

Bill No. 127 of 1953

A BILL TO PROVIDE FOR THE LICENSING OF  
CERTAIN MOBILE CONSTRUCTION EQUIPMENT

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NOTE

This Bill enacts a new Act to be known as "*The Mobile Construction Equipment Licensing Act*".

After the coming into force of this Act mobile construction equipment is to be exempt from taxation by municipalities as personal property under *The Assessment Act*. Thereafter, such equipment is to be licensed by the Minister of Municipal Affairs and licence plates issued therefor.

The licence fee is to be determined by a formula whereby the fee will equal five per cent of three-tenths of the current market price of new equipment of that type. The licence fee is to be apportioned among the municipalities within which the mobile construction equipment was located during the calendar year in respect of which the licence fee was paid.

Inspectors of licences are to be appointed. Assessors of municipalities are to be *ex officio* inspectors under this Act.

Certain offences are created and penalties provided by this Act.

The Lieutenant Governor in Council is empowered to make regulations prescribing forms for use under the Act and the procedure to be followed in carrying out the provisions of this Act.

This Bill comes into force upon Proclamation.

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. 127 of 1953

## An Act to Provide for the Licensing of Certain Mobile Construction Equipment

(Assented to \_\_\_\_\_, 1953)

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

**1.** This Act may be cited as "*The Mobile Construction Equipment Licensing Act*". Short title

- 2.** In this Act, unless the context otherwise requires, Interpreta-  
tion
- (a) "construction work" means the operations required for excavating or for the construction or maintenance of a road, sidewalk, bridge, culvert, dam, drainage system, irrigation system, airport, pipe line, power line, railway grade or other works of like nature; "construc-  
tion work"
  - (b) "licence" means a licence issued pursuant to the provisions of this Act; "licence"
  - (c) "Minister" means the Minister of Municipal Affairs; "Minister"
  - (d) "mobile construction equipment" means mobile machinery and equipment, which is used or which may be used in the actual performance of construction work, and without restricting the generality of the foregoing, includes "mobile con-  
struction  
equipment"
    - (i) gravel crushers, conveyances for construction material other than trucks licensed under *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act*, tractors, bulldozers, graders, piledrivers, power shovels, draglines, packers, plows, scrapers, concrete mixers, and
    - (ii) mobile bunk, cooking and dining houses used for the purpose of serving the personnel engaged in the performance of construction work;
  - (e) "municipality" means a town, a village, a municipal district, a county, an improvement district or a special area; "municipi-  
pality"
  - (f) "owner" means the person who is in legal possession of mobile construction equipment; "owner"
  - (g) "person" includes a partnership or corporation. "person"

- Licensing of mobile construction equipment**     **3.** A person who is the owner of mobile construction equipment shall obtain a licence in the manner provided in this Act before he performs any construction work with such equipment.
- Exemption from assessment and taxation**     **4.** Upon the coming into force of this Act mobile construction equipment shall be exempt from assessment and taxation pursuant to *The Assessment Act*.
- Exemption from provisions of Act**     **5.** This Act does not apply in the case of mobile construction equipment owned by
- (a) the Government of Canada or the Provincial Government, or
  - (b) a municipality where it is used solely for work within that municipality.
- Application for licence**     **6.** (1) A person who is the owner of mobile construction equipment may apply to the Minister for a licence under this Act.
- (2) The application shall be accompanied by an affidavit stating, with respect to each unit of mobile construction equipment owned by the applicant,
- (a) the name, description and serial number, if any, of each unit,
  - (b) the sale price at which a new unit of similar specifications is quoted at current market prices.
- Calculation of licence fee**     **7.** (1) Upon receipt of an application and accompanying affidavit the Minister shall calculate the annual licence fee for each unit
- (a) by determining the sale price at which a new unit of similar specifications is quoted at current market prices,
  - (b) by calculating the amount of three-tenths of the sale price determined pursuant to clause (a),
  - (c) by computing five per cent of the amount calculated pursuant to clause (b).
- (2) Upon payment of the amount computed pursuant to clause (c) of subsection (1), the Minister shall issue a licence to the owner of the mobile construction equipment.
- Expiration of licence**     (3) A licence issued under this Act expires on the thirty-first day of December in the year in which the licence is issued.
- Licence plate**     **8.** (1) A licence plate shall be issued by the Minister with each licence.
- (2) The licence plate shall be attached in a conspicuous place to the unit for which it is issued.
- Licence plate not to be transferred**     (3) A licence plate shall not be transferred from one unit to another.

