

# BILL

No. 32 of 1947.

An Act to amend The Vehicles and Highway Traffic Act.

(Assented to , 1947).

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

1. *The Vehicles and Highway Traffic Act*, being chapter 275 of the Revised Statutes of Alberta, 1942, is hereby amended as to section 52 by striking out the same and by substituting therefor the following:

"52.—(1) When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right, except as otherwise provided in this Part.

"(2) The driver of a vehicle approaching but not having entered an intersection shall yield the right-of-way to a vehicle within the intersection and turning therein to the left across the line of travel of such driver if the driver of the vehicle turning left has given a plainly visible signal of his intention so to turn."

2. The said Act is further amended as to section 58 by adding immediately after subsection (3) thereof the following new subsection:

"(3a) Any written statement made pursuant to the provisions of subsection (2) or subsection (3) shall be without prejudice, shall not be open to public inspection, and the fact that such statement has been so furnished shall be admissible in evidence solely to prove compliance with this section, and no such statement or any part thereof shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of a motor vehicle accident."

3. The said Act is further amended as to section 129 by striking out subsection (4) thereof and by substituting therefor the following new subsections:

"(4) Where a person who is not a resident of the Province is required to give or volunteers proof of financial responsibility under this Part, the Minister may in his discretion accept in place of the certificate provided for in subsection (1) a certificate of insurance in the form approved by the Minister issued by an insurer authorized to transact insur-

ance in the State or Province in which such person resides if the insurer has filed with the Superintendent of Insurance in the form prescribed by him,—

“(a) a power of attorney authorizing the Superintendent of Insurance to accept service of a notice or process on its behalf in any action or proceeding arising out of a motor vehicle liability policy issued by it;

“(b) an undertaking not to set up as a defence to any action or proceeding arising out of a motor vehicle liability policy issued by it, a defence which might not be set up if such policy had been issued in Alberta subject to and in accordance with the law of Alberta relating to motor vehicle liability policies, and to satisfy any judgment rendered against it by a court in Alberta and become final in any such action or proceeding.

“(5) In any action or proceeding against an insurer who has given to the Superintendent of Insurance an undertaking pursuant to paragraph (b) of subsection (4), the plaintiff may give evidence of the undertaking and the same shall for all purposes of the action or proceeding be deemed to be a covenant for valuable consideration made by the insurer with the plaintiff.”

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

Bill No. 32 of 1947.

A BILL TO AMEND THE VEHICLES AND HIGHWAY  
TRAFFIC ACT

---

NOTE.

Section 1 of this Bill repeals section 52 and substitutes a new section. This section deals with right-of-way at intersections. Subsection (2) of the section now in force provides that the driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection, while subsection (3) provides for the case where two vehicles enter upon an intersection at the same time and gives the right-of-way to the vehicle which entered the intersection from the right of the driver of the other vehicle. It is often difficult for drivers to know which vehicle enters first, so the new subsection (1) provides instead for the case of two vehicles approaching or entering an intersection at approximately the same time and provides that the vehicle on the left shall yield the right-of-way to the vehicle on the right. The proposed new subsection (2) deals with the case of the driver of a vehicle approaching an intersection and provides that he shall yield the right-of-way to a vehicle in the intersection and turning to the left across the line of travel of such driver, if the driver of the vehicle turning left has given a plainly visible signal of his intention. The provisions of the proposed new section have been in force for some time in Saskatchewan, Manitoba and Prince Edward Island.

Section 2 of the Bill introduces a new subsection (3a) in section 58 dealing with the statement required to be given to police after a motor accident. Subsections (2) and (3) of section 58 provide that a person in charge of a motor vehicle or, if he is incapacitated, another occupant of the car, shall in the case of an accident resulting in personal injuries or property damage apparently exceeding twenty-five dollars, furnish to the nearest constable a written statement concerning the accident on forms provided by the Minister. These statements have been sometimes used in evidence against the person making them, and it is considered undesirable that this should continue to be the case as they are sometimes made when the person making them may not be in a fit state to realize the actual facts. The purpose of the new subsection (3a) is to make these statements privileged in the sense that they cannot be used against the persons making them in subsequent legal proceedings.

Section 3 of the Bill amends section 129 of the Act by striking out subsection (4) and substituting two new subsections. Section 129 deals with the proof of financial

responsibility and subsection (4) deals with the case of non-residents of the Province who may be required to give or may wish to give proof of financial responsibility. The subsection now in force authorizes the Minister to accept a certificate of "an authorized insurer" which under the definition in the Act limits that to an insurer authorized to carry on the business of automobile insurance in the Province. Under the proposed amendment the Minister is given a discretion to accept a certificate of insurance issued by an insurer authorized to transact insurance in the state or Province in which the car owner resides. This discretion is dependent on the insurance company filing with the Superintendent of Insurance certain documents set out in the section. This amendment brings our Act practically in line with the legislation in the other provinces, with some omissions from such legislation which are considered unworkable. The purpose of the proposed new subsection (5) of section 129 is to make the undertaking when filed pursuant to subsection (4) effective against the company in subsequent legal proceedings.

W. S. GRAY,  
*Legislative Counsel.*

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

No. 32

---

FOURTH SESSION  
TENTH LEGISLATURE

11 GEORGE VI

1947

---

**BILL**

An Act to amend The Vehicles and  
Highway Traffic Act.

---

Received and read the

First time.....

Second time.....

Third time.....

---

HON. MR. HOOKE.

---

EDMONTON:  
A. Shnitka, King's Printer  
1947