

Bill No. 53 of 1949.

A BILL TO AMEND THE VEHICLES AND HIGHWAY
TRAFFIC ACT.

NOTE.

This Bill amends *The Vehicles and Highway Traffic Act*, being chapter 275 of the Revised Statutes of Alberta, 1942.

Section 2(a) is amended. This paragraph defines the term "Chauffeur". The purpose of the amendment is to exempt certain persons from the necessity of having chauffeurs' licenses. The persons exempted by the amendment are farmers or their employees who drive or operate farm vehicles used principally for the transportation of the property of the farmer. Also exempted are owner-operators of commercial vehicles.

A new paragraph (gg) is added in section 2 immediately after paragraph (g). This paragraph introduces a definition of the term "Motor cycle" which is defined as including in addition to motor cycles, scooters and power bicycles.

Section 2(h) is amended. This paragraph defines the term "Motor vehicle" and the purpose of the amendment is to make it clear that a rubber tired tractor is not a motor vehicle within the meaning of the Act.

Section 12 is struck out and a new section is substituted. The present section requires the registration of vehicles of non-residents which are being operated temporarily within the Province by a notification given by the operator of the vehicle to a detachment of the police. This requirement is struck out and the substituted section states that every non-resident whose motor vehicle is licensed in accordance with the laws of his place of residence shall be deemed to be registered within the meaning of this Act.

Section 15 is amended by the addition of a new subsection (1a). This amendment requires the driver of any tractor equipped with rubber tires to have a driver's license while he is operating on any highway.

Section 15 (2) is amended. The purpose of the amendment is to make it clear that the age limit of sixteen years for a driver's license does not apply to scooters or power bicycles.

A new subsection (2a) is added immediately after subsection (2) of section 15 which permits the issue of a driver's license for a scooter or a power bicycle to any person of the age of fourteen years or over.

Section 15 (4) is amended. The purpose of the amendment is to require the consent of the parent or guardian of any person under the age of eighteen and over the age of fourteen who is applying for a driver's license.

Section 32 (2) is amended. The purpose of the amendment is to make it clear that although a scooter and a power bicycle is required to carry a headlamp at the front and a tail lamp at the back, the lamps on these types of motor cycle do not need to conform in every respect to those required to be carried on other motor vehicles.

Section 32 (7) is amended. This subsection requires the dimming of headlights when vehicles approach one another from opposite directions. The distance presently prescribed is two hundred yards. Headlamps on modern vehicles are becoming more powerful and of longer range. Tests have been conducted by the Royal Canadian Mounted Police and the result of these indicate that safety requires the dimming of headlights at four hundred yards. Subsection (7) is amended accordingly.

Section 35 (2) is amended. This subsection prohibits any motor vehicle, with certain exceptions, from having any red or flashing light visible from the front of the vehicle. One of the exceptions provided for was clearance lights. As regulations under *The Public Service Vehicles Act* now prohibit red clearance lights visible from the front this section is amended accordingly.

A new section 42a is added which enables the Lieutenant Governor in Council, in respect of any designated highway or portion of the highway, to fix a maximum speed limit applicable to vehicles travelling over that highway or portion of the highway. If the Lieutenant Governor in Council makes an order prescribing a restricted speed limit the order is required to be published in *The Alberta Gazette* and the Minister of Public Works is required to erect signs along the highway notifying users of the highway of the maximum speed limit so fixed. The purpose of this amendment is to permit restricted speed limits where, due to the congestion of traffic or the nature of traffic, or other extraordinary circumstances, the maximum rates of speed provided by the Act are not satisfactory.

Section 43a is amended by striking out subsection (1) and substituting a new subsection. The effect of the amendment is that any engineer employed by the Department of Public Works may make an order in writing fixing a maximum speed limit in respect of any designated highway or part of a highway which is under construction or repair.

A new subsection (4) is added to section 43a which provides that in any prosecution under section 43a an order in writing purporting to be signed by the Minister of Public Works or by any engineer employed by the Department of Public Works shall be admissible in evidence without proof

of the signature and shall be *prima facie* evidence that the order fixing a maximum speed limit was made.

Section 48 (2) is amended by deleting the words "having regard to all the circumstances of the case". These words have the effect of nullifying attempts made to enforce the section. The section as amended requires any person driving a motor vehicle, when he is being overtaken by a motor vehicle on which a siren is being sounded, to bring the vehicle he is driving to a stop at the right hand side of the highway as soon as is reasonably possible.

Section 58 (1) requires the driver of a motor vehicle to return to the scene of an accident. However, the section is presently restricted to accidents occurring on a public highway. The effect of the amendment is to make the section applicable irrespective of whether the accident occurs on a public highway or not.

