

Bill No. 62 of 1955

A BILL TO AMEND THE MOBILE CONSTRUCTION
EQUIPMENT LICENSING ACT

NOTE

This Bill amends *The Mobile Construction Equipment Licensing Act*, being chapter 76 of the Statutes of Alberta, 1953.

Section 2 is amended. Clause (a), which defines "construction work" is enlarged to include the operations of breaking or clearing and construction of buildings. Clause (d), which defines "mobile construction equipment" is redefined. The purpose of this amendment is to indicate what the term "mobile" means, as well as making the definition more general. With experience the definition was becoming a list of types of machinery and in this respect becoming too rigid.

Section 3 is amended for the purpose of indicating that only persons who intend to use mobile construction equipment in a municipality, (which does not include a city) are required to obtain a licence therefor under this Act.

Section 5 is amended. The purpose of the new section 5 is two fold:

firstly to indicate that equipment otherwise subject to a licence under this Act is not required to be licensed if the Crown is the legal owner or is in possession thereof, if it is used for railway work, or owned by a municipality and used solely within the municipality, and

secondly, to permit exemption from licensing in cases where it is thought desirable to do so, which arise from time to time, as, for example, use of such equipment by farmers, on farms and on local road work done by farmers, and for which no complete provision can be made by legislation.

Section 6 is amended to make it clear that an application need only be made for a unit of equipment intended to be used in a municipality during the licence year.

Section 7a is added and provides for a reduction up to 75% of the fee in the case of a licence being required, for the first time in the year, after September 30th.

Section 9 is amended to remove requirements that call for much documentation by equipment users in order to comply with the provision, and to add a provision requiring notice of a change of ownership being forwarded to the Department. To fail to give the information required by this section is made an offence.

Section 15 is amended. Subsection (1) is amended for clarification purposes. Subsection (3) is added and provides that in certain cases the Minister may compute and collect a licence fee from the information available to him without any application being made.

Section 15*a* is new and permits a prosecution for an offence under this Act to be brought within two years of the time of the commission of an alleged offence.

Section 15*b* gives the Minister power to refund licence fees in certain cases, particularly in cases where there has been advance payment or overpayment.

This Bill is retroactive to the 1st day of January, 1955.

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. 62 of 1955

An Act to amend The Mobile Construction Equipment
Licensing Act

(Assented to _____, 1955)

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

1. *The Mobile Construction Equipment Licensing Act*,
being chapter 76 of the Statutes of Alberta, 1953, is hereby
amended.

2. Section 2 is amended

Section 2
amended

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

“(a) ‘construction work’ means the operations re-
quired”

“construc-
tion work”

“(i) for excavating or for breaking and clear-
ing,

“(ii) for the construction or maintenance of a
road, sidewalk, building, structure,
bridge, culvert, dam, drainage system,
irrigation system, airport, pipe line, power
line, grades, strip mining, or other work of
like nature;”

(b) by striking out clause (d) and by substituting the
following:

“(d) ‘mobile construction equipment’

“mobile
construction
equipment”

“(i) means machinery or equipment constructed
or manufactured for use in construction
work, capable of being moved to its place
of use under its own power or by being
towed, pulled or carried and not intended
to be affixed to realty, and

“(ii) includes movable bunk, cooking and dining
houses used to serve persons engaged in
construction work, but

“(iii) does not include trucks licensed under
The Vehicles and Highway Traffic Act or
The Public Service Vehicles Act, exclusive
of mounted equipment on such trucks;”.

3. Section 3 is amended by adding immediately after the
words “such equipment” the words “in any municipality”.

Section 3
amended

Section 5
amended

4. Section 5 is struck out and the following is substituted:

Licence not
required in
certain
cases

“5. (1) No licence is required for any mobile construction equipment

“(a) the title to which or the legal possession of which is in the Crown in the right of Canada or in the right of the Province,

“(b) owned, operated or used by a railway company, or

“(c) owned by a municipality and used solely within the municipality.

“(2) The Lieutenant Governor in Council may exempt from the licensing requirements of this Act any mobile construction equipment that is

“(a) owned, used or operated by any person or class of persons, or

“(b) used or operated for any type of construction work or for any particular construction work.

“(3) An exemption under subsection (2) may be authorized by general regulations or by special order in any particular case and may be total or partial and unconditional or conditional.”.

Section 6
amended

5. Section 6 is struck out and the following is substituted:

Application
for licence

“6. (1) The owner of mobile construction equipment shall, before the equipment is used on construction work in a municipality in any year, apply to the Minister for a licence.

“(2) The application shall be accompanied by an affidavit stating in respect of the unit of mobile construction equipment for which the application is made

“(a) the name, description and serial number, if any, of the unit, and

“(b) the sale price at which a new unit of similar specifications is quoted at current market prices.”.

New section
7a

6. The following new section is added immediately after section 7:

Reduction
of licence fee

“7a. Where an application for a licence is made after the thirtieth day of September in any year for a unit of mobile construction equipment not previously used on construction work in a municipality in that year, the Minister may allow a reduction up to seventy-five per cent of the licence fee otherwise required.”.

Section 9
amended

7. Section 9 is amended

(a) by striking out clauses (c) and (d) of subsection (1),

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

“(3) When the legal possession of a unit of mobile construction equipment for which a licence has been issued is at any time during the licence year transferred by sale, lease or rental or other agreement, the person so transferring the legal possession of the unit shall notify the Department of Municipal Affairs of the transfer within ten days thereof.”

Notice of transfer of unit

“(4) A person who fails to comply with any requirement of this section is guilty of an offence and liable on summary conviction to a fine of not less than one hundred dollars nor more than five hundred dollars.”

Penalty

8. Section 15 is amended

Section 15 amended

- (a) as to clauses (a) and (b) of subsection (1) by adding immediately after the word “equipment” the words “for which a licence is required and”,
- (b) by adding immediately after subsection (2) the following new subsection:

“(3) When a person is convicted for an offence under clause (a) of subsection (1), the Minister may, from whatever information he has available, calculate the annual licence fee for the unit of mobile construction equipment in respect of which the offence was committed and may collect the computed fee by action in any court of competent jurisdiction as a debt due to the Crown, notwithstanding the imposition of any penalty imposed by the convicting magistrate or justice.”

9. The following new sections are added immediately after section 15:

New sections 15a and 15b

“**15a.** A prosecution for an offence under this Act may be commenced at any time within two years of the commission of an alleged offence.

Commencement of prosecution

“**15b.** The Minister may refund in whole or in part any moneys received by way of a licence fee when

Refund of licence fee

- “(a) the mobile construction equipment for which the licence fee was collected or received was not used on construction work in any municipality during the licence year,
- “(b) the licence fee or any part thereof was paid or received in error, or
- “(c) the mobile construction equipment for which a licence fee was collected or paid was not required to be licensed under or pursuant to this Act.”

10. This Act comes into force on the day upon which it is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the first day of January, 1955.

Coming into force

THIRD SESSION
TWELFTH LEGISLATURE
4 ELIZABETH II
1955

BILL

An Act to amend The Mobile
Construction Equipment
Licensing Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HINMAN
