

Alberta Regulation 205/2020

Real Estate Act

**REAL ESTATE (MINISTERIAL)
AMENDMENT REGULATION**

Filed: November 4, 2020

For information only: Made by the Minister of Service Alberta (M.O. SA:020/2020) on November 2, 2020 pursuant to section 84(2) of the Real Estate Act.

1 The *Real Estate (Ministerial) Regulation (AR 113/96)* is amended by this Regulation.

2 Section 1 is amended

- (a) by repealing subsection (1.1);**
- (b) by repealing subsection (2) and substituting the following:**

(2) References in this Regulation to classes of licensees are to be taken to refer to the classes of licensees as established by rules made by the relevant Industry Council under section 12(1)(h) of the Act, being

- (a) all classes of licensees established by the Industry Council referred to in section 7.1(1)(a) of the Act,
- (b) all classes of licensees established by the Industry Council referred to in section 7.1(1)(b) of the Act,
- (c) all classes of licensees established by the Industry Council referred to in section 7.1(1)(c) of the Act, and
- (d) all classes of licensees established by the Industry Council referred to in section 7.1(1)(d) of the Act.

3 Section 2(1) is amended

- (a) in clause (b) by adding “Board of the” after “by the”;**
- (b) in clauses (c), (d) and (e) by striking out “in the industry” and substituting “a licensee”.**

4 Section 8 is amended

- (a) in subsection (1)**

- (i) **by striking out** “industry members” **wherever it occurs and substituting** “licensees”;
- (ii) **by striking out** “the brokerage class referred to in section 1(2)(a)(i) and (b)(i)” **and substituting** “a brokerage class of licensees”;
- (b) **in subsection (2) by striking out** “An industry member” **and substituting** “A licensee”;
- (c) **in subsection (3)(b) by striking out** “industry member” **wherever it occurs and substituting** “licensee”;
- (d) **in subsection (4) by striking out** “An industry member” **and substituting** “A licensee”.

5 Section 8.1(1) and (2) are amended by striking out “industry members” **wherever it occurs and substituting** “licensees”.

6 Section 9 is amended by striking out “industry member” **and substituting** “licensee”.

7 Section 10 is amended by striking out “industry members” **wherever it occurs and substituting** “licensees”.

8 Section 12 is amended

- (a) **in subsection (1)**
 - (i) **by striking out** “Council” **and substituting** “Board”;
 - (ii) **by striking out** “industry members” **and substituting** “licensees”;
- (b) **by repealing subsections (2) and (3) and substituting the following:**
 - (2) The maximum amount of compensation payable from the Fund under section 60 or 60.3 of the Act to an applicant with respect to a compensation event is,
 - (a) with respect to licensees referred to in section 1(2)(a) to (c), \$35 000, and

(b) with respect to licensees referred to in section 1(2)(d), \$25 000.

(3) The maximum amount of compensation payable from the Fund under section 60 or 60.3 of the Act to all applicants for a compensation event is,

(a) with respect to licensees identified in section 1(2)(a) to (c), \$350 000, and

(b) with respect to licensees identified in section 1(2)(d), \$100 000.

(c) in subsection (5)

(i) by striking out “Council” and substituting “Board”;

(ii) in clause (a) by adding “or property management agreement,” after “development,”.

9 Section 14(2)(c) is amended by striking out “Council” and substituting “Board”.

10 Section 15(2) is repealed and the following is substituted:

(2) The Board may, with the prior written approval of the Minister, use money in the Fund that is in excess of the prescribed amount referred to in subsection (1) for any purpose incidental to and conducive to the reduction of claims against the Fund under section 60 of the Act or the reduction of claims due to professional errors and omissions of licensees referred to in section 9 of this Regulation.

11 Part 3 is repealed.

12 Section 21 is amended

(a) by striking out “executive director” and substituting “registrar”;

(b) in clauses (a) and (e) by striking out “industry member” and substituting “licensee”.

13 Section 25 is amended

- (a) **by renumbering section 25 as section 25(1);**
- (b) **in subsection (1) by striking out “11(l)” and substituting “12(1)(z)”;**
- (c) **by adding the following after subsection (1):**
 - (2) a notice of administrative penalty may not be given more than 3 years after the event that would have resulted in the penalty.

14 Section 25.1 is repealed and the following is substituted:

Prescribed time

25.1 For the purposes of section 7.1(9) of the Act, the time within which the licensees of an industry must elect a member or members under section 7.1(2)(b) or (8) of the Act is

- (a) 10 days after the member’s term expires according to section 7.1(3) of the Act, or
- (b) 90 days after the member’s position otherwise becomes vacant.

15 The following is added after section 25.1:

Education and other services

25.2(1) Despite section 5(c) of the Act,

- (a) the Board shall not provide education services to licensees after December 1, 2022, and
- (b) subject to subsection (2), the Board shall not provide other services to licensees without the written approval of the Minister.

(2) The Board may, if a bylaw has been made under section 11(1)(m.5) of the Act, establish and administer an insurance and indemnity plan for licensees in accordance with the bylaw.

Approval of bylaws and rules

25.3(1) Despite section 11(2) of the Act, the Minister’s approval of a bylaw or the amendment of a bylaw is only required during the first 2 years after the coming into force of the *Real Estate Amendment Act, 2020*.

(2) Despite section 12(3) of the Act, the Minister’s approval of a rule or the amendment of a rule is only required during the first 2

years after the coming into force of the *Real Estate Amendment Act, 2020*.

16 The following is added after section 25.3:

**Part 5
Transitional Matters**

Industry Council elections

25.4 For greater certainty, in accordance with section 7(b) of the *Interpretation Act*, an election referred to in section 7.1(2)(b) of the Act as enacted by section 10 of the *Real Estate Amendment Act, 2020* may be held prior to the coming into force of section 10 of the *Real Estate Amendment Act, 2020*, but the election has no effect until section 7.1(2)(b) comes into force.

Hearing and Appeal Panels

25.5(1) Any Hearing Panel or Appeal Panel proceeding that has commenced prior to the coming into force of section 33 of the *Real Estate Amendment Act, 2020* continues after the coming into force of that section as if Part 3 of the Act had not been amended by the *Real Estate Amendment Act, 2020*.

(2) For the purposes of subsection (1)

- (a) a Hearing Panel proceeding has commenced when the notice of hearing has been served on an industry member and any other person who in the opinion of the Hearing Panel is directly affected by the subject matter of the hearing, and
- (b) an Appeal Panel proceeding has commenced when the Appeal Panel has served a notice of hearing of the appeal under section 49(1) of the Act.

(3) For greater certainty, if a Hearing Panel proceeding is ongoing when section 33 of the *Real Estate Amendment Act, 2020* comes into force, and a finding or order of the Hearing Panel is appealed to an Appeal Panel after section 33 of the *Real Estate Amendment Act, 2020* has come into force, the Appeal Panel shall be constituted according to section 36 of the Act as amended by section 33 of the *Real Estate Amendment Act, 2020*.

(4) For greater certainty, an action taken or decision issued by a Hearing Panel or an Appeal Panel during

- (a) the term of the official administrator who was appointed by the Minister to exercise the powers, duties and functions of the Council dismissed under section 76.1(2) of the Act, or

- (b) the term of any official administrator appointed by the Minister to exercise the powers, duties and functions of the Board referred to in section 8 of the *Real Estate Amendment Act, 2020* prior to the Board being composed for the first time

is a valid action or decision of the Hearing Panel or Appeal Panel, as the case may be.

Official administrator

25.6 For greater certainty, any action taken by

- (a) the official administrator who was appointed by the Minister to exercise the powers, duties and functions of the Council that was dismissed under section 76.1(2) of the Act, or
- (b) any official administrator that is appointed by the Minister to exercise the powers, duties and functions of the Board referred to in section 8 of the *Real Estate Amendment Act, 2020* prior to the Board being composed for the first time

has the same effect as if it had been done by the Council or the Board, as the case may be.

Bylaws and rules

25.7(1) For greater certainty, any bylaw made by the Council prior to the coming into force of the *Real Estate Amendment Act, 2020* remains in force after the coming into force of that Act insofar as they are not inconsistent with the Act as amended by the *Real Estate Amendment Act, 2020*.

(2) For greater certainty, any rule made by the Council prior to the coming into force of the *Real Estate Amendment Act, 2020* remains in force after the coming into force of that Act as a rule of each Industry Council insofar as it is not inconsistent with the Act as amended by the *Real Estate Amendment Act, 2020*.

(3) For greater certainty, subject to section 12(3) of the Act as amended by the *Real Estate Amendment Act, 2020*, after the coming into force of the *Real Estate Amendment Act, 2020*, an Industry Council or an official administrator acting in the place of an Industry Council may amend or repeal a rule made by the Council prior to the coming into force of the *Real Estate Amendment Act, 2020*, and the amendment or repeal applies only to the rule as it relates to that Industry Council.

Authorizations and licences

25.8 On the coming into force of the *Real Estate Amendment Act, 2020*, every authorization issued by the Council and in existence immediately before the coming into force of the *Real Estate*

Amendment Act, 2020, other than an authorization issued to a real estate appraiser, is continued as a licence and has the same effect as if it had been issued by an Industry Council in accordance with section 7.2(2) of the Act.

Transition to the Registrar

25.9(1) For greater certainty, on the coming into force of the *Real Estate Amendment Act, 2020*, an investigation commenced by the executive director prior to the coming into force of the *Real Estate Amendment Act, 2020* is continued and may be conducted by the registrar as if the registrar had commenced the investigation.

(2) For greater certainty, on the coming into force of the *Real Estate Amendment Act, 2020*, an investigation commenced by a person appointed by the executive director to commence an investigation prior to the coming into force of the *Real Estate Amendment Act, 2020* is continued and may be conducted as if the registrar had appointed the person who commenced the investigation.

Transitional interpretations

25.91(1) In this section,

- (a) “former Act” means the Act as it read immediately before the coming into force of the *Real Estate Amendment Act, 2020*, and
- (b) “amended Act” means the Act as it reads immediately after the coming into force of the *Real Estate Amendment Act, 2020*.

(2) On the coming into force of the *Real Estate Amendment Act, 2020*, a right, privilege, obligation, liability, function, duty or undertaking under the former Act that is applicable to a person, other than a real estate appraiser, who is an industry member under that Act applies to that person as a licensee under the amended Act.

