

Bill No. 96 of 1952.

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. Clause (a) is amended to more exactly define the word "chauffeur". A new clause (aa) defines "commercial motor vehicle". A new clause (ee) defines "public service vehicle". Clause (g) is amended to define Minister as meaning the member or members of the Executive Council charged, for the time being, by the Lieutenant Governor in Council with the administration of this Act or particular parts of the Act. Clause (n) is amended by striking out the reference to trolley buses. This amendment has the effect of making trolley buses observe the rules of the road as by their exclusion from the term "vehicle" they were not subject to all the rules of the road.

Section 10 is amended by striking out several subsections and substituting others. Subsections (2) to (8) make provision for license plates. The new subsections provide that upon the sale of a vehicle, other than a public service vehicle or commercial vehicle, the license plates will stay with the vehicle. The registration of the motor vehicle will be changed to the new owner and the license plates shall not be re-issued to the former registered owner for use on another vehicle. When the owner of a registered public service vehicle or commercial vehicle sells such a vehicle to another person, or where such a registered motor vehicle passes from the owner to another person by the operation of law or otherwise, the registration of that vehicle expires upon the fourteenth day after the transfer of the vehicle. The registered owner shall deliver up to the Department the certificate of registration together with the number plates. The number plates of a registered public service vehicle or a commercial vehicle may be re-issued to the registered owner or may be issued to the person to whom ownership passes but they shall not be issued to the person to whom ownership passes without the consent of the registered owner.

Section 16 is amended. A new clause is added permitting the Minister to issue a conditional license to a driver or chauffeur. This is to authorize the "restricted" license for drivers or chauffeurs as is in use in various provinces whereby a driver is permitted to drive, subject to certain conditions as for instance, in the day time only.

Section 26 is struck out and a new section substituted. The effect of this amendment is to permit the Minister to prescribe the type, colour or shade of number plates. Previously a different colour was required for each year and the use of semi-permanent plates requires amending the section.

Section 35 is amended to permit a snow plow or a tow truck to be equipped with a red light or flashing light. A new subsection (2) prohibits a tow truck from using a red light or flashing light unless it is in the process of towing.

Section 41*a* is amended. This section prohibits a person from driving a motor vehicle unless it has been inspected within twelve months and a certificate of approval issued. It is further amended so that tourist cars will not be required to comply with the provisions regarding the inspection of vehicles. Subsection (2) is amended similarly.

Section 42*a*, subsection (2) is amended by correcting a reference and making it refer to the proper Minister.

A new section 42*b* is added. Subsection (1) provides that the council of a city may regulate the speed of vehicles within the city. Subsection (2) provides that the council of a town or village, with respect to designated highways within the limits of the town or village, by by-law may fix a maximum speed limit of not less than twenty-five miles per hour. Subsection (3) provides that the council of a municipal district may fix a maximum speed limit of not less than twenty-five miles per hour applicable to vehicles driving over designated highways within the limits of a hamlet in the municipal district.

Section 43, clause (*d*) is amended by substituting Minister for the Provincial Secretary. Minister is defined by an amendment to section 2.

Section 43*a* is amended by changing a reference to the Minister of Public Works in subsections (1) and (2) to the Minister of Highways. Subsection (4) is similarly amended. These amendments are made necessary by *The Highways Department Act* which was passed in 1951.

Section 46 is amended. The effect of this amendment is to permit a motorist to pass another vehicle proceeding in the same direction on a curve designated for passing. Formerly passing on curves was entirely prohibited.

Section 47*a* is amended to permit a motorist to cross a solid line where both broken lines and solid lines exist together when the motorist is driving on the side of the highway with the broken lines.

Section 48 is amended by substituting Minister for Provincial Secretary in subsection (1). Subsection (2) is also amended. The effect of this amendment is to provide that a person driving a motor vehicle on being approached on the right or left by an emergency vehicle shall bring the vehicle he is driving to a stop. The requirement to stop his vehicle

formerly only applied when he was being overtaken by or approaching an emergency vehicle. Subsection (3) provides that the provisions requiring a person to stop his vehicle on the approach of an emergency vehicle will not operate so as to relieve the driver of an emergency vehicle from the duty of driving with due regard to the safety of persons using the highway.

