

Bill No. 52 of 1950.

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 is amended. A change is made in the definition of the term "motor vehicle" to make it clear that the expression does not include trolley buses. A definition of the expression "traffic lane" is also added.

Section 14 is amended by the addition of a new subsection (3) which prohibits any person from having in his possession a motor vehicle without a serial number marked on it.

Section 15 is amended. The exception is taken out of the present subsection (1) and is inserted as a new subsection (1a). The effect of the amendment is that the only person who is exempted from having a driver's license issued by the Province is a person who is temporarily within the Province who is permitted to drive by the law of the country of which he is a resident and who is touring for pleasure in a motor vehicle that is licensed by his place of residence.

Section 42 is amended by striking out subsections (2) and (3) and by substituting two new subsections. The two present subsections state that certain speeds are *prima facie* unreasonable. The subsections which are substituted fix maximum rates of speed which shall not be exceeded. The new subsection (2) prohibits driving in a marked school zone at a rate of speed greater than twenty-five miles per hour. The new subsection (3) fixes a maximum speed for highways within any city, town, village or hamlet at not more than twenty-five miles per hour or not more than ten miles per hour in turning a corner.

Section 43 is amended. This section enables certain designated types of vehicles which are equipped with sirens and which are being used in an emergency to operate at any speed that is reasonable and proper. The amendment widens this section to make it applicable to any vehicles which are authorized to be equipped with sirens by the Provincial Secretary under the provisions of section 48, subsection (1).

A new section 44a is added immediately after section 44. This section makes it clear that the council of a city, town, village or municipal district may pass by-laws regu-

lating the rate of speed of all vehicles within its area either generally or in respect of any designated highway or portion of a highway. The Minister of Municipal Affairs may exercise a similar power in improvement districts or special areas. However, the rate of speed fixed by a by-law of a municipality or by an order of the Minister of Municipal Affairs shall not permit driving on any highway in excess of the speed permitted under this Act.

Section 46 is amended by the addition of a new subsection (2). The effect of the amendment is to permit a vehicle to pass another vehicle proceeding in the same direction on a hill, curve or bridge, if two or more traffic lanes are provided for vehicles proceeding in that direction and if the overtaking vehicle does not have to cross to the left of the centre line in order to pass.

Section 47 (2) is amended by striking out the last few words of the subsection and by referring to a new exception to the general rule requiring overtaking vehicles to pass on the left. Subsection (3) of section 47 is amended by striking out the word "approaching". Before an overtaking motorist crosses to the left hand side of the road in order to pass another vehicle he should make sure that the left hand side of the road is clear of all traffic and not just of approaching traffic. If there is a vehicle stalled in the left traffic lane or if there is a vehicle in the left hand traffic lane which is attempting to cross the line of traffic the overtaking vehicle should not use the left hand side of the highway in order to pass.

A new section 47*a* is added which establishes rules of the road to be followed in any case where a highway is divided into traffic lanes. Crossing from one traffic lane to another is prohibited where solid lines exist between lanes. However, where broken lines exist vehicles may cross from one lane to another, if the proper signal is given. A driver of a vehicle approaching an intersection and intending to turn left is required to travel in the centre traffic lane or in the traffic lane nearest the centre of the highway. On the other hand, a driver of a vehicle approaching an intersection intending to turn right is required to travel in the traffic lane nearest to the right hand side of the highway. The centre lane of a three lane highway is reserved for overtaking vehicles which are passing other traffic or for vehicles which are intending to turn to the left. Where two traffic lanes are provided for travel in the same direction an overtaking vehicle is required to keep to the left of the vehicle which it is passing and also to the right of the centre line of the highway. When a vehicle being overtaken is travelling in the centre traffic lane or in the traffic lane nearest the centre of the highway and has signalled its intention to turn left the overtaking vehicle may pass it on the right hand side. When a vehicle is being overtaken by another vehicle travelling in the same direction the vehicle overtaken is required to allow the other vehicle to pass

and to give it free use of the centre traffic lane or of the traffic lane nearest to the centre line of the highway.

Section 48(1) is amended by striking out the word "Minister" and by substituting a reference to the Provincial Secretary. When a siren is required on any vehicle the request will henceforth be directed to the Provincial Secretary.

Section 50 is amended by the addition of a new subsection which requires signals to be given in sufficient time to provide a reasonable warning to other persons of the intention of the driver.

