



Province of Alberta

## TRAFFIC SAFETY ACT

# DEMERIT POINT PROGRAM AND SERVICE OF DOCUMENTS REGULATION

### Alberta Regulation 331/2002

With amendments up to and including Alberta Regulation 82/2016

### Office Consolidation

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(Consolidated up to 82/2016)

**ALBERTA REGULATION 331/2002**

**Traffic Safety Act**

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

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**Definitions**

- 1 In this Regulation,
- (a) "Act" means the *Traffic Safety Act*;
  - (b) "demerit offence" means an offence specified in Schedule 1 or 2;
  - (c) "driving record" means the driving record of a person maintained by the Registrar under the *Traffic Safety Act*.

**Part 1  
Demerit Point Program**

**Division 1  
Assessment and Recording of  
Demerit Points**

**Demerit point program established**

- 2 The demerit point program for drivers is established by this Regulation.

**Registrar's obligations**

- 3 The Registrar must, in accordance with this Regulation, record on or remove from a driving record any demerit points that are assessed against a driver or are to be removed from a driving record.

**Recording demerit points for demerit offences**

- 4(1) The demerit points specified opposite an offence described in Schedules 1 and 2 must be assessed against a driver and recorded

by the Registrar in the driver's driving record in the following circumstances:

- (a) if the person is convicted of a demerit offence, unless the person's operator's licence is suspended by the court for that conviction under section 86(1) of the Act;
- (b) if under section 38(2) of the Act the Alberta Transportation Safety Board terminates the suspension of an operator's licence that the court imposed under section 86(1) of the Act;
- (c) if the person makes a voluntary payment under the regulations under the *Provincial Offences Procedures Act* in respect of a demerit offence.

(2) If a person is convicted of an offence under

- (a) an enactment of another province or the Parliament of Canada, or
- (b) an enactment of the United States of America or any state in the United States of America,

that is, in the opinion of the Registrar, equivalent to a conviction of a demerit offence, the conviction in that other jurisdiction may be treated under this Regulation as if the conviction were a conviction for the equivalent demerit offence.

(3) The Clerk of the Court must

- (a) as soon as practicable after a person is convicted of a demerit offence, notify the Registrar of the name of the driver and the demerit offence for which the driver is convicted;
- (b) as soon as practicable after the Clerk receives a voluntary payment under the regulations under the *Provincial Offences Procedure Act* in respect of a demerit offence, notify the Registrar of the name of the driver and the demerit offence in respect of which the payment was made.

#### **Demerit points and multiple convictions**

**5(1)** If a person satisfies the Registrar that demerit points have been assessed and recorded on the person's driving record for multiple convictions arising out of the same circumstances, the Registrar must adjust the demerit points to assess and record demerit points for one conviction of a demerit offence only, being

the conviction for the demerit offence carrying the greatest number of demerit points.

**(2)** If the same number of demerit points are to be assessed for 2 or more convictions for demerit offences arising out of the same circumstances, the Registrar must decide on one conviction in respect of which to record the demerit points.

#### **Effect of an appeal**

**6(1)** If a person satisfies the Registrar that the person has appealed a conviction of a demerit offence, the Registrar must

- (a) record the appeal on the driving record of the person concerned,
- (b) delete the demerit points assessed and recorded on the person's driving record due to the conviction of the demerit offence under appeal, and
- (c) pending the outcome of the appeal, terminate or not impose any suspension of an operator's licence under this Regulation that resulted from the conviction of the demerit offence under appeal.

**(2)** If there are multiple convictions of a person for demerit offences arising out of the same circumstances and not all demerit offence convictions are appealed, the Registrar must assess and record on the driving record of the appellant the demerit points for the conviction of the demerit offence that then carries the highest number of demerit points that is not under appeal.

#### **Effect of appeal court's decision**

**7(1)** As soon as practicable after the court makes a decision about an appeal from a demerit offence conviction, the Clerk of the Court must notify the Registrar of the name of the driver, the outcome of the decision and the date of the decision.

**(2)** If an appeal against a conviction of a demerit offence for which demerit points were originally assessed is unsuccessful, the Registrar must record the demerit points originally assessed and recorded on the driving record of the person concerned and delete any demerit points recorded under section 6(2).