Section 56 is repealed. This section applied to street railway cars and is now obsolete.

Section 82 is struck out and a new section substituted. It provides that the driver of a motor vehicle shall produce the certificate of the registration of the motor vehicle and the certificate of approval of the motor vehicle issued pursuant to this Act when requested to do so by any inspector or peace officer.

Section 93 is amended. The effect of this amendment is that the monthly reports required from all motor vehicle dealers shall be required whether or not they have sold any cars during the month.

Section 106 is struck out and a new section substituted. It provides that a person who fails to produce his driver's or chauffeur's license when the same is demanded by a police officer or inspector is guilty of an offence. Any person who fails to produce within a reasonable time the certificate of the registration of the motor vehicle or the certificate of approval of the motor vehicle is also guilty of an offence and liable upon summary conviction to a penalty of not more than five dollars and costs.

Section 124a is amended by adding a new subsection which provides that the Minister shall suspend, for a period of two months for a first offence and for a period of one year for a second or subsequent offence, the driver's or chauffeur's license of any person who has been found guilty of driving a motor vehicle or having the care or control of a motor vehicle while his ability to drive is impaired by alcohol or any drug contrary to the provisions of subsection (4a) of section 285 of the Criminal Code of Canada. The effect of this amendment is to give courts and justices power to suspend the license of a person convicted under this subsection of the Criminal Code.

This Bill comes into force on the 1st day of July, 1952, except as otherwise provided.

J. W. RYAN,
Acting Legislative Counsel.

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

BILL

No. 96 of 1952.

An Act to amend The Vehicles and Highway Traffic Act.

(Assented to _____, 1952.)

HER 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,—

Section 2
amended

(a) by striking out clause (a) and by substituting the following:

“(a) ‘chauffeur’ means a person who is employed as the operator of a motor vehicle or a person who, as owner or employee, drives a public service vehicle as defined under *The Public Service Vehicles Act*;

“chauffeur”

“(aa) ‘commercial motor vehicle’ means a commercial motor vehicle as defined in *The Public Service Vehicles Act*,”;

“commercial
motor
vehicle”

(b) by adding immediately after clause (e) the following new clause:

“(ee) ‘public service vehicle’ means a public service vehicle as defined in *The Public Service Vehicles Act*,”;

“public
service
vehicle”

(c) by striking out clause (g) and by substituting the following:

“(g) ‘Minister’ means the member or members of the Executive Council charged, for the time being by the Lieutenant Governor in Council, with the administration of this Act or particular parts thereof,”;

“Minister”

(d) by striking out the words “, or trolley buses”, where they occur in clause (n).

3. Section 10 is amended by striking out subsections (2), (3) and (4) and by substituting the following:

Section 10
amended

“(2) When the ownership of a registered motor vehicle, other than a public service vehicle or a commercial motor vehicle, passes from the registered owner to any other person, whether by the act of the owner or by the operation of law, the registration of such motor vehicle shall expire upon the fourteenth day after the day upon which the ownership passes.

