

Bill No. 100 of 1951.

A BILL TO AMEND THE VEHICLES AND HIGHWAY
TRAFFIC ACT.

NOTE.

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

Section 2, clause (h) is amended to exclude airplanes and tractors whether equipped with rubber tires or not from the definition of a motor vehicle.

Section 32 is amended. A new subsection (3) prescribes that tractors must be equipped with headlights and a tail light when on the highway.

Section 34 is amended by making clauses (a), (c) and (d) in subsection (1) apply to tractors and by providing in a new clause (g) that trailers when on the highway must be equipped with clearance lights.

Section 43 is amended so that vehicles used by fire and police departments and ambulances may proceed through stop lights and signals without stopping.

Section 58, subsection (1), is amended to extend its provisions to any case where a vehicle collides with another whether the latter is parked or in charge of any person or not.

A new section 66a is added to make careless driving an offence under the Act. The section is designed to cover a situation when a driver may not be guilty of the more serious offence of dangerous driving.

Section 86 is amended by including among the offences for which a person may be arrested without a warrant the offence of careless driving.

Section 103 (3) is amended so that proceedings may be taken under the Act after the normal limitation period of three months in the case of an offence under section 10.

Section 111 (2) is amended by substituting a maximum penalty of six months, imprisonment and a five hundred dollar fine for any person who drives a motor vehicle after its registration certificate or his driver's or chauffeur's license has been suspended.

Section 115 is amended to extend the provisions of the Act respecting impounding motor vehicles to section 66a which prohibits careless driving.

Section 117 is amended. The offences referred to in clauses (a), (b) and (c) are no longer offences by virtue of the amendment in 1949 of section 12, and therefore should be deleted.

Section 123 is amended to make it clear that the words "within fifteen days" modify the word "fails" and to require the suspension of all licenses and motor vehicle registration certificates in the name of a person who has a judgment rendered against him as a result of a motor vehicle accident regardless of whether he was driving at the time of the accident.

Section 124 is amended. Clause (b) of subsection (1) is struck out because the subsection of section 42 which created the offence therein referred to was deleted in the amendments made in 1950. A new clause (d) is added to the offences for which a driver's or chauffeur's license must be suspended, the offence of careless driving.

Section 135 is amended to extend the provisions regarding the return of drivers' licenses and motor vehicle registration certificates to chauffeurs' licenses and all motor vehicle registration certificates.

This Bill comes into force on the 1st day of July, 1951.

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. 100 of 1951.

An Act to amend The Vehicles and Highway Traffic 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 Vehicles and Highway Traffic Act*, being chapter 275 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. Section 2 is amended by striking out clause (*h*) and by substituting the following: Section 2 amended

“(h) ‘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”

3. Section 32 is amended by adding immediately after subsection (3) the following new subsections: Section 32 amended

“(3a) Every tractor whilst in operation on a highway shall be equipped with two headlights at the front and on opposite sides of the vehicle each of which shall be capable of projecting light for a distance of three hundred feet ahead of the vehicle under normal atmospheric conditions. Tractor head lamps

“(3b) Every tractor whilst in operation on a highway shall be equipped with a tail lamp so constructed as to show a red light plainly visible for a distance of at least two hundred feet from the rear of the vehicle under normal atmospheric night conditions and in the case of a tractor required to be licensed, the tail lamp shall be so constructed as to illuminate with a white light the number plate fixed on the back of the vehicle so that every letter and figure thereon may be plainly seen at a distance of not less than sixty feet from the rear of the vehicle under normal atmospheric night conditions.” Tractor tail lamp

4. Section 34, subsection (1) is amended,— Section 34 amended

- (a) by adding immediately after the words “motor vehicle”, where they occur in clauses (a) and (c), the words “or tractor”;
- (b) by adding immediately after the words “motor vehicle”, where they firstly occur in clause (d), the words “or tractor”;

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

“(g) no trailer having a width at any part, including a load thereon, in excess of eighty inches drawn by or attached to a motor vehicle, shall be upon any highway unless it has affixed in conspicuous positions, as near the top as practical, at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear.”.