Subsections (2) and (6) of section 58 are each amended by striking out the minimum property damage figure of twenty-five dollars and substituting seventy-five dollars. The price of motor vehicle repairs has risen greatly resulting in an increase in the number of accidents which must be reported under the Act. Most motorists are financially responsible for judgments up to seventy-five dollars and it is unnecessary for the Act to apply to accidents involving property damage which is apparently less than that amount.

Two new sections have been added immediately after section 67*a*.

The new section 67*b* provides that no person under the age of sixteen years shall drive any scooter or power bicycle unless its motor is governed so that it is unable to attain a speed in excess of twenty miles an hour.

The new section 67*c* provides that persons driving rubber tired tractors on any highway shall observe the rules of the road contained in Part IV and every tractor so equipped shall be deemed to be a motor vehicle within the meaning of Part IV.

Section 111 is amended to clarify the intention of the section. Some magistrates have considered that the present wording compelled them to impose both fine and imprisonment upon conviction under this section. The purpose of the amendment is to make it clear that the magistrate may impose either a fine or imprisonment or both.

A new subsection (2) has been added to section 113 providing for the indorsation on conviction of the license of a driver from outside of the Province. The new subsection provides that the judge, police magistrate or justice of the peace making the conviction may prohibit any such person from driving in the Province either permanently or for such period as may be stated in the order. Subsection (3) makes it

an offence for any such person to drive during a period when he is prohibited from driving by an order made under subsection (2).

Section 124 is amended by striking out the references to twenty-five dollars and substituting seventy-five dollars for the same reasons as similar amendments were made to subsections (2) and (6) of section 58.

Section 132 is amended by the addition of a new subsection (2). Section 132 of the Act presently provides that a judgment debtor under the Act may apply to the court for the privilege of paying his judgment in instalments upon giving due notice to the judgment creditor. The new subsection (2) provides that where the Provincial Treasurer has paid the judgment from the Unsatisfied Judgment Fund the notice of the application to pay the judgment in instalments shall be served upon the Superintendent of Insurance, and either the Superintendent or the Provincial Treasurer may be represented on the hearing of the application.

KENNETH A. MCKENZIE,
Acting Legislative Counsel.

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

BILL

No. 53 of 1949.

An Act to amend The Vehicles and Highway Traffic Act.

(Assented to _____, 1949.)

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 2,—

(a) by adding immediately at the end of paragraph (a) the following:

“except, —

“(i) a person who is a farmer or an employee of a farmer and who drives or operates a motor vehicle belonging to the farmer which is used principally for the transportation of the property of that farmer;

“(ii) a person who is the owner of a commercial vehicle and who drives or operates that commercial vehicle.”;

(b) by adding immediately after paragraph (g) the following new paragraph:

“(gg) ‘Motor cycle’ means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motor cycles, scooters and power bicycles;”;

(c) by adding immediately after the words “muscular power, except”, where the same occur in paragraph (h), the words “tractors equipped with rubber tires,”.

2. The said Act is further amended as to section 12 by striking out the same and by substituting the following:

“(12) Where the owner of a motor vehicle resident outside of the Province has complied with the laws of his place of residence with respect to the registration and licensing of the motor vehicle, and where the motor vehicle carrying displayed thereon the registration number plates for the current year assigned under those laws to that motor vehicle is brought into the Province for temporary use therein for the purpose of touring for pleasure for a period not exceeding six months then the motor vehicle shall be deemed to be registered pursuant to the provisions of this Act.”.

3. The said Act is further amended as to section 15,—

- (a) by adding immediately after subsection (1) the following new subsection:

“(1a) No person shall drive any tractor equipped with rubber tires on any highway at any time during which he is not the holder of a subsisting driver’s license pursuant to this Act.”;

- (b) by adding immediately after the words “driver’s license”, where the same occur in subsection (2), the words “for a motor vehicle other than a scooter or a power bicycle”;
- (c) by adding immediately after subsection (2) the following new subsection:

“(2a) No driver’s license for a scooter or power bicycle shall be issued to any person under the age of fourteen years.”;

- (d) by striking out the word “sixteen”, where the same occurs in subsection (4) and by substituting the word “fourteen”.

4. The said Act is further amended as to section 32,—

- (a) by adding immediately after the words “and the lamps shall”, where the same occur in subsection (2), the words “in the case of every motor cycle, other than a scooter or power bicycle”;

- (b) by striking out the words “two hundred yards”, where the same occur in subsection (7) and by substituting the words “four hundred yards”.

5. The said Act is further amended as to section 35 by striking out the words “clearance lights or”, where the same occur in paragraph (c) of subsection (2).

