

Bill No. 33 of 1951.

A BILL TO AMEND THE CONDITIONAL SALES ACT.

NOTE.

This Bill amends *The Conditional Sales Act*, being chapter 219 of the Revised Statutes of Alberta, 1942.

The effect of the amendments is to enable central registration of conditional sales of 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 Bills of Sale Act* to provide for central registration of bills of sale and chattel mortgages covering motor vehicles.

A conditional sale agreement is normally registered only in the registration district within which the buyer or bailee resides, or in which actual delivery of the goods is made, or to which the goods are removed. However, in the case of a motor vehicle, due to its mobility, registration in one or more of these districts is not very effective as it can easily be driven into and disposed of in an adjoining district where the conditional sale agreement is not registered. Under the proposed amendments a search in the Motor Vehicles Branch would reveal a conditional sale agreement anywhere in the Province.

A new section 1*a* is added which defines several terms. A definition of the expression "motor vehicle" is added which corresponds with the definition found in *The Vehicles and Highway Traffic Act*. The expression "registration clerk" is defined as including, in respect of a conditional sale of a motor vehicle, 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 conditional sale of a tractor would be registered in the ordinary way and not with the Provincial Secretary.

Two new sections 3*a* and 3*b* are added immediately following section 3. Section 3*a* provides for the registration of a conditional sale agreement that comprises a motor vehicle with the registration clerk in the Motor Vehicles Branch. The description of the motor vehicle in the conditional sale agreement 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 conditional sale agreement that does not comply with this requirement. The conditional sale agreement and affidavits are required to be filed within twenty-one days of the making thereof.

Section 3b deals with a conditional sale agreement that covers a motor vehicle and other personal chattels. In such a case the conditional sale agreement 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. 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.

Section 7, subsection (1) is amended. It states that nothing in the previous sections applies to railway rolling stock as special provision is made for registration of that. However, at least one subsequent section also appears to be inapplicable. Railway rolling stock should be excepted from all provisions of the Act relating to registration, and this section is amended accordingly.

Section 19 is amended by increasing the search fee from ten cents to twenty-five cents which corresponds with the search fee under *The Bills of Sale Act*.

The Bill comes into force on the 1st day of July, 1951, and the new sections 1a, 3a and 3b apply only in respect of conditional sale agreements 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. 33 of 1951.

An Act to amend The Conditional Sales 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 Conditional Sales Act*, being chapter 219 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The following new section 1*a* is added immediately after section 1: New section 1*a*

“**1*a*.** In this Act, unless the context otherwise requires,— Interpretation

“(a) ‘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, and includes all tools and accessories belonging to and kept in, on or attached to a motor vehicle; “motor vehicle”

“(b) ‘registration clerk’ or ‘clerk of a registration district’ means a clerk of a registration district with whom bills of sale are registered under *The Bills of Sale Act* and includes in respect of a conditional sale of a motor vehicle, the registration clerk in the Motor Vehicles Branch of the Department of the Provincial Secretary; “registration clerk” or “clerk of a registration district”

“(c) ‘registration district’ means a registration district for bills of sale established under *The Bills of Sale Act*; “registration district”

“(d) ‘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 3*a* and 3*b* are added immediately after section 3: New sections 3*a* and 3*b*

“**3*a*.** (1) Where a conditional sale comprises a motor vehicle it shall be registered by filing the agreement, or a true copy thereof, together with such affidavits as are required by this Act in respect of registration generally, in the office of the registration clerk in the Motor Vehicles How registration of motor vehicle effected

- Branch of the Department of the Provincial Secretary, irrespective of the residence of the buyer or the place at which the motor vehicle is delivered, or to which it is removed and thereupon registration shall be deemed to be effected.
- Description to include engine and serial number
Registration clerk may refuse registration
- “(2) The description of a motor vehicle in a conditional sale agreement shall include the engine number and the serial number of the motor vehicle.
- “(3) The registration clerk of the Motor Vehicles Branch of the Department of the Provincial Secretary may refuse to register any conditional sale agreement comprising a motor vehicle that does not comply with subsection (2).
- Time for filing
- “(4) The conditional sale agreement and affidavits shall be filed under subsection (1) within twenty-one days after the making thereof.
- Registration of motor vehicle and personal chattels
- “3b. (1) Where a conditional sale agreement comprises a motor vehicle and personal chattels, other than motor vehicles, in addition to the registration required by section 3a, the conditional sale agreement 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 conditional sale agreement described in subsection (1) is registered as required in subsection (1) in 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 conditional sale agreement described in subsection (1) is registered under section 3a in respect of respect of the personal chattels comprised therein, other than motor vehicles, but is not registered as required by section 3a 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.”.
- Section 7 amended
4. Section 7, subsection (1) is amended by striking out the words “the previous sections” and by substituting the words “this Act relating to registration”.
- Section 19 amended
5. Section 19 is amended by striking out the figures “0.10”, where they occur following the words “For each search”, and by substituting the figures “0.25”.
- Coming into force.
6. This Act shall come into force on the first day of July, 1951, and sections 2 and 3 apply only in respect of conditional sale agreements made on or after that date.

No. 33

FOURTH SESSION
ELEVENTH LEGISLATURE

15 GEORGE VI

1951

BILL

An Act to amend The Conditional
Sales Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
