

Bill No. 32 of 1951.

A BILL TO AMEND THE BILLS OF SALE ACT.

NOTE.

This Bill amends *The Bills of Sale Act*, being chapter 217 of the Revised Statutes of Alberta, 1942.

The effect of the amendments is to enable central registration of bills of sale and chattel mortgages covering motor vehicles. The registration of these documents will be effected in the Motor Vehicles Branch of the Department of the Provincial Secretary which is the Branch that administers *The Vehicles and Highway Traffic Act*. A similar amendment is being made to *The Conditional Sales Act* to enable central registration of conditional sales of motor vehicles.

Bills of sale and chattel mortgages are normally registered only in the registration district in which the chattel is located. However, in the case of a motor vehicle, due to its mobility, registration in one district is not very effective as it can easily be driven into and disposed of in an adjoining district where the bill of sale or chattel mortgage is not registered. Under the proposed amendments a search in the Motor Vehicles Branch would reveal a bill of sale or chattel mortgage anywhere in the Province.

Section 2 is amended. A definition of the expression "motor vehicle" is added which corresponds with the definition found in *The Vehicles and Highway Traffic Act*. An addition is also made to clause (h) so that the definition of "proper officer" includes the registration clerk in the Motor Vehicles Branch of the Department of the Provincial Secretary. The word "tractor" is also defined as these vehicles are excluded from the definition of a motor vehicle, and a bill of sale of a tractor would be registered in the ordinary way and not with the Provincial Secretary.

Two new sections 10a and 10b, are added immediately following section 10. Section 10a provides for the registration of a bill of sale that comprises a motor vehicle with the registration clerk in the Motor Vehicles Branch. The description of the motor vehicle in the bill of sale is required to include the engine number and serial number of the vehicle. The registration clerk is entitled to refuse registration in the case of any bill of sale that does not comply with this requirement. The bill of sale and supporting documents must be filed within twenty-one days after it is made.

Section 10*b* deals with a bill of sale that covers a motor vehicle and other personal chattels. In such a case the bill of sale must be registered with the Motor Vehicles Branch insofar as the motor vehicle is concerned and must be registered in the ordinary way insofar as the remaining chattels are concerned. In such a case registration in the Motor Vehicles Branch alone is sufficient insofar as the motor vehicle is concerned and registration in the ordinary registration district is sufficient insofar as the chattels are concerned.

The Bill comes into force on the first day of July, 1951, and applies only in respect of bills of sale made on or after that date.

KENNETH A. MCKENZIE,
Legislative Counsel.

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

BILL

No. 32 of 1951.

An Act to amend The Bills of Sale Act.

(Assented to , 1951.)

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

1. *The Bills of Sale Act*, being chapter 217 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 2 is amended,—

Section 2
amended

(a) by adding immediately after clause (g) the following new clause:

“(gg) ‘motor vehicle’ means every vehicle propelled by any power other than muscular power except aircraft, tractors whether equipped with rubber tires or not, traction engines and such motor vehicles as run only upon rails or tracks;”;

“motor
vehicle”

(b) by adding at the end of clause (h) the words “and includes in respect of a bill of sale of a motor vehicle the registration clerk in the Motor Vehicles Branch of the Department of the Provincial Secretary”;

(c) by adding immediately after clause (l) the following new clause:

“(m) ‘tractor’ includes any vehicle designed primarily as a travelling power plant for independent operation or for operating other machines or appliances or designed primarily for drawing other vehicles or machines, and not designed for carrying any load of property or passengers wholly or in part on its structure.”.

“tractor”

3. The following new sections 10a and 10b are added immediately after section 10:

New sections
10a and 10b

“**10a.** (1) Where the bill of sale comprises a motor vehicle it shall be registered by filing the bill of sale, together with such affidavits and documents as are required by this Act in respect of registration generally, or duplicate originals or true copies thereof, in the office of the registration clerk in the Motor Vehicles Branch of the Department of the Provincial Secretary, and thereupon registration shall be deemed to be effected.

How registration
of motor
vehicle
effected

“(2) The description of a motor vehicle in a bill of sale shall include the engine number and the serial number of the motor vehicle.

Description
to include
engine
and serial
number

Registration clerk may refuse registration	“(3) The registration clerk of the Motor Vehicles Branch of the Department of the Provincial Secretary may refuse to register any bill of sale comprising a motor vehicle that does not comply with subsection (2).
Time for filing	“(4) The bill of sale, affidavits and documents shall be filed under subsection (1), within twenty-one days after the making thereof.
Registration of motor vehicle and personal chattels	“ 10b. (1) Where a bill of sale comprises a motor vehicle and personal chattels other than motor vehicles, in addition to the registration required by section 10a the bill of sale shall be registered within the period, in the manner and in the office or offices in which it is otherwise required to be registered under this Act in respect of the other personal chattels comprised therein.
Omission to register personal chattels not to affect registered motor vehicle	“(2) Where a bill of sale described in subsection (1) is registered under section 10a in respect of the motor vehicle comprised therein, but is not registered as required by subsection (1) in respect of the other personal chattels comprised therein, nevertheless it shall be deemed for all the purposes of this Act to be sufficiently registered in respect of each motor vehicle comprised therein.
Omission to register motor vehicle not to affect registered personal chattels	“(3) Where a bill of sale described in subsection (1) is registered as required in subsection (1) in respect of the personal chattels comprised therein, other than motor vehicles, but is not registered as required by section 10a in respect of a motor vehicle, nevertheless it shall be deemed for all the purposes of this Act to be sufficiently registered in respect of all the personal chattels comprised therein other than motor vehicles.”.
Coming into force	4. This Act shall come into force on the first day of July, 1951, and applies only in respect of bills of sale made on or after that date.

No. 32.

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act to amend The Bills of Sale
Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