6. The said Act is further amended by adding immediately after section 42 the following new section:

“42a.—(1) The Lieutenant Governor in Council, from time to time, in respect of any designated highway or portion thereof, may by order, fix a maximum speed limit applicable to all vehicles or to any class or classes of vehicles while travelling over the said highway or portion thereof designated in the order.

“(2) Any order made pursuant to subsection (1) shall be published in *The Alberta Gazette* and the Minister of Public Works shall erect such signs along the highway or portion thereof as he deems adequate to notify any person driving a vehicle thereon of the maximum speed limit so fixed.

“(3) No person shall drive a motor vehicle on any highway or portion thereof designated in the order at any rate of speed in excess of the maximum speed limit fixed by the said order and published by the signs erected as aforesaid.”.

7. The said Act is further amended as to section 43a,—
 (a) by striking out subsection (1) and by substituting the following:

“(1) The Minister of Public Works or any engineer employed by the Department of Public Works, by an order in writing, may fix a maximum speed limit in respect of any designated highway under construction or repair or portion thereof, applicable to all vehicles or to any class or classes of vehicles while travelling over the said highway or portion thereof designated in the order.”;

- (b) by adding immediately at the end the following new subsection:

“(4) In any prosecution under this section an order in writing purporting to be signed by the Minister of Public Works or by any engineer employed by the Department of Public Works shall be admissible in evidence without proof of the signature and shall be *prima facie* evidence that the order was made as it purports to have been.”.

8. The said Act is further amended as to section 48 by striking out the words “having regard to all the circumstances of the case”, where the same occur in subsection (2).

9. The said Act is further amended as to section 58,—

- (a) by striking out the words “owing to the presence of any motor vehicle on any public highway”, where the same occur in subsection (1), and by substituting the words “in which accident a motor vehicle is in any manner, whether directly or indirectly, involved”;

- (b) by striking out the word “twenty-five”, wherever the same occurs in subsections (2) and (6), and by substituting the word “seventy-five”.

10. The said Act is further amended by adding immediately after section 67a the following new sections:

“67b. No person under the age of sixteen years shall drive any scooter or power bicycle unless the motor of such vehicle is so adjusted or governed that it is unable to attain a speed in excess of twenty miles per hour.

“67c.—(1) No person who drives a tractor equipped with rubber tires upon any highway shall violate any rule of the road contained in sections 45 to 58 inclusive of Part IV.

“(2) For the purpose of any rule of the road contained in Part IV and of any other provisions of this Act relating to the enforcement of any such rule of the road every tractor equipped with rubber tires which is driven upon any highway shall be deemed to be a motor vehicle within the meaning of this Act.”.

11. The said Act is further amended as to section 111 by striking out paragraphs (a) and (b) of subsection (1) and by substituting the following:

- “(a) for a first offence to a penalty of not more than one hundred dollars and costs or to imprisonment for a term not exceeding thirty days, or to both such fine and imprisonment;
- “(b) for any subsequent offence to a penalty of not more than five hundred dollars and costs or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.”.

12. The said Act is further amended as to section 113,—

- (a) by renumbering the same as subsection (1);
- (b) by adding immediately at the end the following new subsections:

“(2) Whenever any person temporarily within the Province who is licensed to drive by the law of the place of which he is a resident is convicted of an offence against any of the provisions of this Act the judge, police magistrate or justice of the peace making the conviction, shall indorse on such person’s license to drive, the particulars of the conviction and may by order prohibit such person from driving in the Province either permanently or for such period as may be stated in the order and indorsed on the license.

“(3) Any person who drives a motor vehicle in the Province during a period when he is prohibited from driving in the Province by an order made under subsection (2) shall be guilty of an offence against this Act.”.

13. The said Act is further amended as to section 124 by striking out the word “twenty-five”, wherever the same occurs in paragraphs (a), (aa), (b), (c), (d), and (e) of subsection (1), and by substituting the word “seventy-five”.

14. The said Act is further amended as to section 132,—

- (a) by renumbering the same as subsection (1);
- (b) by adding immediately at the end the following new subsection:

“(2) Where the Provincial Treasurer has paid from the Unsatisfied Judgment Fund the amount of a judgment or the balance owing thereon under the provisions of *The Motor Vehicle Accident Indemnity Act* the judgment debtor shall give due notice to the Superintendent of Insurance of any application to the court under the provisions of subsection (1) for the privilege of paying the judgment in instalments to the Provincial Treasurer, and the Superintendent

of Insurance and the Provincial Treasurer may appear personally or by counsel and may be heard on any such application.”.

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

No. 53

FIRST SESSION
ELEVENTH LEGISLATURE
13 GEORGE VI
1949

BILL

An Act to amend The Vehicles and
Highway Traffic Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