(3) A reference in the amended Act to the registrar includes a reference to the executive director in the former Act in relation to any right, privilege, obligation, liability, function, duty or undertaking of the registrar that is the same or substantially the same as a right, privilege, obligation, liability, function, duty or undertaking of the executive director under the former Act.

(4) A reference in the amended Act to an Industry Council includes a reference to the Council in the former Act in relation to any right, privilege, obligation, liability, function, duty or undertaking of the Industry Council that is the same or substantially the same as a right, privilege, obligation, liability, function, duty or undertaking of the Council under the former Act.

(5) A reference in the amended Act to an Industry Council includes a reference to the executive director in the former Act in relation to any right, privilege, obligation, liability, function, duty or undertaking of the Industry Council that is the same or substantially the same as a right, privilege, obligation, liability, function, duty or undertaking of the executive director under the former Act.

(6) A reference in the amended Act to the Board includes a reference to the Council in the former Act in relation to a right, privilege, obligation, liability, function, duty or undertaking of the Board that is the same or substantially the same as a right, privilege, obligation, liability, function, duty or undertaking of the Council under the former Act.

(7) A reference in the amended Act to the Board includes a reference to the executive director in the former Act in relation to any right, privilege, obligation, liability, function, duty or undertaking of the Board that is the same or substantially the same as a right, privilege, obligation, liability, function, duty or undertaking of the executive director under the former Act.

17 This Regulation, except section 16, has effect on the coming into force of the *Real Estate Amendment Act, 2020*.

Alberta Regulation 206/2020

Health Information Act

HEALTH INFORMATION AMENDMENT REGULATION

Filed: November 4, 2020, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 337/2020) on November 4, 2020 pursuant to section 108 of the Health Information Act.

1 The *Health Information Regulation (AR 70/2001)* is amended by this Regulation.

2 Section 8 is amended by adding the following after subsection (5.2):

(5.3) Subsection (4) does not apply to health information that is disclosed by the Director, as defined in Part 1 of the *Crown's Right of Recovery Act*, or a person authorized by the Director to a person in a jurisdiction outside Alberta for the purpose of enforcing the Crown's right of recovery under section 2 of that Act.

Alberta Regulation 207/2020

Traffic Safety Act

**OPERATOR LICENSING AND VEHICLE CONTROL
AMENDMENT REGULATION**

Filed: November 10, 2020

For information only: Made by the Minister of Service Alberta (M.O. SA:013/2020) on November 10, 2020 pursuant to section 64(a)(i) of the Traffic Safety Act.

1 The *Operator Licensing and Vehicle Control Regulation* (AR 320/2002) is amended by this Regulation.

2 Section 66.1 is amended

(a) in subsection (2) by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following after clause (b):

(c) is currently serving or has been honourably discharged after serving as a member of the Royal Canadian Mounted Police

(b) in subsection (3) by adding “or in a police force referred to in subsection (2)(c)” after “subsection (2)(b)”.

Alberta Regulation 208/2020

**Electric Utilities Act
Gas Utilities Act**

CODE OF CONDUCT AMENDMENT REGULATION

Filed: November 12, 2020

For information only: Made by the Minister of Energy (M.O. 379/2020) on November 5, 2020 pursuant to sections 108, 115 and 143 of the Electric Utilities Act and sections 28.1 and 28.2 of the Gas Utilities Act.

1 The *Code of Conduct Regulation* (AR 58/2015) is amended by this Regulation.

2 Section 8 is repealed.

3 Division 2 of Part 3 is repealed.

4 Section 30(4) is amended by repealing clause (f) and substituting the following:

- (f) a description of the contents to be included in the annual compliance report required to be sent to the Commission under section 33;

5 Section 33 is repealed and the following is substituted:

Annual compliance reports

33(1) Within 90 days after the end of each calendar year, each distributor, regulated rate supplier and affiliated provider of a distributor or regulated rate supplier shall send to the Commission an annual compliance report that has been approved by the board of directors of the distributor, regulated rate supplier or affiliated provider that includes a description of

- (a) any non-compliance with this Regulation or the compliance plan,
- (b) the action taken to remedy any non-compliance, and
- (c) any complaints of non-compliance with this Regulation or the compliance plan, and how the complaints have been dealt with.

(2) The Commission shall send the Market Surveillance Administrator copies of the annual compliance reports received under subsection (1).

6 Section 37(1) is repealed and the following is substituted:

Alternative compliance arrangements

37(1) The Commission may, in accordance with its rules made under section 76 of the *Alberta Utilities Commission Act*, vary the requirements of section 30(4) in the case of a distributor with a small number of customers or if the Commission is satisfied that doing so is in the public interest.

7 Section 40 is amended

- (a) in subsection (1)(b) by striking out “36 months” and substituting “10 years”;

(b) by repealing subsection (4).

8 The following is added after section 41:

Exemption for small REAs

41.1(1) In this section, “small REA” means a rural electrification association with fewer than 1400 members.

(2) Sections 39 to 41 do not apply to

- (a) the records and accounts of a small REA, and
- (b) the records and accounts of a distributor, regulated rate supplier or affiliated provider that relate to a small REA or a member of a small REA.

9 The heading preceding section 45 is repealed and the following is substituted:

**Part 5
Repeal, Expiry and Coming into Force**

10 Sections 45 to 48 are repealed.

11 Section 50, as extended by the *Regulations Expiry Date Extension Regulation* (AR 47/2020), is amended by striking out “November 30, 2020” and substituting “November 30, 2030”.

Alberta Regulation 209/2020

Electric Utilities Act

**DISTRIBUTION TARIFF
AMENDMENT REGULATION**

Filed: November 12, 2020

For information only: Made by the Minister of Energy (M.O. 437/2020) on November 5, 2020 pursuant to section 108 of the Electric Utilities Act.

1 The *Distribution Tariff Regulation* (AR 162/2003) is amended by this Regulation.

2 Section 8(2)(a) is amended by striking out “75 days” and substituting “45 days”.

3 Section 14 is amended by striking out “April 30, 2021” and substituting “April 30, 2031”.

4 The Regulation has effect on March 1, 2021.

Alberta Regulation 210/2020

New Home Buyer Protection Act

**NEW HOME BUYER PROTECTION (GENERAL)
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 339/2020) on November 18, 2020 pursuant to section 28 of the New Home Buyer Protection Act.

1 The *New Home Buyer Protection (General) Regulation* (AR 211/2013) is amended by this Regulation.

2 Section 1 is amended

(a) in subsection (6) by striking out “sections 4(2)(d) and (4) and” and substituting “section”;

(b) in subsection (8.2) by striking out “sections 2 and 4(2)(d) and (4)” and substituting “section 2”;

(c) by repealing subsection (8.4) and substituting the following:

(8.4) Subsection (8.3) applies once home warranty coverage has commenced for any unit in the building.

3 Sections 4, 5(1), 6, 11(2)(i)(ii) and (iii) and 14(1)(a.1)(i) to (iii) are repealed.

4 This Regulation has effect on July 1, 2021.

Alberta Regulation 211/2020
Provincial Administrative Penalties Act
PROVINCIAL ADMINISTRATIVE PENALTIES
(PRESCRIBED ENACTMENTS) REGULATION

Filed: November 18, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 345/2020) on November 18, 2020 pursuant to section 35(1) of the Provincial Administrative Penalties Act.

Definitions

1 In this Regulation, “Act” means the *Provincial Administrative Penalties Act*.

Prescribed enactments

2 The *Traffic Safety Act* and the regulations under the *Traffic Safety Act* are prescribed as enactments to which the Act and the procedures under the Act apply.

Coming into force

3 This Regulation comes into force on the coming into force of section 35(1) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 212/2020

Traffic Safety Act

**USE OF HIGHWAY AND RULES OF THE ROAD
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 346/2020) on November 18, 2020 pursuant to sections 1 and 18(1) of the Traffic Safety Act.

1 The *Use of Highway and Rules of the Road Regulation* (AR 304/2002) is amended by this Regulation.

2 Section 1 is amended by adding the following after subsection (4):

(4.1) For the purposes of section 88.02(1) of the Act,

- (a) “commercial vehicle” means
 - (i) a commercial vehicle or combination of commercial vehicles that is registered for a gross weight of more than 11 794 kilograms, or
 - (ii) a commercial vehicle that has a manufacturer’s seating capacity originally designed for 11 or more passengers, including the driver;
- (b) “operating a commercial vehicle” includes driving a commercial vehicle.

(4.2) For the purposes of section 88.1 of the Act,

- (a) “bodily substance” means breath, blood, oral fluid or urine;
- (b) “operate a motor vehicle” includes drive a motor vehicle.

3 The following is added after section 112:

Service of notice of administrative penalty

112.1(1) In this section,

- (a) “administrative penalty” means administrative penalty as defined in the *Provincial Administrative Penalties Act*;
- (b) “Director” means Director as defined in the *Provincial Administrative Penalties Act*;
- (c) “notice of administrative penalty” means notice of administrative penalty as defined in the *Provincial Administrative Penalties Act*;
- (d) “officer” means officer as defined in the *Provincial Administrative Penalties Act*;
- (e) “recipient” means recipient as defined in the *Provincial Administrative Penalties Act*.

(2) In addition to the methods for service specified in section 6 of the Act, a notice of administrative penalty and any other document issued with respect to an administrative penalty may be served on a recipient by

- (a) being transmitted by electronic means to an email or other electronic address provided by the recipient to the officer who issued the notice of administrative penalty, or

(b) being sent by ordinary mail to the latest address of the recipient as shown in the records of an official in another jurisdiction who performs a function in that jurisdiction that is similar to the function of the Registrar.

(3) A person who serves a notice of administrative penalty or any other document issued with respect to an administrative penalty shall complete and file with the Director a certificate of service, in a form satisfactory to the Director, attesting to the mailing or transmission, the date of mailing or transmission and the address to which the notice or document was mailed or transmitted.

(4) The Director, on application by an officer, and on being satisfied that service cannot be made effectively on a recipient by a method provided for in this section, may order another method of service and the order may provide for the circumstances in which that service is deemed to be effective.