Sections 51 and 52 are struck out and three new sections are substituted dealing with rules of the road applicable to vehicles at intersections. The new section 51 provides that when two vehicles approach or enter an intersection at approximately the same time the driver of the vehicle on the right has the right-of-way, except where otherwise provided.

Section 52 provides that the driver of a vehicle intending to turn to the right into an intersecting highway shall drive as closely as practicable to the right curb or edge of the travelled portion of the highway while approaching the intersection and while turning.

The new section 52a provides that the driver of a vehicle intending to turn to the left into an intersecting highway shall drive as closely as practicable to the centre line of the highway while approaching the intersection. In entering the intersection he keeps to the right of the centre line and upon leaving the intersection he keeps to the right of the centre line of the highway then entered. The driver of a vehicle intending to turn left is required to determine that the movement can be made in safety and to give a signal of his intention that is plainly visible to the driver of any other vehicle that may be affected. A driver may make a left turn across the path of an approaching vehicle only if he affords the other vehicle a reasonable opportunity of avoiding a collision.

Section 56 is struck out and two new sections are substituted. The new section 56 deals with street cars which have halted to discharge passengers, and is practically the same as the present section.

The new section 56a deals with passing school buses or school vans. Passing a stopped school bus is prohibited until all persons who are about to enter or leave are safely clear of the path of the overtaking vehicle. A driver approaching a school bus which is halted may pass it in the opposite direction but must reduce his speed to twenty-five miles per hour.

Section 58 (3a) is amended by the deletion of the words "civil or criminal". A similar amendment was made to the corresponding section in the Ontario Act. That section

has been judicially interpreted and the judgments given in Ontario will be useful in cases arising under our Act. Also, from a constitutional standpoint, it appears desirable to delete the reference to criminal trials although section 35 of the *Canada Evidence Act* adopts the provincial laws of evidence in all proceedings over which the Parliament of Canada has legislative authority.

Section 64 is amended by the addition of a new subsection (2a). Live stock straying on a highway, particularly at night, is a hazard to motorists using the highway. The new subsection enables an inspector or peace officer to take any stock found straying on a highway and store it in a place of safekeeping at the expense of the owner.

Section 75 is amended. The section presently prohibits improper use of a chauffeur's badge. The effect of the amendment is to extend the application of the section to a chauffeur's certificate.

Section 103 (3) is amended to extend the limitation period from one month to three months. The present limitation is far too short and in many cases does not give adequate time for proper investigation, particularly if some of the witnesses to an offence against the Act have been injured in an accident which is related to the commission of the offence.

Section 105, which is the general penalty section, is amended by increasing the maximum amounts of the penalties which may be imposed. Penalties for first, second and third or subsequent offences are increased to fifty, one hundred and two hundred dollars respectively.

Section 110 is amended. The words "to him" are struck out which removes an unnecessary limitation and will enable the intention of the section to be enforced more effectively. A new subsection (2) is added which provides that if a person knowingly makes a false statement in a report required by section 58 he is guilty of an offence and liable to a penalty.

Section 118(1) is amended to make it clear that the moiety of fines and penalties which is payable to a municipality is payable to the municipality in which the motor vehicle offence occurred rather than the municipality in which the offence was tried.

• Section 124 (3) is amended to correct an error and for purposes of clarification.

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. 52 of 1950.

An Act to amend The Vehicles and Highway Traffic Act.

(Assented to _____, 1950.)

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 after the word “engines” where it occurs in clause (h) the words “, trolley buses”;
- (b) by adding immediately after clause (m) the following new clause:
“(mm) ‘traffic lane’ means a longitudinal division of a highway into a strip of sufficient width to accommodate the passage of a single line of vehicles;”.

2. The said Act is further amended as to section 14 by adding immediately after subsection (2) the following new subsection

“(3) No person shall have in his possession any motor vehicle which does not have the manufacturer’s serial number cut, impressed, embossed or otherwise permanently marked thereon.”.

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

- (a) by striking out the words “except a person temporarily within the Province who is permitted to drive by the law of the country of which he is a resident,” where they occur in subsection (1);
- (b) by adding immediately after subsection (1) the following new subsection:
“(1a) Subsection (1) shall not apply to a person temporarily within the Province who is permitted to drive by the law of the country of which he is a resident and who is driving a motor vehicle which is deemed to be registered pursuant to the provisions of section 12.”.

