

2011 Bill 26

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Fourth Session, 27th Legislature, 60 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 26**

**TRAFFIC SAFETY  
AMENDMENT ACT, 2011**

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THE MINISTER OF TRANSPORTATION

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 26

2011

### TRAFFIC SAFETY AMENDMENT ACT, 2011

(Assented to \_\_\_\_\_, 2011)

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

#### Amends RSA 2000 cT-6

**1 The *Traffic Safety Act* is amended by this Act.**

**2 Section 1(1)(ff)(iii) is amended by adding “except in sections 39, 39.1, 39.2, 88, 88.1 and 90,” before “a peace officer”.**

#### **3 Section 26 is amended**

**(a) by renumbering it as section 26(1);**

**(b) in subsection (1) by striking out “Except” and substituting “Subject to subsection (2), except”;**

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

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

## Explanatory Notes

**1** Amends chapter T-6 of the Revised Statutes of Alberta 2000.

**2** Section 1(1)(ff)(iii) presently reads:

*1(1) In this Act,*

*(ff) “peace officer” means*

*(iii) a peace officer appointed under the Peace Officer Act for the purposes of this Act;*

**3** Section 26 presently reads:

*26 Except where otherwise directed by the Chair or the Minister, a quorum of the Board consists of one member of the Board.*

**4 The following is added after section 29.1:**

**Regulations**

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

**5 Section 31 is amended**

- (a) in clause (a)(ii) by striking out “remedial education” and substituting “remedial education, monitoring”;**
- (b) by repealing clause (b)(i)(A);**
- (c) by repealing clause (b)(ii)(A);**
- (d) by adding the following after clause (b):**
  - (c) where a person has been suspended or disqualified from driving 2 or more times in a 10-year period under section 88, on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or issuance of an operator’s licence to the person who was subject to the suspension or disqualification be on the condition that the person, in addition to complying with the other requirements imposed under this Act,
    - (i) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Board, and
    - (ii) complies with any terms or conditions imposed by the Board.

#### 4 Regulations.

#### 5 Section 31 presently reads:

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

- (a) where a person's ability or attitude regarding the operation of a motor vehicle has been considered by the Board,*
  - (i) disqualify the person from driving a motor vehicle in Alberta for a definite or indefinite period of time;*
  - (ii) with respect to that person, prescribe any measure or course of remedial education or treatment as a condition of acquiring or holding an operator's licence;*
  - (iii) prescribe terms and conditions governing that person's operator's licence;*
- (b) where the suspension of a person's operator's licence or the disqualification of a person to hold an operator's licence arises out of that person being found guilty under section 253 or 254 of the Criminal Code (Canada),*
  - (i) on the expiration of a suspension or disqualification imposed by a court, set aside the operation of the suspension or disqualification imposed under this Act on the condition that the person who is subject to the suspension or disqualification*
    - (A) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Board, and*
    - (B) complies with any terms or conditions imposed by the Board;*
  - (ii) on the expiration of the suspension or disqualification imposed under this Act, direct that the reinstatement or*

**6 Section 39 is amended**

- (a) **by repealing subsection (1) and substituting the following:**

**Appeals re immediate roadside suspension**

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

- (b) **in subsection (2)**

- (i) **by striking out** “, with respect to the alcohol-related driving of a motor vehicle, the drug-related driving of a motor vehicle, or both,”;
- (ii) **by adding** “a 2nd or subsequent time in a 10-year period” **before** “under section 88”;

- (c) **in subsection (3)**

- (i) **by adding the following after clause (b):**

- (b.1) the certificate of annual maintenance of the approved screening device issued immediately before the issuance of the notice of suspension or notice of disqualification under section 88;
- (b.2) the records of the last calibration of the approved screening device immediately before the test administered under section 88;

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

*issuance of an operator's licence to the person who was subject to the suspension or disqualification be on the condition that the person, in addition to complying with the requirements imposed under this Act,*

- (A) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device that meets the approval of the Board, and*
- (B) complies with any terms or conditions imposed by the Board.*

**6** Section 39 presently reads in part:

*39(1) In this section, "alcohol-related driving of a motor vehicle", "drug-related driving of a motor vehicle", "peace officer" and "temporary operator's permit" mean alcohol-related driving of a motor vehicle, drug-related driving of a motor vehicle, peace officer and temporary operator's permit as defined in section 88.*

*(2) Where, with respect to the alcohol-related driving of a motor vehicle, the drug-related driving of a motor vehicle, or both,*

- (a) a person's operator's licence or temporary operator's permit is suspended, or*
- (b) a person is disqualified from acquiring or holding an operator's licence or from operating a motor vehicle*

*under section 88, the person may appeal that suspension or disqualification to the Board.*

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

- (a) any relevant sworn or solemnly affirmed statements and any other relevant information;*
- (b) the report of the peace officer;*
- (c) a copy of any certificate of analysis under section 258 of the Criminal Code (Canada) without proof of the identity and official character of the person appearing to have signed the certificate or that the copy is a true copy;*

**(iii) in clause (d) by striking out “and (c)” and substituting “, (b.1) and (b.2)”;**

**(d) by repealing subsections (5) and (6) and substituting the following:**

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

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



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

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

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

*(a.1) the person drove a motor vehicle having consumed a drug, alcohol or a combination of a drug and alcohol in such a quantity that the person's ability to operate the motor vehicle was impaired at any time within 3 hours after having driven a motor vehicle, or*