4 This Regulation has effect on the coming into force of section 44(22) and (29) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 213/2020

Traffic Safety Act

**ACCESS TO MOTOR VEHICLE INFORMATION
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 347/2020) on November 18, 2020 pursuant to section 8 of the Traffic Safety Act.

1 The *Access to Motor Vehicle Information Regulation* (AR 140/2003) is amended by this Regulation.

2 Section 5(1)(b)(i.1) is repealed.

3 This Regulation has effect on the coming into force of section 44(17) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 214/2020

Traffic Safety Act

**DEMERIT POINT PROGRAM AND SERVICE
OF DOCUMENTS AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 348/2020) on November 18, 2020 pursuant to section 18(1) of the Traffic Safety Act.

1 The *Demerit Point Program and Service of Documents Regulation* (AR 331/2002) is amended by this Regulation.

2 Section 4(1)(b) is repealed.

3 This Regulation has effect on the coming into force of section 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 215/2020

Traffic Safety Act

**TRANSPORTATION NETWORK COMPANIES
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 349/2020) on November 18, 2020 pursuant to section 129.4 of the Traffic Safety Act.

1 The *Transportation Network Companies Regulation* (AR 100/2016) is amended by this Regulation.

2 Section 2(5)(b) and (c) are amended by striking out “appeal to the Board” and substituting “apply to the Registrar for a reconsideration”.

3 Section 3 is repealed and the following is substituted:

Reconsideration

3 An applicant may apply to the Registrar for a reconsideration of a refusal of an application for an approval or the imposition of terms and conditions on an approval.

4 Section 6(1)(h) is repealed and the following is substituted:

- (h) a statement describing the right of the person on whom the administrative penalty is imposed to apply to the Registrar for a reconsideration of the administrative penalty, the addresses to which the application is to be sent, how the application is to be made and the date by which the application is to be made.

5 This Regulation has effect on the coming into force of section 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 216/2020

Traffic Safety Act

**ALBERTA TRANSPORTATION SAFETY BOARD
DISSOLUTION TRANSITIONAL REGULATION**

Filed: November 18, 2020

For information only: Made by the Lieutenant Governor in Council (O.C. 350/2020) on November 18, 2020 pursuant to section 189.5 of the Traffic Safety Act.

Definition

- 1** In this Regulation, “Board” means the Alberta Transportation Safety Board dissolved by section 189.4 of the Act.

Assets and liabilities transferred

- 2** The assets and liabilities of the Board are transferred to the Crown in right of Alberta.

Coming into force

- 3** This Regulation has effect on the coming into force of section 189.4 of the Act.

Alberta Regulation 217/2020

Provincial Administrative Penalties Act

PROVINCIAL ADMINISTRATIVE PENALTIES REGULATION

Filed: November 18, 2020

For information only: Made by the Minister of Justice and Solicitor General for the Province of Alberta (M.O. 58/2020) on November 17, 2020 pursuant to section 35(2) of the Provincial Administrative Penalties Act.

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Definitions

- 1 In this Regulation,

(a) “Act” means the *Provincial Administrative Penalties Act*;

- (b) “adjudication branch”, in respect of a contravention for which a notice of administrative penalty is issued, means the part of the public service designated under section 9 of the Act as the adjudication branch responsible for the enactment that was contravened;
- (c) “confirmation” means a statement of an officer made in accordance with section 17(1) or (2);
- (d) “Director”, in respect of a contravention for which a notice of administrative penalty is issued, means the person designated under section 10 of the Act as the Director of the adjudication branch for reviews of notices of administrative penalty issued with respect to contraventions of the enactment that was contravened;
- (e) “Registrar” means the Registrar of Motor Vehicle Services appointed under the *Traffic Safety Act*;
- (f) “review” means a review under Part 2 of the Act.

Application

2 This Regulation applies only in respect of administrative penalties under prescribed enactments.

Part 1
Administrative Penalties

Notice of administrative penalty

3(1) A notice of administrative penalty for a contravention of a provision of the *Traffic Safety Act* to which the Act applies must be in writing and must include the following information:

- (a) the name of the recipient;
- (b) the provision that was contravened;
- (c) the recipient’s right to request a review under section 7 of the Act and the period within which any review must be requested;
- (d) the website address where the following information is available to the recipient:
 - (i) the particulars of the contravention, including the date and location of the contravention;
 - (ii) the particulars of all administrative penalties being imposed in respect of the contravention;

- (iii) the name of the officer who issued the notice of administrative penalty;
 - (iv) the officer's confirmation, made in accordance with section 17(1), of the notice of administrative penalty;
 - (v) if a fine is imposed in respect of the contravention, the amount of the fine, the amount of any applicable surcharge, the date by which the fine and any surcharge must be paid, the places where the fine and surcharge may be paid and the methods by which they may be paid;
- (e) any places other than the website address referred to in clause (d) where the recipient may access the information referred to in clause (d)(i) to (v).

(2) The information available to the recipient at the website address referred to in subsection (1)(d) forms part of the notice of administrative penalty.

(3) The officer who issued the notice of administrative penalty shall provide a copy of the notice to the Director.

Amount of fine for contravention of certain Traffic Safety Act provisions

4 Where a contravention of section 88.01, 88.02, 88.03 or 88.1 of the *Traffic Safety Act* is the subject of a notice of administrative penalty, the amount of the fine that may be imposed by the notice is

- (a) in the case of a contravention of section 88.01, \$200,
- (b) in the case of a contravention of section 88.02,
 - (i) if the contravention is the recipient's first contravention of that section, \$300,
 - (ii) if the contravention is the recipient's 2nd contravention of that section, \$600, or
 - (iii) if the contravention is the recipient's 3rd or any subsequent contravention of that section, \$1200,
- (c) in the case of a contravention of section 88.03,
 - (i) if the contravention is the recipient's first contravention of that section, \$300,
 - (ii) if the contravention is the recipient's 2nd contravention of that section, \$600, or

- (iii) if the contravention is the recipient's 3rd or any subsequent contravention of that section, \$1200,

or

- (d) in the case of a contravention of section 88.1,
 - (i) if the contravention is the recipient's first contravention of that section, \$1000, or
 - (ii) if the contravention is the recipient's 2nd or any subsequent contravention of that section, \$2000,

plus the applicable surcharge.

Part 2 Reviews

Request for review

5 A request under section 7 of the Act for review of a notice of administrative penalty must

- (a) state the recipient's name and address and, if the recipient is represented by a lawyer or other agent, state the lawyer's or other agent's name and address and attach a document that verifies the agency relationship to the satisfaction of the Director,
- (b) identify the notice of administrative penalty being disputed and the date of the notice as stated on the notice,
- (c) identify the date of the contravention, and
- (d) contain any other information the Director requests.

Oral or written review

6(1) Subject to subsection (2), a review may be conducted in writing.

(2) A review must be conducted orally where the recipient requests an oral review and pays the fee that is prescribed by or under the prescribed enactment that was contravened.

(3) An oral review may be conducted

- (a) by telephone, or
- (b) by any electronic means approved by the Director.

(4) The duration of an oral review must not exceed 30 minutes.

Recording of oral review

7 The Director may require that an oral review or any part of an oral review be recorded.

Adjournments

8 The Director may adjourn a review from time to time as the Director considers appropriate.

Cancellation of oral review

9 Where a review is being conducted orally and, in the opinion of the adjudicator, the conduct of any person during the review makes continuing with the review impracticable or inappropriate, the adjudicator may, in the adjudicator's discretion, cancel the remainder of the oral review and make a decision on the review based on any oral or written submissions provided up to that point.

Exceptional circumstances for extension of time

10(1) Circumstances in which the adjudication branch experiences a failure of an electrical or information technology system, a natural disaster, a legal or illegal work stoppage, a pandemic or any other external event that delays normal business operations are prescribed as exceptional circumstances in which the Director may extend the period referred to in section 15 of the Act.

(2) The following circumstances are prescribed as exceptional circumstances in which the Director may extend the period referred to in section 20(2)(a) of the Act:

- (a) circumstances in which the recipient was unaware of the notice of administrative penalty, if on becoming aware of it the recipient took prompt action to notify the Director;
- (b) circumstances in which the recipient experienced physical or mental incapacity rendering the recipient unable to respond to the notice of administrative penalty within the time provided by section 7 of the Act, if on regaining capacity the recipient took prompt action to notify the Director;
- (c) circumstances in which the recipient experienced unforeseen and unavoidable events rendering the recipient unable to respond to the notice of administrative penalty within the time provided by section 7 of the Act, if the recipient took prompt action to notify the Director.

(3) The following circumstances are prescribed as exceptional circumstances in which the Director may extend the period referred to in section 20(2)(b) of the Act:

- (a) circumstances in which the recipient experienced physical or mental incapacity rendering the recipient unable to participate in a review as referred to in section 19 of the Act, if on regaining capacity the recipient took prompt action to notify the Director;
- (b) circumstances in which the recipient experienced unforeseen and unavoidable events rendering the recipient unable to participate in a review as referred to in section 19 of the Act, if the recipient took prompt action to notify the Director.

(4) The following circumstances are prescribed as exceptional circumstances in which the Director may extend the period referred to in section 22(1) of the Act:

- (a) circumstances in which the Director extended the period referred to in section 15 of the Act in accordance with subsection (1);
- (b) circumstances in which the Director extended the period referred to in section 20(2)(a) or (b) of the Act in accordance with subsection (2) or (3).

(5) Where the Director extends the period referred to in section 15, 20(2)(a) or (b) or 22(1) of the Act, the Director may grant the recipient an additional period of time to pay any fine imposed by the notice of administrative penalty and any applicable surcharge.

Notice of decision on extending time

11(1) On deciding whether to accept a recipient's request for late review under section 20(2) of the Act, the Director shall promptly provide the recipient with a copy of the Director's decision.

(2) Where the Director extends a period referred to in section 15 or 22(1) of the Act, the Director shall promptly provide the recipient with a copy of the Director's decision.

Evidence in reviews

12(1) In this section, "bodily substance analysis" means an analysis of breath, blood, urine or oral fluid.

