver of an off-highway vehicle is incapable of providing the information required by subsection (1) or (2) and there is a passenger in or on the off-highway vehicle capable of providing the information, the passenger shall provide the information required to be provided by the driver.

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

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

1999 cT-6.4 s126

#### **Seizure of off-highway vehicle**

**127** A peace officer who on reasonable grounds believes that section 71, 119 or 120(2)(a) or (b) has been contravened may seize and detain any off-highway vehicle in respect of which the contravention was committed until the final disposition of any

proceedings taken under this Act, and section 170 applies to that off-highway vehicle as if it were a vehicle to which section 169 applies.

RSA 2000 cT-6 s127;2013 c19 s2(17);2020 cP-30.8 s44(41)

#### **Municipal bylaws**

**128** The council of a municipality may make bylaws that are not inconsistent with this Act, doing the following:

- (a) repealed 2016 c21 s2;
- (b) setting maximum speed limits respecting the operation of off-highway vehicles with respect to property that is not a highway that is located within the municipality and to which members of the public have access while operating off-highway vehicles.

RSA 2000 cT-6 s128;2016 c21 s2

#### **Safety helmets**

**128.1(1)** In this section, “safety helmet” means a helmet that complies with the regulations.

**(2)** Except as otherwise permitted under this Act, a person shall not drive, operate, ride in or on or be towed by an off-highway vehicle unless the person is properly wearing a safety helmet.

**(3)** Subsection (2) does not apply to the driving or operation of, riding in or on, or being towed by, an off-highway vehicle on

- (a) land within an Indian reserve,
- (b) land within a Metis settlement, or
- (c) land referred to in section 119(2)(a) or (b).

**(4)** Subsection (2) does not apply to a person performing farming or ranching work where the person is not required under the *Occupational Health and Safety Act* or a regulation or code of rules made under that Act to wear a helmet while driving, operating, riding in or on, or being towed by, a vehicle that is an off-highway vehicle during the performance of that work.

2016 c21 s3

#### **Regulations**

**129** The Minister may make regulations

- (a) governing the driving and operation of off-highway vehicles;

- (b) exempting vehicles from being off-highway vehicles;
- (c) respecting the use of helmets used in connection with the driving or operation of, riding in or on, or being towed by, off-highway vehicles;
- (d) respecting standards to be met by helmets used in connection with the driving or operation of, riding in or on, or being towed by, off-highway vehicles;
- (e) exempting or providing for the granting of exemptions from section 128.1(2) or the regulations made under clause (c) of persons or classes of persons driving, operating, riding in or on, or being towed by, off-highway vehicles;
- (f) respecting the sale of helmets intended to be used in connection with the driving or operation of, riding in or on, or being towed by, off-highway vehicles.

RSA 2000 cT-6 s128;2016 c21 s4

## **Part 6.1**

### **Transportation Network Companies**

#### **Transportation network companies**

**129.1** A transportation network company may only operate in accordance with the regulations under this Part.

2016 c14 s9

#### **Administrative penalties**

**129.2(1)** Where the Registrar is of the opinion that a transportation network company has contravened or failed to comply with this Part or the regulations under this Part, the Registrar may, subject to the regulations, by notice in writing given to the transportation network company, require that transportation network company to pay to the Government an administrative penalty in an amount set out in the notice, not to exceed \$50 000

- (a) for the contravention or failure to comply, or
- (b) for each day or part of a day that the contravention or failure to comply occurs or continues.

**(2)** A transportation network company who pays an administrative penalty in respect of a contravention or failure to comply shall not be charged under this Act with an offence in respect of that contravention or failure to comply.

**(3)** Where a transportation network company fails to pay an administrative penalty in accordance with a notice under subsection

(1), the Government may recover the amount owing in respect of the penalty by an action in debt.

2016 c14 s9

### **Injunction**

**129.3** The Court of Queen's Bench, on application by the Registrar, may grant an injunction enjoining any person from contravening or failing to comply with this Part or the regulations under this Part notwithstanding any penalty or sanction that may be provided by this Part or the regulations under this Part in respect of that contravention or failure to comply.

2016 c14 s9

### **Regulations**

**129.4** The Lieutenant Governor in Council may make regulations respecting any matter concerning the operation of a transportation network company, including, without limitation, regulations

- (a) defining any word used in this Part or the regulations under this Part and not defined in this Act;
- (b) respecting requirements to be met by transportation network companies;
- (c) respecting requirements to be met by the owners of vehicles used to perform services for transportation network companies;
- (d) respecting requirements to be met by drivers performing services for transportation network companies;
- (e) providing for and governing sanctions that may be imposed for contraventions or failures to comply with this Part or the regulations under this Part;
- (f) respecting the form and contents of notices of administrative penalties for the purposes of section 129.2;
- (g) prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed by the Registrar, not to exceed the maximum set out in section 129.2(1);
- (h) prescribing limitation periods for the giving of notices of administrative penalties;
- (i) respecting any other matter necessary for the administration of the system of administrative penalties;

- (j) providing for any other matter that the Lieutenant Governor in Council considers advisable for carrying out the purpose and intent of this Part.

2016 c14 s9

## **Part 7**

### **Commercial Motor Transport**

#### **Interpretation**

**130(1)** In this Part,

- (a) “bus” means a commercial vehicle
  - (i) that is designed for carrying 11 or more persons, including the person driving the vehicle, and
  - (ii) that is used or intended to be used for the transportation of persons,  
  
and includes any other commercial vehicle designated as a bus by regulation;
- (b) “carrier” means an owner of a commercial vehicle in respect of which a certificate is issued or who holds a certificate or is required to hold a certificate;
- (c) “certificate” means,
  - (i) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, a safety fitness certificate,
  - (ii) in the case of a commercial vehicle that is a bus as defined in this Part,
    - (A) a safety fitness certificate, and
    - (B) an operating authority certificate,and
  - (iii) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, an operating authority certificate;

- (d) “compensation” means any rate, remuneration, reimbursement or consideration of any kind paid, payable or received, directly or indirectly;
- (e) “driver” includes a co-driver of a commercial vehicle who is travelling in the vehicle;
- (f) “exempted operator” means
  - (i) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, the owner of a commercial vehicle in respect of which a safety fitness certificate is not required,
  - (ii) in the case of a commercial vehicle that is a bus as defined in this Part, the owner of a commercial vehicle in respect of which a safety fitness certificate and an operating authority certificate are not required, and
  - (iii) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, the owner of a commercial vehicle in respect of which an operating authority certificate is not required;
- (g) “motor transport regulatory legislation” means
  - (i) this Act,
  - (ii) in the case of a commercial vehicle that is a bus as defined in this Part, a safety fitness certificate and the operating authority certificate issued in respect of the operating authority under which the bus is operated;
  - (ii.1) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the commercial vehicle, the operating authority certificate issued in respect of the commercial vehicle;
  - (iii) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, a safety fitness certificate;
  - (iv) a permit;

- (v) any term, condition or restriction to which an operating authority certificate, a safety fitness certificate or a permit is subject;
- (h) “passenger” means any person, other than the driver of a commercial vehicle, who is transported by a commercial vehicle;
- (i) “record” includes
  - (i) any document, agreement, account, book, return, statement, report or other memorandum of financial or non-financial information whether in writing or in electronic form or represented or reproduced by any other means, and
  - (ii) the results of the recording of details of electronic data processing systems to illustrate what the systems do and how they operate;
- (j) “Registrar of Corporations” means the Registrar as defined in the *Business Corporations Act*;
- (k) “road ban” means the maximum allowable weight that may be borne on a highway by a commercial vehicle pursuant to a regulation made under section 151 or a bylaw made under section 152;
- (l) “toll” or “rate” means a fee or rate charged, levied or collected
  - (i) for the transportation of passengers or goods, or
  - (ii) for the use of a commercial vehicle;
- (m) “transportation” includes one or more of the following:
  - (i) the driving or utilization of a commercial vehicle;
  - (ii) the carrying of goods or passengers, or both, on or in a commercial vehicle;
  - (iii) the care, handling, assembly or storage of goods that are being carried in or on a commercial vehicle or that are in the possession or under the control of a carrier, permit holder or exempted operator or of a person on behalf of a carrier, permit holder or exempted operator and awaiting carriage or delivery by means of a commercial vehicle;



- (iv) the handling of passengers awaiting carriage by means of a commercial vehicle;
  - (n) “vehicle inspection sign” means a traffic control device that is designed to indicate to the driver of a commercial vehicle that the driver of the vehicle is required to report to a vehicle inspection station;
  - (o) “vehicle inspection station” means a site or facility that is used by persons who are under the administration of or providing services on behalf of the Minister for the purposes of carrying out inspections under this Act and other duties and functions under motor transport regulatory legislation.
- (2)** For the purposes of this Part and the regulations and bylaws made in respect of matters governed by this Part, a person operates a commercial vehicle if
- (a) the person drives the vehicle, or
  - (b) the person owns or otherwise has control over the vehicle and uses the vehicle for the provision of transportation in respect of that person’s undertaking, business, work or employment whether or not that person actually drives the vehicle.

