

No. 32

2nd Session, 13th Legislature, Alberta
4 Elizabeth II, 1956

BILL 32

A Bill to amend The Mobile Construction Equipment
Licensing Act

HON. MR. HOOKE

Explanatory Note

2. At present "construction work" means the operations required (*inter alia*)

"(i) for excavating or for breaking and clearing, or".

"owner" is presently defined at follows:

"owner" means the person who is in legal possession of mobile construction equipment;"

This definition which was derived from property assessment provisions creates administrative difficulties when used in a licensing Act.

3. Section 3 presently reads:

"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 in any municipality."

In practice the above section caused difficulties with respect to enforcement of the Act. The amended section will prohibit all operation of mobile construction equipment in municipalities unless a subsisting licence is obtained and displayed.

4. Section 5, subsection (1) reads as follows:

"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."

(a) Under this Clause as it now stands, an owner of equipment leased to the Crown escapes the requirements of the Act re licensing.

(b) The amendment will restrict this exemption of municipalities to work "for municipal purposes" within a municipality.

BILL

No. 32 of 1956

An Act to amend The Mobile Construction Equipment
Licensing Act

(Assented to _____, 1956)

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

PART I

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

2. Section 2 is amended

(a) as to clause (a) by striking out subclause (i) and
by substituting the following:

“(i) for screening and washing sand and gravel or
for excavating and loading or for breaking
and clearing, or”,

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

“(f) “owner” includes a person renting mobile con-
struction equipment or having the exclusive
use thereof under a rental agreement or other-
wise;”.

3. Section 3 is struck out and the following is substi-
tuted:

“**3.** (1) An owner of mobile construction equipment
shall not himself operate, nor shall he suffer or permit the
operation of, the mobile construction equipment on con-
struction work in any municipality unless there is a subsist-
ing licence in respect of that equipment.

“(2) No person shall operate, on construction work in a
municipality, any mobile construction equipment upon
which a subsisting licence is not displayed by means of a
licence plate issued pursuant to this Act.”.

4. Section 5, subsection (1) is amended

(a) as to clause (a) by striking out the words “or the
legal possession of which”,

(b) as to clause (c) by adding immediately after the
word “municipality” the words “for municipal pur-
poses”.

5. Section 12 now reads as follows:

"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."

The amendment will make it an offence to display a licence plate on the wrong unit; at the moment the offence is committed by *attaching* the wrong plate to a unit.

6. (a) Subsection (1) of section 15 now reads as follows:

"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 is required and 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 for which a licence is required and 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."

This amendment will permit a higher fine to be levied by the magistrate, that is, a maximum of \$300.00 instead of \$100.00.

(b) Relates to the matter of proving the fact of licensing or non-licensing.

Part II relates the amendments to the revision and consolidation.

5. Section 12 is amended by striking out clause (b) and by substituting the following:

“(b) who displays or permits to be displayed a licence plate upon a unit for which that licence plate was not issued,”.

6. Section 15 is amended

- (a) as to subsection (1) by striking out the word “one” and by substituting the word “three”,
- (b) by adding immediately after subsection (3) the following subsection:

“(4) A certificate purporting to be under the hand of the Minister, or his deputy, or such other person as the Minister may authorize to sign such certificates, and to the effect that the unit of mobile construction equipment described in the certificate has or has not been licensed pursuant to this Act, is admissible in evidence as *prima facie* proof of such fact without any further proof being required as to the signature or official character of the person signing the certificate.”.

PART II

7. *The Mobile Construction Equipment Licensing Act*, being chapter 207 of the Revised Statutes of Alberta, 1955, is hereby amended.

8. Section 2 is amended

- (a) as to clause (a) striking out subclause (i) and by substituting the following:
“(i) for screening and washing sand and gravel or for excavating and loading or for breaking and clearing, or”,
- (b) by striking out clause (f) and by substituting the following:
“(f) “owner” includes a person renting mobile construction equipment or having the exclusive use thereof under a rental agreement or otherwise;”.

9. Section 3 is struck out and the following is substituted:

“3. (1) An owner of mobile construction equipment shall not himself operate, nor shall he suffer or permit the operation of, the mobile construction equipment in any municipality unless there is a subsisting licence in respect of that equipment.

“(2) No person shall operate, on construction work in a municipality, any mobile construction equipment upon which a subsisting licence is not displayed by means of a licence plate issued pursuant to this Act.”.

10. Section 5, subsection (1) is amended

- (a) as to clause (a) by striking out the words "or the legal possession of which",
- (b) as to clause (c) by adding immediately after the word "municipality" the words "for municipal purposes".

11. Section 13 is amended by striking out clause (b) and by substituting the following:

- "(b) who displays or permits to be displayed a licence plate upon a unit for which that licence plate was not issued,".

12. Section 16 is amended

- (a) as to subsection (1) by striking out the word "one" and by substituting the word "three",
- (b) by adding immediately after subsection (3) the following subsection:

"(4) A certificate purporting to be under the hand of the Minister, or his deputy, or such other person as the Minister may authorize to sign such certificates, and to the effect that the unit of mobile construction equipment described in the certificate has or has not been licensed pursuant to this Act, is admissible in evidence as *prima facie* proof of such fact without any further proof being required as to the signature or official character of the person signing the certificate."

13. (1) Part I and this section come into force on the day this Act 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, 1956.

(2) Part II, except this section, comes into force and Part I is repealed on the day the Revised Statutes of Alberta, 1955, come into force.

SECOND SESSION
THIRTEENTH LEGISLATURE
4 ELIZABETH II
1956

BILL

An Act to amend The Mobile
Construction Equipment Licensing
Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