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

*the Board must confirm the suspension or disqualification.*

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

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

*(a.1) that the person did not drive a motor vehicle having consumed a drug, alcohol or a combination of a drug and alcohol in such a quantity that the person's ability to operate the motor vehicle was impaired at any time within 3 hours after having driven a motor vehicle, or*

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

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

**7 Section 39.1 is amended**

- (a) by repealing subsection (1) and substituting the following:**

**Appeals re zero alcohol suspension, etc.**

**39.1(1)** In this section,

- (a) “novice driver” and “novice operator’s licence” mean novice driver and novice operator’s licence as defined in section 90;
  - (b) “peace officer” means peace officer as defined in section 87.1.
- (b) in subsection (2) by striking out “or temporary novice operator’s permit”;**
- (c) in subsection (3)**
- (i) by adding the following after clause (b):**
    - (b.1) the certificate of annual maintenance of the approved screening device issued immediately before the issuance of the notice of suspension or notice of disqualification under section 88;
    - (b.2) the records of the last calibration of the approved screening device immediately before the test administered under section 88;
  - (ii) in clause (c) by striking out “(a) and (b)” and substituting “(a), (b), (b.1) and (b.2)”;**
- (d) in subsection (5)**
- (i) in clause (b) by striking out “or a temporary novice operator’s permit”;**

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

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

**7** Section 39.1 presently reads in part:

*39.1(1) In this section, “novice driver”, “novice operator’s licence”, “peace officer” and “temporary novice operator’s permit” mean novice driver, novice operator’s licence, peace officer and temporary novice operator’s permit as defined in section 90.*

*(2) A person whose novice operator’s licence or temporary novice operator’s permit is suspended under section 90 may appeal that suspension to the Board.*

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

- (a) any relevant sworn or solemnly affirmed statements and any other relevant information;*
- (b) the report of the peace officer;*
- (c) where an oral hearing is held, in addition to the matters referred to in clauses (a) and (b), any relevant evidence and information given or presentations made at the hearing.*

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

- (a) the person was a novice driver,*
- (b) the person held a novice operator’s licence or a temporary novice operator’s permit, and*
- (c) the person,*
  - (i) having consumed alcohol, drove a motor vehicle, or*
  - (ii) without a reasonable excuse, failed or refused to provide a breath sample when required to do so under section 90,*

*the Board must confirm the suspension.*

**(ii) by repealing clause (c) and substituting the following:**

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

**(e) in subsection (6)**

**(i) in clause (b) by striking out “or a temporary novice operator’s permit,” and substituting “, or”;**

**(ii) by striking out “or” at the end of clause (c) and repealing clause (d).**

**8 The following is added after section 39.1:**

**Appeals re administrative licence suspensions**

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

**(2)** Where

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

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

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

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

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

(b) the report of the peace officer;

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

- (a) the person was not a novice driver,*
- (b) the person did not hold a novice operator's licence or a temporary novice operator's permit,*
- (c) the person, having consumed alcohol, had not driven a motor vehicle, or*
- (d) the person, having failed or refused to provide a breath sample when required to do so under section 90, had a reasonable excuse for doing so,*

*the Board must*

- (e) cancel the suspension, and*
- (f) direct the return to that person of any fees paid to the Government by the person in respect of the appeal conducted under this section.*

**8** Appeals by drivers from other jurisdiction and appeals re administrative licence suspension.

- (c) a copy of any certificate of analysis under section 258 of the *Criminal Code* (Canada) without proof of the identity and official character of the person appearing to have signed the certificate or that the copy is a true copy;
- (d) where an oral hearing is held, in addition to the matters referred to in clauses (a), (b) and (c), any relevant evidence and information given or presentations made at the hearing.

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

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

- (a) the person drove a motor vehicle having consumed a drug, alcohol or a combination of a drug and alcohol in such a quantity that the person's ability to operate the motor vehicle was impaired at any time within 3 hours after having driven a motor vehicle,
- (b) the person drove a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after having driven a motor vehicle, or
- (c) the person, with respect to the driving of a motor vehicle, failed or refused, without a reasonable excuse, to comply with a demand made on that person under section 254 of the *Criminal Code* (Canada),

the Board must confirm the suspension or disqualification.

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

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



- (b) that the person did not drive a motor vehicle having consumed alcohol in such a quantity that the concentration of alcohol in that person's blood exceeded 80 milligrams of alcohol in 100 millilitres of blood at any time within 3 hours after having driven a motor vehicle, or
- (c) that, with respect to the driving of a motor vehicle,
  - (i) the person did not fail or refuse to comply with a demand made on that person under section 254 of the *Criminal Code* (Canada), or
  - (ii) the person had a reasonable excuse for failing or refusing to comply with the demand referred to in subclause (i),

