

Bill No. 113 of 1954

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 18 is amended by substituting a new section therefor. As a result of permitting cities to fix speed limits by by-law it is at present not permissible for a convicting magistrate to suspend or cancel the driver's or chauffeur's licence of a person convicted of speeding within a city contrary to a city by-law. This amendment empowers a magistrate in such a case to suspend or cancel a licence.

Section 18*a* is added. This new section is essentially the present section 124*a* which because of its present position in the Act (amidst provisions relating to financial responsibility) is in apparent conflict with section 127. Some substantive changes have been made in the provisions of this section in transposing it, viz., where previously the Minister was required to suspend the licences in the cases set out in section 124*a*, it is now provided that the licences are automatically suspended for the periods specified and the convicted persons are disqualified from holding licences for such period. The periods of the suspension of licence and disqualification are dated from the date of the conviction causing the suspension where, previously, no effective date was specified in the section.

Section 23, clause (b) is amended to correct an error.

Section 42, subsection (1*a*) is amended to prohibit driving at night at a speed greater than fifty miles an hour.

Section 47*b* is added. This section provides a rule of the road that requires a person to drive so as not to impede or block traffic by driving at a slower than reasonable speed. Such a person can be required to drive faster by a police constable when that person by an unreasonably slow speed is hindering the movement of traffic.

Section 59 is amended as to subsections (2), (4) and (5) to remove the reference to street railway cars which are no longer in operation in Alberta.

Section 73 is amended to make the reference in this section to a new licence be a reference to any licence.

Section 76 is amended to correct a reference.

Section 86 is amended by the addition of a new clause empowering peace officers to arrest without warrant per-

sons who are driving while their licence to drive is under suspension.

Section 99 is amended by the addition of a new subsection (2) which provides that the certificate of the Minister or his deputy that a person is disqualified from holding a licence under this Act is *prima facie* evidence of that fact without further proof.

Section 111 is amended by the substitution of new subsections (2) and (3). Subsection (2) sets out the offence of operating a motor vehicle while the registration therefor is under suspension or cancellation and sets out the penalty therefor. Subsection (3) sets out the offence of driving while the driver's or chauffeur's licence of the driver is under suspension or cancellation and expressly provides that the penalty therefor is to be imprisonment for not more than thirty or less than twenty days.

Section 113 (1) is struck out as it is a duplication of section 18 (1) and (2).

Section 123 is amended. Subsection (1) makes a reference to the new section 132*a*, and further makes it clear that the power of the Minister to suspend a licence or a registration of a person who failed to satisfy a judgment applies only to judgments arising out of motor vehicle accidents and that it is subject to the new section 132*a*. Subsection (1*a*) is amended to provide that the suspension applies only so long as the judgment is not barred by the statute of limitations. Otherwise the subsection remains the same in effect. Subsection (2) is amended to remove the reference to other provinces therein as subsection (1) is intended to apply to judgments in other provinces.

Section 124 is amended. Subsection (1) is amended to correct a reference to the maximum speed allowed on highways. Subsection (5) is amended to make it clearer that the power of the Minister to remove a suspension or cancellation of a licence applies only where the licence is under suspension or cancellation for failure or because of failure to provide proof of financial responsibility. Subsection (6) is added and provides that judges or others convicting for any offence designated in subsection (1) shall forward to the Minister for suspension the driver's or chauffeur's licence of the accused.

Section 124*a* is repealed as it is becoming the new section 18*a*.

Section 132, subsection (2) is amended to correct a reference.

Section 132*a* is new. Subsection (1) permits a person who has had a final judgment rendered against him outside Alberta to apply to a Supreme Court judge. On the application a judge may relieve the applicant from the suspension of his motor vehicle registration and the suspension of his licence as required by section 123 in such cases, if

the judge finds that the circumstances warrant the relief.

This Bill is to come into force on the 1st day of July, 1954, except section 11 which comes into force upon assent.

