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# **A GUIDE TO THE LAW IN ALBERTA REGARDING**

## **TRAFFIC SAFETY ACT OFFENCES**

**version: 2010**

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### **GENERAL**

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TSA OFFENCES

| <b>OFFENCE</b>   | <b>TSA NUMBER</b> | <b>EXPECTED CONSEQUENCE</b>       |
|--|-------------------|-----------------------------------|
| <b>Driving Without a Licence</b>   | 51(a)             | \$200 FINE                        |
| <b>Driving Without a Licence in Your Possession</b>  | 51(d)             | \$150 FINE                        |
| <b>No Registration</b>   | 52(1)             | \$200-\$300 FINE                  |
| <b>No Insurance (includes owning the vehicle and allowing someone to drive it uninsured)</b> | 54(1)             | \$2875 FINE                       |
| <b>Impaired Driving Conviction (applies to 1<sup>st</sup> time convictions only)</b>         | 83                | One Year Licence Disqualification |
| <b>Dangerous Driving Conviction</b>  | 87                | One Year Licence Disqualification |

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|   |       |  |
|---|-------|--|
| <b>Driving While Licence is Suspended or Disqualified</b> | 94(2) | Six Month Licence Suspension<br>AND<br>FINE*<br>*up to \$2000 but usually \$350 for first time offences        |
| <b>Careless Driving</b>                                   | 115   | 6 DEMERITS<br>AND<br>FINE*<br>*varies depending on sub-section;<br>Voluntary payment option often states \$402 |

**THE LEGAL EDUCATION AND REFORM PROJECT HAS IN-DEPTH PAMPHLETS ON 'HOW TO RUN YOUR OWN TRIAL' AND 'HOW TO DO YOUR OWN SPEAK TO SENTENCE.'** You can get these online at [www.slsedmonton.com](http://www.slsedmonton.com) or at our University Location or Outreaches. These provide more detailed information than these basic steps.

### THE BASICS OF RUNNING A TRAFFIC TRIAL

- a. The Crown starts by calling its witnesses, generally this means the police officers that gave you the traffic ticket. Sometimes, it can also include any civilian witnesses that saw the event, called the police or were involved in the offense (example: in the hit and run).
- b. After each witness, the defense (you) can question the witness. You may not need to ask them anything, but you

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can ask them questions about anything that they stated in court.

- c. When the Crown has called all their witnesses, the defense (you), can call witnesses.
- d. Some potential witnesses you may want to call: a person who acts as your alibi (that knows you were not there), yourself (for example, to explain why you thought you had a licence), another person who can speak to why you thought you might think you had insurance (for example: you were driving their car and they told you that it was insured), the passengers in your vehicle.
- e. For your witness, you are questioning them, but you cannot lead them. For example you have to ask "what colour was the car?" instead of "the car was blue, is that right?" (the first one is open-ended and does not tell the witness the answer).
- f. When you have called your witnesses, your case is closed.
- g. If you presented witnesses then you will make your argument for why your are not guilty first, if you did not call witnesses then the Crown will go first.
- h. The judge considers all the evidence and then makes a decision.
- i. If you are acquitted, you are free to go. If you are found guilty, you should consider the below "pleading guilty" factors so that you can convince the judge to give you a low fine and appropriate time to pay that fine.

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### **PLEADING GUILTY**

1. How do I Plead Guilty?
  - a. Get to court early.
  - b. Speak with the Crown, who is generally seated at the desk on the right. Ask the Crown what type of fine they are looking for if you plead guilty. you can also ask about demerits and driving suspensions.
  - c. Wait your turn, they will call your last name in order, after the lawyers and student lawyers are finished their matters.
  - d. Stand up at or near the desk on the left.
  - e. Inform the judge that you want to enter a guilty plea.
  - f. The clerk will read the charge to you at which point you say "guilty".
  - g. In order to plead guilty you must accept and admit to the facts (ex. that you drove without a licence).
  
2. What Type of Things Should I tell the Judge?
  - a. How old you are.
  - b. If you are married or single.
  - c. If you have kids.
  - d. Where you are working and how long you have been working there.
  - e. If you are not working, you can inform the judge of your income situation, for example, that you are on AISH or EI or supported by your partner.
  - f. Any volunteer work

#### **DON'T**

- Ramble off excuses (ex. I was having a bad day) that are not important.
- Blame someone else.
- Complain about how the police treated you.

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The above "Don't" things do not assist your case. If you have an excuse it may not be a defense - sometimes it can be an explanation and that may be fine. If you blame other people, you are probably not accepting responsibility so you are not really pleading guilty. An excuse can sometimes be a defense (ex. You were driving without insurance, but you thought you had insurance), so speak to Duty Counsel or the Crown before pleading. The way the police treated you may be relevant but it does not necessarily change that you broke the rules; it may be something you can deal with separately by making a formal complaint to the police.