(2) The following are prescribed as evidence and information that an adjudicator may consider, in addition to the records, representations, arguments and evidence listed in section 18(2)(a) to (e) of the Act, before making a decision:

- (a) any relevant records submitted by an officer or an officer's agent in relation to the contravention;

- (b) any relevant records of the Registrar in relation to the contravention;
- (c) in the case of a review respecting a contravention of section 88, 88.01, 88.02, 88.03 or 88.1 of the Act, the results of any bodily substance analysis submitted in relation to the contravention.

Evidentiary presumption

13 A document signed by a person who is authorized to perform a function of

- (a) a law enforcement agency or other enforcement office represented by the officer who issued the notice of administrative penalty under review, or
- (b) the Director

shall, without proof of the signature or official character of the person, be admitted in evidence on a review as proof, in the absence of evidence to the contrary, of facts stated in the document that relate to a function the person is authorized to perform.

**Part 3
General**

Signatures and manner of signification

14(1) Where the Act or this Regulation requires a notice of administrative penalty, confirmation, report, notes or other document to be signed by an officer or other person, the requirement is satisfied if the notice or other document is signed, marked, subscribed, endorsed, acknowledged or otherwise signified by the officer or other person in any manner approved by the Director.

(2) The Director may approve any manner of signification of a document, including any manner of signification by electronic means, that the Director considers appropriate and may approve

- (a) different manners of signification for officers than for other persons, or
- (b) different manners of signification for different types of documents.

Documents may be dealt with electronically

15 Where the Act or this Regulation requires or provides for the creation, registration, issuance, transmittal, storage or recording of a

notice of administrative penalty or any other document, the document may be created, registered, issued, transmitted, stored, recorded or submitted by any electronic means approved by the Director.

Electronic transmittal

16 An officer who issued a notice of administrative penalty or any person employed by the law enforcement agency or other enforcement office that the officer represents may transmit by electronic means, for any purpose, including a review, the notice of administrative penalty or any confirmation, report, notes or other document relating to the notice or to the contravention in respect of which it was issued, if

- (a) the document is signed by the officer and states the officer's name, badge or regiment number and the name of the law enforcement agency or other enforcement office, and
- (b) the electronic means used to transmit the document are protected by a password issued in confidence to the officer or other person transmitting the document or by another method that is reasonably secured against unauthorized use.

Confirmations

17(1) For the purposes of section 14 of the Act and section 3(1)(d)(iv), an officer who issues a notice of administrative penalty may confirm the notice by signing a statement that the officer has reasonable grounds to believe that the contravention occurred.

(2) For the purposes of section 14 of the Act, where any report, notes or other document, other than a notice of administrative penalty, is created, registered, issued, stored, recorded or transmitted by electronic means for any purpose under the Act or this Regulation, an officer may confirm the report, notes or other document by signing a statement that the content of the report, notes or other document is true, or in the case of a photograph that the photograph has not been altered in any material way, based on

- (a) the officer's personal knowledge, or
- (b) the officer's information and belief, if the basis of the information and belief is reasonably clear from the document, is set out in the statement or is otherwise disclosed by the officer.

Preferred method of communication

18(1) Where a recipient who files a request for late review under section 20(1) of the Act indicates to the Director that ordinary mail, telephone, facsimile or email or another electronic method of

communication is the recipient's preferred method of communication and, for that purpose, provides the recipient's mailing address, telephone number, facsimile number or email or other electronic address to the Director, the Director may use that address or number for the purpose of notifying the recipient of a decision under section 20(3) of the Act.

(2) For the purposes of section 22(1) of the Act, the prescribed manner in which an adjudicator shall provide a copy of the adjudicator's decision under section 21 of the Act to a recipient is

- (a) by sending the copy of the decision to the mailing address, telephone number, facsimile number or email or other electronic address provided by the recipient under subsection (1), or
- (b) if the recipient has not provided an address or number under subsection (1) or the adjudicator has any concern about using that address or number, by sending a copy of the decision by ordinary mail to the last address for the recipient as shown in the records of the Registrar.

Fees for provision of documents

19 The Director has discretion to charge reasonable fees for the production of documents requested by a recipient.

Fees to cover transaction fees

20 Where a recipient uses a credit card, or any other form of payment that requires the receiver of the payment to pay a fee on the transaction, to pay

- (a) a fine imposed by a notice of administrative penalty for a contravention referred to in section 4,
- (b) a fee under section 19 for the production of documents,
- (c) a fee for requesting a review under section 7 of the Act, or
- (d) a fee for requesting a late review under section 20 of the Act,

the Director may require the recipient to pay a fee in an amount to be determined by the Director.

Coming into force

21 This Regulation has effect on the coming into force of section 44(22) of the Act.

Alberta Regulation 218/2020
Traffic Safety Act
OPERATOR LICENSING AND VEHICLE CONTROL
AMENDMENT REGULATION

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 41/20) on November 17, 2020 pursuant to sections 64, 100 and 116 of the Traffic Safety Act.

1 The Operator Licensing and Vehicle Control Regulation (AR 320/2002) is amended by this Regulation.

2 Section 2(2) is amended by striking out “Section 94 of the Act does not” **and substituting** “Sections 94 and 94.1 of the Act do not”.

3 Section 30 is repealed.

4 Section 43 is repealed and the following is substituted:

Duties of peace officer

43(1) A peace officer who issues a notice of administrative penalty under section 88, 88.01, 88.02, 88.03 or 88.1 of the Act shall notify the Registrar of the issuance by

- (a) sending a copy of the notice to the Registrar,
- (b) transmitting the information in the notice to the Registrar by electronic means, or
- (c) a method of notification satisfactory to the Registrar.

(2) A peace officer shall destroy an operator’s licence

- (a) surrendered under section 88.01 of the Act,
- (b) surrendered under section 88.02 of the Act where section 88.02(2)(b) or (c) applies,
- (c) surrendered under section 88.03 of the Act, where section 88.03(2)(b) or (c) applies, or
- (d) surrendered under section 88.1 of the Act.

5 Section 95 is amended

(a) in clause (b) by striking out “88, 88.1, 89 or 90” and substituting “88, 88.01, 88.02, 88.03 or 88.1”;

(b) in clause (c) by striking out “89” and substituting “88”.

6 Section 121 is amended by striking out “Board” and substituting “Registrar”.

7 Sections 122 and 124 are repealed.

8 Section 125 is amended by striking out “or 124”.

9 Schedule 1 is repealed.

10 The following sections are amended by striking out “90” and substituting “88.01”:

section 28(3);

section 32(3);

section 35(1).

11 This Regulation has effect on the coming into force of section 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 219/2020

Highways Development and Protection Act

**HIGHWAYS DEVELOPMENT AND PROTECTION
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 42/20) on November 17, 2020 pursuant to section 61 of the Highways Development and Protection Act.

1 The *Highways Development and Protection Regulation* (AR 326/2009) is amended by this Regulation.

2 Section 36(2)(g) is repealed and the following is substituted:

- (g) a statement of the right to apply to the Minister for the reconsideration of the notice of administrative penalty under section 58 of the Act, and particulars as to how the application is to be made and the time within which it must be made.

3 This Regulation has effect on the coming into force of sections 40 and 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 220/2020

Traffic Safety Act

**COMMERCIAL VEHICLE CERTIFICATE
AND INSURANCE AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 43/20) on November 17, 2020 pursuant to section 156 of the Traffic Safety Act.

1 The *Commercial Vehicle Certificate and Insurance Regulation* (AR 314/2002) is amended by this Regulation.

2 Section 1(b) is repealed.

3 Section 6(2)(b) and (c) are amended by striking out “appeal to the Board under section 43” and substituting “request a reconsideration by the Registrar under section 34”.

4 Section 13 is repealed and the following is substituted:

Issuance, amendment and renewal of decisions

13 Where the Registrar receives an application for an operating authority certificate, or an amendment to or renewal of it, with respect to a commercial vehicle that is used or intended to be used to transport passengers, the Registrar may, after considering the application,

- (a) issue an operating authority certificate for not more than 3 years,

- (b) amend the certificate, or renew a certificate on one or more occasions, but each renewal may not be for more than 3 years, or
- (c) refuse the application.

5 The following provisions are amended by striking out “appeal to the Board under section 43” and substituting “request a reconsideration by the Registrar under section 34”:

section 15(2);
section 22(2)(b) and (c);
section 35(3);
section 36(1)(e).

6 Section 36.4 is amended

(a) by repealing subsection (2) and substituting the following:

(2) The person notified may, in writing, request the Registrar to reconsider the decision implementing the record, in which case the Registrar shall do so and shall make any changes in the decision that the Registrar considers necessary and notify the applicant in writing of the new decision, with reasons.

(b) by repealing subsection (3).

7 Section 37(1)(h) is repealed and the following is substituted:

(h) a statement describing the right of the person on whom the administrative penalty is imposed to request a reconsideration by the Registrar under section 34 of the Act, how the request for reconsideration is to be made, the date by which it is to be made and the address to which it is to be sent.

8 Section 51(b) is amended by striking out “appeal to the Board under section 43” and substituting “request a reconsideration by the Registrar under section 34”.

9 The following is added after section 51:

Interim relief

51.1(1) Where the Registrar suspends or cancels a certificate under section 132(2), (3) or (4) of the Act and a reconsideration of that decision is requested under section 132(9) of the Act by the carrier or exempted operator, the Registrar may, if the Registrar considers it appropriate to do so, on the request of the carrier or exempted operator, grant interim relief to have effect until the Registrar renders a decision on the reconsideration.

(2) Interim relief under subsection (1) may include a stay of the suspension or cancellation and may be granted subject to any directions, terms and conditions that the Registrar considers appropriate in the circumstances.

10 Schedule 2 is amended by striking out the following:

6	An appeal to the Board on the basis of a paper only hearing	125
7	An appeal to the Board for which an oral hearing is requested	250

and substituting the following:

6	A request for reconsideration under section 32, 34 or 88.1(14) of the Act	150
7	A request for review under section 88.1(12) of the Act	150

11 This Regulation has effect on the coming into force of section 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 221/2020

Railway (Alberta) Act

RAILWAY AMENDMENT REGULATION

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 44/20) on November 17, 2020 pursuant to section 30 of the Railway (Alberta) Act.

1 The *Railway Regulation* (AR 177/2002) is amended by this Regulation.

2 Sections 5(3) and 6(5) are amended by striking out “reviewed by the Alberta Transportation Safety Board” and substituting “reconsidered by the Railway Administrator”.

