

Bill No. 14 of 1947.

A BILL TO AMEND THE PUBLIC SERVICE  
VEHICLES ACT

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NOTE.

The amendments made by sections 1, 2 and 3 of this Bill to the above Act deal with the jurisdiction of the Board and the procedure on applications for certificates for public service vehicles.

Section 19 of the Act now in force requires the Highway Traffic Board to conduct public hearings of all applications for public service vehicle certificates. It has been found impracticable if not impossible to comply with this provision. The change made by the proposed section 19 is to give the Board a discretion as to when it shall hold a public hearing.

The change made in section 20 is to make it clear that the Board may, in its discretion, grant or refuse an application for a certificate.

The change in section 22 is along the same lines and strikes out the last four lines of the present section 22 which restricted the Board in such cases to issuing a certificate where it appears to the Board necessary to grant a further certificate "to enable passengers or property to be carried to any terminus from areas or termini other than those named in the first mentioned certificate."

Section 4 of the Bill enacts section 23 which is substantially the same as the present section 23. The words "whether the decision is made after or without a public hearing" are new.

Section 5 of the Bill introduces a new section 24a. The purpose of this section is to give judges and magistrates who convict a chauffeur or certificate holder of an offence against the Act or regulations authority to cancel or suspend the chauffeur's license or the certificate issued with respect to the public service vehicle. At present only the Board has such authority.

Section 6 of the Bill strikes out section 26 and proposes a new section 26. This section deals with the expiry of a certificate and the principal change made is that the provisions for renewals of certificates are struck out and an application for a certificate for another year by the holder of a certificate is treated as an application for a certificate instead of for a renewal.

Section 31 of the Act which is struck out and substituted by section 7 of the Bill deals with the carrying of passengers on trucks which are public service or commercial vehicles. The section now in force limits passengers on such trucks to members of the family of the owner, employees of the owner whose services are required for loading and unloading, and owners and employees of the owner of live stock being transported on the truck. This latter provision led to considerable abuses. The proposed amendment provides that only one passenger can be carried in the body of the truck when a cargo is being carried but the restrictions are removed when no cargo is being carried in the truck.

Section 8 of the Bill enacts a new subsection (1a) to section 65. This amendment provides a minimum penalty of twenty-five dollars for a first offence and fifty dollars for a second offence for exceeding the speed limit on a portion of a highway where such a limit has been placed by the Board under the power given by section 52 which authorizes the Board, on the request of the Minister, to "limit or restrict the speed of any class or classes of motor vehicles on any part of any highway." Under the Act as it now stands the general penalty clause applies to these offences with a fine of not more than ten dollars for a first offence and not less than twenty dollars for a second offence, and the fines imposed are so small as not to be a satisfactory deterrent to many drivers.

W. S. GRAY,  
*Legislative Counsel.*

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

# BILL

No. 14 of 1947.

An Act to amend The Public Service Vehicles Act.

(Assented to , 1947).

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

1. *The Public Service Vehicles Act*, being chapter 276 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 19 by striking out the same and by substituting therefor the following:

"19. The Board shall consider all applications for public service vehicle certificates and in so doing,—

"(a) may appoint or direct any person to make an inquiry and report on any application, complaint, dispute or other matter before the Board in connection with any application for a certificate;

"(b) may hold a public hearing with respect to any application or applications where the Board in its sole discretion considers it proper, advisable or expedient so to do, and in any such case the Board shall give to all applicants interested such notice of the hearing as the Board may deem proper and reasonable."

2. The said Act is further amended as to section 20 by striking out the same and by substituting therefor the following:

"20.—(1) The Board, after considering an application for any certificate, may in its sole discretion grant or refuse the application.

"(2) The Board may, upon payment of the prescribed fee, issue a certificate to the applicant.

"(3) In any case where the Board grants a certificate for the operation of a public service vehicle on a specified route or routes only, the certificate shall set out the route or routes over which the vehicle can be operated."

3. The said Act is further amended as to section 22 by striking out the same and substituting therefor the following:

"22. No public service vehicle certificate shall be deemed to confer exclusive rights upon any person or to preclude

the Board in any way from granting such other public service vehicle certificates as it in its discretion may deem expedient and proper."

4. The said Act is further amended as to section 23 by striking out the same and substituting therefor the following:

"23. The Board's decision or order on any application, whether the decision is made after or without a public hearing, shall be final, provided that if new evidence is submitted to it within thirty days after the decision the Board may reconsider the application and may rescind, vary or affirm the decision or order previously made."

5. The said Act is further amended by adding immediately after section 24 thereof, the following new section:

"24a.—(1) Whenever any person who is the holder of a chauffeur's license issued pursuant to section 20 of *The Vehicles and Highway Traffic Act*, is convicted of an offence against any of the provisions of this Act or of any regulation or order made thereunder, the convicting judge, police magistrate or justice of the peace may suspend for a specified period, or may cancel, the chauffeur's license or the certificate issued by the Board with respect to the public service vehicle driven by the chauffeur, or both.

"(2) Where any person who is the holder of a certificate is convicted of an offence against any of the provisions of this Act or any regulation or order made thereunder, the convicting judge, police magistrate or justice of the peace may suspend for a specified period or may cancel the said certificate."

6. The said Act is further amended as to section 26 by striking out the same and by substituting therefor the following:

"26.—(1) Every public service vehicle certificate shall expire and the rights conferred thereby shall cease and terminate on the thirty-first day of March in each and every year.

"(2) Prior to the first day of February in each year, or such later date as the Board may allow, any person who holds a public service vehicle certificate and wishes to obtain a certificate for the next ensuing year beginning on the first day of April, shall make application to the Board for a new certificate, which application shall be accompanied by the prescribed fee.

"(3) The Board shall consider all such applications for public service vehicle certificates, and shall deal with them in the manner set out in sections 19 and 20.

"(4) If any such application is refused the applicant shall not operate a public service vehicle after the expiration of the certificate which he then holds."

7. The said Act is further amended as to section 31 by striking out the same and by substituting therefor the following:

"31. Except with the permission of the Board, no person shall carry or permit to be carried upon the body of any truck which is operated as a public service or commercial vehicle and in which any cargo is being carried, any passengers save and except one person who is or may be required for the care, handling or disposal of the cargo."

8. The said Act is further amended as to section 65 by adding immediately after subsection (1) thereof the following new subsection:

"(1a) Any person who operates a motor vehicle on a part of a highway where the speed is limited or restricted pursuant to paragraph (c) of subsection (3) of section 52, at a speed in excess of the speed so limited or restricted for that part of the highway, shall be guilty of an offence and liable on summary conviction for a first offence to a fine of not less than twenty-five dollars and not exceeding fifty dollars and in default of payment of the fine to a term of imprisonment not exceeding thirty days, and for a subsequent offence to a fine of not less than fifty dollars and not exceeding one hundred dollars and in default of payment to imprisonment for a period not exceeding sixty days."

9. This Act shall come into force on the day upon which it is assented to.

No. 14

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FOURTH SESSION  
TENTH LEGISLATURE

11 GEORGE VI

1947

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**BILL**

An Act to amend The Public Service  
Vehicles Act.

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. FALLOW.

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EDMONTON:  
A. Shnitka, King's Printer  
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