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

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

**Appeals re mandatory use of alcohol-sensing device while driving**

**39.3(1)** Where the Registrar

- (a) refuses to set aside the operation of a disqualification imposed under this Act, or imposes terms or conditions, in accordance with section 88.2(2),
- (b) refuses to reinstate or issue a licence, or imposes terms or conditions, in accordance with section 88.2(4),
- (c) refuses to grant an exemption under section 88.2(6)(a),
- (d) orders an extension of the requirement for the use of an alcohol-sensing device under section 88.2(6)(b), or
- (e) refuses to set aside the requirement for the use of an alcohol-sensing device, or imposes a further period of





disqualification or a term or condition, under section 88.2(7),

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

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

- (a) confirm any action taken by the Registrar that the Board considers appropriate in the circumstances,
- (b) direct the Registrar to set aside the operation of a disqualification imposed under this Act and to impose, or not to impose, a term or condition under section 88.2(2),
- (c) direct the Registrar to reinstate or issue an operator's licence and to impose, or not to impose, a term or condition under section 88.2(4),
- (d) direct the Registrar to grant an exemption under section 88.2(6)(a),
- (e) direct the Registrar not to extend the requirement under section 88.2(6)(b), or
- (f) direct the Registrar to set aside the requirement for the use of an alcohol-sensing device, or to impose, or not to impose, a further period of disqualification or a term or condition under section 88.2(7),

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

**Appeals by drivers from other jurisdictions**

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

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



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

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

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

- (a) confirm any action taken by the Registrar that the Board considers appropriate in the circumstances,
- (b) direct the Registrar to declare the person eligible to obtain an operator's licence under section 88.3(2),
- (c) direct the Registrar not to impose a term or condition under section 88.3(2), or
- (d) make the order subject to any terms or conditions that the Board considers appropriate in the circumstances.

**9 Section 40 is amended by adding "172.1," before "173" wherever it occurs.**

**9** Section 40 presently reads:

*40(1) Subject to the regulations, where a person's motor vehicle is seized or immobilized under section 173 or 173.1, that person or another person who has an interest in that motor vehicle may appeal the seizure or immobilization to the Board.*

*(2) In determining an appeal commenced pursuant to this section, the Board may, subject to the regulations, confirm, vary or rescind the decision made or action taken under section 173 or 173.1.*

*(3) In determining an appeal of a seizure or immobilization under section 173.1, the Board may order the release of the motor vehicle to the registered owner or someone authorized by the registered owner if the Board is satisfied that*

- (a) the registered owner could not reasonably have known that the vehicle was being operated in the course of committing an offence referred to in section 173.1, or*
- (b) at the time the vehicle was seized, the driver was in possession of it without the knowledge and consent of its registered owner.*

**10 Section 64 is amended by adding the following after clause (r):**

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

**11 The following is added after section 87:**

**Peace officer definition**

**87.1** In sections 88, 88.1 and 90, “peace officer” means

- (a) a police officer as defined in section 1 of the *Police Act*;
- (b) a person appointed under the *Peace Officer Act* as a peace officer for the purposes of sections 88, 88.1 and 90 of this Act who
  - (i) has been authorized under section 7(2)(e) of the *Peace Officer Act* to use the title of sheriff,
  - (ii) has satisfied any applicable terms and conditions under the *Peace Officer Act*, and
  - (iii) has been designated by the Solicitor General and Minister of Public Security as qualified to enforce sections 88, 88.1 and 90 of this Act.

**12 Section 88 is repealed and the following is substituted:**

**Immediate roadside sanctions**

**88** In this section,

- (a) “approved instrument” means a device that is designed to receive and make an analysis of a sample of the breath of a person in order to measure the concentration of alcohol in that person’s blood and that is
  - (i) an approved instrument within the meaning of section 254 of the *Criminal Code* (Canada), or
  - (ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

**10** Section 64 presently reads in part:

*64 The Minister may make regulations*

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

**11** Peace officer definition.

**12** Section 88 presently reads:

*88(1) In this section,*

- (a) “alcohol-related driving of a motor vehicle” means those circumstances referred to in subsection (2)(a) and (b)(i) and (ii);*
- (a.1) “drug-related driving of a motor vehicle” means those circumstances referred to in subsection (2)(a) and (b)(i.1) and (iii);*
- (b) “bodily harm” means any hurt or injury to a person that interferes with the health or comfort of the person and that is more than merely transient or trifling in nature;*

- (b) “approved screening device” means a device that is designed to ascertain the presence of alcohol in a person’s blood and that is
  - (i) an approved screening device within the meaning of section 254 of the *Criminal Code* (Canada), or
  - (ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;
- (c) “notice of disqualification” means a notice of disqualification served under subsection (2);
- (d) “notice of suspension” means a notice of suspension served under subsection (2).

**(2) Where**

- (a) a peace officer has reasonable and probable grounds to believe that a person drove a motor vehicle, and
- (b) in relation to that person driving that motor vehicle, the peace officer has reasonable and probable grounds by means of analysis of a sample of breath using an approved screening device to believe that the person has consumed alcohol in such a quantity that the concentration of alcohol in that person’s blood is equal to or exceeds 50 milligrams of alcohol in 100 millilitres of blood,

the peace officer shall, on behalf of the Registrar,

- (c) in the case of a person who holds an operator’s licence,
  - (i) require that person to surrender to the peace officer that person’s operator’s licence, and
  - (ii) serve on that person a notice of suspension of that person’s operator’s licence;
- (d) in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification



- (c) *“notice of disqualification” means a notice of disqualification referred to in subsection (2);*
- (d) *“notice of suspension” means a notice of suspension referred to in subsection (2);*
- (e) *“peace officer” means a police officer as defined in section 1 of the Police Act;*
- (f) *“temporary operator’s permit” means a temporary operator’s permit issued under subsection (2).*