4. The said Act is further amended as to section 42 by striking out subsections (2) and (3) and by substituting the following:

"(2) No person shall drive a motor vehicle within any marked school zone on a highway at a rate of speed greater than twenty-five miles per hour at any time between the hours of eight o'clock in the morning and five o'clock in the afternoon on any day upon which the school is held.

"(3) No person shall drive a motor vehicle on a highway within any city, town, village or hamlet at a rate of speed greater than twenty-five miles per hour or at a rate of speed greater than ten miles per hour in turning a corner."

5. The said Act is further amended as to section 43 by adding immediately after clause (c) the following new clause:

"(d) which is being used in an emergency in accordance with an authorization granted by the Provincial Secretary pursuant to the provisions of section 48, subsection (1)."

6. The said Act is further amended by adding immediately after section 44 the following new section:

"44a.—(1) The council of a municipality may pass by-laws regulating, within the municipality, the rate of speed of all vehicles or of any class or classes of vehicles either generally or in respect of any designated highway or portion thereof.

"(2) The Minister of Municipal Affairs, in the case of an improvement district or special area, may make orders regulating within the improvement district or special area, the rate of speed of all vehicles or any class or classes of vehicles either generally or in respect of any designated highway or portion thereof.

"(3) The rate of speed fixed by a by-law of a municipality or by an order of the Minister of Municipal Affairs shall not permit driving on any highway at a rate of speed in excess of that permitted under this Act."

7. The said Act is further amended as to section 46,—

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

"(2) Subsection (1) shall not apply in any case where,

"(a) two or more traffic lanes on the same side of the centre line are provided for vehicles proceeding in that direction; and

"(b) the driver of the vehicle desiring to pass can do so by continuing to drive on the right hand side of the centre line."

8. The said Act is further amended as to section 47,—

- (a) by striking out the words "or to the left side of the centre line of the highway", where they occur in

subsection (2) and by substituting the words “, except in the case provided for in section 47a, clauses (e) and (h)”;

- (b) by striking out the word “approaching” where it occurs in subsection (3).

9. The said Act is further amended by adding immediately after section 47 the following new section:

“47a. When a highway has been divided into traffic lanes,—

- “(a) a driver of a vehicle shall not drive from one traffic lane to another where solid lines exist between lanes;
- “(b) a driver of a vehicle may drive from one traffic lane to another where broken lines exist between lanes;
- “(c) a driver of a vehicle shall not drive from one lane to another on the same side of the centre line of the highway without first signalling his intention to do so by hand and arm or approved mechanical device in the manner prescribed by the regulations;
- “(d) a driver of a vehicle approaching an intersection intending to turn left shall travel in the centre traffic lane or in the traffic lane nearest the centre of the highway;
- “(e) a driver of a vehicle approaching an intersection intending to turn right shall travel in the traffic lane nearest to the right hand side of the highway and may pass any other vehicle travelling in the same direction in a lane to his left;
- “(f) a driver of a vehicle shall not use the centre traffic lane of a three traffic lane highway except when passing another vehicle proceeding in the same direction or when approaching an intersection where he intends to turn to the left;
- “(g) a driver of a vehicle overtaking another vehicle that is travelling in the same direction in any place where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in that direction shall in passing keep to the left of the other vehicle and to the right of the centre line;
- “(h) a driver of a vehicle overtaking another vehicle,—
 - “(i) that is travelling in the same direction; and
 - “(ii) that is travelling in the centre traffic lane or in the traffic lane nearest the centre of the highway; and
 - “(iii) that has signalled its intention to turn left; may pass the other vehicle and in passing shall keep his vehicle to the right of the other vehicle;
- “(i) a driver of a vehicle being overtaken by another vehicle travelling in the same direction shall allow that vehicle to pass and shall travel in the traffic lane nearest to the right hand side of the highway or in

such a manner as to allow the overtaking vehicle free passage in the centre lane or in the traffic lane nearest to the centre of the highway.”.

10. The said Act is further amended as to section 48, subsection (1) by striking out the word “Minister” and by substituting the words “Provincial Secretary”.

11. The said Act is further amended as to section 50,—

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

“(2) The signals shall be given in sufficient time to provide a reasonable warning to other persons of the intention of the driver.”.