RSA 2000 cT-6 s130;2005 c34 s23

## **Division 1**

### **Operation of Commercial Vehicles**

#### **Use of commercial vehicles**

**131(1)** Except as otherwise permitted under this Act, a person shall not do the following:

- (a) in the case of a commercial vehicle that is used or intended to be used to transport goods or provide a service other than the transportation of passengers, operate the commercial vehicle on a highway unless the operation of that vehicle
  - (i) is carried out under the authority of a safety fitness certificate, or
  - (ii) is exempted from the requirement of a safety fitness certificate being issued in respect of the vehicle;
- (b) in the case of a commercial vehicle that is a bus, operate the vehicle on a highway unless the operation of that vehicle

- (i) is carried out under the authority of a safety fitness certificate and an operating authority for which an operating authority certificate is issued, or
- (ii) is exempted
  - (A) in the case of a safety fitness certificate, from the requirements of a safety fitness certificate being issued in respect of the vehicle, and
  - (B) in the case of an operating authority certificate, from the requirements of an operating authority certificate being issued in respect of the vehicle;
- (b.1) in the case of a commercial vehicle that is used or intended to be used to transport passengers and that is designed for carrying 10 or fewer persons, including the person driving the vehicle, operate the vehicle on a highway unless the operation of the vehicle
  - (i) is carried out under the authority of an operating authority certificate, or
  - (ii) is exempted from the requirements of an operating authority certificate being issued in respect of the vehicle;
- (c) operate a commercial vehicle on a highway unless the operation of the vehicle is carried out
  - (i) within the requirements of this Part and the regulations made in respect of matters governed by this Part, and
  - (ii) where a certificate is required in respect of that vehicle, within the terms and conditions of the certificate granted in respect of that vehicle;
- (d) operate a commercial vehicle in a manner that is prohibited under or does not comply with motor transport regulatory legislation;
- (e) dump or unload on a highway or at a vehicle inspection station any goods being transported by a commercial vehicle unless otherwise authorized to do so by a peace officer, an employee of the Government who is under the administration of the Minister or a person performing services on behalf of or for the Minister;
- (f) except where authorized by permit, operate a commercial vehicle on a highway when the weight of the vehicle

exceeds the maximum allowable weight for that vehicle provided for under this Act;

- (g) except where authorized by permit, operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum weight specified on the certificate of registration issued in respect of that vehicle;
  - (h) operate a commercial vehicle on a highway when the weight of the vehicle exceeds the maximum allowable weight specified in a permit issued in respect of that vehicle;
  - (i) except where authorized by permit, operate a commercial vehicle on a bridge when the weight of the vehicle exceeds the maximum weight specified for that bridge;
  - (j) operate a commercial vehicle on a bridge when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that bridge;
  - (k) except where authorized by permit, operate a commercial vehicle on a highway that is subject to a road ban when the weight of the vehicle exceeds the maximum weight allowed for that vehicle under the road ban;
  - (l) operate a commercial vehicle on a highway that is subject to a road ban when the weight of the vehicle exceeds the maximum weight specified in a permit issued in respect of that vehicle and that road ban;
  - (m) operate a commercial vehicle on a highway if any portion or part of the vehicle exceeds the dimensions prescribed in a permit or under this Act;
  - (n) solicit or undertake to arrange the transportation of passengers or goods by means of a vehicle operated on a highway unless the person by, for or on behalf of whom the vehicle is operated is authorized under this Act to transport passengers or goods in accordance with the solicitation or undertaking.
- (2) For the purposes of
- (a) clauses (b) and (c) and subsection (1)(f) to (m), “vehicle” includes any goods carried on or in a vehicle;
  - (b) subsection (1)(k) and (l), “permit” means a permit issued to a person specifically allowing a vehicle to be operated on a highway that is subject to a road ban when the weight of the vehicle is in excess of that allowed under the road ban;

- (c) subsection (1)(i), where a sign is erected indicating the maximum allowable weight that may be carried by a vehicle on a bridge, the weight indicated on the sign is the maximum weight specified for the bridge in respect of which the sign is erected.

RSA 2000 cT-6 s131;2005 c34 s24

**Cancellation of certificate****132(1)** In this section,

- (a) “federal transportation legislation” means an enactment or a provision of an enactment of Canada that relates to transportation;
- (b) “foreign transportation legislation” means an enactment or a provision of an enactment of
  - (i) the United States of America,
  - (ii) a state or territory of the United States of America,
  - (iii) Mexico, or
  - (iv) a state of Mexico,that relates to transportation;
- (c) “provincial transportation legislation” means an enactment or a provision of an enactment of a province or territory of Canada that relates to transportation;
- (d) “transportation legislation” means motor transport regulatory legislation and includes, except where otherwise provided by regulations made under section 156,
  - (i) federal transportation legislation,
  - (ii) foreign transportation legislation,
  - (iii) provincial transportation legislation, and
  - (iv) any certificate, authorization, licence, permit or order that relates to transportation that is issued, granted, provided or otherwise made under any enactment referred to in subclauses (i) to (iii).

**(2)** Where with respect to the operation of a commercial vehicle the Registrar is of the opinion that

- (a) a carrier, or

- (b) a driver of the commercial vehicle who is employed or otherwise engaged by a carrier,

is not complying with or is contravening any transportation legislation, the Registrar may, on 15 days' written notice to the carrier, suspend or cancel any certificate issued in respect of that carrier.

**(3)** Where a certificate is issued to a carrier that is a corporation and the corporation is dissolved, the Registrar may, on 15 days' written notice to the person who in the opinion of the Registrar was the manager or a senior officer of the corporation, cancel that certificate.

**(4)** Where with respect to the operation of a commercial vehicle the Registrar is of the opinion that

- (a) a carrier, or
- (b) an exempted operator,

is not complying with or is contravening any transportation legislation, the Registrar may on 15 days' written notice to the carrier or exempted operator, as the case may be, do one or more of the following:

- (c) suspend or cancel the certificate of registration of the commercial vehicle;
- (d) cause the licence plates issued in respect of the commercial vehicle to be seized and detained.

**(5)** Notwithstanding that a 15-day notice period is prescribed under subsection (2), if the Registrar is of the opinion that

- (a) the safety of the driver or the public is in jeopardy with respect to the operation of a commercial vehicle, or
- (b) the requirements relating to the insuring of the commercial vehicle have not been met,

the Registrar may take action under subsection (2) effective at the time of giving the notice to the person in respect of whom the action is being taken.

**(6)** In giving a notice under subsection (2) or (3), the Registrar may give the notice subject to any terms or conditions that the Registrar considers appropriate in the circumstances.

(7) Where the Registrar suspends or cancels a certificate, the carrier shall, within the period of time set by the Registrar, deliver to the Registrar the document held by that carrier that evidences the issuing of the certificate.

(8) Where a carrier does not comply with subsection (7), a peace officer shall, when directed to do so by the Registrar, attend on the carrier and take possession of the document held by the carrier that evidences the issuing of the certificate.

(9) Where a certificate is or is to be suspended or cancelled pursuant to this section, that suspension or cancellation may take place without a hearing being conducted or an opportunity for representations being given, but

- (a) 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.

RSA 2000 cT-6 s132;2005 c34 s25;2020 cP-30.8 s44(42)

#### **Non-payment of fees or charges**

**133** When a fee or charge provided for pursuant to this Act, or a fee or charge provided for pursuant to the laws of a jurisdiction outside Alberta that is similar in nature to a fee or charge provided for pursuant to this Act,

- (a) is imposed on a carrier but not paid, the Registrar may suspend or cancel any certificate or permit issued to that carrier, or
- (b) is imposed on an exempted operator but not paid, the Registrar may suspend or cancel any permit issued to that exempted operator.

1999 cT-6.4 s133

## **Division 2 Compliance**

### **Definition**

**134** In this Division, “commercial vehicle” includes any vehicle that a peace officer has reasonable grounds to believe is a commercial vehicle and includes any goods being carried by the vehicle.

1999 cT-6.4 s134

### **Purposes of inspections**

**135** For the purposes of

- (a) administering motor transport regulatory legislation,
- (b) fostering compliance with motor transport regulatory legislation,
- (c) fostering the safe operation of commercial vehicles, and
- (d) preserving the physical condition of highways,

a peace officer may carry out inspections under sections 136 and 139 and determine weight pursuant to Division 3.

1999 cT-6.4 s135

### **Inspections of commercial vehicles**

**136** A peace officer may carry out an inspection of a commercial vehicle and in respect of that inspection with respect to matters that come under this Act may do one or more of the following:

- (a) require the driver of the vehicle to stop the vehicle for the purposes of inspecting the vehicle;
- (b) enter the vehicle;
- (c) inspect the vehicle;
- (d) inspect
  - (i) any goods being carried by the vehicle, and

- (ii) any record relating to any goods being carried by the vehicle;
- (e) weigh the vehicle or any portion or part of a vehicle and any goods being carried by the vehicle or any portion or part of the vehicle;
- (f) inspect any record relating to, issued or required under transportation legislation as defined in section 132(1);
- (g) inspect any record, object or thing that relates to the vehicle, its operation or any goods being carried by the vehicle;
- (h) make inquiries of any person who operates the vehicle being inspected under this section;
- (i) perform or cause to be performed tests or examinations of or in respect of the vehicle or any goods being carried by the vehicle.

1999 cT-6.4 s136

**Stopping for peace officer**

**137** For the purposes of enabling an inspection to take place under section 136 or weight to be determined pursuant to Division 3, a driver of a commercial vehicle shall,

- (a) on being signalled or requested to do so by a peace officer who is readily identifiable as a peace officer, forthwith bring the vehicle to a stop, and
- (b) if requested to do so by the peace officer, forthwith take the vehicle to a vehicle inspection station as directed by the peace officer.

1999 cT-6.4 s137

**Vehicle inspection stations**

**138** When a vehicle inspection station sign indicates that the vehicle inspection station is in operation and directs that a commercial vehicle or class of commercial vehicles is to be taken to the vehicle inspection station, the driver of a vehicle that is subject to that direction shall, for purposes of enabling an inspection to take place under section 136,

- (a) forthwith take the vehicle to the vehicle inspection station, and
- (b) subject to any directions given by the person operating the vehicle inspection station,
  - (i) permit an inspection to take place, and



- (ii) remain at the vehicle inspection station until the driver is informed by the person operating the vehicle inspection station that the inspection has been completed.

1999 cT-6.4 s139

**Inspections of transportation business premises****139(1)** In this section,

- (a) “safety services” means inspections, evaluations, repairs and other services provided by persons licensed under this Act to carry out inspections of commercial vehicles;
- (b) “transportation business” means any undertaking by a carrier or the holder of a permit under which
  - (i) goods are received, shipped or transported,
  - (ii) commercial vehicles are operated, or
  - (iii) persons are transported;
- (c) “transportation business premises” means premises that are used with respect to
  - (i) the operation of a commercial vehicle by a carrier or the holder of a permit,
  - (ii) the operation of a transportation business, or
  - (iii) the provision of safety services.