(2) *Where*

- (a) *a peace officer has reasonable and probable grounds to believe that a person drove a motor vehicle, and*
- (b) *in relation to that person driving that motor vehicle, the peace officer,*
  - (i) *has reasonable and probable grounds to believe that the person has consumed alcohol in such a quantity that the concentration of alcohol in that person’s blood exceeds 80 milligrams of alcohol in 100 millilitres of blood,*
  - (i.1) *has reasonable and probable grounds to believe that the person’s ability to operate a motor vehicle is impaired by a drug, alcohol or a combination of a drug and alcohol,*
  - (ii) *has reasonable and probable grounds to believe that the person while having alcohol in that person’s body failed or refused, without a reasonable excuse, to comply with a demand made on that person under section 254 of the Criminal Code (Canada), or*
  - (iii) *has reasonable and probable grounds to believe that the person while having a drug, or a combination of a drug and alcohol, in that person’s body failed or refused, without a reasonable excuse, to comply with a demand made on that person under section 254 of the Criminal Code (Canada),*

*the peace officer shall, on behalf of the Registrar,*

- (c) *in the case of a person who holds an operator’s licence,*

- (i) disqualifying that person from operating a motor vehicle in Alberta, and
  - (ii) disqualifying that person from applying for or holding an operator's licence;
- (e) in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.

**(3) Where**

- (a) a person's operator's licence is surrendered under subsection (2)(c), that person's operator's licence is immediately suspended and that person is immediately disqualified from driving a motor vehicle in Alberta for a period of
  - (i) 3 days, in the case of a first suspension or disqualification,
  - (ii) 15 days, in the case of a 2nd suspension or disqualification, and
  - (iii) 30 days, in the case of a subsequent suspension or disqualification;
- (b) a notice of disqualification is served on a person under subsection (2)(d), that person is immediately disqualified from driving a motor vehicle in Alberta for a period of
  - (i) 3 days, in the case of a first disqualification,
  - (ii) 15 days, in the case of a 2nd disqualification, and
  - (iii) 30 days, in the case of a subsequent disqualification;
- (c) a notice of disqualification is served on a person under subsection (2)(e), that person is immediately disqualified from driving a motor vehicle in Alberta for a period of
  - (i) 3 days, in the case of a first disqualification,

- (i) *require that person to surrender to the peace officer that operator's licence and issue to that person a temporary operator's permit, and*
  - (ii) *serve on that person a notice of suspension of that person's operator's licence;*
- (d) *in the case of a person who holds a temporary operator's permit,*
- (i) *require that person to surrender to the peace officer that temporary operator's permit, and*
  - (ii) *serve on that person a notice of suspension of that temporary operator's permit;*
- (e) *in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification*
- (i) *disqualifying that person from operating a motor vehicle, and*
  - (ii) *disqualifying that person from applying for or holding an operator's licence;*
- (f) *in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.*
- (3) *Where*
- (a) *a person's operator's licence is surrendered and a temporary operator's permit is issued under subsection (2)(c),*
- (i) *that person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the temporary operator's permit comes into effect,*
  - (ii) *the temporary operator's permit comes into effect at the expiration of 24 hours from the time that the disqualification referred to in subclause (i) came into effect, and*

- (ii) 15 days, in the case of a 2nd disqualification, and
- (iii) 30 days, in the case of a subsequent disqualification.

**(4)** For the purposes of subsection (3), a suspension or disqualification is

- (a) a first suspension or disqualification if a person has not been subject to a previous suspension or disqualification under that subsection within the 10-year period preceding the suspension or disqualification,
- (b) a 2nd suspension or disqualification if a person has been subject to one previous suspension or disqualification under that subsection within the 10-year period preceding the suspension or disqualification, and
- (c) a subsequent suspension or disqualification if a person has been subject to 2 or more previous suspensions or disqualifications under that subsection within the 10-year period preceding the suspension or disqualification.

**(5)** On a 2nd or subsequent suspension or disqualification under subsection (3), a person

- (a) is required to complete a mandatory educational program required by the Registrar,
- (b) is subject to terms and conditions set by the Registrar on that person's operator's licence,
- (c) is subject to a review by the Board at the Registrar's discretion after the 2nd suspension or disqualification, and
- (d) is subject to a mandatory review by the Board after the 3rd or any subsequent suspension or disqualification.

**(6)** Notwithstanding subsection (3), where the person voluntarily

- (a) attends forthwith at a place designated by the peace officer and accompanies the peace officer to that place,

- (iii) *the temporary operator's permit expires at the end of the 21st day following the day on which the temporary operator's permit came into effect;*
  - (b) *a notice of suspension is served on a person under subsection (2)(c), the suspension, with respect to the surrendered operator's licence, takes effect immediately on the expiration of the temporary operator's permit issued in respect of the surrendered operator's licence;*
  - (c) *a notice of suspension is served on a person under subsection (2)(d), the suspension, with respect to the surrendered temporary operator's permit, takes effect immediately on the service of the notice;*
  - (d) *a notice of disqualification is served on a person under subsection (2)(e),*
    - (i) *that person is immediately disqualified from driving a motor vehicle in Alberta, but that disqualification temporarily ceases to have effect at the end of 24 hours from the time that the notice of disqualification was served on that person, and*
    - (ii) *that person is, at the end of the 21st day following the day on which the disqualification temporarily ceased to have effect under subclause (i), once again disqualified from driving a motor vehicle in Alberta;*
  - (e) *a notice of disqualification is served on a person under subsection (2)(f), the disqualification takes effect immediately on the service of the notice.*
- (4) *A temporary operator's permit, during the period of time that it is in effect, stands in the place of the surrendered operator's licence and is subject to the same terms and conditions as those to which the surrendered operator's licence was subject.*
- (5) *A suspension or disqualification that comes into effect under subsection (3)(b), (d) or (e) is in effect, unless otherwise directed by the Board pursuant to an appeal under section 39, until the end of the 3-month period that commences on the day that the suspension or disqualification takes effect.*
- (6) *Notwithstanding subsection (5), where a peace officer on reasonable and probable grounds believes that the alcohol-related*