#### **Date demerit points are imposed**

**8** Demerit points are to be considered to have been imposed, as the case requires,

- (a) on the date of conviction of a demerit offence;

- (b) on the date voluntary payment in respect of a demerit offence is received by the Clerk of the Court under the regulations under the *Provincial Offences Procedure Act*.

## **Division 2**

### **Notice of Demerit Points, Adjustment of Points, and Licence Suspensions**

#### **Notice of accumulated demerit points**

**9(1)** If at any one time a total of 8 or more but less than 15 demerit points accumulate on the driving record of a person, the Registrar must give that person written notice of the number of demerit points accumulated on the person's driving record.

**(2)** Failure to give the notice does not affect the operation of this Regulation or the duty of the Registrar to suspend an operator's licence under this Regulation if the situation requires.

#### **15 demerit points trigger licence suspension**

**10(1)** If at any one time a total of 15 or more demerit points accumulate on the driving record of a person within any period of 2 years, the Registrar must suspend that person's operator's licence for one month.

**(2)** If at any one time a total of 15 or more demerit points accumulate on the driving record of a person within one year from the date the person's operator's licence is suspended under subsection (1), the Registrar must suspend that person's operator's licence for 3 months.

**(3)** The Registrar must suspend a person's operator's licence for 6 months if, within a period of 2 years

- (a) the person's operator's licence is suspended twice under this Regulation, and
- (b) after the second licence suspension, the person has, at any one time, a total of 15 or more demerit points.

**(4)** An operator's licence must be suspended despite the fact that between the date the person accumulated 15 or more demerit points and the date the person receives notice of the licence suspension, the person is

- (a) entitled to a reduction or deletion of demerit points to less than 15 demerit points, or
- (b) entitled to deletion of demerit points under section 14.

(5) This section does not apply to novice drivers to whom Division 3 applies.

#### **Notice and effective date of licence suspension**

**11** The Registrar must

- (a) give a notice of suspension of an operator's licence within one year from the date the person accumulated the last demerit point that caused the operator's licence to be subject to suspension, and
- (b) in the notice specify the date on which the suspension takes effect.

#### **Suspensions to run concurrently**

**12** Any period of suspension of an operator's licence as a result of the accumulation of demerit points runs concurrently with the unexpired portion of any period of suspension of that licence, or any period of prohibition on holding an operator's licence, imposed by any other authority.

#### **Adjustment of demerit points after suspension ends**

**13(1)** Subject to subsection (2), when the suspension of an operator's licence that is imposed by the accumulation of demerit points ends or is terminated, the Registrar must adjust the person's driving record

- (a) by deleting all demerit points that accumulated to cause the suspension, and
- (b) by recording on the driving record 7 demerit points when the operator's licence is reinstated.

**(2)** Subsection (1) does not apply

- (a) if the suspension is terminated as a result of a successful appeal of a conviction of a demerit offence, or
- (b) to novice drivers to which Division 3 applies.

#### **Deletion of demerit points**

**14(1)** The Registrar must delete from a driving record demerit points recorded as a result of a conviction for a demerit offence

- (a) 2 years after the date on which the demerit points are considered to be imposed under section 8, or

- (b) if there was an unsuccessful appeal of the conviction, on the date that results from calculating 2 years after the date on which the demerit points are considered to be imposed under section 8 and adding the period of time during which the demerit points were deleted by the Registrar under section 6(1)(b).

(2) Two years after demerit points are recorded on a driving record as a result of the reinstatement of an operator's licence under section 13 the Registrar must delete those demerit points.

#### **Reducing demerit points**

**15(1)** If a person successfully completes a course that is satisfactory to the Registrar while that person has 14 demerit points or less on the person's driving record, the person is entitled, in the 2 years following completion of the course, to

- (a) a 2-demerit point reduction if the person has 2 demerit points on the person's driving record, or
- (b) a 3-demerit point reduction if the person has 3 or more demerit points on the person's driving record.

(2) A person whose operator's licence is suspended is entitled to a 3 point reduction of the 7 demerit points imposed when the licence is reinstated if, while the licence was suspended, the person successfully completed a course that is satisfactory to the Registrar.