Registration
of motor
vehicle
expires upon
transfer

- Delivery of certificate of registration “(3) The registered owner or his legal representative, not later than the fourteenth day after the ownership so passes, shall deliver to the Minister the certificate of registration of such motor vehicle.
- Application for registration of transferred motor vehicle “(4) The new owner or his legal representative, not later than the fourteenth day after the ownership passes, shall make application to the Minister for the registration of such motor vehicle in his name and the transfer of the number plates to him.
- Re-issue of number plates “(5) Upon the passing of the ownership of a registered motor vehicle from the registered owner to any other person, the number plates issued upon registration shall not be re-issued to the registered owner for use on another vehicle but,—
- “(a) upon compliance with the regulations; and
- “(b) upon production of satisfactory proof of ownership; and
- “(c) upon payment of the prescribed fee;
- shall be re-issued to the person to whom the ownership passes.
- Registration of public service or commercial motor vehicle expires upon transfer “(6) When the ownership of a registered public service vehicle or commercial motor vehicle passes from the registered owner to any other person, whether by the act of the owner or by the operation of law, the registration of such motor vehicle shall expire upon the fourteenth day after the day upon which the ownership passes, and the registered owner or his legal representative, not later than the fourteenth day after the ownership so passes, shall deliver up to the Department the certificate of registration of such motor vehicle, together with the number plates issued for it to the Minister or to any person authorized by him to receive the same.
- Delivery of certificate of registration and number plates
- Dealer in motor vehicles to deliver number plates “(7) Upon the passing of the ownership of a registered public service vehicle from the registered owner, either by the act of the owner or by the operation of law, to a person engaged in the business of selling or dealing in motor vehicles, whether new or otherwise, or engaged in the business of automobile wreckage, such person, if the number plates issued to the registered owner come into his possession, shall return the plates forthwith to the Minister.
- Re-issue of number plates “(8) Upon the passing of the ownership of a registered public service vehicle or commercial motor vehicle from the registered owner to any person, the number plates issued upon registration may be re-issued to the registered owner or to the person to whom the ownership passes, upon compliance with the regulations and the payment of the prescribed fee, but the number plates shall not be issued to the person to whom the ownership passes without the consent of the registered owner.”.
- Section 16 amended
4. Section 16 is amended,—
- (a) by adding immediately after clause (a) the following new clause:

“(b) cause special conditions to be stated upon a driver’s or chauffeur’s license and it shall be an offence against this Act for any person to fail to comply with such special conditions when so stated upon such license;”;

(b) by relettering the present clauses (b) and (c) as clauses (c) and (d) respectively.

5. Section 26 is struck out and the following is substituted: Section 26 amended

“**26.** The number plates shall be of the type, colour or shade as may be prescribed by the Minister.” Number plates

6. Section 35 is amended,— Section 35 amended

(a) by striking out clause (c) of subsection (2) and by substituting the following:

“(c) as an ambulance; or

“(d) as a snow plow; or

“(e) as a tow truck;”;

(b) by adding immediately after subsection (2) the following new subsection:

“(3) No motor vehicle which is used as a tow truck shall have on a red light or flashing light, except signalling lights for turning, unless it is in the actual process of towing.”.

7. Section 41a is amended,— Section 41a amended

(a) by adding immediately after the words “any motor vehicle”, where they occur in subsection (1), the words “registered pursuant to this Act”;

(b) by adding immediately after the words “motor vehicle”, where they occur in subsection (2), the words “registered pursuant to this Act”.

8. Section 42a, subsection (2) is amended by striking out the words “Public Works” and by substituting the word “Highways”. Section 42a amended

9. The following new section is added immediately after section 42a: New section 42b

“**42b.** (1) The council of a city may restrict and regulate the speed of vehicles within a city in accordance with section 281 of *The City Act*. City may regulate speed

“(2) The council of a town or village, in respect of a designated highway within the limits of the town or village, by by-law, may fix a maximum speed limit of not less than twenty-five miles per hour applicable to all vehicles travelling over a highway or a portion of a highway designated in the by-law. Town or village may fix maximum speed limit

Municipal
district
may fix
maximum
speed limit
in hamlet

“(3) The council of a municipal district, in respect of a designated highway within the limits of a hamlet within the municipal district, by by-law, may fix a maximum speed limit of not less than twenty-five miles per hour applicable to all vehicles travelling over a highway or a portion of a highway designated in the by-law.”.

Section 43
amended

10. Section 43, clause (d) is amended by striking out the words “Provincial Secretary” and by substituting the word “Minister”.

Section 43a
amended

11. Section 43a is amended,—

- (a) by striking out the words “The Minister of Public Works”, where they occur in subsections (1) and (2), and by substituting the words “The Minister of Highways”;
- (b) by striking out the words “the Minister of Public Works”, where they occur in subsection (4), and by substituting the words “the Minister of Highways”;
- (c) by striking out the words “Department of Public Works”, wherever they occur, and by substituting the words “Highways Department”.