if necessary, and undergoes a test using an approved instrument, or

- (b) forthwith provides a 2nd breath sample into an approved screening device that is different from the device used for the test under subsection (2)(a), the purpose of which is to show the proportion of alcohol in the person's blood, and the result of that test indicates that the proportion of alcohol in the person's blood is not equal to nor exceeds 50 milligrams of alcohol in 100 millilitres of blood,

the peace officer shall forthwith return the operator's licence, if any, to the person and the disqualification from driving is terminated.

**(7)** Notwithstanding that a person refuses or fails

- (a) to accept from a peace officer service of a notice of suspension or a notice of disqualification, that notice is deemed to have been served at the time that the peace officer attempted to serve that notice on that person;
- (b) to surrender an operator's licence, that refusal or failure does not prevent the suspension or disqualification from taking effect;
- (c) to accept service of a notice of suspension or a notice of disqualification, that refusal or failure does not prevent the suspension or disqualification from taking effect.

**(8)** With respect to a driver of a motor vehicle, this section does not apply to a case arising out of the circumstances described in subsection (2)

- (a) when a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code* (Canada), committed any offence
  - (i) involving the actual driving of a motor vehicle by the driver, and
  - (ii) involving

*driving of a motor vehicle or drug-related driving of a motor vehicle, or both, by a person has caused bodily harm to or the death of another person, a suspension or disqualification that comes into effect under subsection (3)(b), (d) or (e) is in effect, unless otherwise directed by the Board pursuant to an appeal under section 39, until the end of the 6-month period that commences on the day that the suspension or disqualification takes effect.*

*(6.1) For the purposes of subsections (5) and (6), a disqualification referred to in subsection (3)(d) is deemed to come into effect when the disqualification once again comes into effect under subsection (3)(d)(ii).*

*(7) Notwithstanding that a person refuses or fails*

- (a) to accept from a peace officer service of a notice of suspension or a notice of disqualification, that notice is deemed to have been served at the time that the peace officer attempted to serve that notice on that person;*
- (b) to surrender an operator's licence or a temporary operator's permit, that refusal or failure does not prevent the suspension or disqualification from taking effect;*
- (c) to accept service of a notice of suspension or a notice of disqualification, that refusal or failure does not prevent the suspension or disqualification from taking effect.*

- (A) the condition of the driver or the amount of alcohol in the driver's blood, as the case may be, resulting from the consumption by the driver of alcohol,
- (B) the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance,
- (C) the condition of the driver resulting from the introduction by the driver into the driver's body of a combination of alcohol and a drug, or
- (D) the driver, with respect to the driving of a motor vehicle, having failed or refused, without a reasonable excuse, to comply with a demand made on that driver under section 254 of the *Criminal Code* (Canada),

or

- (b) where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88.1.

**Alcohol-related administrative licence suspension**

**88.1(1)** In this section,

- (a) "notice of disqualification" means a notice of disqualification served under subsection (2);
- (b) "notice of suspension" means a notice of suspension served under subsection (2).

**(2)** Where

- (a) a peace officer has charged a person with an offence under section 253, subsection 254(5) or section 255 of the *Criminal Code* (Canada),

the peace officer shall, on behalf of the Registrar,

- (b) in the case of a person who holds an operator's licence,





- (i) require that person to surrender to the peace officer that person's operator's licence, and
  - (ii) serve on that person a notice of suspension of that person's operator's licence;
- (c) in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification
- (i) disqualifying that person from operating a motor vehicle in Alberta, and
  - (ii) disqualifying that person from applying for or holding an operator's licence;
- (d) in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.

**(3) Where**

- (a) a person's operator's licence is surrendered under subsection (2)(b), that person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the disposition of the criminal charge referred to in subsection (2)(a);
- (b) a notice of suspension is served on a person under subsection (2)(b), the suspension, with respect to the surrendered operator's licence, takes effect immediately and remains in effect until the disposition of the criminal charge referred to in subsection (2)(a);
- (c) a notice of disqualification is served on a person under subsection (2)(c), that person is immediately disqualified from driving a motor vehicle in Alberta, and the disqualification remains in effect until the disposition of the criminal charge referred to in subsection (2)(a);
- (d) a notice of disqualification is served on a person under subsection (2)(d), the disqualification takes effect immediately on the service of the notice and remains in



effect until the disposition of the criminal charge referred to in subsection (2)(a).

- (4) Notwithstanding that a person refuses or fails
- (a) to accept from a peace officer service of a notice of suspension or a notice of disqualification, that notice is deemed to have been served at the time that the peace officer attempted to serve that notice on that person;
  - (b) to surrender an operator's licence, that refusal or failure does not prevent the suspension or disqualification from taking effect;
  - (c) to accept service of a notice of suspension or a notice of disqualification, that refusal or failure does not prevent the suspension or disqualification from taking effect.