3 Section 42(1) is amended

(a) in clause (b) by striking out “approval, order or direction by the Alberta Transportation Safety Board” and substituting “approval”;

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

(h) a statement describing the right of the person on whom the administrative penalty is imposed to have the Railway Administrator reconsider the administrative penalty, the address to which any application for reconsideration must be sent, how the application is to be made and the date by which the application for reconsideration must be made.

4 This Regulation has effect on the coming into force of section 43(9) and (11) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 222/2020

Traffic Safety Act

**COMMERCIAL VEHICLE SAFETY
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 45/20) on November 17, 2020 pursuant to section 156 of the Traffic Safety Act.

1 The *Commercial Vehicle Safety Regulation* (AR 121/2009) is amended by this Regulation.

2 Section 41(1)(h) is repealed and the following is substituted:

- (h) a statement describing the right of the person on whom the administrative penalty is imposed to request a reconsideration by the Registrar under section 34 of the Act, how the request for reconsideration is to be made, the date by which it is to be made and the address to which it is to be sent.

3 This Regulation has effect on the coming into force of section 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 223/2020

Traffic Safety Act

**DRIVER TRAINING AND DRIVER EXAMINATION
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 46/20) on November 17, 2020 pursuant to section 64(c) and (c.1) of the Traffic Safety Act.

1 The *Driver Training and Driver Examination Regulation (AR 316/2002)* is amended by this Regulation.

2 Section 50(3) is amended by striking out “appeal to the Board under section 42 of the Act” and substituting “a reconsideration under section 34 of the Act, how the application for reconsideration is to be made, the date by which it is to be made and the address to which it is to be sent”.

3 This Regulation has effect on the coming into force of section 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 224/2020
Traffic Safety Act
SAFEROADS ALBERTA REGULATION

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 47/20) on November 17, 2020 pursuant to sections 64, 100 and 188.1 of the Traffic Safety Act.

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Definitions

- 1** In this Regulation,
- (a) “Act” means the *Traffic Safety Act*;
 - (b) “adjudicator” means adjudicator as defined in the *Provincial Administrative Penalties Act*;
 - (c) “administrative penalty” means administrative penalty as defined in the *Provincial Administrative Penalties Act*;
 - (d) “analyst” means analyst as defined in section 320.11 of the *Criminal Code* (Canada);
 - (e) “Director” means Director as defined in the *Provincial Administrative Penalties Act*;
 - (f) “notice of administrative penalty” means notice of administrative penalty as defined in the *Provincial Administrative Penalties Act*;

- (g) “officer” means officer as defined in the *Provincial Administrative Penalties Act*;
- (h) “operate a motor vehicle” means operate a motor vehicle as defined in the *Use of Highway and Rules of the Road Regulation* (AR 304/2002);
- (i) “operating a commercial vehicle” means operating a commercial vehicle as defined in the *Use of Highway and Rules of the Road Regulation* (AR 304/2002);
- (j) “qualified technician” means qualified technician as defined in section 320.11 of the *Criminal Code* (Canada);
- (k) “recipient” means recipient as defined in the *Provincial Administrative Penalties Act*;
- (l) “review” means review as defined in the *Provincial Administrative Penalties Act*;
- (m) “SafeRoads Alberta” means the adjudication branch designated under section 9 of the *Provincial Administrative Penalties Act* to conduct reviews under that Act related to contraventions of the *Traffic Safety Act*.

Records to be provided to recipient for review

2 The Director shall provide the following to a recipient on receipt of an application for review:

- (a) a copy of the notice of administrative penalty;
- (b) the report of the officer who issued the notice of administrative penalty;
- (c) if an approved screening device was used as the basis for issuing the notice of administrative penalty,
 - (i) the date of the last annual maintenance performed on the device, and
 - (ii) the date of the last calibration of the device and the expiry date of that calibration for the device;
- (d) if an approved instrument was used as the basis for issuing the notice of administrative penalty,
 - (i) a copy of the subject test record relating to the test of the recipient,

- (ii) the date of the last annual maintenance performed on the approved instrument,
 - (iii) the certificate of the analyst certifying the alcohol standard used by the approved instrument,
 - (iv) the alcohol standard change form relating to the last change of the alcohol standard used by the approved instrument and its related print-outs,
 - (v) if a certificate of qualified technician was produced, the certificate of qualified technician relating to the testing of the recipient, and
 - (vi) if an operational checksheet was produced, the operational checksheet related to the testing of the recipient;
- (e) if approved drug screening equipment was used as the basis for issuing the notice of administrative penalty,
- (i) the date of the last annual maintenance of the approved drug screening equipment,
 - (ii) the results of the last calibration or quality assurance check of the equipment, and the expiry date of that calibration or quality assurance check,
 - (iii) any print-out relating to the analysis of the sample provided by the recipient, and
 - (iv) the date of the expiry of any test kit, cassette or cartridge used to test the recipient;
- (f) if the recipient was tested by an evaluating officer,
- (i) a copy of any evaluation sheet used in the testing of the recipient,
 - (ii) a copy of the evaluating officer's narrative or opinion, and
 - (iii) a copy of the results of tests of any samples of blood, oral fluid or urine taken from the recipient;
- (g) if the recipient's blood was analysed, a copy of the results of the analysis of the recipient's blood;
- (h) any other relevant records and representations of the officer who issued the notice of administrative penalty or any other officer, including peace officers' reports that have not been

certified, sworn or solemnly affirmed, that are in the opinion of the Director relevant and necessary to determine the basis for issuing the notice of administrative penalty.

Publication of decisions of adjudicators

3 The Director shall publish decisions of adjudicators on reviews of notices of administrative penalty issued for contraventions of section 88, 88.01, 88.02, 88.03 or 88.1 of the Act.

Grounds to cancel notice of administrative penalty for immediate roadside sanction

4 The grounds for an adjudicator to cancel a notice of administrative penalty

- (a) issued for a contravention of section 88 of the Act are
 - (i) that the recipient did not drive the motor vehicle,
 - (ii) that a notice of administrative penalty was not served on the recipient, or
 - (iii) that the recipient did not have a medical or physical condition that affected the recipient's physical or mental ability, and that the recipient did not consume alcohol or otherwise introduce into the recipient's body any alcohol, drug or other substance in such a quantity so as to affect the recipient's physical or mental ability;
- (b) issued for a contravention of section 88.01 of the Act are
 - (i) that the recipient did not drive the motor vehicle,
 - (ii) that the recipient was not a novice driver as defined in section 88.01 of the Act,
 - (iii) that a notice of administrative penalty was not served on the recipient,
 - (iv) that the Director did not provide complete records to the recipient as required by section 12 of the *Provincial Administrative Penalties Act*,
 - (v) that the recipient did not have any alcohol or a drug in the recipient's body at the time of driving,
 - (vi) that where the officer that issued the notice of administrative penalty did so on the basis of more than one test of a sample of a bodily substance, the officer

- did not use the lowest reading of the results of the tests as the basis for issuing the notice of administrative penalty, and the lowest reading does not support the issuance of the notice of administrative penalty,
- (vii) that the approved drug screening equipment, approved instrument or approved screening device used to test the recipient
 - (A) had not been annually maintained, or
 - (B) was outside of its calibration period,
 - (viii) that the officer did not advise the recipient in writing of the right to a roadside appeal under section 88.11 of the Act and the recipient was unaware of that right, or
 - (ix) that the recipient immediately requested a roadside appeal under section 88.11 of the Act and the officer failed to provide the recipient an opportunity to undergo a test in accordance with section 88.11 of the Act;
- (c) issued for a contravention of section 88.02 of the Act are
- (i) that the recipient did not operate the commercial vehicle,
 - (ii) that the motor vehicle the recipient was operating was not a commercial vehicle,
 - (iii) that a notice of administrative penalty was not served on the recipient,
 - (iv) that the Director did not provide complete records to the recipient as required by section 12 of the *Provincial Administrative Penalties Act*,
 - (v) that the recipient did not have any alcohol or a drug in the recipient's body at the time of operating the commercial vehicle,
 - (vi) that where the officer that issued the notice of administrative penalty did so on the basis of more than one test of a sample of a bodily substance, the officer did not use the lowest reading of the results of the tests as the basis for issuing the notice of administrative penalty, and the lowest reading does not support the issuance of the notice of administrative penalty,

- (vii) that the approved drug screening equipment, approved instrument or approved screening device used to test the recipient
 - (A) had not been annually maintained, or
 - (B) was outside of its calibration period,
- (viii) that the officer did not advise the recipient in writing of the right to a roadside appeal under section 88.11 of the Act and the recipient was unaware of that right,
- (ix) that the recipient immediately requested a roadside appeal under section 88.11 of the Act and the officer failed to provide the recipient an opportunity to undergo a test in accordance with section 88.11 of the Act;
- (d) issued for a contravention of section 88.03 of the Act are
 - (i) that the recipient did not drive the motor vehicle,
 - (ii) that a notice of administrative penalty was not served on the recipient,
 - (iii) that the Director did not provide complete records to the recipient as required by section 12 of the *Provincial Administrative Penalties Act*,
 - (iv) that the recipient did not have a blood alcohol concentration equal to or exceeding 50 milligrams of alcohol in 100 millilitres of blood at the time of driving,
 - (v) that where the officer that issued the notice of administrative penalty did so on the basis of more than one test of a sample of a bodily substance, the officer did not use the lowest reading of the results of the tests as the basis for issuing the notice of administrative penalty, and the lowest reading does not support the issuance of the notice of administrative penalty,
 - (vi) that the approved drug screening equipment, approved instrument or approved screening device used to test the recipient
 - (A) had not been annually maintained, or
 - (B) was outside of its calibration period,