**(2)** A peace officer may do any one or more of the following:

- (a) during any time that any transportation business premises are open to the public or are in use, enter and inspect
  - (i) those premises, and
  - (ii) any commercial vehicle that is at the time of inspection located at or in the premises;
- (b) inspect any records, objects or things that relate to
  - (i) the provision of safety services in respect of a commercial vehicle, or
  - (ii) the operation of a transportation business;
- (c) make inquiries of any person who

- (i) drives a commercial vehicle that is operated by a carrier or the holder of a permit, or
  - (ii) is employed in the transportation business or the provision of safety services;
  - (d) make inquiries of any carrier or holder of a permit with respect to the operation of a commercial vehicle.
- (3) Notwithstanding subsection (2)(a), a peace officer shall not enter a private residence without the permission of an adult resident of that residence.

1999 cT-6.4 s139

**Production of documents**

**140(1)** A person who is subject to an inspection under section 136 or 139 shall, when requested to do so by a peace officer, forthwith produce for inspection any record, object or thing that may be inspected under section 136 or 139.

(2) A peace officer may remove the record, object or thing being inspected and make copies or take photographs of it.

(3) Where a peace officer removes a record, object or thing under subsection (2), the peace officer

- (a) may retain possession of the record, object or thing only for the period of time that is reasonably required to make copies or take photographs of it, and
- (b) shall, on the copies being made or photographs taken, return the record, object or thing to the person from whom it was taken.

(4) Notwithstanding subsection (3), when, on inspecting a record, object or thing, a peace officer is of the opinion that for the purposes of this Part the peace officer must retain possession of the record, object or thing for a longer period of time than that permitted under subsection (3), the peace officer may retain possession of the record, object or thing for a longer period of time if the peace officer gives to the person from whom the record, object or thing was taken a receipt for it.

(5) Where a peace officer retains possession of a record, object or thing pursuant to subsection (4), the peace officer shall, once the record, object or thing has served the purposes for which it was retained, forthwith return the record, object or thing to the person from whom it was taken.

(6) If a peace officer retains possession of a record, object or thing under subsection (4), the peace officer shall, where requested to do so by the person from whom the record, object or thing was taken and if practicable to do so, provide to that person a copy or a photograph of that record, object or thing.

1999 cT-6.4 s140

**Detention of vehicle**

**141(1)** If a peace officer is of the opinion that in order

- (a) to determine or confirm the ownership of a commercial vehicle,
- (b) to determine whether a person who is a carrier or an exempted operator is complying with motor transport regulatory legislation,
- (c) to determine whether a commercial vehicle meets the requirements of motor transport regulatory legislation, or
- (d) to determine whether a commercial vehicle is being operated in accordance with motor transport regulatory legislation,

it is necessary to detain the vehicle, the peace officer may, subject to section 142, detain the vehicle for not more than 72 hours or such longer period that is reasonable under the circumstances.

(2) Where a commercial vehicle is detained, a peace officer may

- (a) cause the vehicle to be removed to and stored in a suitable place, and
- (b) carry out any of those functions that may be carried out under sections 136, 139 and 140.

1999 cT-6.4 s141

**Review by Court**

**142(1)** Where a peace officer is unable to detain a commercial vehicle under section 141, the peace officer may apply to the Court of Queen's Bench for an order directing that the vehicle be seized for the purposes of section 141.

(2) Where a peace officer wishes to detain a commercial vehicle under section 141 for a longer period of time than that permitted under section 141, the peace officer may apply to the Court of Queen's Bench for an order authorizing the vehicle to be detained for a longer period of time.

(3) Where a commercial vehicle is detained under section 141, the owner or driver of the vehicle may apply to the Court of Queen's Bench for an order directing that the detained vehicle be released to the owner or the driver, as the case may be.

(4) Repealed 2009 c53 s179.

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

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

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

- (a) in the case of an application made under subsection (1), direct that the commercial vehicle be seized;
- (b) in the case of an application made under subsection (2),
  - (i) direct that the commercial vehicle be detained for a longer period of time, and
  - (ii) set out the period of time for which the commercial vehicle may be detained;
- (c) in the case of an application made under subsection (3), direct that a commercial vehicle be released from detention;
- (d) in the case where a commercial vehicle is detained under section 141 or is to be detained pursuant to a seizure referred to in clause (a),
  - (i) give directions as to where and how the vehicle shall be seized or detained, as the case may be;
  - (ii) direct that the vehicle be released subject to security being provided to the Government in the form and an amount determined by the Court;
  - (iii) give directions as to the disposition of the security given;
- (e) dismiss the application;

- (f) make the order subject to any terms or conditions that the Court considers appropriate in the circumstances;
- (g) award costs in respect of the matter.

RSA 2000 cT-6 s142;2009 c53 s179

**Administrative penalties****143(1)** In this section,

- (a) “regulated person” means
  - (i) a carrier;
  - (ii) an exempted operator;
  - (iii) a driver of a commercial vehicle;
  - (iv) a person engaged in carrying out safety services as defined in section 139;
  - (v) a holder of a permit issued in respect of the operation of a commercial vehicle;
  - (vi) a person engaged in carrying out inspections, evaluations, repairs and other services provided by persons licensed under this Act to carry out inspections of motor vehicles, whether or not the vehicles are commercial vehicles;
  - (vii) a driver examiner;
  - (viii) a driving instructor;
  - (ix) the operator of a driver training school;
- (b) “regulatory legislation” means
  - (i) transportation legislation as defined in section 132(1), and
  - (ii) any regulation under this Act that provides for testing, inspecting, evaluating, repairing and providing similar services, or any one or more of those functions, in respect of motor vehicles, whether or not the vehicles are commercial vehicles.

**(2)** Where the Registrar is of the opinion that a regulated person has failed to comply with regulatory legislation, the Registrar may, subject to the regulations, by notice in writing given to the regulated person, require that regulated person to pay to the

Government an administrative penalty in an amount set out in the notice, not to exceed \$10 000

- (a) for the failure to comply, or
- (b) for each day or part of a day that the failure to comply occurs or continues.

(3) A regulated person who pays an administrative penalty in respect of a failure to comply may not be charged under this Act with an offence in respect of that failure to comply.

(4) Where a regulated person fails to pay an administrative penalty in accordance with a notice under subsection (2), the Government may recover the amount owing in respect of the penalty by an action in debt.

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

RSA 2000 cT-6 s143;2005 c34 s26;2009 c35 s7;2020 cP-30.8 s44(43)

#### **Vicarious liability**

**144(1)** In this section, “related function” means

- (a) the loading of goods on or into a commercial vehicle;
- (b) the adjusting or rearranging of goods being carried by a commercial vehicle;
- (c) the unloading or removal of goods from a commercial vehicle;
- (d) the provision of documentation or records, other than motor vehicle documents, with respect to the operation of a commercial vehicle;
- (e) the giving of directions, directives, instructions or orders respecting the operation of the commercial vehicle.

(2) With respect to a commercial vehicle, where a person other than the carrier responsible for the commercial vehicle carries out a related function in respect of that commercial vehicle and as a result of carrying out that related function this Act is not complied with, that person and the carrier are jointly and severally liable for that non-compliance.

(3) Subsection (2) does not apply to a person referred to in subsection (2) who is not the carrier if that person establishes to the

satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that person.

(4) Subsection (2) does not apply to a carrier if that carrier establishes to the satisfaction of the court that the non-compliance occurred without the consent, expressed or implied, of that carrier.

1999 cT-6.4 s144

### Division 3 Weight

#### Weighing of vehicle

**145** Where a commercial vehicle is stopped by a peace officer for the purpose of determining the weight of or being carried on a commercial vehicle, the driver of the commercial vehicle shall, if directed to do so by the peace officer, forthwith take the vehicle as directed by the peace officer to a vehicle inspection station or other weigh scale that is capable of measuring the weight of the vehicle on a stationary scale that is certified under the *Weights and Measures Act* (Canada).

1999 cT-6.4 s145

#### Checking of weight by portable scales, etc.

**146(1)** When a peace officer has reason to believe that the weight of or carried on a commercial vehicle exceeds the weight permitted under this Act or a permit, the peace officer may require the driver of the vehicle to allow the weight to be measured by means of a portable scale.

(2) When a portable scale is used to measure weight under subsection (1), the peace officer shall advise the driver of the vehicle that the driver has the right to take the vehicle forthwith to a vehicle inspection station or other weigh scale that is capable of measuring the weight of the vehicle on a stationary scale that is certified under the *Weights and Measures Act* (Canada).

1999 cT-6.4 s146

#### No alteration or redistribution of weight

**147** From the time that a driver

- (a) is directed by a peace officer under section 145 to take a commercial vehicle to a vehicle inspection station or a stationary scale, or
- (b) elects to exercise the right provided for under section 146(2),

whichever is the earlier, that driver shall ensure that no alteration in or redistribution of the weight of or on the vehicle occurs from that

time until after the weight of the vehicle is finished being measured or a peace officer otherwise permits the alteration in or redistribution of the weight.

1999 cT-6.4 s147

#### **Reduction of weight**

**148(1)** When a peace officer determines that the weight of or carried on a commercial vehicle exceeds the weight permitted under this Act or a permit, the peace officer may require the driver of the vehicle to stop the vehicle in a suitable place and remain there until a sufficient portion of the goods being carried by the vehicle are redistributed or removed, as the case requires, to reduce weight so that the weight of or carried on the vehicle complies with that permitted under this Act or a permit.

**(2)** Where goods or any portion of the goods being carried are redistributed or removed under subsection (1), the handling and storage, or either of those functions, as the case may be, of the goods or any portion of the goods remains the responsibility of the driver of the vehicle and the owner of the vehicle and, in the case where the carrier is not the owner of the vehicle, the carrier.