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. 113 of 1954

An Act to amend The Vehicles and Highway Traffic Act

(Assented to , 1954)

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 18 is struck out and the following are substituted: Section 18 amended

"18. (1) When a person who is the holder of a driver's or chauffeur's license is convicted of an offence under Delivery of license upon conviction

"(a) this Act or the regulations, or

"(b) section 285 of the *Criminal Code*, as amended from time to time, or

"(c) any city by-law that fixes a speed limit within the city,

he shall upon conviction forthwith deliver his license to the judge, police magistrate or justice of the peace making the conviction.

"(2) The judge, police magistrate or justice of the peace making the conviction shall thereupon endorse the particulars of the conviction upon the driver's license or chauffeur's license delivered to him following the conviction. Endorsement of conviction on driver's or chauffeur's license

"(3) When a judge, police magistrate or justice of the peace convicts a person of an offence Suspension or cancellation of driver's or chauffeur's license

"(a) under this Act, or

"(b) under a city by-law that fixes a speed limit within the city,

if that person is the holder of a driver's license or a chauffeur's license the judge, police magistrate or justice upon making the conviction may suspend for such time as he thinks fit, or cancel, the driver's or chauffeur's license of that person.

"(4) When a judge, police magistrate or justice of the peace convicts a person of an offence License disqualification

"(a) under this Act, or

"(b) under a city by-law that fixes a speed limit within a city,

if that person is not on the date of the conviction the holder

of either a driver's license or chauffeur's license, the judge, police magistrate or justice making the conviction may order that the convicted person be disqualified from holding a driver's and chauffeur's license for such period as the judge, police magistrate or justice thinks fit and the disqualification remains in force until the Minister in his discretion makes an order shortening the period of or annulling the disqualification.

"(5) When a judge, police magistrate or justice of the peace makes an order under the *Criminal Code* prohibiting a person from driving during any period

"(a) if the person prohibited from driving is the holder of a driver's license or chauffeur's license, the judge, police magistrate, or justice upon making the order

"(i) shall also suspend the driver's or chauffeur's license for the period driving is prohibited, and

"(ii) shall transmit the suspended license to the Minister with a report setting out the circumstances of the suspension,

or

"(b) if that person is not the holder of a driver's license or chauffeur's license, the judge, police magistrate or justice

"(i) shall order that the person prohibited from driving be disqualified from holding either a driver's or chauffeur's license for the period his driving is prohibited, and

"(ii) shall transmit notice of the order to the Minister setting out the circumstances of the order.

Report of
suspension
or cancel-
lation

"(6) Where a judge, police magistrate or justice of the peace suspends or cancels a license pursuant to subsection (3),

"(a) the judge, police magistrate or justice shall transmit the suspended or cancelled license to the Minister together with a report setting out the nature of the conviction and the circumstances of the offence, and

Term of
suspension
or cancel-
lation

"(b) the suspension or cancellation remains in force until the Minister in his discretion makes an order shortening the term of suspension or annulling the cancellation.

New
section 18a

"18a. (1) Where a person is convicted for a second time within a period of twelve months for an offence that in each case arose from or in connection with a motor vehicle accident that resulted in bodily injury to, or in the death of a person or that resulted in damage to property in an amount exceeding one hundred dollars,

License
suspension
or disquali-
fication
from holding
license

"(a) if the convicted person is the holder of a driver's or chauffeur's license, his license is suspended for a period of six months from the date of the second conviction, or

"(b) if the convicted person is not the holder of a driver's or chauffeur's license, he is disqualified from hold-