- (vii) that the officer did not advise the recipient in writing of the right to a roadside appeal under section 88.11 of the Act and the recipient was unaware of that right, or
 - (viii) that the recipient immediately requested a roadside appeal under section 88.11 of the Act and the officer failed to provide the recipient an opportunity to undergo a test in accordance with section 88.11 of the Act;
- (e) issued for a contravention of section 88.1(1)(a) of the Act are
- (i) that the recipient did not operate the motor vehicle,
 - (ii) that a notice of administrative penalty was not served on the recipient,
 - (iii) that the Director did not provide complete records to the recipient as required by section 12 of the *Provincial Administrative Penalties Act*,
 - (iv) that the recipient's ability to operate a motor vehicle was not impaired to any degree by alcohol or a drug or a combination of alcohol and a drug,
 - (v) that the officer did not advise the recipient in writing of the right to a roadside appeal under section 88.11 of the Act and the recipient was unaware of that right, or
 - (vi) that the recipient immediately requested a roadside appeal under section 88.11 of the Act and the officer failed to provide the recipient an opportunity to undergo a test in accordance with section 88.11 of the Act;
- (f) issued for a contravention of section 88.1(1)(b) of the Act are
- (i) that the recipient did not operate the motor vehicle,
 - (ii) that a notice of administrative penalty was not served on the recipient,
 - (iii) that the Director did not provide complete records to the recipient as required by section 12 of the *Provincial Administrative Penalties Act*,
 - (iv) that the recipient did not within 2 hours of ceasing to operate a motor vehicle have a blood alcohol concentration equal to or exceeding 80 milligrams of alcohol in 100 millilitres of blood,

- (v) that despite having within 2 hours after ceasing to operate a motor vehicle a blood alcohol concentration equal to or exceeding 80 milligrams of alcohol in 100 millilitres of blood,
 - (A) the recipient consumed alcohol after ceasing to operate the motor vehicle,
 - (B) the recipient, after ceasing to operate the motor vehicle, had no reasonable expectation that the recipient would be required to provide a sample of breath or blood, and
 - (C) the recipient's alcohol consumption is consistent with the recipient's blood alcohol concentration and with the recipient having had, at the time when the recipient was operating the motor vehicle, a blood alcohol concentration of less than 80 milligrams of alcohol in 100 millilitres of blood,
- (vi) that where the officer that issued the notice of administrative penalty did so on the basis of more than one test of a sample of a bodily substance, the officer did not use the lowest reading of the results of the tests as the basis for issuing the notice of administrative penalty, and the lowest reading does not support the issuance of the notice of administrative penalty,
- (vii) that the approved instrument or approved screening device used to test the recipient
 - (A) had not been annually maintained, or
 - (B) was used outside of its calibration period,
- (viii) that the officer did not advise the recipient in writing of the right to a roadside appeal under section 88.11 of the Act and the recipient was unaware of that right, or
- (ix) that the recipient immediately requested a roadside appeal under section 88.11 of the Act and the officer failed to provide the recipient an opportunity to undergo a test in accordance with section 88.11 of the Act;
- (g) issued for a contravention of section 88.1(1)(c) of the Act are
 - (i) that the recipient did not operate the motor vehicle,
 - (ii) that a notice of administrative penalty was not served on the recipient,

- (iii) that the Director did not provide complete records to the recipient as required by section 12 of the *Provincial Administrative Penalties Act*,
- (iv) that the recipient did not within 2 hours of ceasing to operate a motor vehicle have 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)*,
- (v) that despite having 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)*,
 - (A) the recipient consumed the drug after ceasing to operate the motor vehicle, and
 - (B) the recipient, after ceasing to operate the motor vehicle, had no reasonable expectation that the recipient would be required to provide a sample of a bodily substance,
- (vi) that where the officer that issued the notice of administrative penalty did so on the basis of more than one test of a sample of a bodily substance, the officer did not use the lowest reading of the results of the tests as the basis for issuing the notice of administrative penalty, and the lowest reading does not support the issuance of the notice of administrative penalty,
- (vii) that where approved drug screening equipment was used to test the recipient, that equipment
 - (A) had not been annually maintained, or
 - (B) was used outside of its calibration period,
- (viii) that the officer did not advise the recipient in writing of the right to a roadside appeal under section 88.11 of the Act and the recipient was unaware of that right, or
- (ix) that the recipient immediately requested a roadside appeal under section 88.11 of the Act and the officer failed to provide the recipient an opportunity to undergo a test in accordance with section 88.11 of the Act;
- (h) issued for a contravention of section 88.1(1)(d) of the Act are

- (i) that the recipient did not operate the motor vehicle,
- (ii) that a notice of administrative penalty was not served on the recipient,
- (iii) that the Director did not provide complete records to the recipient as required by section 12 of the *Provincial Administrative Penalties Act*,
- (iv) that the recipient did not within 2 hours of ceasing to operate a motor vehicle have 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 drugs are combined,
- (v) that despite having 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 drugs are combined,
 - (A) the recipient consumed the drug or the alcohol or both after ceasing to operate the motor vehicle,
 - (B) the recipient, after ceasing to operate the motor vehicle, had no reasonable expectation that the recipient would be required to provide a sample of a bodily substance, and
 - (C) the recipient's alcohol consumption is consistent with the recipient's blood alcohol concentration as determined in accordance with the regulations and with the recipient having had, at the time when the recipient was operating the motor vehicle, a blood alcohol concentration of less than the blood alcohol concentration established under subsection 320.31(1) or (2) of the *Criminal Code* (Canada),
- (vi) that where the officer that issued the notice of administrative penalty did so on the basis of more than one test of a sample of a bodily substance, the officer did not use the lowest reading of the results of the tests as the basis for issuing the notice of administrative penalty, and the lowest reading does not support the issuance of the notice of administrative penalty,

- (vii) that where approved drug screening equipment, an approved instrument or an approved screening device was used to test the recipient, the equipment, instrument or device
 - (A) had not been annually maintained, or
 - (B) was used outside of its calibration period,
- (viii) that the officer did not advise the recipient in writing of the right to a roadside appeal under section 88.11 of the Act and the recipient was unaware of that right, or
- (ix) that the recipient immediately requested a roadside appeal under section 88.11 of the Act and the officer failed to provide the recipient an opportunity to undergo a test in accordance with section 88.11 of the Act;
- (i) issued for a contravention of section 88.1(1)(e) of the Act are
 - (i) that a notice of administrative penalty was not served on the recipient,
 - (ii) that the Director did not provide complete records to the recipient as required by section 12 of the *Provincial Administrative Penalties Act*,
 - (iii) that the recipient did not know a demand had been made on the recipient under section 320.27 or 320.28 of the *Criminal Code (Canada)*,
 - (iv) that the recipient, knowing that a demand had been made on the recipient under section 320.27 or 320.28 of the *Criminal Code (Canada)*, did not fail or refuse to comply with that demand,
 - (v) that the recipient, knowing that a demand had been made on the recipient under section 320.27 or 320.28 of the *Criminal Code (Canada)*, did have a reasonable excuse for failing or refusing to comply with that demand,
 - (vi) that the officer did not advise the recipient in writing of the right to a roadside appeal under section 88.11 of the Act and the recipient was unaware of that right, or
 - (vii) that the recipient immediately requested a roadside appeal under section 88.11 of the Act and the officer failed to provide the recipient an opportunity to undergo a test in accordance with section 88.11 of the Act.

Interim relief

5 The Director may grant interim relief to a recipient, and make the interim relief subject to any terms or conditions that the Director considers appropriate in the circumstances, where

- (a) the Director has not scheduled a review in accordance with section 15 of the *Provincial Administrative Penalties Act*,
- (b) an adjudicator has not provided a copy of the adjudicator's decision to the recipient in accordance with section 22 of the *Provincial Administrative Penalties Act*, or
- (c) the Director has extended the periods referred to in section 15 or 22 of the *Provincial Administrative Penalties Act*.

Cancellation of notice of administrative penalty

6 If, after conducting a review respecting a contravention of section 88.01, 88.02, 88.03 or 88.1 of the Act, the adjudicator cancels the notice of administrative penalty in accordance with section 21 of the *Provincial Administrative Penalties Act*, the Director shall

- (a) direct the Registrar to cancel any operator's licence suspension,
- (b) direct the Registrar to cancel any other conditions for reinstatement of the operator's licence as set out in the regulations for a contravention of that section,
- (c) direct the Registrar to release the recipient's motor vehicle from immobilization or seizure, and
- (d) if a fine and applicable surcharge has already been paid by the recipient, refund the amount of fine and applicable surcharge paid.

Refunds of review fees

7 The Director may refund a fee paid for a request for review under section 7 of the *Provincial Administrative Penalties Act* in exceptional circumstances as prescribed under that Act or at the discretion of the Director.

Reimbursement of costs and expenses to recipient

8(1) Where a notice of administrative penalty is cancelled, on application by a recipient, the law enforcement agency that issued the notice shall, subject to subsection (2), refund any seizure costs referred

to in section 63 of the Act associated with seizure of the recipient's motor vehicle.

(2) The maximum amount of costs to be refunded is the lesser of the costs accumulated

- (a) at the end of 48 hours after receipt by the recipient of the cancellation notice from the Director, or
- (b) up to the expiry of the seizure period.

Extension of payment date for immediate roadside sanction monetary penalties

9(1) Subject to subsection (2), a recipient has 90 days to pay a fine imposed pursuant to a notice of administrative penalty.

(2) A recipient may apply before the 90 days referred to in subsection (1) expire for additional time to pay the fine.

(3) The Director can extend the time referred to in subsection (1) for an additional 90 days.

(4) The recipient may apply for a further extension before the 90 days referred to in subsection (2) expires, and the Director has absolute discretion on whether to allow that extension.

Requirements of notice of administrative penalty

10 In addition to the content satisfactory to the Minister responsible under section 16 of the *Government Organization Act* for the *Provincial Administrative Penalties Act*, a notice of administrative penalty must contain the following:

- (a) in respect of a notice of administrative penalty issued for a contravention of section 88.01, 88.02, 88.03 or 88.1 of the Act,
 - (i) a statement of the right of the recipient to a roadside appeal of the notice under section 88.11 of the Act,
 - (ii) a statement indicating that there may be additional conditions for reinstatement of the recipient's operator's licence,
 - (iii) a statement indicating the recipient's operator's licence has been immediately suspended and the length of that suspension,

- (iv) a statement indicating that the motor vehicle driven by the recipient will be immediately seized and the length of that seizure, and
- (v) the website address for SafeRoads Alberta;
- (b) in respect of a notice of administrative penalty issued for a contravention of section 88.01, 88.03 or 88.1 of the Act, a notice of seizure of a motor vehicle that complies with the requirements of the *Vehicle Seizure and Removal Regulation* (AR 251/2006) respecting the contents of a seizure notice.