1999 cT-6.4 s148

#### **Penalty re excess weight**

**149** Where a person commits a contravention by reason of that person contravening or failing to comply with

- (a) section 131,
- (b) a regulation made under this Act, or
- (c) a permit

with respect to the maximum weight of or that may be carried by or on a commercial vehicle, that person is liable to a penalty as prescribed by regulation.

RSA 2000 cT-6 s149;2020 cP-30.8 s44(44)

#### **Certificates of weight**

**150(1)** In a proceeding under this Act or a bylaw, a certificate or a statement of accuracy

- (a) purporting to be issued and signed by an inspector under the *Weights and Measures Act* (Canada), and
- (b) bearing a date that is not more than one year before or after the day on which the contravention was charged,



shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate or the statement of accuracy without proof of the signature or official character of the person who signed the certificate or the statement of accuracy.

**(2)** A certificate purporting to be signed by a peace officer

- (a) stating that the peace officer weighed a vehicle on a scale, and
- (b) setting out either
  - (i) the gross weight of the vehicle or the vehicle and the goods being carried by the vehicle, or
  - (ii) the gross weight carried on or by any portion, part, axle, axle group or tire of the vehicle where that weight is transferred to the road through any point or points of contact of the vehicle with the road,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or official character of the person who signed the certificate if the scale is inspected under the *Weights and Measures Act* (Canada) and a certificate described in subsection (1) is issued in respect of the scale.

**(3)** In a proceeding under this Act or a bylaw, a certificate purporting to be signed by a peace officer or a person authorized by the Registrar

- (a) stating that the weight of a vehicle was measured on a portable scale or other scale,
- (b) setting out either
  - (i) the gross weight of the vehicle or the vehicle and the goods being carried by the vehicle, or
  - (ii) the gross weight carried on or by any portion, part, axle, axle group or tire of the vehicle where that weight is transferred to the road through any point or points of contact of the vehicle with the road,

and

- (c) stating that the driver of the vehicle agreed to accept the weight determined as being accurate,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or official character of the person who signed the certificate.

RSA 2000 cT-6 s150;2020 cP-30.8 s44(45)

### **Establishment of weights for vehicles**

**151** The Minister may make regulations in respect of commercial vehicles

- (a) governing any matter with respect to the weight that may be carried on a highway, including any bridge that forms part of a highway, by or on
  - (i) a commercial vehicle;
  - (ii) an axle or an axle group of a commercial vehicle;
  - (iii) a tire or a group or combination of tires of a commercial vehicle;
  - (iv) any other portion or part of a commercial vehicle;
- (b) governing any matter with respect to
  - (i) road bans and their establishment,
  - (ii) the criteria under which road bans may be established,
  - (iii) delegating the authority to establish road bans, and
  - (iv) exempting the establishment of road bans from the operation of the *Regulations Act*;
- (c) prescribing and governing any matter with respect to or the imposition of penalties or a graduated series of penalties in respect of vehicles that are carrying weight that is in excess of that permitted under this Act or a permit.

1999 cT-6.4 s151

### **Municipalities re weight for vehicles**

**152(1)** Subject to this Act and the *Dangerous Goods Transportation and Handling Act*, a council of a municipality may, for the physical preservation of a highway under its direction, control and management, including any bridge that forms part of that highway, make bylaws restricting the weight of a commercial vehicle or a commercial vehicle and any goods being carried by the

vehicle, to weight that is less than the weight that may be borne under this Act.

(2) Where there is a conflict between

- (a) a bylaw made under subsection (1), and
- (b) a provision of this Act or a permit,

this Act or the permit, as the case may be, prevails.

(3) The council of a municipality may by bylaw delegate to an employee of the municipality or to a committee established by the council the power to impose road bans.

(4) Where under subsection (1) a council of a municipality imposes a prohibition, limitation, condition or restriction in respect of a highway, the council shall cause signs to be erected along the highway as the council considers necessary to notify persons using commercial vehicles on the highway of the prohibition, limitation, condition or restriction.

(5) Where, with respect to commercial vehicles,

- (a) a penalty is provided by bylaw in respect of overweight vehicles, and
- (b) the penalty is greater than the penalty provided for under this Act in respect of overweight vehicles for a similar matter,

the penalty provided for under this Act in respect of overweight vehicles shall apply as if it had been provided for under the bylaw.

(6) With respect to an improvement district or a special area,

- (a) where a council of a municipality is empowered to make bylaws under subsection (1),
  - (i) the Minister, in the case of an improvement district, or
  - (ii) the Minister responsible for the *Special Areas Act*, in the case of a special area,

may make regulations in respect of the matters for which a council may make bylaws under subsection (1);

- (b) a regulation made under this section shall be treated for the purposes of this Act as if it were a bylaw made under this Act;

- (c) in the case of an improvement district, the Minister may in writing delegate to an employee of the Government the power to make regulations for the purposes of imposing and governing road bans under subsection (1);
- (d) in the case of a special area, the Minister responsible for the *Special Areas Act* may in writing delegate to the Minister or an employee of the Government or authorize the Minister to delegate to an employee of the Government, the power to make regulations for the purposes of imposing or governing road bans under subsection (1).

1999 cT-6.4 s152

#### **Division 4 General Matters**

##### **Restriction on municipality**

**153(1)** The council of a municipality shall not impose a fee or charge in respect of the operation of a commercial vehicle by a person who is a carrier, a holder of a permit or an exempted operator, other than

- (a) a business tax, where the person maintains an office within the boundaries of the municipality, or
- (b) a property tax, where a municipality is authorized to impose a property tax.

**(2)** Subsection (1) does not apply to the imposition of a fee or charge by a council of an urban area on a person who is a carrier, a holder of a permit or an exempted operator carrying on business within the limits of the urban area if the major portion of that person's revenue is obtained within the boundaries of that urban area.

1999 cT-6.4 s153

##### **Penalty re 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.

(3) The Minister may make regulations governing fines referred to in subsection (1)(a), including setting a maximum or minimum amount for a fine, but shall not increase a fine to an amount greater than the maximum amount prescribed in subsection (1)(a).

(4) Subsection (1) does not apply where a penalty is otherwise prescribed under this Part or the regulations made in respect of matters coming under this Part.

RSA 2000 cT-6 s154;2020 cP-30.8 s44(46)

*(NOTE: Section 44(46)(b) of the Provincial Administrative Penalties Act purports to amend section 154(4) as follows:*

*(46) Section 154 is amended*

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

*The amendment has not been incorporated into subsection (4) because “subsection (1)” does not appear in this subsection.)*

**Bills of lading, etc.**

**155** In a proceeding under this Act, a document that is a bill of lading, way-bill, shipping bill or customs permit or any other document that pertains to the goods or passengers being transported by a commercial vehicle

- (a) that is produced to a peace officer by the carrier or the owner or driver of the vehicle,
- (b) that is a copy of that document and that is certified by a peace officer as being a true copy of the document, or
- (c) that is a copy made under this Act of that document,

shall be admitted in evidence as proof, in absence of evidence to the contrary, of

- (d) the origin and destination of the trip,
- (e) the description of the goods or passengers transported, and
- (f) the carrier, owner, driver or lessee of the vehicle,

without proof of the signature or official character of the person who signed or certified the copies of the document.

RSA 2000 cT-6 s155;2020 cP-30.8 s44(47)

### Regulations

**156** The Minister may make regulations

- (a) establishing and governing with respect to carriers a program under which persons are assessed defaults or demerit points for a contravention of or failure to comply with transportation legislation as defined in section 132(1);
- (b) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (a);
- (b.1) establishing and governing with respect to carriers and other persons who engage in, have engaged in or may become engaged in the operation of commercial vehicles a program under which a profile or other record is kept in respect of safety matters and matters relating to compliance or the failure to comply with transportation legislation as defined in section 132(1);
- (b.2) providing for and governing sanctions that may be imposed in respect of a program referred to in clause (b.1);
- (b.3) governing any matter with respect to the safe operation of commercial vehicles, including minimum performance standards and safety management practices;
- (c) providing for a person who does not own a commercial vehicle or a class or type of commercial vehicle but who, as an integral part of that person's business, uses the services of a commercial vehicle to be treated under this Act as if that person were the owner of that commercial vehicle;
- (d) exempting or providing for the granting of an exemption of the operation of commercial vehicles from the requirement of a certificate;
- (e) governing any matter with respect to the operation of and the provision of services using commercial vehicles for commercial and business purposes;
- (f) governing any matter with respect to driving and the physical operation of a commercial vehicle;
- (g) governing any matter with respect to bills of lading and the conditions of carriage of and the insuring of goods and passengers being transported by commercial vehicles and

- the provision of bonds or other security respecting the operation of commercial vehicles;
- (h) governing signage on or in respect of commercial vehicles;
  - (i) prescribing and governing classes or types of carriers;
  - (j) for the purposes of this Part,
    - (i) excluding an enactment or a provision of an enactment from the definition of transportation legislation;
    - (ii) providing that an enactment or a provision of an enactment may only be included in the definition of transportation legislation subject to any directions, terms, conditions or modifications established or otherwise provided for under the regulations or by the Minister;
  - (j.1) respecting interim relief that may be granted under section 132(9);
  - (k) for the purposes of section 143, respecting the form and contents of notices relating to administrative penalties;
  - (l) prescribing the amounts, or the manner of determining the amounts, of the administrative penalties that may be imposed by the Registrar, not to exceed \$10 000 for each contravention;
  - (m) prescribing limitation periods for the giving of notices of administrative penalties;
  - (n) respecting any other matter necessary for the administration of the system of administrative penalties;
  - (o) designating a commercial vehicle, or a class of commercial vehicles, as a bus.