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

**88.2(1)** Where a person has been disqualified arising out of the person being found guilty under section 253, 254 or 255 of the *Criminal Code* (Canada), on the expiration of the disqualification imposed by a court, the person may apply to the Registrar to set aside the operation of a disqualification imposed under this Act.

- (2) The Registrar may set aside the operation of a disqualification imposed under this Act only on the condition that the person who is subject to the disqualification
- (a) does not operate a motor vehicle unless the vehicle is equipped with an alcohol-sensing device satisfactory to the Registrar, and
  - (b) complies with any terms or conditions imposed by the Registrar.

(3) Notwithstanding section 92, where a person has been disqualified arising out of the person being found guilty under section 253, 254 or 255 of the *Criminal Code* (Canada), on the expiration of the disqualification imposed under this Act, the person may apply to the Registrar for the reinstatement or issuance of an operator's licence to the person who was subject to the disqualification.



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

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

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

- (a) one year from the expiration of the disqualification for a first conviction;
- (b) 3 years from the expiration of the disqualification for a 2nd conviction within 10 years;
- (c) 5 years from the expiration of the disqualification for a 3rd or subsequent conviction within 10 years.

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

- (a) consider and grant or refuse applications for exemption from subsection (5)(a) from persons whose blood alcohol content was less than 160 milligrams of alcohol in 100 millilitres of blood,
- (b) order the extension of the requirement for the use of an alcohol-sensing device beyond the periods stated in subsection (5) until such time as, in the opinion of the Registrar, the person no longer poses a significant risk to public safety, or
- (c) consider and grant or refuse applications for exemption from subsection (5) where it is not feasible for the disqualified person to comply with the requirement for the use of an alcohol-sensing device as prescribed in this section.

**(7)** On an application referred to in subsection (6)(c), the Registrar may set aside the requirement for the use of an



alcohol-sensing device, and instead impose a further period of disqualification or another term or condition that will, in the opinion of the Registrar, ensure public safety.

**(8)** Any requirement for the use of an alcohol-sensing device that has been prescribed as a condition of operating a vehicle under this Act is cancelled on a suspension or disqualification under section 88.1.

**Review of drivers from other jurisdictions**

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

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

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

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





**13 Section 89 is repealed and the following is substituted:**

**24-hour disqualification re alcohol or drug, etc.**

**89(1)** If a peace officer reasonably suspects that the driver of a motor vehicle

- (a) has a medical or physical condition that affects, or
- (b) has consumed alcohol or otherwise introduced into the driver's body any alcohol, drug or other substance in such a quantity so as to affect

the driver's physical or mental ability, the peace officer may

- (c) in the case of a person who holds an operator's licence,
  - (i) require that person to surrender to the peace officer that person's operator's licence, and
  - (ii) serve on that person a notice of suspension of that person's operator's licence;
- (d) in the case of a person who holds a licence or permit issued in another jurisdiction that permits the person to operate a motor vehicle, serve on that person a notice of disqualification
  - (i) disqualifying that person from operating a motor vehicle in Alberta, and
  - (ii) disqualifying that person from applying for or holding an operator's licence;
- (e) in the case of a person who does not hold an operator's licence, serve on that person a notice of disqualification disqualifying that person from applying for or holding an operator's licence.

**(2) Where**

- (a) a person's operator's licence is surrendered under subsection (1)(c), that person is immediately disqualified from driving a motor vehicle in Alberta;

**13** Section 89 presently reads in part:

*89(1) If a peace officer reasonably suspects that the driver of a motor vehicle has consumed alcohol or otherwise introduced into the driver's body any alcohol, drug or other substance in such a quantity so as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender the driver's operator's licence to the peace officer.*

*(3) The refusal or other failure of a driver to surrender an operator's licence under subsection (2) does not prevent the disqualification from driving from taking effect.*

*(5) Notwithstanding subsection (4), if the disqualification from driving arises in respect of the use of alcohol and the driver voluntarily,*

- (a) at a place designated by the peace officer, undergoes a test the purpose of which is to show the proportion of alcohol in the driver's blood, and the result of that test indicates that the proportion of alcohol in the driver's blood does not exceed 80 milligrams of alcohol in 100 millilitres of blood, or*
- (b) produces to the peace officer a certificate signed by a physician stating that the driver's blood, as tested by the physician after the commencement of the disqualification from driving, did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,*

*the peace officer shall forthwith return the operator's licence, if any, to the driver and the disqualification from driving is terminated.*

*(6) With respect to a driver of a vehicle, this section does not apply to a case arising out of the circumstances described in subsection (1)*

- (a) when a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the Criminal Code (Canada), committed any offence*
  - (i) involving the actual driving of a motor vehicle by the driver, and*
  - (ii) involving*

- (b) a notice of suspension is served on a person under subsection (1)(c), the suspension, with respect to the surrendered operator's licence, takes effect immediately;
  - (c) a notice of disqualification is served on a person under subsection (1)(d), that person is immediately disqualified from driving a motor vehicle in Alberta;
  - (d) a notice of disqualification is served on a person under subsection (1)(e), that person is immediately disqualified from driving a motor vehicle in Alberta.
- (3)** The refusal or other failure of a driver to surrender an operator's licence under subsection (1)(c) does not prevent the suspension or disqualification from driving from taking effect.
- (4)** A suspension or disqualification from driving arising pursuant to this section terminates at the end of 24 hours from the time that the suspension or disqualification takes effect.
- (5)** With respect to a driver of a motor vehicle, this section does not apply to a case arising out of the circumstances described in subsection (1)
- (a) when a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code* (Canada), committed any offence
    - (i) involving the actual driving of a motor vehicle by the driver, and
    - (ii) involving
      - (A) the condition of the driver or the amount of alcohol in the driver's blood, as the case may be, resulting from the consumption by the driver of alcohol,
      - (B) the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance,