- ing a driver's or chauffeur's license for a period of six months from the date of the second conviction.
- "(2) Where a person is convicted under the *Criminal Code* of driving or of having the care or control of a motor vehicle while intoxicated
- "(a) if the convicted person is the holder of a driver's or chauffeur's license, his license is suspended for a period of twelve months from the date of his conviction, or
- "(b) if the convicted person is not the holder of a driver's or chauffeur's license, he is disqualified from holding a driver's and chauffeur's license for a period of twelve months from the date of his conviction.
- "(3) Where a person is convicted under the *Criminal Code* of driving a motor vehicle or of having the care or control of a motor vehicle while his ability to drive a motor vehicle is impaired by alcohol or any drug
- "(a) if the convicted person is the holder of a driver's or chauffeur's license, his license is suspended
- "(i) for six months from the date of the conviction in the case of a first conviction for that offence, or
- "(ii) for one year from the date of the conviction in the case of a second or subsequent conviction for that offence,
- or
- "(b) if the convicted person is not the holder of a driver's or chauffeur's license he is disqualified from holding a driver's or chauffeur's license
- "(i) for six months from the date of the conviction, in the case of a first conviction for that offence, and
- "(ii) for one year from the date of the conviction, in the case of a second or subsequent conviction for that offence.
- "(4) When a judge, police magistrate or justice of the peace convicts a person of an offence that arose from or in connection with a motor vehicle accident that resulted in bodily injury to, or in the death of, a person or in damage to property in an amount exceeding one hundred dollars, if there has been a previous similar conviction endorsed upon the driver's or chauffeur's license of that person within the preceding twelve months, the judge, police magistrate or justice shall forward the driver's or chauffeur's license of that person to the Minister.
- "(5) When a person who holds a driver's or chauffeur's license is convicted under the *Criminal Code* of driving or having the care or control of a motor vehicle while intoxicated, the convicting judge, police magistrate or justice of the peace shall forward the driver's or chauffeur's license of that person to the Minister.
- "(6) When a person who holds a driver's or chauffeur's license is convicted under the *Criminal Code* of driving or

Delivery of
forfeited
driver's or
chauffeur's
license to
Minister

having the care or control of a motor vehicle while his ability to drive is impaired by alcohol or a drug, the convicting judge, police magistrate or justice of the peace shall forward the driver's or chauffeur's license of that person to the Minister."

Section 23 amended **3.** Section 23, clause (b) is amended by striking out the words "or commercial vehicle".

Section 42 amended **4.** Section 42 is amended by striking out subsection (1a) and by substituting the following new subsection:

Speed limitation "(1a) No person shall drive a motor vehicle on a highway at a rate of speed greater than

"(a) fifty miles an hour at any time when the headlamps of the vehicle are required to be alight, or

"(b) sixty miles an hour at any other time."

New section 47b **5.** The following new section is added immediately after section 47a:

Rate of speed "47b. (1) No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or compliance with the law.

"(2) Where a person is driving a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, a police officer or police constable may require him to increase his speed."

Section 59 amended **6.** Section 59 is amended

(a) as to subsection (2) by striking out the words "or street railway car";

(b) as to subsection (4)

(i) by striking out the words "and street railway cars",

(ii) by striking out the words "or street railway car";

(c) as to subsection (5) by striking out the words "and street railway cars" wherever they occur.

Section 73 amended **7.** Section 73 is amended

(a) by striking out the word "new";

(b) by striking out the word "year" and by substituting the word "period".

Section 76 amended **8.** Section 76 is amended by striking out the words "Public Works" and by substituting the word "Highways".

Section 86 amended **9.** Section 86 is amended by adding immediately after clause (f) the following new clause:

"(g) Section 111 relating to the operation of a motor

vehicle without a subsisting certificate of registration or a subsisting driver's or chauffeur's license."

10. Section 99 is amended

Section 99
amended

- (a) by renumbering the section as subsection (1);
 (b) by adding immediately after subsection (1) the following new subsection:

"(2) When proof of the disqualification of a person from holding a license under this Act is required, the production of a certificate purporting to be under the hand of the Minister or his deputy to the effect that the person named therein is disqualified from holding a license under this Act, is *prima facie* evidence thereof without proof of signature or official character."

11. Section 111 is amended by striking out subsection (2) and by substituting the following:

Section 111
amended

- "(2) If a person knowingly operates a motor vehicle
 "(a) while the certificate of registration of the motor vehicle is cancelled, or
 "(b) while the certificate of registration of the motor vehicle is under suspension,

Operation of
vehicle
while regis-
tration can-
celled or
suspended

he is guilty of an offence and liable on summary conviction to imprisonment for a term of not less than twenty days or more than thirty days.