RSA 2000 cT-6 s156;2005 c34 s27;2020 cP-30.8 s44(48)

## **Part 8**

### **Enforcement, Rights, Remedies and Obligations**

#### **Division 1**

#### **Contraventions**

##### **Offences**

**157(1)** A person commits a contravention who contravenes or fails to comply with one or more of the following:

- (a) section 51, 52(1), 53, 54(1), 61(2), 65, 66(5), 68(2), 69(1), 69(2), 69(3), 69(4), 69(5), 69(6), 70, 71, 76(1), 80, 88, 88.01, 88.02, 88.03, 88.1, 94(2), 94.1(1), 111, 115(2), 115.1, 115.2, 115.3, 115.4, 119(1), 120(2), 120(3), 121, 123(2), 123(3), 126, 128.1(2), 131(1), 137, 138, 140(1), 145, 147, 166(2), 166(3), 166(4), 173(5), 176(2), 183 or 188;
- (b) a regulation made under this statute where the regulation specifies that it is a contravention to contravene or fail to comply with the regulation;
- (c) a certificate as defined in section 130(1)(c);
- (d) an order made under section 120(4);
- (e) a permit;
- (f) any terms or conditions to which a certificate as defined in section 130(1)(c) or a permit is subject.

**(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).

**(2)** When an information is laid or a summons or a violation ticket is issued by a person in respect of a contravention referred to in subsection (1), that person shall on the information, summons or violation ticket, as the case may be, refer

- (a) to the provision that the accused is alleged to have contravened or failed to comply with, and



(b) in the case of a contravention with respect to section 115(2)(a), to the provision of the Rules of the Road or other regulations that the accused is alleged to have contravened or failed to comply with.

(3) Where a person is alleged to have contravened or failed to comply with a provision of this statute by reason that the person contravened or failed to comply with a provision of a regulation, it is sufficient, for the purposes of subsection (2), not to refer to that provision of this statute but instead only

(a) to refer to the provision of the regulation, and

(b) to describe in words the nature of the contravention under the regulation.

(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.

RSA 2000 cT-6 s157;2001 c14 s18;2003 c42 s15;  
2005 c34 s28;2010 c23 s3;2016 c21 s5;2017 c26 s16;  
2020 cP-30.8 s44(50)

### **Punishment**

**158(1)** Except as otherwise provided in this Act, a person who is guilty of an offence under this Act for which a penalty is not otherwise provided is liable to a fine or other punishment as provided for under the *Provincial Offences Procedure Act*.

(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.

**(2)** A person who is guilty of an offence under section 52(1)(c), 65(1)(h) or (2) or 115(2)(g) or (h) is liable to a fine of not less than \$500 and not more than \$25 000 and in default of payment to imprisonment for a term not exceeding 6 months, or to imprisonment for a term not exceeding 6 months without the option of a fine.

**(3)** A person who is guilty of an offence under section 51(i) is liable to a fine of not less than \$300 and not more than \$2000 and in default of payment to imprisonment for a term of not less than 14 days and not more than 6 months.

**(4)** A person who is guilty of an offence under section 176 is liable to a fine of not less than \$200 and in default of payment to imprisonment for a term not exceeding 2 months.

RSA 2000 cT-6 s158;2020 cP-30.8 s44(51)

### 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.

RSA 2000 cT-6 s159;2020 cP-30.8 s44(52)

### 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.

RSA 2000 cT-6 s160;2020 cP-30.8 s44(53)

#### **Dismissal of charge**

**161** Where a person is charged with an offence under this Act or a bylaw, the court trying the case may dismiss the charge if the person satisfies the court that the offence could not have been avoided by the exercise of reasonable care or precaution.

1999 cT-6.4 s161

#### **Disposition of fines and penalties**

**162(1)** Subject to subsections (2) and (3), fines and penalties imposed under this Act belong to the Crown in right of Alberta.

(2) Subject to subsection (4), fines and penalties imposed under this Act in respect of contraventions occurring in a municipality for which policing services are required to be provided under section 4(5) or (6) of the *Police Act* belong to the municipality that is required to provide the policing services.

(3) 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.

RSA 2000 cT-6 s162;2004 cH-8.5 s76;  
2005 c34 s29;2010 c11 s2;2020 cP-30.8 s44(54)

## Division 2 Evidence in Proceedings

### Certificates and affidavits

**163(0.1)** In this section, “recording device” means a device that is installed by the manufacturer of a motor vehicle as part of the original vehicle equipment, or by or at the request of the owner of a motor vehicle, that is capable of recording or transmitting information regarding any one or more of the following:

- (a) the speed at which the motor vehicle is travelling;
- (b) the direction in which the motor vehicle is travelling;
- (c) a history of where the motor vehicle has travelled;
- (d) steering performance;
- (e) brake performance, including, but not limited to, whether brakes were applied before a collision;
- (f) whether the driver was wearing a complete seatbelt assembly;
- (g) the number of hours a commercial vehicle has been operating;
- (h) a collision in which the motor vehicle has been involved.

(1) In any proceeding under this Act or a bylaw, a certificate

- (a) stating the result of
  - (i) a test of
    - (A) the speedometer of a vehicle identified in the certificate,
    - (B) a device identified in the certificate and used for determining the accuracy of a radar device, or

(C) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles,

or

(ii) a test of an intersection safety device,

(b) bearing a date on it that is not more than,

(i) in the case of a device referred to in clause (a)(i)(B), one year before or after the day on which the offence was charged or in respect of which contravention a notice of administrative penalty was issued under the *Provincial Administrative Penalties Act*,

(ii) in the case of a speedometer or other device used for or in connection with establishing the speed of vehicles, 180 days before or after the day on which the offence was charged or in respect of which contravention a notice of administrative penalty was issued under the *Provincial Administrative Penalties Act*, or

(iii) in the case of an intersection safety device, 30 days before or after the day on which the offence was charged or in respect of which contravention a notice of administrative penalty was issued under the *Provincial Administrative Penalties Act*,

and

(c) purporting to be signed by a tester who is appointed under this Act to test devices of the type stated in the certificate to have been tested,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or appointment as a tester of the person signing the certificate.

**(2)** In any proceeding under this Act or a bylaw, a certificate purporting to be signed by a meteorologist and stating the time of sunrise or the time of sunset in any area on any day shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or qualifications of the person signing the certificate.

**(3)** In any proceedings under which a person is charged with, 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.

RSA 2000 cT-6 s163;2005 c34 s30;2007 c45 s10;  
2014 c13 s44;2020 cP-30.8 s44(56)

#### **Traffic control device**

**164(1)** In any proceeding under this Act or a bylaw, the existence of a traffic control device is proof, in the absence of evidence to the contrary, that the device was properly designated and erected by the proper authority without other or further proof.

**(2)** For the purposes of this Act or a bylaw, a traffic sign or device marked or erected pursuant to regulations under the *Government Property Traffic Act* (Canada) or the *National Parks Act* (Canada) is deemed to be a traffic control device as defined in this Act and to have been erected under the authority of this Act.

RSA 2000 cT-6 s164;2020 cP-30.8 s44(57)

#### **Engineer's certificate**

**165** Where lines for the purpose of indicating distances are painted or repainted on the highway, a certificate or statement of accuracy

- (a) purporting to be signed by an engineer or land surveyor who is
  - (i) employed by the Government and under the administration of the Minister,
  - (ii) employed by a road authority other than the Minister, or
  - (iii) providing services to the Government or a road authority,

and

- (b) certifying the measured distance between those lines,

shall be admitted in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate or statement of accuracy without proof of the signature or official character of the person signing the certificate or statement of accuracy.

1999 cT-6.4 s165

### Division 3 Peace Officers

#### Stopping for peace officer

**166(1)** For the purposes of administering and enforcing this Act or a bylaw, a peace officer may

- (a) with respect to a vehicle,
  - (i) signal or direct a driver of a vehicle to stop the vehicle, and
  - (ii) request information from the driver of the vehicle and any passengers in the vehicle,
- and
- (b) with respect to a pedestrian using or located on a highway, request information from that pedestrian.

**(2)** When signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, a driver of a vehicle shall

- (a) forthwith bring the vehicle to a stop,
- (b) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and
- (c) remain stopped until permitted by the peace officer to leave.

**(3)** At the request of a peace officer who is readily identifiable as a peace officer, a passenger in a vehicle who is acting in a manner that is contrary to this Act or a bylaw shall forthwith furnish to the peace officer the passenger's name and address.

**(4)** At the request of a peace officer who is readily identifiable as a peace officer, a pedestrian using or located on a highway in a manner contrary to this Act or a bylaw shall forthwith furnish to the peace officer the pedestrian's name and address.

1999 cT-6.4 s166

#### Production of documents

**167(1)** On the request of a peace officer, a person driving or otherwise having the care or control of a motor vehicle or trailer shall produce to the peace officer for inspection the following documents as requested by the peace officer:

- (a) the person's subsisting operator's licence;



- (b) the subsisting certificate of registration issued in respect of the motor vehicle and any trailer attached to the motor vehicle and, in the case of a vehicle in a prescribed class of commercial vehicles, either the subsisting certificate of registration or a copy of the certificate of registration;
- (c) the subsisting financial responsibility card issued in respect of that motor vehicle;
- (d) the customs permit issued in respect of the motor vehicle where a customs permit has been obtained in respect of the motor vehicle's entry into Canada.

(2) On the request of a peace officer a person who is engaged in supervising a student driver in a motor vehicle shall produce to the peace officer for inspection that person's operator's licence.

(3) Where a peace officer makes a request under subsection (1)(d), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document.

(4) Where a peace officer makes a request under subsection (1)(b) or (c), the peace officer shall allow the person to whom the request was made reasonable time within which to produce the document issued in respect of the vehicle if the vehicle

- (a) is being operated
  - (i) with dealer's licence plates,
  - (ii) by an appraiser who has custody of the vehicle for the purpose of appraising it, or
  - (iii) by a person who has custody of the vehicle for the purpose of repairing it,

or

- (b) is a newly acquired vehicle being operated with licence plates as allowed under the regulations.

(5) Subsection (1)(c) does not apply in respect of a motor vehicle that

- (a) is registered in a jurisdiction other than Alberta,
- (b) is registered only as an antique motor vehicle, or
- (c) is owned by the Crown.

(6) If a person produces to a peace officer a document under this section that is illegible, mutilated, defaced or altered, the peace officer may request that person to produce to a peace officer within a reasonable time a new document or duplicate of the document issued under this Act.