12. The said Act is further amended by striking out sections 51 and 52 and by substituting the following new sections:

“**51.** When two vehicles approach or enter an intersection at approximately the same time,—

- “(a) the driver of the vehicle that is to the right of the driver of the other vehicle shall have the right-of-way; and
- “(b) the driver of the vehicle that is to the left of the driver of the other vehicle shall yield the right-of-way to the other vehicle;

except as provided in this Part.

“**52.** The driver of a vehicle intending to turn to the right into an intersecting highway shall drive as closely as practicable to the right curb or edge of the travelled portion of the highway while approaching the intersection and turning.

“**52a.**—(1) The driver of a vehicle intending to turn to the left into an intersecting highway shall,—

- “(a) drive as closely as practicable to the centre line of the highway while approaching the intersection; and
- “(b) make the left turn by driving to the right of the centre line where it enters the intersection and upon leaving the intersection by driving to the right of the centre line of the highway then entered.

“(2) The driver of a vehicle upon a highway before turning to the left from a direct line shall,—

- “(a) first determine that the movement can be made in safety; and
- “(b) give a signal of his intention to make the movement in such a manner that it is plainly visible to the driver of any other vehicle that may be affected by the movement.

“(3) The driver of a vehicle upon a highway intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only if he affords a reasonable opportunity to the driver of the other vehicle to avoid a collision.”.

13. The said Act is further amended by striking out section 56 and by substituting the following:

"56.—(1) When a street railway car has stopped to receive or discharge passengers no driver of a vehicle shall overtake and pass such car until all persons who are about to enter or leave the same are safely clear of the path of the vehicle.

"(2) Nothing in subsection (1) shall be deemed to prevent any driver of a vehicle from passing a stationary street railway car at an intersection where a safety zone has been provided for passengers.

56a.—(1) When a conveyance which bears either the sign 'school bus' or 'school van' has stopped to receive or discharge passengers no driver of a vehicle shall overtake and pass such conveyance until all persons who are about to enter or leave the same are safely clear of the path of the vehicle.

"(2) When a conveyance which bears the sign 'school bus' or 'school van' has stopped to receive or discharge passengers no driver of a vehicle approaching from the opposite direction shall pass such conveyance at a rate of speed greater than twenty-five miles per hour."

14. The said Act is further amended as to section 58, subsection (3a) by striking out the words ", civil or criminal,".

15. The said Act is further amended as to section 64 by adding immediately after subsection (2) the following new subsection:

"(2a) Every inspector or peace officer who finds any live stock straying or remaining on a highway may take the live stock into his custody and may cause it to be taken to, fed and kept in a suitable place and all costs and charges for removal, care, feeding or keeping shall be a lien upon the live stock and the same may be enforced in the manner provided by *The Livery Stable Keepers Act*."

16. The said Act is further amended as to section 75 by adding immediately after the word "badge" wherever it occurs therein the words "or certificate".

17. The said Act is further amended as to section 103, subsection (3) by striking out the words "one month" and by substituting the words "three months".

18. The said Act is further amended as to section 105,—

- (a) by striking out the word "twenty" where it occurs in clause (a) and by substituting the word "fifty";
- (b) by striking out the word "fifty" where it occurs in clause (b) and by substituting the words "one hundred";
- (c) by striking out the word "one" where it occurs in clause (c) and by substituting the word "two".

19. The said Act is further amended as to section 110,—

- (a) by renumbering the same as subsection (1) ;
- (b) by striking out the words “to him” where they occur in subsection (1) ;
- (c) by adding immediately after subsection (1) the following new subsection:

“(2) Any person who knowingly makes any false statement in a report required by section 58 shall be guilty of an offence and liable on summary conviction to a penalty of not more than two hundred dollars and costs or to imprisonment for any term not exceeding six months or to both fine and imprisonment.”.

20. The said Act is further amended as to section 118, subsection (1) by adding immediately after the words “municipalities within which” the words “offences occur in respect of which”.

21. The said Act is further amended as to section 124, subsection (3) by striking out the words “the law mentioned in the next preceding subsection of”.

22. This Act shall come into force on the first day of July, 1950.

THIRD SESSION
ELEVENTH LEGISLATURE
14 GEORGE VI
1950

BILL

An Act to amend The Vehicles and
Highway Traffic Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