(3) If demerit points are reduced under subsection (1) or (2), no further demerit point reduction is permitted under this section until at least 2 years have passed from the date the demerit points were deleted from the person's driving record.

(4) This section does not apply to novice drivers to which Division 3 applies.

#### **Request for demerit point review**

**16(1)** A person may request the Registrar to review the person's driving record on any one or more of the following grounds:

- (a) an incorrect number of demerit points has been recorded;
- (b) a conviction has been incorrectly recorded;
- (c) the total number of demerit points accumulated on the driving record has been miscalculated;
- (d) demerit points or a sufficient number of demerit points have not been deleted from the person's driving record.

- (2) The request for review must be sent to the Registrar by registered mail.
- (3) If the Registrar is satisfied that the demerit points recorded on a driving record are incorrect, the Registrar must correct the record.

### **Division 3 Novice Drivers**

#### **Application of the Division**

- 17** This Division applies to novice drivers, namely
- (a) the holder of a learner's operator's licence as defined in the *Operator Licensing and Vehicle Control Regulation*, and
  - (b) the holder of a probationary operator's licence as defined in the *Operator Licensing and Vehicle Control Regulation*.

#### **Notice of accumulated demerit points**

- 18(1)** If at any one time a total of 4 or more but less than 8 demerit points accumulate on a novice driver's driving record, the Registrar must give that person written notice of the number of demerit points accumulated on that person's driving record.
- (2) Failure to give the notice does not affect the operation of this Regulation or the duty of the Registrar to suspend a novice driver's operator's licence under this Regulation if the situation requires.

#### **8 demerit points trigger novice driver's licence suspension**

- 19(1)** If at any one time a total of 8 or more demerit points accumulate on the driving record of a novice driver within any period of 2 years, the Registrar must suspend the novice driver's operator's licence for one month.
- (2) If at any one time a total of 8 or more demerit points accumulate on the driving record of a novice driver within one year from the date the novice driver's operator's licence is suspended under subsection (1), the Registrar must suspend the novice driver's operator's licence for 3 months.
- (3) The Registrar must suspend a novice driver's operator's licence for 6 months if, within a period of 2 years
- (a) the novice driver's operator's licence is suspended twice under this Regulation, and

- (b) after the second licence suspension, the novice driver has at any one time, a total of 8 or more demerit points.

**(4)** A novice driver's operator's licence must be suspended despite the fact that between the date the person accumulated 8 or more demerit points and the date the person receives notice of the licence suspension the person

- (a) is entitled to a reduction or deletion of demerit points to less than 8 demerit points, or
- (b) is entitled to deletion of demerit points under section 14.

#### **Adjustment of demerit points after suspension ends**

**20(1)** Subject to subsection (2), when the suspension of a novice driver's operator's licence that is imposed by the accumulation of demerit points ends or is terminated, the Registrar must adjust the person's driving record

- (a) by deleting all demerit points that accumulated to cause the suspension, and
- (b) by recording on the driving record 3 demerit points when the licence is reinstated.

**(2)** Subsection (1) does not apply if the suspension is terminated as a result of a successful appeal of a conviction of a demerit offence.

**(3)** Two years after demerit points are recorded on a driving record as a result of the reinstatement of a novice driver's operator's licence under subsection (1) the Registrar must delete those demerit points.

#### **Reducing novice driver's demerit points**

**21(1)** If a novice driver successfully completes a course that is satisfactory to the Registrar while that person has 7 demerit points or less on the person's driving record, that person is entitled in the 2 years following completion of the course, to

- (a) a 2-demerit point reduction if the person has 2 demerit points on the person's driving record, or
- (b) a 3-demerit point reduction if the person has 3 or more demerit points on the person's driving record.

**(2)** A novice driver whose licence is suspended is entitled to deletion of the 3 demerit points, imposed when the licence is reinstated if, while the licence was suspended, the novice driver successfully completed a course that is satisfactory to the Registrar.

(3) If demerit points are reduced under subsection (1) or (2), no further demerit point reduction is permitted under this section until at least 2 years have passed from the date the demerit points were deleted from the notice driver's driving record.