(7) A person who fails to produce to a peace officer a document as requested under subsection (1), (2) or (6) commits a contravention.

(8) A person driving a motor vehicle commits a contravention and is liable to the penalty and any other sanction provided for under section 54(4) to (7) if, when requested to produce a financial responsibility card under subsection (1), the person produces

- (a) a document that purports to be a financial responsibility card but that was not issued pursuant to Part 7 of the *Insurance Act*, or
- (b) a financial responsibility card relating to an insurance policy that is not in force or is otherwise invalid at the time of production.

(9) Subsection (8)(b) does not apply where the person also produces the subsisting financial responsibility card issued in respect of the motor vehicle.

RSA 2000 cT-6 s167;2007 c45 s11;2016 c14 s10;2020 cP-30.8 s44(58)

#### **Seizure of licence plates**

**168(1)** If a peace officer has reasonable grounds to believe

- (a) that a vehicle is displaying licence plates that
  - (i) were not issued for that vehicle, or
  - (ii) were obtained by false pretences,

or

- (b) that a vehicle is located on a highway in contravention of section 54,

the peace officer may seize and take possession of the licence plates displayed on that vehicle.

(2) When licence plates are seized under subsection (1)(a) they may be retained by the peace officer until the facts concerning the issue of those licence plates have been determined or, if an information is laid, until the final disposition of the matter.

(3) When licence plates are seized under subsection (1)(b), they may be retained by the peace officer until the owner of the vehicle is in compliance with the requirements of this Act respecting the insuring of the vehicle.

(4) If licence plates are not returned to the Registrar pursuant to a request made under this Act, a peace officer on the direction of the Registrar may seize those licence plates and return them to the Registrar.

RSA 2000 cT-6 s168;2013 c19 s2(18);2017 c22 s49

#### **Arrest without warrant**

**169(1)** A peace officer may arrest a person without warrant if the peace officer, on reasonable grounds, believes that

- (a) the person has committed a contravention in respect of any of the provisions set out in subsection (2), and
- (b) the person
  - (i) will continue or repeat that contravention if not arrested, or
  - (ii) has provided the peace officer with inadequate or questionable information as to the person's identification.

(2) For the purposes of subsection (1), the following are the provisions for which a person may be arrested without a warrant:

- (a) sections 51(a) and 94 relating to the operation of a motor vehicle without having a subsisting operator's licence;
- (b) section 52(1)(a) and (d) relating to the operation of a motor vehicle without having a subsisting certificate of registration;
- (c) section 53(1)(b) relating to the displaying of a licence plate other than one authorized under this Act;
- (d) section 61 relating to the defacing of licence plates;
- (e) section 68(2)(a) relating to possession of a motor vehicle or serially numbered part,
  - (i) where a serial number or other authorized identifying number or mark is not displayed in the space provided for displaying that identification by the manufacturer, or

- (ii) where the serial number has been removed, defaced, covered, altered or destroyed or become illegible;
- (f) section 69 relating to the duties of a driver of a vehicle at the scene of an accident;
- (g) section 115(2)(b) relating to driving a motor vehicle carelessly;
- (h) section 115(2) relating to driving a motor vehicle in a race or on a bet or wager;
- (i) section 115(2) and the Rules of the Road relating to the speed of motor vehicles;
- (j) section 120(2)(a) relating to driving an off-highway vehicle carelessly;
- (k) section 123(2) relating to the requirement that drivers of off-highway vehicles stop when so requested by a peace officer who is readily identifiable as a peace officer;
- (l) section 123(3) relating to the requirement that a passenger in or on an off-highway vehicle furnish to a peace officer who is readily identifiable as a peace officer the passenger's name and address when so requested by the peace officer;
- (m) section 126 relating to the duties of a driver of an off-highway vehicle at the scene of an accident;
- (n) section 166(2) relating to the requirement that drivers of motor vehicles stop when so requested by a peace officer who is readily identifiable as a peace officer;
- (o) section 166(3) relating to the requirement that a passenger in a motor vehicle furnish to a peace officer who is readily identifiable as a peace officer the passenger's name and address when so requested by the peace officer;
- (p) section 166(4) relating to the requirement that a pedestrian furnish to a peace officer who is readily identifiable as a peace officer the pedestrian's name and address when so required by the peace officer;
- (q) where designated by the regulations, the provisions of the regulations relating to tampering with motor vehicles;

(r) where designated by the regulations, the provisions of the regulations relating to the defacement of signs.

(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.

RSA 2000 cT-6 s169;2013 c19 s2(19);2020 cP-30.8 s44(59)

### **Seizure of vehicle**

**170(1)** In this section, “vehicle” includes any contents in the vehicle or goods being carried by the vehicle.

(2) Where a peace officer believes, on reasonable grounds,

- (a) that any of the contraventions referred to in section 169 has been committed with or in relation to any vehicle,
- (b) that examination or testing of the vehicle will furnish evidence relevant to the contravention, and
- (c) that the evidence could be lost if the vehicle is not seized at that time,

the peace officer may seize that vehicle and cause it to be removed, taken and stored in a suitable place pending the granting of an order pursuant to subsection (4).

(3) When a peace officer has seized a vehicle pursuant to subsection (2), the peace officer shall, as soon as practicable after the seizure, apply to the Provincial Court for an order permitting the examination, testing or detention of the seized vehicle.

(4) On application under subsection (3), the Provincial Court may, if it considers it appropriate in the circumstances, do one or more of the following:

- (a) order the examination or testing of the seized vehicle;
- (b) order the further detention and storage of the vehicle;
- (c) order the release of the vehicle to any person with a rightful claim to it, with or without a requirement that the person deposit with the Court security not exceeding the amount that the Court may grant in damages under the *Provincial Court Act*.

(5) An order made under subsection (4) may be renewed, amended or extended on application to the Provincial Court.

(6) In hearing an application pursuant to subsection (4), the Provincial Court may, if it orders the vehicle to be released to a person with a rightful claim to it without the requirement of any deposit of security with the Court, order that the costs referred to in section 63(1) be paid

- (a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or
- (b) in any other case, by the Crown in right of Alberta.

(7) In hearing a trial of any offence relating to any vehicle seized pursuant to this section the Provincial Court may, if the person with a rightful claim to the vehicle is not convicted of any offence relating to the vehicle, order that the costs referred to in section 63(1) be paid

- (a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or
- (b) in any other case, by the Crown in right of Alberta.

(8) This section does not apply in respect of a motor vehicle that is seized or immobilized under section 173 or 173.1.

RSA 2000 cT-6 s170;2003 c48 s5;2013 c19 s2(20);2020 cP-30.8 s44(60)

#### **Seizure of motor vehicle re insurance matters**

**171(1)** Where a peace officer believes, on reasonable grounds, that a person has committed a contravention in respect of section 52(1)(h) or 54(1)(a), (b) or (c) in relation to the operation of a motor vehicle, the peace officer may seize or immobilize that vehicle.

(2) to (6) Repealed 2020 cP-30.8 s44(61).

RSA 2000 cT-6 s171;2013 c19 s2(21);2020 cP-30.8 s44(61)

#### **24-hour seizure or immobilization of vehicle**

**172** Where a person has been charged with an offence under

- (a), (b) repealed 2011 c22 s18,
- (c) section 115(2)(c) or (d), where a peace officer believes that the safety of the public may be at risk, then, notwithstanding sections 169 and 170,

a peace officer or another person authorized by a peace officer may, for a period of time not exceeding 24 hours from the time that the person was charged, seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

RSA 2000 cT-6 s172;2005 c34 s32;2011 c22 s18

#### **Seizure of vehicle for impaired driving, etc.**

**172.1(1)** Where a person has been charged with an offence under section 130 of the *National Defence Act* (Canada) by reason of that person contravening section 320.14 or 320.15 of the *Criminal Code* (Canada), a peace officer or another person authorized by a peace officer shall seize or immobilize the motor vehicle that was being operated by that person at the time that the person was disqualified or charged

- (a) for a period of 3 days, if it is the first time the person has been disqualified or charged within 10 years, and
- (b) for a period of 7 days, if it is the 2nd or a subsequent time the person has been disqualified or charged within 10 years.

**(2)** 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.

2011 c22 s19;2013 c19 s2(22);2017 c26 s28;2020 cP-30.8 s44(62)

#### **Seizure or immobilization of motor vehicle**

**173(1)** Where a person has been charged with an offence under

- (a) section 94 or 94.1(1),
- (b) section 320.18 of the *Criminal Code* (Canada), or
- (c) section 130 of the *National Defence Act* (Canada) by reason of that person's contravening section 320.18 of the *Criminal Code* (Canada),

a peace officer, the Registrar or a person authorized by a peace officer or the Registrar shall seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

**(2)** Where a motor vehicle is seized or immobilized under subsection (1), the seizure or immobilization is in effect for

- (a) 30 days from the day that the motor vehicle is seized or immobilized, or

- (b) if a shorter period of time is provided for by regulation, that shorter period of time.

**(3)** Notwithstanding subsection (2), where

- (a) a person has previously been charged with an offence referred to in subsection (1),
- (b) as a result of that charge, the motor vehicle that was being operated by that person was seized or immobilized under subsection (1),
- (c) that seizure or immobilization has not been revoked or rescinded,
- (d) within 3 years from the day that the motor vehicle referred to in clause (b) was seized or immobilized, the person referred to in clause (a) is once again charged with an offence referred to in subsection (1), and
- (e) as a result of the charge referred to in clause (d), the motor vehicle that was being operated by that person has been seized or immobilized under subsection (1),

the seizure or immobilization of the motor vehicle referred to in clause (e) is in effect for

- (f) 60 days from the day that the motor vehicle is seized or immobilized, or
- (g) if a shorter period of time is provided for by regulation, that shorter period of time.

**(4)** Subsection (3) applies only where the person who is the registered owner of the motor vehicle referred to in subsection (3)(e) at the time that that vehicle is seized or immobilized was the registered owner of the motor vehicle referred to in subsection (3)(b) at the time that the vehicle referred to in subsection (3)(b) was seized or immobilized.