Additional conditions for licence reinstatement

11 The additional conditions for reinstatement of an operator's licence suspended

- (a) for 2nd and subsequent contraventions by a recipient of section 88.03 of the Act is the completion of a mandatory education course required by the Registrar, and
- (b) for the first or 2nd contravention by a recipient of section 88.1 of the Act is the completion of a mandatory education course required by the Registrar.

Calculation of time for reviews

12(1) If the date for submitting a request for review falls on a weekend day or holiday, the request is still due that day.

(2) Materials for a review must be provided at least two clear days before the date of the review.

Fees for review requests

13(1) The non-refundable fee for a request for review under section 7 of the *Provincial Administrative Penalties Act* of a notice of administrative penalty for a contravention of section 88, 88.01, 88.02, 88.03 or 88.1 of the Act is \$150.

(2) The non-refundable fee for a request for a late review under section 20 of the *Provincial Administrative Penalties Act* of a notice of administrative penalty for a contravention of section 88, 88.01, 88.02, 88.03 or 88.1 of the Act is \$50.

Fees for copies of decisions

14 The Director may charge the following fees:

- (a) for a copy of an adjudicator's decision on a review under section 7 of the *Provincial Administrative Penalties Act* of a notice of administrative penalty for a contravention of the Act or other public document maintained by the Director, \$2 per page;
- (b) for a certified copy of a decision, \$15.

Coming into force

15 This Regulation has effect on the coming into force of section 44(66) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 225/2020

Traffic Safety Act

**VEHICLE SEIZURE AND REMOVAL
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 48/20) on November 17, 2020 pursuant to sections 18(2), 64, 81 and 188.1 of the Traffic Safety Act.

1 The *Vehicle Seizure and Removal Regulation* (AR 251/2006) is amended by this Regulation.

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

3 Section 4 is repealed and the following is substituted:

Service of notice

4(1) In this section, "Director" means Director as defined in the *Provincial Administrative Penalties Act*.

(2) A notice and any other document issued under this Regulation may be served on the owner of a vehicle by sending the notice by ordinary mail to the owner at the latest physical or postal address for that person as shown in the records of the Registrar.

(3) In addition to the methods for service specified in section 6 of the Act and subsection (2), a notice and any other document issued under this Regulation may be served on a person by

- (a) being transmitted by electronic means to an email or other electronic address provided by the person to the officer who issued the notice, or
- (b) being sent by ordinary mail to the latest address of the person as shown in the records of an official in another jurisdiction who performs a function in that jurisdiction that is similar to the function of the Registrar.

(4) A person who serves a notice or any other document issued under this Regulation shall complete and file with the Registrar or the Director a certificate of service, in a form satisfactory to the Registrar or the Director, attesting to the mailing or transmission, the date of mailing or transmission and the address to which the notice or document was mailed or transmitted.

(5) The Registrar or the Director, on application by a peace officer, and on being satisfied that service cannot be made effectively on a recipient by a method provided for in this section, may order another method of service and the order may provide for the circumstances in which that service is deemed to be effective.

4 Section 6 is amended

(a) in subsections (1) and (2)(c) by adding “88, 88.01, 88.03, 88.1,” after “under section”;

(b) by adding the following after subsection (4):

(5) With respect to an immobilization of a motor vehicle pursuant to section 88, 88.01, 88.03 or 88.1 of the Act, the requirements of subsection (1) are met if the notice of administrative penalty issued under the *Provincial Administrative Penalties Act* with respect to a contravention of one of those sections contains the information set out in subsection (1).

5 Section 7 is amended

(a) in subsection (1)

(i) by adding “88, 88.01, 88.03, 88.1,” after “77,”;

(ii) in clause (g.1) by striking out “section 172.1” and substituting “section 88, 88.01, 88.03, 88.1 or 172.1”;

(b) in subsection (2)

- (i) **by adding** “88, 88.01, 88.03, 88.1,” **after** “77,”;
- (ii) **in clauses (f) and (g) by adding** “88, 88.01, 88.03, 88.1,” **after** “section”;
- (c) **in subsection (2.1) by adding** “88, 88.01, 88.03, 88.1,” **after** “under section”;
- (d) **by adding the following after subsection (3):**
 - (4) With respect to a seizure of a motor vehicle pursuant to section 88, 88.01, 88.03 or 88.1 of the Act, the requirements of subsection (1) are met if the notice of administrative penalty issued under the *Provincial Administrative Penalties Act* with respect to a contravention of one of those sections contains the information set out in subsection (1).

6 Section 9 is amended

- (a) **in clause (a)**
 - (i) **by adding** “88, 88.01, 88.03, 88.1,” **after** “77,”;
 - (ii) **by striking out** “Board” **and substituting** “Registrar”;
- (b) **in clause (d) by striking out** “Board” **and substituting** “Registrar”;
- (c) **in clause (f) by striking out** “officer, Board or Court” **and substituting** “officer or Court”.

7 Section 11 is repealed and the following is substituted:

Application by driver for review of seizure of motor vehicle

11(1) The grounds on which a review may be requested under section 35(1) of the Act with respect to a seizure under section 173 of the Act are one or more of the following:

- (a) that the person driving the motor vehicle when it was seized was an unauthorized driver under section 94 of the Act or was prohibited from driving under section 94.1 of the Act who did not know and could not reasonably have known that the person was an unauthorized driver under section 94 of the Act or was prohibited from driving under section 94.1 of the Act;
- (b) that the person driving the motor vehicle when it was seized was not an unauthorized driver under section 94 of the Act or

was not prohibited from driving under section 94.1 of the Act;

- (c) that the person driving the motor vehicle when it was seized had not previously been charged with an offence under section 94 or 94.1 of the Act, or was not driving the same motor vehicle at the time the person had been previously charged under section 94 or 94.1 of the Act.

(2) Where a person requesting the review satisfies the Registrar that subsection (1)(c) applies, the Registrar shall substitute the seizure period imposed under section 173(3)(f) or (g) of the Act with the seizure period imposed under section 173(2)(a) or (b) of the Act.

(3) The grounds on which a review may be requested with respect to a seizure of a vehicle under section 172.1 of the Act related to a charge under section 130 of the *National Defence Act* (Canada) by reason of a person contravening section 320.14 or 320.15 of the *Criminal Code* (Canada) are that the driver of the vehicle has not been charged with an offence under section 130 of the *National Defence Act* (Canada) by reason of the driver contravening section 320.14 or 320.15 of the *Criminal Code* (Canada).

Application for relief from seizure for affected persons

11.1(1) In this section and section 11.3, “affected person” means the owner of a motor vehicle.

(2) In subsection (4),

- (a) “individual with significant control” has the meaning of that term in subsection 2.1(1) of the *Canada Business Corporations Act* (Canada);
- (b) “joint ownership or control” has the meaning of that term in subsection 2.1(2) of the *Canada Business Corporations Act* (Canada);
- (c) “significant number of shares” has the meaning of that term in subsection 2.1(3) of the *Canada Business Corporations Act* (Canada).

(3) The grounds on which an affected person may apply under section 36(2) of the Act for relief from seizure of the affected person’s motor vehicle with respect to a seizure under section 88, 88.01, 88.03, 88.1, 94, 94.1, 172.1, 173 or 173.1 of the Act are one or more of the following:

- (a) that the affected person was not driving the motor vehicle when it was seized and the motor vehicle was not driven with the express or implied consent of the affected person;
- (b) that the affected person was not driving the motor vehicle when it was seized, and could not reasonably have known that the motor vehicle was being driven in the course of committing a contravention under section 88, 88.01, 88.03, 88.1, 94, 94.1, 172.1, 173 or 173.1 of the Act.

(4) For the purposes of relief based on grounds set out in subsection (3)(b), the following apply:

- (a) in a case where the motor vehicle concerned is a commercial vehicle and the driver is a person who is driving for a carrier who is the owner of the commercial vehicle, the affected person must produce a driver's abstract for the driver which is dated not more than one year before the date on which the driving occurred;
- (b) in a case where the affected person has rented the vehicle to the driver, by agreement in the ordinary course of the owner's business, the affected person must produce a rental agreement that
 - (i) was issued in the name of the person driving the motor vehicle, and
 - (ii) clearly indicates the terms and conditions prohibiting the conduct described in sections 88, 88.01, 88.03, 88.1, 94, 94.1, 172.1, 173 and 173.1 of the Act;
- (c) in all cases, the affected person must establish that, before driving the motor vehicle, the person driving the motor vehicle showed the affected person an operator's licence that
 - (i) was issued in the name of the person driving the motor vehicle,
 - (ii) was the appropriate class of licence for the motor vehicle concerned, and
 - (iii) had not expired as of the date on which the driving occurred;
- (d) in all cases, the affected person must establish that the affected person
 - (i) is not part of the driver's household,

- (ii) does not own the motor vehicle for the benefit of the driver, and
- (iii) is a not a corporation
 - (A) in which the driver has joint ownership or control,
 - (B) in which the driver owns a significant number of shares, or
 - (C) over which the driver is an individual with significant control;
- (e) in all cases, the affected person must establish that the driver is not a registered owner of the motor vehicle.

Method of and fee for review of seizure or consideration of application for relief from seizure

11.2(1) A review under section 35(1) of the Act or the consideration of an application for relief under section 36(2) of the Act may only be conducted in writing.

(2) The fee payable

- (a) for a review under section 35(1) of the Act is \$150, and
- (b) for the consideration of an application for relief under section 36(2) of the Act is \$50.

Fees to cover merchant fees

11.3 Where

- (a) a driver uses a credit card, or any other form of payment that subjects the receiver of the payment to merchant fees, to pay a fee under section 11.2(2)(a) for requesting a review, or
- (b) an affected person uses a credit card, or any other form of payment that subjects the receiver of the payment to merchant fees, to pay a fee under section 11.2(2)(b) for requesting relief,

the Registrar may require the driver or the affected person to pay a service charge in an amount to be determined by the Registrar.

8 Section 12 is amended

(a) in subsection (1) by striking out “Board” and substituting “Registrar”;

(b) by repealing subsection (2).

9 Section 13 is amended

(a) in subsection (1) by adding “88, 88.01, 88.03, 88.1,” after “77,”;

(b) in subsections (2) and (3) by striking out “142, 170 or 171” and substituting “142 or 170”.

