

Bill No. 110 of 1953

A BILL TO AMEND THE MOTOR VEHICLE ACCIDENT
INDEMNITY ACT

NOTE

This Bill amends *The Motor Vehicle Accident Indemnity Act*, being chapter 11 of the Statutes of Alberta, 1947.

Section 2 is amended to redefine "motor vehicle". The new definition excludes road building vehicles which are not registered under either *The Vehicles and Highway Traffic Act* or *The Public Services Vehicles Act* and which are designed for use in construction work. It was not clear under the former definition whether all such vehicles were outside the scope of this Act or not, and this amendment is for the purpose of clarifying the position of unregistered vehicles.

Section 6a is amended to permit the Minister to release from impoundment a motor vehicle in which the owner and driver have not an actual equity.

Section 8 is amended. The effect of the amendment to subsection (6) is to provide that the Provincial Treasurer shall not be required to pay from the fund a judgment for loss of use of or depreciation of property resulting from damage to property. Subsection (7a) is added and provides that the fund shall not be drawn upon for an amount that a plaintiff has been paid or is likely to be paid by the Workmen's Compensation Board as compensation for the personal injury giving rise to the award of damages.

Section 13 is amended by the addition of subsections (5) to (8) inclusive. Subsection (5) provides that in the case where the person for whom the payment was made is a plaintiff, the statement of claim shall claim for the hospital and medical expenses incurred by the plaintiff and paid for by the fund. Subsection (6) permits the Supervisor to deduct the amount expended from the fund from a successful but unsatisfied plaintiff who has failed to comply with subsection (5) or to claim against a successful and satisfied plaintiff who failed to comply with subsection (5). Subsection (7) provides that failure to comply will not invalidate a statement of claim but until judgement in the case the Supervisor can apply to have the statement of claim amended to claim the hospital and medical expenses paid out of the fund in respect of the plaintiff in the action. Subsection (8) provides that a payment from the fund shall be no defence to a claim for hospital and medical expenses by way of special damages.

This Bill comes into force on the first day of July, 1953.

J. W. RYAN,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 110 of 1953

An Act to amend The Motor Vehicle Accident Indemnity Act

(Assented to _____, 1953)

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

1. *The Motor Vehicle Accident Indemnity Act*, being chapter 11 of the Statutes of Alberta, 1947, is hereby amended.

Section 2
amended

2. Section 2 is amended by striking out clause (c) and by substituting the following:

"motor
vehicle"

"(c) 'motor vehicle' means every vehicle propelled by any power other than muscular power

"(i) except aircraft, tractors whether equipped with rubber tires or not, traction engines and trolley buses,

"(ii) and except road building machines designed for use primarily in connection with the build- or maintenance of highways and other construction works, and not licensed under *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act*,".

Section 6a
amended

3. Section 6a is amended by adding immediately after clause (j) the following new clause:

"(k) the Minister is satisfied that the owner and driver have no actual equity in the motor vehicles."

Section 8
amended

4. Section 8 is amended

(a) by adding immediately after subclause (iv) of clause (b) of subsection (6) the following new subclause:

• "(v) any judgment for loss of use or depreciation of the property damaged in the case of a judgment resulting from damage to property;"

(b) by adding immediately after subsection (7) the following new subsection:

"(7a) The Provincial Treasurer shall not be required to pay from the fund on a judgment for damages for personal injury any amount that the plaintiff has been paid or is likely to be paid by the Workmen's Compensation Board by way of compensation

for the injuries suffered by the plaintiff and in respect of which damages were awarded by the judgment.”.

5. Section 13 is amended by adding immediately after subsection (4) the following new subsections: Section 13 amended

“(5) Where hospital or medical expenses have been paid to or to the order of any person pursuant to subsection (1) and that person commences or joins or is joined as a plaintiff in an action arising out of the operation of a motor vehicle through which were sustained the injuries in respect of which the hospital or medical expenses were paid, the statement of claim shall include a claim for special damages for such hospital and medical expenses as were incurred by that person. Claim for special damages

“(6) If default is made in complying with the provisions of subsection (5) and the plaintiff obtains a judgment that does not include an award of special damages for the hospital or medical expenses incurred by the plaintiff, the Supervisor shall be entitled to claim from the successful plaintiff, Claim for special damages by Supervisor

“(a) if the judgment is satisfied, the amount paid pursuant to subsection (1) in respect of the hospital or medical expenses of the plaintiff, or

“(b) if the judgment is unsatisfied, a deduction from any amount payable to the plaintiff pursuant to subsection (4) of section 8 equivalent to the amount paid pursuant to subsection (1) in respect of the hospital or medical expenses of the plaintiff.

“(7) Default in complying with the provisions of subsection (5) does not invalidate a statement of claim but upon any such default the Supervisor, upon application made at any time before judgment, shall be entitled to have the statement of claim amended to include a claim for the special damages required to be claimed by subsection (5). Amendment of statement of claim

“(8) A payment of hospital or medical expenses pursuant to subsection (1) shall be no defence to a claim for special damages for hospital or medical expenses.”.

6. This Act comes into force on the first day of July, 1953. Coming into force

No. 110

FIRST SESSION
TWELFTH LEGISLATURE
2 ELIZABETH II
1953

BILL

An Act to amend The Motor Vehicle
Accident Indemnity Act

Received and read the

First time

Second time.....

Third time.....

HON. MR. GERHART