Section 46
amended

12. Section 46 is amended,—

- (a) by striking out subsection (1) and by substituting the following:

“**46.** (1) No person acting as a driver of a vehicle shall pass or attempt to pass another vehicle proceeding in the same direction,—

- “(a) while proceeding uphill;
- “(b) on a curve;
- “(c) on a bridge or any approaches thereto.”;

- (b) by adding immediately after subsection (2) the following new subsection:

“(3) Notwithstanding clause (b) of subsection (1), where a curve on a highway is divided into traffic lanes by a broken line or by a broken line and a solid line existing together, a person acting as a driver of a vehicle may pass on a curve,—

- “(a) if the left side of the highway is free of traffic for a sufficient distance ahead to permit such person to overtake and pass in safety; and
- “(b) if he crosses the solid line from the lane in which the broken line exists.”.

Passing
vehicle
proceeding
in same
direction

When
passing on
curve
permitted

Section 47a
amended

13. Section 47a is amended by adding at the end of clause (a) the words “, except where solid and broken lines exist together when a driver may cross the solid line from the lane in which the broken line exists”.

14. Section 48 is amended,—Section 48
amended

- (a) by striking out the words "Provincial Secretary", where they occur in subsection (1), and by substituting the word "Minister";
- (b) by adding immediately after the word "overtaken", where it occurs in subsection (2), the words "or being approached from the right or left";
- (c) by adding immediately after subsection (2) the following new subsection:

"(3) The provisions of subsection (2) shall not operate so as to relieve the driver of an authorized emergency vehicle from the duty of driving with due regard to the safety of all persons using the highway."

15. Section 56 is repealed.Section 56
repealed**16. Section 82 is struck out and the following is substituted:**Section 82
amended

"**82.** Every driver of a motor vehicle shall produce, within a reasonable time,—

Production
of certificates

"(a) the certificate of the registration of the motor vehicle; and

"(b) the certificate of approval of the motor vehicle issued pursuant to section 41a;

when requested to do so by any inspector or peace officer."

17. Section 93 is amended by adding at the end of subsection (1) the words "and any dealer who has not sold or delivered any motor vehicles during the month shall so report to the Minister".Section 93
amended**18. Section 106 is struck out and the following is substituted:**Section 106
amended

"**106.** A person who fails to produce,—

Penalty for
failure to
produce
license or
certificates

"(a) his driver's or chauffeur's license;

"(b) the certificate of the registration of the motor vehicle within a reasonable time;

"(c) the certificate of approval of the motor vehicle issued pursuant to section 41a, within a reasonable time;

when the same is demanded by a police officer or inspector, is guilty of an offence and liable upon summary conviction to a penalty of not more than five dollars and costs."

19. Section 124a is amended,—Section 124a
amended

- (a) by adding immediately after subsection (2) the following new subsection:

Suspension
of license
for driving
while ability
impaired

“(3) The Minister shall suspend,—

“(a) for a period of two months for a first offence;

“(b) for a period of one year for a second or subsequent offence;

the driver's or chauffeur's license of any person who has been found guilty of driving any motor vehicle or automobile, or having the care or control of a motor vehicle or automobile, whether it is in motion or not, while his ability to drive a motor vehicle or automobile is impaired by alcohol or any drug contrary to the provisions of subsection (4a) of section 285 of the Criminal Code of Canada.”;

(b) by renumbering the present subsection (3) as subsection (4).

Coming
into force.

20. This Act shall come into force on the first day of July, 1952, except for sections 2, 3, 4, 7, 8, 11 and 17, which sections shall come into force on the first day of April, 1952.

No. 96.

FIFTH SESSION
ELEVENTH LEGISLATURE

1 Elizabeth II

1952

BILL

An Act to amend The Vehicles and
Highway Traffic Act.

Received and read the

First time

Second time

Third time

HON. MR. GERHART.