**9.** (1) The owner of mobile construction equipment, either himself or through his agent in charge of the equipment,

Duties of owner of mobile construction equipment

- (a) shall keep and maintain a complete record in each calendar year of the number of days each unit of equipment, for which a licence has issued at any time in that year, has been in each municipality in that year both before and after the issuance of the licence, whether or not such unit was in use or in storage in the municipality,
- (b) on or before the thirty-first day of December in each year, shall make a return to the Minister, in such form as he may prescribe, showing the number of days in that year a licensed unit of equipment was in each municipality, whether or not such unit was in actual use,
- (c) within twenty-four hours of commencing construction work in a municipality, in writing, shall notify
  - (i) the Department of Municipal Affairs in the case of an improvement district, or
  - (ii) the special areas board in the case of a special area, or
  - (iii) the secretary-treasurer of any other municipality,
 that he has within the municipality for construction work purposes each unit of mobile construction equipment set out in the notification,
- (d) in writing, shall notify the officials referred to in clause (c) of any withdrawals or additions of units from or into the municipality, as the case may be.

(2) For the purposes of subsection (1) reference to a unit of mobile construction equipment shall be made by stating

- (a) the name or type of the unit of equipment, and
- (b) the number of the licence issued therefor pursuant to this Act.

**10.** As soon as may be in each year, the Minister shall assemble the return made to him for the preceding year in respect of each unit of equipment pursuant to clause (b) of subsection (1) of section 9, and according to the returns shall

Division of licence fees

- (a) determine the total number of days a unit was in all municipalities,
- (b) divide ninety-five per cent of the amount of the licence fee received by him pursuant to section 7 by the total number of days a unit was in all municipalities,
- (c) compute the number days a unit was in each municipality,
- (d) pay to a municipality covered by the returns the amount arrived at by multiplying the result obtained pursuant to clause (b) by the number of days the unit was in that municipality.

**Regulations**      **11.** The Lieutenant Governor in Council may make regulations not inconsistent with the provisions of this Act prescribing the procedure to be followed and the forms to be used in carrying out any of the provisions of this Act.

**Offences and penalties**      **12.** A person  
                                   (a) who gives false information in his application for a licence under this Act, or  
                                   (b) who after having been issued with a licence plate attaches the licence plate to a unit for which it was not issued,

is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.

**Inspectors**            **13.** (1) The Minister may appoint persons as inspectors of mobile construction equipment licences who shall have such duties as may be assigned to them by the Minister.

(2) The assessor of a municipality shall be *ex officio* an inspector of mobile construction equipment licences under this Act.

(3) An inspector of mobile construction equipment licences may inspect mobile construction equipment for the purpose of ascertaining whether or not the equipment or any unit thereof is duly licensed.

**Inspection of equipment**      **14.** (1) Every person who is the owner or who has the control or management of mobile construction equipment shall permit an inspector to inspect and examine the equipment at any reasonable time during the day and shall furnish such information as the inspector may require.

**Penalty for failure to allow inspection**      (2) A person  
                                   (a) who fails to comply with the provisions of subsection (1), or  
                                   (b) who knowingly makes a false statement to an inspector,

is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.

**Penalty for using unlicensed equipment**      **15.** (1) A person  
                                   (a) who performs or attempts to perform construction work by the use of a unit of mobile construction equipment for which a licence has not been obtained, or  
                                   (b) who performs or attempts to perform construction work by the use of a unit of mobile construction equipment upon which a licence is not displayed,

is guilty of an offence and liable on summary conviction to a fine not exceeding one hundred dollars and costs and in default of payment to imprisonment for a term not exceeding thirty days.

(2) Where a person is convicted of an offence under subsection (1), the convicting magistrate or justice, in addition to any penalty imposed in respect of such offence, may order the impounding of the unit concerned in the commission of the offence for a period not exceeding sixty days.

**16.** (1) The expenses of the administration of this Act shall be paid out of such moneys as may be appropriated by the Legislative Assembly for the purposes of the Department of Municipal Affairs.

(2) Any surplus moneys from licence fees remaining with the Minister after the annual apportionment to municipalities pursuant to section 10 shall be paid into the General Revenue Fund of the Province.

**17.** This Act shall come into force on a date to be fixed by Proclamation of the Lieutenant Governor.

No. 127

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**FIRST SESSION**  
**TWELFTH LEGISLATURE**  
**2 ELIZABETH II**  
**1953**

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**BILL**

An Act to Provide for the Licensing  
of Certain Mobile Construction  
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Received and read the

First time .....

Second time.....

Third time.....

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**HON. MR. GERHART.**

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