**(5)** Subject to the regulations, no person shall release a motor vehicle from seizure or immobilization while the seizure or immobilization of the motor vehicle is in effect.

RSA 2000 cT-6 s173;2001 c14 s19;2005 c34 s33;  
2018 c20 s17;2020 cP-30.8 s44(63)

**Seizure of vehicle in prostitution related offences**

**173.1(1)** Where a person has been charged with an offence under section 211, 212 or 213 of the *Criminal Code* (Canada), a peace



officer or a person authorized by a peace officer may seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.

(2) Where a motor vehicle is seized or immobilized under subsection (1), a peace officer may release the vehicle to the registered owner, or a person authorized by the registered owner, if the officer is satisfied that

- (a) the vehicle was stolen,
- (b) every person
  - (i) who was in the vehicle at the time it was seized, and
  - (ii) who the peace officer had reasonable grounds to believe had committed an offence referred to in subsection (1),

is eligible for, and consents to be dealt with by way of, a program of alternative measures authorized under section 717(1)(a) of the *Criminal Code* (Canada), or

- (c) seizure of the vehicle is causing or will cause undue financial hardship.

(3) Subject to subsection (2) and any review by the Registrar under Division 3 of Part 2, when a person who is in a motor vehicle at the time it is seized or immobilized under subsection (1) is convicted of an offence referred to in that subsection, the vehicle is forfeited to the Government subject to any security interest registered under the *Personal Property Security Act* before the seizure or immobilization.

(4) If no person is convicted of an offence in respect of which a motor vehicle is seized under this section, a peace officer shall release the vehicle.

2003 c48 s6;2005 c34 s34;2020 cP-30.8 s44(64)

#### **Claim by owner for expenses**

**174** Where

- (a) a motor vehicle has been seized or immobilized under section 172, 172.1, 173 or 173.1,
- (b) the person driving the vehicle at the time of the seizure or immobilization was not the owner of the vehicle, and
- (c) the owner of the vehicle incurs expenses in respect of the release of the vehicle,

the owner of the motor vehicle may claim against the person who was driving the vehicle at the time of the seizure or immobilization any expenses incurred by the owner with respect to the release of the vehicle from the seizure or immobilization.

RSA 2000 cT-6 s174;2003 c48 s7;2011 c22 s21

**No action against the Crown, etc.**

**174.1** Except as provided for under this Act, no action lies or order or judgment may be made against the Crown, the Minister, any employee of the Crown or any person acting on behalf of the Crown for anything done or omitted to be done under section 172, 172.1, 173 or 173.1.

2011 c22 s20

**Personal property**

**175(1)** In this section, “personal property” means personal property other than personal property that is a part of a motor vehicle.

**(2)** Where personal property is in or on a motor vehicle that is seized or immobilized under section 172, 172.1, 173 or 173.1, that personal property is not subject to the seizure or immobilization and, subject to the regulations, shall, on request, be returned to the person having claim to that personal property.

RSA 2000 cT-6 s175;2003 c48 s7;2011 c22 s21

**Repair of damaged vehicle**

**176(1)** In this section, “repairs” means the repair of damage to a motor vehicle that arises out of

- (a) the vehicle having been in an accident that is required to be reported under this Act, or
- (b) the vehicle having been struck by a bullet.

**(2)** A person shall not commence repairs or direct or require repairs to be commenced on a motor vehicle

- (a) unless a notice in the form provided by the Registrar has been affixed to the motor vehicle, or
- (b) if no notice is affixed to the motor vehicle, until the person has been authorized to do so in writing,

by a peace officer or other person on behalf of the police service that provides policing services for the jurisdiction in which the vehicle was damaged.

1999 cT-6.4 s176

**Right of entry to repair shops, etc.**

**177(1)** In this section, "taxi" means a motor vehicle

- (a) that has a seating capacity of not more than 10 persons, including the person driving the vehicle, and
- (b) that is used to transport passengers and their baggage to a requested destination,

but does not include a motor vehicle that is operated outside an urban area

- (c) at regular intervals,
- (d) in accordance with a set time schedule, or
- (e) over a specified route.

**(2)** A peace officer may, without permission, enter at any time between 6 a.m. and 9 p.m.,

- (a) the business premises of any dealer in motor vehicles or trailers or any person operating a taxi,
- (b) any place where motor vehicles or trailers or serially numbered parts of those vehicles are kept for sale, hire, dismantling, destruction or storage, or
- (c) any garage or place of business where motor vehicles or trailers are repaired,

for the purpose of ascertaining whether this Act is being complied with in respect of the vehicles located in that place and by the persons employed in that place.

1999 cT-6.4 s177

**Assistance to peace officer**

**178(1)** A person may assist another person who appears to be a peace officer in the carrying out of the duties of a peace officer under this Act if

- (a) requested to do so by that other person, and
- (b) the person to whom the request is made reasonably believes that the other person making the request for assistance is in fact a peace officer.

**(2)** In making a request under subsection (1), a peace officer shall not request a person

- (a) to operate a vehicle in pursuit of another vehicle, or
  - (b) to carry out a function that would place the person in a position of apparent abnormal danger.
- (3) When a person provides assistance pursuant to a request made under this section, that person is, with respect to providing the assistance, entitled to the same rights and protection under the law that a peace officer is entitled to.
- (4) Nothing in subsection (3) shall be construed so as to waive or restrict any rights or protection under the law to which the person providing the assistance would be entitled if that person were not providing the assistance.

1999 cT-6.4 s178

#### **Division 4 Pleas, Appeals, Prohibitions and Surrender of Licences**

##### **Guilty pleas**

**179** For the purposes of this Act, a person who pleads guilty to an offence that is a contravention referred to in this Act is deemed to have been found guilty of that offence.

RSA 2000 cT-6 s179;2020 cP-30.8 s44(65)

##### **Surrender of operator's licence**

**180** When, after a finding of guilt,

- (a) the operator's licence of a person is suspended, or
- (b) a person is disqualified from holding an operator's licence,

the court shall by order require that person to surrender that person's operator's licence to the court and on the surrender of the licence the court shall cause the operator's licence to be forwarded to the Registrar.

1999 cT-6.4 s180

##### **Appeal**

**181(1)** If a person who has been disqualified from driving a motor vehicle in Alberta appeals against that person's conviction, applies for permission to appeal against the conviction or applies to quash the conviction, the disqualification remains in effect unless

- (a) the court being appealed to or to which the application is made orders that the disqualification be stayed pending the disposition of the appeal or application, and

- (b) the appellant or applicant serves on the Registrar by personal service or by registered mail
  - (i) a copy of the notice of appeal, stated case, application or other document by which the appeal or application is commenced,
  - (ii) a copy of the document by which the application to stay the disqualification from driving a motor vehicle is commenced,
  - (iii) a copy of the order staying the disqualification, and
  - (iv) a notice setting out the person's full name, address, date of birth and operator's licence number.
- (2)** An application for a stay of the disqualification under subsection (1) must be brought by
  - (a) an application, if the application for the stay is to be made in the same court as the application for the appeal, application for permission to appeal or application to quash the conviction, or
  - (b) an originating application, if the application for the stay is to be made in the Court of Queen's Bench and the application for permission to appeal or application to quash the conviction is to be made in the Court of Appeal.
- (3)** The applicant must serve a copy of the application referred to in subsection (2) and the supporting documents on the Minister of Justice and Solicitor General or that Minister's agent on not less than 2 days' notice of the application.
- (4)** If the court on an appeal or application under subsection (1) confirms the finding of guilt,
  - (a) a disqualification from driving a motor vehicle in Alberta that has been stayed under subsection (1) is revived on the day that the finding of guilt is confirmed, and
  - (b) the period of time during which the disqualification was stayed shall not be included in calculating the termination day of the disqualification.
- (5)** If an appeal, or an application described in subsection (1), of a person whose disqualification is stayed under subsection (1) is abandoned, withdrawn, discontinued or dismissed, the disqualification that has been stayed under subsection (1)

- (a) is automatically revived on the day the appeal or application is abandoned, withdrawn, discontinued or dismissed, and
- (b) the period of time during which the disqualification was stayed shall not be included in calculating the termination day of the disqualification.

**(6)** If a disqualification from driving a motor vehicle in Alberta is revived under subsection (4) or (5), the person disqualified from driving is deemed to have knowledge of that revival and notice under this Act is not required to be served on that person.

RSA 2000 cT-6 s181;2009 c53 s179;2013 c10 s31;2014 c13 s44

#### **Securing of motor vehicle document**

**182** If a person fails to return a suspended or cancelled motor vehicle document as required under this Act, a peace officer on the request of the Registrar shall secure possession of it and return it to the Registrar.

1999 cT-6.4 s182

#### **Failure to surrender an operator's licence, etc.**

**183** A person shall not do the following:

- (a) fail to surrender or return to a court or the Registrar a suspended or cancelled motor vehicle document as required under this Act;
- (b) fail to deliver a suspended or cancelled motor vehicle document to a peace officer acting under section 182.

1999 cT-6.4 s183

### **Division 5 Rights, Remedies and Obligations**

#### **Action for negligence not affected**

**184** Subject to section 187, nothing in this Act shall be construed to curtail or abridge the right of any person to commence and maintain an action for damages by reason of any injuries to a person or any property resulting from

- (a) the negligence of the owner or driver of any motor vehicle,  
or
- (b) the negligence of any agent or employee of the owner of the motor vehicle.

RSA 2000 cT-6 s184;2007 c45 s12

#### **Onus where Act contravened**

**185** If

- (a) a person sustains loss or damage arising out of the operation of a motor vehicle on a highway, and
- (b) that motor vehicle is operated by a person who is in contravention of or fails to comply with this Act,

the onus of proof in any civil proceeding that the loss or damage did not arise by reason of that contravention or failure to comply is on the owner or driver of the motor vehicle.

1999 cT-6.4 s185

#### **Onus on owner or driver**

**186(1)** If a person sustains loss or damage by reason of a motor vehicle being in motion, the onus of proof in any civil proceeding that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is on that owner or driver.