## **Part 2 Deemed Service of Notices**

### **Deemed service**

**22(1)** A notice described in subsection (2) is sufficiently served on a person if it is sent by registered mail to that person's last address shown in the records of the Registrar, and service is deemed to be effected on the 5th day following the day on which the envelope in which the notice is placed is mailed.

(2) Subsection (1) applies to

- (a) notices of suspension or cancellation of an operator's licence issued under the Act or a regulation made under the Act;
- (b) notices of disqualification of any person from holding an operator's licence issued under the Act or a regulation made under the Act;
- (c) notices of suspension or cancellation of a certificate of registration or a permit issued under the Act or a regulation made under the Act.

## **Part 3 Coming into Force**

**23** Repealed AR 82/2016 s3.

**24** Repealed AR 82/2016 s4.

**25** Repealed AR 82/2016 s5.

**25.1** Repealed AR 82/2016 s6.

### **Coming into force**

**26** This Regulation comes into force on the coming into force of section 18 of the *Traffic Safety Act*.

**Schedule 1****Demerit Points**

Description of offence (for convenience of reference only)	Enactment and Section Number		Demerit Points
	Traffic Safety Act	Use of Highway and Rules of the Road Regulation	
1 Failing to remain at the scene of an accident	69(1)		7
2 Speeding - exceeding limit by more than 50 kph	115(2)(p)	53(5)(c)	6
2.1 Speeding - exceeding limit by more than 50 kph	115(2)(p.1)		6
2.2 Speeding - exceeding limit by more than 50 kph	115(2)(p.2)		6
2.3 Speeding - exceeding limit by more than 50 kph	115(2)(t)		6
2.4 Speeding - exceeding limit by more than 50 kph	115(2)(r)		6
3 Careless driving	115(2)(b)		6
4 Racing	115(2)(c)		6
5 Bet or wager	115(2)(d)		6
6 Fail to stop school bus, explosives at uncontrolled railway crossing		42(5)	5
7 Fail to stop for a peace officer	166(2)		5
8 Speeding - unreasonable rate		2(1)(a)	4
9 Speeding - exceeding limit by over 30 but not more than 50 kph	115(2)(p)	53(5)(c)	4
9.1 Speeding - exceeding limit by over 30 but not more than 50 kph	115(2)(p.1)		4
9.2 Speeding - exceeding limit by over 30 but not more than 50 kph	115(2)(p.2)		4
9.3 Speeding - exceeding limit by over 30 but not more than 50 kph	115(2)(t)		4
9.4 Speeding - exceeding limit by over 30 kph but not more than 50 kph	115(2)(r)		4
10 Following too close		18	4
11 Failing to stop for school bus		72(1)	6
12 Failing to notify owner:			
(a) of an unattended vehicle damaged in accident	69(2)(a)		3
(b) of property damaged in accident	69(2)(b)		3

13	Driver fail to make accident report	71(1)		3
14	Speeding - exceeding limit by over 15 but not more than 30 kph	115(2)(p)	53(5)(c)	3
14.1	Speeding - exceeding limit by over 15 but not more than 30 kph	115(2)(p.1)		3
14.2	Speeding - exceeding limit by over 15 but not more than 30 kph	115(2)(p.2)		3
14.3	Speeding - exceeding limit by over 15 but not more than 30 kph	115(2)(t)		3
14.4	Speeding - exceeding limit by over 15 kph but not more than 30 kph	115(2)(r)		3
15	Improper passing in school zone		8	3
16	Meeting and passing oncoming vehicle		14	3
17	Passing on hill or curve		19(1)	3
18	Passing when meeting oncoming vehicle		20	3
19	Overtaking and passing		21(1)	3
20	Passing restrictions		23	3
21	Passing vehicle stopped at crosswalk		41(2)	4
22	Driving left of centre		12(1)	3
23	Driving wrong way on one-way highway		17	3
24	Impeding passing vehicle		21(2)	3
25	Impeding passing vehicle - multi-lane highway		22(2)(b)	3
26	Failing to yield right of way to a vehicle:			
	(a) at intersection		34	3
	(b) at "yield" sign		39	3
	(c) in traffic circle		40	3
	(d) at "merge" sign		50, 51	3
	(e) at green light		52(1), (3)-(5)	3
	(f) at flashing yellow light		53(3)	3
27	Failing to yield right of way to a pedestrian:			
	(a) at alley entrance		36(3)	3
	(b) in a crosswalk		41(1)	4
	(c) at a green light		52(1)-(5)	3
	(d) at flashing yellow light (intersection)		53(3)	3