*(A) the condition of the driver or the amount of alcohol in the driver's blood, as the case may be, resulting from the consumption by the driver of alcohol, or*

*(B) the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance,*

*or*

*(b) where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88.*

- (C) the condition of the driver resulting from the introduction by the driver into the driver's body of a combination of alcohol and a drug, or
- (D) the driver, with respect to the driving of a motor vehicle, having failed or refused, without a reasonable excuse, to comply with a demand made on that person under section 254 of the *Criminal Code* (Canada),

or

- (b) where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88 or 88.1.

**14 Section 90 is amended**

**(a) in subsection (1)**

**(i) by renumbering clause (a) as clause (a.1) and by adding the following before clause (a.1):**

- (a) "approved instrument" means a device that is designed to receive and make an analysis of a sample of the breath of a person in order to measure the concentration of alcohol in that person's blood and that is
  - (i) an approved instrument within the meaning of section 254 of the *Criminal Code* (Canada), or
  - (ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;

**(ii) by repealing clause (e);**

**(iii) by repealing clause (f);**

**(b) by repealing subsection (4) and substituting the following:**

- (4)** Where a person who is a novice driver provides a breath sample under subsection (3) and the breath sample registers a

**14** Section 90 presently reads in part:

*90(1) In this section,*

- (a) “approved screening device” means a device that is designed to ascertain the presence of alcohol in a person’s blood and that is
  - (i) an approved screening device within the meaning of section 254 of the Criminal Code (Canada), or*
  - (ii) approved under this Act by the Lieutenant Governor in Council to be used for the purposes of this section;**
- (b) “notice of suspension” means a notice of suspension referred to in subsection (4);*
- (c) “novice driver” means a person who holds a novice operator’s licence;*
- (d) “novice operator’s licence” means an operator’s licence classified as a learner’s operator’s licence or a probationary operator’s licence;*
- (e) “peace officer” means a police officer as defined in section 1 of the Police Act;*
- (f) “temporary novice operator’s permit” means a temporary novice operator’s permit issued under subsection (4).*

result on the approved screening device that indicates the presence of alcohol in that person's blood, the peace officer shall, on behalf of the Registrar, require that person to surrender to the peace officer that person's novice operator's licence and serve on that person a notice of suspension of that person's novice operator's licence.

**(c) by repealing subsection (5) and substituting the following:**

**(5)** Where a person's novice operator's licence is surrendered under subsection (4), that person's novice operator's licence is immediately suspended and that person is immediately disqualified from driving a motor vehicle in Alberta, and the suspension and disqualification remain in effect for a period of 30 days.

**(d) by repealing subsection (6);**

**(e) in subsection (7)**

**(i) by striking out "(5)(b)" and substituting "(5)";**

**(ii) by striking out "one-month" and substituting "30-day";**

**(f) by adding the following after subsection (7):**

**(7.1)** Notwithstanding subsection (5), if the novice driver voluntarily

- (a) attends forthwith at a place designated by the peace officer and accompanies the peace officer to that place, if necessary, and undergoes a test using an approved instrument, or
- (b) forthwith provides a 2nd breath sample on an approved screening device that is different from the device used for the test under subsection (2),

and the result of that test indicates that there was no alcohol in the novice driver's blood, the peace officer shall forthwith return the novice operator's licence, if any, to the novice driver and the disqualification from driving is terminated.



*(4) Where a novice driver*

- (a) provides a breath sample under subsection (3) and the breath sample registers a result on the approved screening device that indicates the presence of alcohol in that driver's blood, or*
- (b) without a reasonable excuse fails or refuses to provide a breath sample when required to do so by a peace officer under subsection (2),*

*the peace officer shall, on behalf of the Registrar,*

- (c) in the case of a person who holds a novice operator's licence,*
  - (i) require that person to surrender to the peace officer that novice operator's licence and issue to that person a temporary novice operator's permit, and*
  - (ii) serve on that person a notice of suspension of that person's novice operator's licence;*
- (d) in the case of a person who holds a temporary novice operator's permit,*
  - (i) require that person to surrender to the peace officer that temporary novice operator's permit, and*
  - (ii) serve on that person a notice of suspension of that temporary novice operator's permit.*

*(5) Where*

- (a) a person's novice operator's licence is surrendered and a temporary novice operator's permit is issued under subsection (4)(c),*
  - (i) that person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the temporary novice operator's permit comes into effect,*
  - (ii) the temporary novice operator's permit comes into effect at the expiration of 24 hours from the time that the disqualification referred to in subclause (i) came into effect, and*

**(g) in subsection (8)(b) by striking out “or a temporary novice operator’s permit”;**

**(h) in subsection (9)**

**(i) in clause (a)(ii) by striking out “or” at the end of paragraph (A), adding “or” at the end of paragraph (B) and adding the following after paragraph (B):**

(C) the condition of the driver resulting from the introduction by the driver into the driver’s body of a combination of alcohol and a drug,

**(ii) in clause (b) by adding “or 88.1” after “88”.**



**15 Section 92(2) is amended by adding the following after clause (d):**

- (e) successfully complete a drug and alcohol testing program that includes specimen collection and laboratory processing as required by the Registrar.