**(2)** This section does not apply in the case of an accident between motor vehicles on a highway.

**(3)** In this section, “motor vehicle” includes a self-propelled implement of husbandry.

1999 cT-6.4 s186

#### **When driver deemed agent of owner**

**187(0.1)** In this section,

- (a) “lender” means a person who holds a security interest in a motor vehicle through a written security agreement, who under that agreement has lent money to a person in respect of the motor vehicle and who is not in possession of the motor vehicle but retains title to the motor vehicle, or a person to whom the lender has assigned the agreement;
- (b) “lessor” means a person who by agreement, in the ordinary course of the person’s business, leases or grants exclusive use of a motor vehicle to another person for a term of more than 30 days or otherwise grants exclusive use of a motor vehicle to another person for a period of more than 30 days, and who is not in possession of the motor vehicle, or a person to whom the lessor has assigned the agreement;
- (c) “motor vehicle liability policy” means a motor vehicle liability policy under the *Insurance Act*;
- (c.1) “renter” means a person who, by agreement, in the ordinary course of the person’s business, rents a motor vehicle to another person for a term of no more than 30 days and who

is not in possession of the motor vehicle, or a person to whom the renter has assigned the agreement;

- (d) “security agreement” means a security agreement under the *Personal Property Security Act*;
- (e) “security interest” means a security interest under the *Personal Property Security Act*;
- (f) “seller” means a person who holds a security interest in a motor vehicle through a written security agreement and sells the motor vehicle to another person under a contract in writing but retains title to the motor vehicle until the purchaser has carried out the terms of the contract and who is not in possession of the motor vehicle, or a person to whom the seller has assigned the security agreement or the contract.

**(1)** In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, a person who, at the time that the loss or damage occurred,

- (a) was driving the motor vehicle, and
- (b) was living with and as a member of the family of the owner of the motor vehicle,

is deemed, with respect to that loss or damage,

- (c) to be the agent or employee of the owner of the motor vehicle,
- (d) to be employed as the agent or employee of the owner of the motor vehicle, and
- (e) to be driving the motor vehicle in the course of that person’s employment.

**(2)** In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, a person who, at the time that the loss or damage occurred,

- (a) was driving the motor vehicle, and
- (b) was in possession of the motor vehicle with the consent, expressed or implied, of the owner of the motor vehicle,

is deemed, with respect to that loss or damage,



- (c) to be the agent or employee of the owner of the motor vehicle,
- (d) to be employed as the agent or employee of the owner of the motor vehicle, and
- (e) to be driving the motor vehicle in the course of that person's employment.

**(2.1)** Notwithstanding any other provision in this Division except subsections (5) and (6), in an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway, the maximum amount for which a lender, lessor, renter or seller of the motor vehicle is liable in respect of the same incident in its capacity as a lender, lessor, renter or seller of the motor vehicle is the amount determined under subsection (4) less any amounts that

- (a) are recovered for loss or damage under the third party liability provisions of contracts evidenced by a motor vehicle liability policy issued to a person other than a lender, lessor, renter or seller,
- (b) are in respect of the use or operation of the motor vehicle, and
- (c) are in respect of the same incident.

**(3)** Notwithstanding subsections (1) to (2.1), nothing in this section relieves any person who is deemed to be the agent or employee of the owner and to be driving the motor vehicle in the course of that person's employment from liability for the loss or damage.

**(4)** The maximum amount for which a lender, lessor, renter or seller of a motor vehicle is liable for the purposes of subsection (2.1) is the greatest of

- (a) \$1 000 000,
- (b) the amount of third party liability insurance required by law to be carried in respect of the motor vehicle, and
- (c) the amount established, or determined in the manner prescribed, by regulation.

**(5)** Subsection (2.1) does not apply

- (a) in respect of amounts payable by a lender, lessor, renter or seller other than by reason of vicarious liability imposed by this section, or
  - (b) to prescribed lenders, lessors, renters or sellers or motor vehicles, or prescribed classes of lenders, lessors, renters or sellers or motor vehicles.
- (6) This section applies only in relation to loss or damage sustained on or after the date this section comes into force.
- (7) The Minister may make regulations
- (a) establishing amounts payable, or prescribing the manner of determining amounts payable, for the purposes of subsection (4)(c);
  - (b) prescribing lenders, lessors, renters and sellers and motor vehicles or classes of lenders, lessors, renters and sellers and motor vehicles for the purposes of subsection (5)(b).
- (8) The Minister may make different regulations under subsection (7)(b) in relation to lenders, lessors, renters and sellers and motor vehicles, or classes of lenders, lessors, renters and sellers and motor vehicles, for different circumstances.

RSA 2000 cT-6 s187;2007 c45 s13;2009 c35 s9

#### **False statement**

**188** A person shall not knowingly make a false statement in a document, application, statement, declaration or accident report made under this Act.

1999 cT-6.4 s188

#### **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.

2020 cP-30.8 s44(66)

## **Part 9 Transitional Provisions, Consequential Amendments, Repeals and Coming into Force**

### **Transitional provisions**

**189(1)** In this section, “previous legislation” means

- (a) the *Highway Traffic Act*;
- (b) the *Motor Transport Act*, RSA 1980 cM-20;
- (c) the *Motor Transport Act*, SA 1992 cM-20.1;
- (d) the *Motor Vehicle Administration Act*;
- (e) the *Off-highway Vehicle Act*.

- (2) Where on the coming into force of this Act
- (a) a proceeding is in progress or pending
    - (i) before the Alberta Motor Transport Board, that proceeding shall be continued under this Act before the Alberta Transportation Safety Board, or
    - (ii) before the Driver Control Board, that proceeding shall be continued under this Act before the Alberta Transportation Safety Board;
  - (b) a reference is made in any enactment, order in council, agreement or document to the Alberta Motor Transport Board or the Driver Control Board, that reference is deemed to be a reference to the Alberta Transportation Safety Board;
  - (c) a reference is made to a provision of any Act repealed pursuant to this Act, that reference is deemed to be a reference to the appropriate corresponding provision of this Act;
  - (d) a person is subject to a prosecution for a failure to comply with an Act repealed pursuant to this Act, that prosecution shall be carried on as if that repealed Act had not been repealed;
  - (e) a person is disqualified from driving in Alberta, that person is disqualified under this Act from driving in Alberta;
  - (f) the registration of a vehicle has been suspended or cancelled, that registration is suspended or cancelled, as the case may be, under this Act;
  - (g) any licence plates issued in respect of a vehicle have been suspended or cancelled, those licence plates are suspended or cancelled, as the case may be, under this Act;
  - (h) a person's operator's licence is suspended, that operator's licence is suspended under this Act;
  - (i) any reference in any provision of an enactment, other than a provision that is amended by sections 192 to 214, to a vehicle that is a public vehicle as defined in the *Motor Transport Act*, RSA 1980 cM-20, is deemed to be a reference to a commercial vehicle;
  - (j) subject to clauses (a) to (i), any order, rule, regulation, direction, permit, instrument or document that was made, issued, created, registered or otherwise dealt with and every

action taken, decision made or thing done under an Act repealed pursuant to this Act that could have been made, issued, created, registered, dealt with, taken or done under this Act if this Act had been then in force and that is still valid at the commencement of this section is deemed to have been made, issued, created, registered, dealt with, taken or done under this Act.

- (3)** The Minister may make regulations
- (a) respecting the transition of any matter from the previous legislation;
  - (b) to deal with any difficulty or impossibility resulting from the transition from the previous legislation.

1999 cT-6.4 s189

**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.

2020 cP-30.8 s44(67)

#### **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.

2020 cP-30.8 s44(67)

#### **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.

2020 cP-30.8 s44(67)

**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*.

2020 cP-30.8 s44(67)

**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.

2020 cP-30.8 s44(67)

**190** Repealed 2016 c14 s11.

**Regulations**

**191(1)** The Lieutenant Governor in Council may make regulations in respect of matters coming under this Act that the Minister considers are not provided for or are insufficiently provided for in this Act.

**(2)** A regulation made under subsection (1) is repealed on the earliest of the following:

- (a) the coming into force of an amendment to a statute that provides for the matter dealt with in the regulation;
- (b) the coming into force of a regulation that repeals the regulation made under subsection (1);
- (c) the expiration of 2 years from the day that the regulation made under subsection (1) comes into force.



(3) The repeal of a regulation under subsection (2)(b) or (c) does not affect anything done, incurred or acquired under the authority of that regulation before the repeal of that regulation.

(4) A regulation shall not be made under subsection (1) after the expiration of 3 years from the day that this section comes into force, but any regulation made under subsection (1) that is in force on the expiration of that 3-year period remains in force until it is repealed under subsection (2).

(5) A regulation shall not be made under subsection (1) altering the provisions of subsection (2) or extending the 3-year period provided for under subsection (4).

1999 cT-6.4 s191

**192 to 213** *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

#### Repeals

**214** The following enactments are repealed on Proclamation:

- (a) the *Highway Traffic Act*;
- (b) the *Motor Transport Act*, RSA 2000 cM-21;
- (c) the *Motor Transport Act*, SA 1992 cM-20.1;
- (d) the *Motor Vehicle Administration Act*;
- (e) the *Motor Vehicle Administration Amendment Act, 1995*;
- (f) the *Off-highway Vehicle Act*;
- (g) the Schedule to this Act.

1999 cT-6.4 s215

*(NOTE: RSA 2000 cH-8, RSA 2000 cM-21, 1992 cM-20.1, RSA 2000 cM-23, RSA 2000 cO-5 and the Schedule to the Traffic Safety Act proclaimed repealed May 19, 2003.)*

#### Coming into force

**216** This Act, except sections 64(a), (m) and (u) and 189 and the Schedule, comes into force on Proclamation.

1999 cT-6.4 s216

*(NOTE: Proclaimed in force May 20, 2003, except ss8(2) and (3), 64(a), (m) and (u) and 189 and the Schedule.)*

**Schedule** Repealed RSA 2000 cT-6 s214.