Section 43
amended

5. Section 43 is amended by adding at the end the words “and may proceed past a red or stop signal or stop sign without stopping and at such speed as is reasonable and safe under the circumstances”.

Section 58
amended

6. Section 58, subsection (1) is amended,—

- (a) by striking out the words “whether on foot or horseback or in a vehicle, or to any horse”;
- (b) by striking out the words “in charge of any person”.

New
section 66a

7. The following new section 66a is added immediately after section 66:

Careless
driving

“**66a.** No person shall drive a motor vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway.”.

Section 86
amended

8. Section 86 is amended,—

- (a) by adding immediately after clause (d) the following new clause:
 - “(e) Section 66a, relating to driving a motor vehicle on a highway without due care and attention;”;
- (b) by relettering the present clause (e) as clause (f).

Section 103
amended

9. Section 103, subsection (3) is amended by adding immediately after the word “Regulations,” the words “other than the provisions of section 10,”.

Section 111
amended

10. Section 111, subsection (2) is amended by striking out the words “the penalties provided in subsection (1)” and by substituting the words “imprisonment for a term not exceeding six months or to a fine not exceeding five hundred dollars or to both imprisonment and fine”.

Section 115
amended

11. Section 115 is amended by striking out the words and figures “section 42 or section 67”, wherever they occur, and by substituting the words and figures “sections 42, 66a or 67”.

Section 117
amended

12. Section 117 is struck out and the following is substituted:

“117. Every person who, being in possession of a motor vehicle in respect of the entry of which into Canada a customs permit has been obtained, and being requested by any police officer or constable to exhibit the customs permit, refuses or fails to exhibit the same, shall be guilty of an offence and liable on summary conviction to a penalty of not more than three hundred dollars.”

Penalty for failure to produce customs permit

13. Section 123 is amended by striking out subsection (1) and by substituting the following:

Section 123 amended

“123. (1) Subject to the provisions of section 132, the Minister, upon receiving a certificate of the final judgment from the court in which the same is rendered, shall suspend the driver's or chauffeur's license and the registration of every motor vehicle registered in the name of a person who fails, within fifteen days from the date upon which the judgment became final, to satisfy a judgment rendered against him by any court either in Alberta, or in any other province of Canada.

Suspension of driver's license

“(1a) Every such license and registration shall remain suspended and shall not at any time thereafter be renewed, nor shall any new driver's license be issued to, or new registration be permitted to be made by the person liable,—

Duration of suspension

“(a) until the judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy,—

“(i) to the extent of at least five thousand dollars, exclusive of interest and costs, for injury to, or death of any one person;

“(ii) to the extent of at least ten thousand dollars, exclusive of interest and costs, for bodily injury to, or death of two or more persons in any one accident, subject to the limit prescribed in subclause (i) for each person so injured or killed; and

“(iii) to the extent of at least one thousand dollars, exclusive of interest and costs, for damage to property of others not being property carried in the motor vehicle which occasioned the accident, resulting from any one accident; and

“(b) until such person gives proof of his financial responsibility.”

14. Section 124, subsection (1) is amended,—

Section 124 amended

(a) by striking out clause (b);

(b) by relettering the present clause (aa) as clause (b);

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

“(d) Driving a motor vehicle on a highway in a careless manner contrary to section 66a if injury to property in excess of seventy-five dollars or to any person occurs in connection therewith;”;

Careless driving

(d) by relettering the present clauses (d), (e) and (f) as clauses (e), (f) and (g).

Section 135
amended

15. Section 135, subsection (1) is amended by striking out the words "driver's license and all license plates issued upon the registration of his motor vehicle" and by substituting the words "driver's or chauffeur's license or both and all license plates issued upon the registrations of his motor vehicles".

Coming
into force

16. This Act shall come into force on the first day of July, 1951.

No. 100.

**FOURTH SESSION
ELEVENTH LEGISLATURE**

15 GEORGE VI

1951

BILL

An Act to amend The Vehicles and
Highway Traffic Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