- (a) *when a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the Criminal Code (Canada), committed any offence*
    - (i) *involving the actual driving of a motor vehicle by the driver, and*
    - (ii) *involving*
      - (A) *the condition of the driver or the amount of alcohol in the driver's blood, as the case may be, resulting from the consumption by the driver of alcohol, or*
      - (B) *the condition of the driver resulting from the introduction by the driver into the driver's body of any drug or other substance,*
- or*
- (b) *where the driver's operator's licence is suspended or the driver is disqualified from driving a motor vehicle under section 88.*

**15** Section 92 presently reads:

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

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

- (a) *attend interviews conducted by or on behalf of the Registrar;*

**16 Section 98 is amended by renumbering it as section 98(1) and adding the following after subsection (1):**

**(2) Where**

- (a) a person is disqualified from driving a motor vehicle in Alberta under section 88, 89 or 90, and
- (b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta under any other provision of this Act except section 88.1,

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

**(3) Where**

- (a) a person is disqualified from driving a motor vehicle under any other provision of this Act except section 88.1, and
- (b) during the period of disqualification referred to in subsection (2)(a), that person is disqualified from driving a motor vehicle in Alberta under section 88, 89 or 90,

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

- (b) take and successfully complete training, educational or rehabilitation programs or courses as required by the Registrar;*
- (c) provide to the Registrar medical and other reports prepared by physicians and other health care providers;*
- (d) take and successfully complete any examinations or other tests as may be required by the Registrar.*

**16** Section 98 presently reads:

98 *Where*

- (a) a person is disqualified from driving a motor vehicle in Alberta, and*
- (b) during the period of disqualification referred to in clause (a), that person is disqualified from driving a motor vehicle in Alberta under section 94 or anywhere in Canada under section 259 of the Criminal Code (Canada),*

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

**17 Section 100 is amended**

- (a) in clause (a) by adding “88.1,” after “88,”;
- (b) in clause (b) by adding “88.1,” after “88,”;
- (c) in clause (c) by adding “88.1, 88.2,” after “88,”.

**18 Section 172(a) and (b) are repealed.**

**19 The following is added after section 172:**

**Seizure of vehicle for impaired driving, etc.**

**172.1(1)** Where a person has been disqualified from driving under section 88 or 88.1, or has been charged with an offence under section 130 of the *National Defence Act* (Canada) by reason of that person contravening section 253, 254 or 255 of the *Criminal Code* (Canada), a peace officer or another person authorized by a peace officer shall seize or immobilize the



**17** Section 100 presently reads in part:

*100 The Minister may make regulations*

- (a) governing the information and the form of information to be provided to the Registrar by peace officers with respect to the suspensions or the disqualifications referred to in sections 88, 89 and 90;*
- (b) governing the handling of operator's licences and other documents surrendered under sections 88, 89 and 90;*
- (c) prescribing and governing the use of forms to be used for the purposes of sections 88, 89 and 90;*

**18** Section 172 presently reads:

*172 Where a person has been charged with an offence under*

- (a) section 253 or 254 of the Criminal Code (Canada),*
- (b) section 130 of the National Defence Act (Canada) by reason of that person contravening section 253 or 254 of the Criminal Code (Canada), or*
- (c) section 115(2)(c) or (d), where a peace officer believes that the safety of the public may be at risk, then, notwithstanding sections 169 and 170,*

*a peace officer or another person authorized by a peace officer may, for a period of time not exceeding 24 hours from the time that the person was charged, seize or immobilize the motor vehicle that was being operated by that person at the time that the person was charged.*

**19** Seizure of vehicle for impaired driving etc.

motor vehicle that was being operated by that person at the time that the person was disqualified or charged

- (a) for a period of 3 days, if it is the first time the person has been disqualified or charged within 10 years, and
- (b) for a period of 7 days, if it is the 2nd or a subsequent time the person has been disqualified or charged within 10 years.

(2) Where a person has been disqualified from driving under section 89, a peace officer or another person authorized by a peace officer shall seize or immobilize the motor vehicle that was being operated by that person at the time that the person was disqualified for 24 hours.

(3) Where a person has been disqualified from driving under section 90, a peace officer or another person authorized by a peace officer shall seize or immobilize the motor vehicle that was being operated by that person at the time that the person was disqualified for a period of 7 days.

**20 The following is added after section 174:**

**No action against the Crown, etc.**

**174.1** Except as provided for under this Act, no action lies or order or judgment may be made against the Crown, the Minister, any employee of the Crown or any person acting on behalf of the Crown for anything done or omitted to be done under section 172, 172.1, 173 or 173.1.

**21 The following provisions are amended by adding “172.1,” after “172,”:**

section 64(k);  
section 77(1)(i);  
section 174(a);  
section 175(2).

**20** No action against the Crown, etc.

**21** Adds reference to “172.1” and “172,”.

**22** The *Traffic Safety Amendment Act, 2005* is amended by repealing section 20.

**23** This Act comes into force on Proclamation.

**22** Amends chapter 34 of the Statutes of Alberta, 2005. Section 20 presently reads:

*20 Section 90(1)(e) is amended by adding “and for the purposes of subsections (2) to (8) includes a peace officer appointed under the Peace Officer Act for the purposes of this section” after “Police Act”.*

**23** Coming into force.