10 Section 15(1) is amended by adding “88, 88.01, 88.03, 88.1,” after “77,”.

11 This Regulation has effect on the coming into force of section 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 226/2020

Traffic Safety Act

**VEHICLE INSPECTION
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 49/20) on November 17, 2020 pursuant to section 81 and 156 of the Traffic Safety Act.

1 The *Vehicle Inspection Regulation* (AR 211/2006) is amended by this Regulation.

2 Section 63(2) is amended by striking out “right to appeal to the Board under section 42.1” and substituting “right to apply to the Registrar for a reconsideration under section 34(1)(j)”.

3 Section 64(3) is amended by striking out “appeal the decision of the Registrar to the Board” and substituting “apply to the Registrar for a reconsideration of the decision”.

4 Section 69(1)(h) is repealed and the following is substituted:

- (h) a statement describing the right of the person on whom the administrative penalty is imposed to apply to the Registrar for a reconsideration of the administrative penalty, the addresses to which the application is to be sent, how the application is to be made and the date by which the application is to be made.

5 This Regulation has effect on the coming into force of section 44(22) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 227/2020

Traffic Safety Act

**BILL OF LADING AND CONDITIONS OF
CARRIAGE AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Transportation (M.O. 50/20) on November 17, 2020 pursuant to section 156 of the Traffic Safety Act.

1 The *Bill of Lading and Conditions of Carriage Regulation* (AR 313/2002) is amended by this Regulation.

2 Section 1(a) is repealed.

3 This Regulation has effect on the coming into force of section 44(17) of the *Provincial Administrative Penalties Act*.

Alberta Regulation 228/2020

Government Organization Act

**PERSONAL PROPERTY REGISTRY ACCREDITATION AND
DOCUMENT HANDLING (EXPIRY DATE EXTENSION)
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Service Alberta (M.O. SA:021/2020) on October 27, 2020 pursuant to section 12 of schedule 12 of the Government Organization Act.

1 The *Personal Property Registry Accreditation and Document Handling Regulation (AR 235/2007)* is amended by this Regulation.

2 Section 23, as extended by the *Regulations Expiry Date Extension Regulation (AR 47/2020)*, is amended by striking out “October 31, 2020” and substituting “October 31, 2023”.

Alberta Regulation 229/2020

Marketing of Agricultural Products Act

**ALBERTA BEEF PRODUCERS PLAN
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Minister of Agriculture and Forestry (M.O. 049/2020) on November 17, 2020 pursuant to section 23 of the Marketing of Agricultural Products Act.

1 The *Alberta Beef Producers Plan Regulation (AR 286/2009)* is amended by this Regulation.

2 Section 1(1) is amended

(a) by repealing clause (a.2) and substituting the following:

(a.2) “auditor” means a professional accounting firm registered under the *Chartered Professional Accountants Act* and authorized to perform an audit engagement;

- (b) by repealing clause (f);**
- (c) in clause (i) by striking out “Commission directors” and substituting “directors”;**
- (d) in clause (r) by striking out “Schedule” and substituting “bylaws”.**

3 Section 3 is amended by renumbering it as section 3(1) and by adding the following after subsection (1):

- (2) This Plan applies to all of Alberta.**

4 The following is added after section 3:

Zones

- 3.1** For the purposes of this Plan, Alberta is divided into the zones set out in the bylaws.

5 Section 7 is amended

- (a) in subsection (3)(b)(i) and (ii) by striking out “Commission director” and substituting “director”;**
- (b) in subsection (4)**
 - (i) in clause (a) by striking out “Commission director” and substituting “director”;**
 - (ii) in clause (b) by striking out “and, if any, a cattle council”;**
 - (iii) in clause (c) by striking out “Commission director” and substituting “director”;**
 - (iv) in clause (d)**
 - (A) by striking out “Commission directors” and substituting “directors”;**
 - (B) by striking out “vice-chair” and substituting “vice chair”;**
 - (v) by repealing clause (e) and substituting the following:**
 - (e) the term of office of a director;**

(e.1) the maximum number of consecutive years that may be served by a director;

(vi) in clause (f) by striking out “Commission directors” **and substituting** “directors and delegates”.

6 Section 8(2)(b) is amended by striking out “Commission directors” **and substituting** “directors”.

7 Section 9(1) is amended by striking out “each year” **and substituting** “each calendar year”.

8 Section 11(1) is amended by striking out “Commission directors” **and substituting** “directors”.

9 The heading to Part 3 is amended by striking out “Commission Directors” **and substituting** “Directors”.

10 Section 14 is repealed and the following is substituted:

Commission

14(1) The Commission shall consist of 12 directors.

(2) The directors shall be elected by the delegates at the annual delegate meeting.

(3) The election for directors shall be conducted in accordance with the process set out in the bylaws.

(4) The term of office of a director, including the maximum number of consecutive years that may be served by a director, shall be set out in the bylaws.

11 Section 15 is repealed.

12 Section 16 is amended by striking out “Commission director” **and substituting** “director or delegate”.

13 Section 17 is repealed and the following is substituted:

Vacancy

17 If a director ceases to hold office before the expiry of that director's term, the Commission may, subject to the approval of the Council, appoint a delegate to fill the position until the conclusion of the next annual delegate meeting.

14 Section 18(3)(c) is amended by striking out “Commission director” and substituting “director”.

15 Section 19 is amended by striking out “Commission director” and substituting “director”.

16 Section 21(1) is amended by striking out “Commission director” and substituting “director”.

17 Section 25 is amended by striking out “June 30, 2020” and substituting “June 30, 2025”.

18 The Schedule is repealed.

Transitional — annual delegate meeting

19 Notwithstanding section 9(1), the Commission is not required to hold an annual delegate meeting in 2020 and the first annual delegate meeting held after the coming into force of this Regulation may be held in 2021.

Transitional — directors

20 Notwithstanding sections 14(1) and 15(2), the Commission directors holding office immediately before this Regulation comes into force shall hold office as directors until the conclusion of the first annual delegate meeting held after this Regulation comes into force.

21(1) Sections 2(b) and 5(b)(ii) have effect at the commencement of the first annual producer meeting held in 2020.

(2) Sections 10 and 11 have effect at the commencement of the annual delegate meeting held after the coming into force of this Regulation.

Alberta Regulation 230/2020
Marketing of Agricultural Products Act
SUGAR BEET MARKETING PLAN
AMENDMENT REGULATION

Filed: November 18, 2020

For information only: Made by the Minister of Agriculture and Forestry (M.O. 050/2020) on November 17, 2020 pursuant to section 23 of the Marketing of Agricultural Products Act.

1 The *Sugar Beet Marketing Plan Regulation* (AR 275/97) is amended by this Regulation.

2 Section 1 is amended by adding the following after clause (d):

(d.001) “family” means family as defined in the *Sugar Beet Production and Marketing Regulation* (AR 287/97);

(d.002) “fodder beet” means a sugar beet produced in Alberta for consumption by livestock that is owned or leased by the producer or a family member of the producer;

3 Section 5 is amended

(a) by renumbering it as subsection (1);

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

(2) Despite subsection (1), this Plan does not apply in respect of a person who produces fodder beets in Alberta on one or more parcels of land that are owned or leased by the person and that do not in the aggregate exceed 40 acres, in respect of those fodder beets.

4 Section 26 is amended

(a) in clause (a) by striking out “annual meeting” and substituting “annual general meeting”;

(b) in clause (b)

(i) by striking out “special area meeting” and substituting “special meeting”;

(ii) in subclause (i) by striking out “15%” and substituting “30%”;

- (c) **in clause (c) by striking out** “special area meeting” **and substituting** “special meeting”.

5 Section 27(1) is amended

- (a) **by striking out** “date of an area meeting” **and substituting** “date of an annual general meeting or a special meeting for an area”;
- (b) **by striking out** “the area meeting” **and substituting** “that meeting”.

6 Section 28 is repealed and the following is substituted:

Quorum re area general meeting

28(1) A quorum for an annual general meeting for an area is not less than 20% of the registered producers within the area.

(2) A quorum for a special meeting for an area is not less than 30% of the registered producers within the area.

Alberta Regulation 231/2020

Marketing of Agricultural Products Act

**SUGAR BEET PRODUCTION AND MARKETING
AMENDMENT REGULATION**

Filed: November 18, 2020

For information only: Made by the Alberta Sugar Beet Growers on June 5, 2020, and approved by the Alberta Agricultural Products Marketing Council on June 18, 2020 pursuant to sections 26 and 27 of the Marketing of Agricultural Products Act.

1 The *Sugar Beet Production and Marketing Regulation* (AR 287/97) is amended by this Regulation.

2 Section 1(1) is amended by adding the following after clause (e):

- (e.1) “fodder beet” means fodder beet as defined in the *Sugar Beet Marketing Plan Regulation* (AR 275/97);

3 Section 2 is amended

(a) by renumbering it as section 2(1);

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

(2) The Board may exempt persons from the requirement in this Regulation to be a registered producer or to hold a producer's or processor's licence.

(3) The Board may exempt persons from the requirements in this Regulation respecting the allotment of quota.

4 Section 3 is amended

(a) by renumbering it as section 3(1);

(b) in subsection (1) by striking out "No person shall" and substituting "Subject to subsection (2), no person shall";

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

(2) No person shall market fodder beets in Alberta whether through a processor or otherwise.

5 The following is added after section 3:

Fodder beets

3.1(1) Despite section 47(8), a person may produce fodder beets without a producer's licence, quota or quota certificate or a research licence on one or more parcels of land that are owned or leased by the person and that do not in the aggregate exceed 40 acres.

(2) A person referred to in subsection (1) shall

(a) provide to the Board

(i) the person's name and mailing address,

(ii) the person's email address, if available, and

(iii) the legal description of the parcel or parcels on which the fodder beets are produced,

and

(b) comply with any orders, directives or policies established by the Board with respect to agronomic practices for the production of sugar beets.

6 Section 47 is amended by adding the following after subsection (10):

(11) No person shall

- (a) produce fodder beets on one or more parcels of land that in the aggregate exceed 40 acres, or
- (b) exchange fodder beets for valuable consideration, including selling fodder beets.