	(e) at flashing yellow light (not at intersection)	53(4)	3
	(f) at flashing yellow light (with zone sign)	53(5)(d)	3
28	Failing to stop:		
	(a) before entering highway	36(2)	3
	(b) at "stop" sign	37	3
	(c) for vehicle sounding siren	65(1)	3
	(d) following emergency vehicle too close	65(2)	3
	(e) at railway crossing	42(2)	3
	(f) driving around barrier at railway crossing	42(3)	3
	(g) "stop" sign at railway crossing	42(4)(a)	3
	(h) yellow light at intersection	53(1)	3
	(i) yellow light - not at intersection	53(2)	3
	(j) red light at intersection	54(1)(a)	3
	(k) red light - not at intersection	54(4)	3
	(l) flashing red light at intersection	54(5)(a)	3
	(m) flashing red light - not at intersection	54(6)(a)	3
29	Proceeding when unsafe:		
	(a) entering highway at "stop" sign	38	3
	(b) "stop" sign at railway crossing	42(4)(b)	3
	(c) to pass school bus	72(2)	3
	(d) red light at intersection	54(1)(b)	3
	(e) flashing red light at intersection	54(5)(b)	3
	(f) flashing red light - not at intersection	54(6)(b)	3
30	Stunting	115(2)(f)	3
30.1	Distracted driving - holding, viewing or manipulating cell phone, electronic device, etc.	115.1(1)	3
30.2	Distracted driving - display screen visible to driver	115.2(1)	3
30.3	Distracted driving - global positioning system	115.3(1)	3
30.4	Distracted driving - prohibited activities	115.4(1)	3
	(a) reading or viewing printed material		

	(b) writing, printing or sketching			
	(c) personal grooming or hygiene			
31	Speeding - exceeding limit by up to 15 kph	115(2)(p)	53(5)(c)	2
31.1	Speeding - exceeding limit by up to 15 kph	115(2)(p.1)		2
31.2	Speeding - exceeding limit by up to 15 kph	115(2)(p.2)		2
31.3	Speeding - exceeding limit by up to 15 kph	115(2)(t)		2
31.4	Speeding - exceeding limit by up to 15 kph	115(2)(r)		2
32	Traffic lane violation:			
	(a) slow moving vehicle		3	2
	(b) drive near centre line		2(1)(b)	2
	(c) solid lines		15(1)	2
	(d) unsafe lane change		15(4)	2
	(e) failing to drive in middle of marked lane		15(5)	2
	(f) straddling 2 lanes		15(6)	2
	(g) 3 lane highways		16(1)	2
	(h) lane marked with "X"		27(4)	2
33	Failing to obey instruction of traffic control device		57	2
34	Slow driving impeding traffic		2(1)(c)	2
35	Driving at less than minimum speed	115(2)(q)		2
36	Failing to obey peace officer to increase speed, etc.		2(4)	2
37	Failing to signal:			
	(a) when changing lanes		15(2)	2
	(b) turning left or right		24	2
	(c) when stopping		35	2
38	Improper turns:			
	(a) right turns, various		25	2
	(b) left turns, various		26	2
	(c) turns controlled by traffic control device		27(1), (2)	2
	(d) U-turns		29, 30	2
	(e) U-turn by school bus		31	2
39	Improper backing		32, 33	2

**Schedule 2****Additional Demerit Points  
Applicable to Novice Drivers**

	<b>Description of offence (for convenience of reference only)</b>	<b>Enactment and Section Number</b>	<b>Demerit Points</b>
1	Curfew	Section 51(g) <i>Traffic Safety Act</i>	2
2	Having more passengers than seatbelts	Sections 32(4) and 33(8) <i>Operator Licensing and Vehicle Control Regulation</i>	2
3	Supervisor not fully qualified	Section 51(e) or (f.1) <i>Traffic Safety Act</i>	2

AR 331/2002 Sched.2;315/2003







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