



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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Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

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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 |

AR 331/2002 Sched.1;210/2005;108/2006;187/2015

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

| | Description of offence (for convenience of reference only) | Enactment and Section Number | Demerit Points |
|---|---|---|---------------------------|
| 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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