- "(3) If a person operates a motor vehicle
 "(a) while his driver's or chauffeur's license is cancelled,
 or
 "(b) while his driver's or chauffeur's license is under suspension, or
 "(c) while he is disqualified from holding a driver's license or a chauffeur's license,

Operation of
vehicle
while license
cancelled or
suspended

unless he is operating the motor vehicle in the course of a driving examination under the supervision of a government driving examiner, he is guilty of an offence and liable on summary conviction to imprisonment for a term of not less than twenty days or more than thirty days."

12. Section 113 is amended by striking out subsection (1).

Section 113
amended

13. Section 123 is amended

Section 123
amended

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

"**123.** (1) Where a judgment for damages arising out of a motor vehicle accident is rendered against a person by a court in Alberta or in any other province of Canada if that person fails within fifteen days from the date upon which the judgment became final, to satisfy the judgment, the Minister

Failure to
satisfy
judgment

subject to section 132 and section 132a, shall suspend the driver's and chauffeur's license of that person and the registration of every motor vehicle registered in the name of that person.”;

- (b) as to subsection (1a) by striking out clause (a) and by substituting the following new clause

“(a) until the judgment

“(i) is barred under *The Limitation of Actions Act*, or

“(ii) is satisfied or discharged, otherwise than by a discharge in bankruptcy,

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

“(B) 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 paragraph (A) for each person so injured or killed, and

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

and”

- (c) as to subsection (2)

(i) by striking out the words “other province of Canada or any state” and by substituting the words “state of the United States of America”,

(ii) by striking out the words “other province or” wherever they occur.

Section 124
amended

13. Section 124 is amended

- (a) as to subsection (1), clause (b) by striking out the words “greater than fifty-five miles per hour in contravention of subsection (1a) of section 42 or greater than forty-five miles per hour in contravention of subsection (1b) of section 42 if in either case” and by substituting the words “prohibited under subsection (1a) of section 42 if”;

- (b) as to subsection (5) by striking out the words “in any case where the suspension or cancellation of a license creates undue hardship or injustice or in any other case,” and by substituting the words “where a license is suspended or cancelled for failure to provide proof of financial responsibility, if the suspension or cancellation creates undue hard-

ship or injustice or if the Minister otherwise deems it a proper case for relief,";

- (c) by adding immediately after subsection (5) the following new subsection:

"(6) Where a person has been convicted for any of the offences referred to in clauses (a) to (g) of subsection (1) the convicting judge, police magistrate or justice of the peace shall forward the driver's or chauffeur's license of the convicted person to the Minister."

- 14.** Section 124a is repealed.

Section 124a
repealed

- 15.** Section 132, subsection (2) is amended by striking out the words "Superintendent of Insurance" wherever they occur and by substituting the words "Supervisor of the Motor Vehicle Branch".

Section 132
amended

- 16.** The following new section is added immediately after section 132:

New
section 132a

"**132a.** (1) Where a person becomes liable to a suspension of his driver's or chauffeur's license or motor vehicle registration because of a final judgment for damages arising out of a motor vehicle accident being rendered against him outside of Alberta he may make an application for relief to a judge of the Supreme Court of Alberta.

Application
for relief

"(2) Where an application for relief is made to a judge of the Supreme Court

"(a) if the driver's or chauffeur's license of the applicant or the registration of motor vehicles registered in the name of the applicant has not then been suspended by the Minister, the judge, if the circumstances so warrant, may direct that the operation of subsection (1) of section 123 be suspended, in respect of the suspension of license or registration or both, upon such terms and conditions as to the judge seem proper,

"(b) if the driver's or chauffeur's license of the applicant or the registration of motor vehicles registered in the name of the applicant has been suspended by the Minister, the judge if the circumstances so warrant may direct that the Minister remove the suspension of the license or registration or both, upon such terms and conditions as to the judge seem proper."

- 17.** This Act comes into force on the first day of July, 1954, except section 11 which comes into force on the day upon which this Act is assented to.

Coming into
force

No. 113

SECOND SESSION
TWELFTH LEGISLATURE
3 ELIZABETH II

1954

BILL

An Act to amend The Vehicles and
Highway Traffic Act

Received and read the

First time

Second time

Third time

HON. MR. GERHART
