

No. 64

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

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## **BILL 64**

A Bill to amend The Vehicles and Highway Traffic Act

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HON. MR. TAYLOR

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## Explanatory Note

General. A new Part XII is added to The Vehicles and Highway Traffic Act making provision for financial responsibility cards. A financial responsibility card may be obtained in the modes set out in the Part. If a motor vehicle is involved in an accident whereby injury or death is caused to any person, or property damage of \$100 or more is occasioned, the vehicle will be impounded unless a financial responsibility card is produced or, in the case of a non-resident of a reciprocating province or state, a card similar to the financial responsibility card can be produced.

2. Adds a new Part XII to the Act.

138. Defines terms used in this Part. New.

139. Provides a mode of proving financial responsibility for the purpose of obtaining a financial responsibility card, that is, by bond or deposit, or in the case of a corporation by an approved insurance fund. The cards in this case will issue from the Registrar of Motor Vehicles.

# BILL

No. 64 of 1956

An Act to amend The Vehicles and Highway Traffic 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 Vehicles and Highway Traffic Act*, being chapter 275 of the Revised Statutes of Alberta, 1942, is hereby amended.

2. The following is added immediately after section 137:

## “PART XII

### “FINANCIAL RESPONSIBILITY CARDS

“138. In this Part,

“(a) “financial responsibility card” means a card issued pursuant to this Part;

“(b) “owner’s policy” means an owner’s policy within the meaning of section 271 of *The Alberta Insurance Act*.

“139. (1) Where the owner of a motor vehicle

“(a) gives proof of financial responsibility in any of the forms for which provision is made in clauses (b) and (c) of subsection (1) of section 129, or

“(b) being a corporation, produces to the registrar a certificate issued by the Highway Traffic Board showing that

“(i) the corporation maintains a separate insurance fund for the purpose of satisfying therefrom, *inter alia*, liabilities it may incur resulting from bodily injury to or the death of any person or damage to property, occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle by the corporation, and

“(ii) in the opinion of the Highway Traffic Board, the insurance is adequate to satisfy all such liabilities that the corporation is likely to incur, subject, for each motor vehicle registered in the name of the corporation, to the limits as to amount stated in section 275 of *The Alberta Insurance Act*,

140 Makes provision for the non-resident owner who may obtain a card by filing proof of financial responsibility by insurer's certificate, bond or deposit.

the registrar shall issue and deliver to the owner a financial responsibility card, and shall, on request by the owner, issue and deliver to him an additional card, which shall be a copy of the card issued to the owner,

- “(c) for each person who commonly drives the motor vehicle to which the card refers,
- “(d) for each motor vehicle in respect of which the proof of financial responsibility is given, or
- “(e) in the case of a corporation to which the Highway Traffic Board issues a certificate under clause (b), for each motor vehicle registered in the name of the corporation.

“(2) A financial responsibility card shall set forth :

- “(a) the name of the person or corporation giving the proof of financial responsibility;
- “(b) the particulars of the motor vehicle as set forth in the registration thereof under this Act;
- “(c) any other particulars required by the registrar.

“(3) A financial responsibility card issued under this section may be in the following form or in such other form as may be approved by the registrar :

“(Provincial Coat of Arms)

“The Vehicles and Highway Traffic Act

“Financial Responsibility Card

“This certifies that . . . . . of . . . . . has given to me proof of financial responsibility as required by *The Vehicles and Highway Traffic Act* in respect of public liability and property damage arising by reason of the operation of the motor vehicle described as follows: make of vehicle . . . . . year . . . . . type . . . . . serial number . . . . . such proof having been given in the form of

“(a) a bond of guarantee or surety company duly authorized to carry on business in Alberta

“or

“(b) a certificate of the Minister that the person above named has deposited with him money or securities for money as required by the said Act,

“or

“(c) a certificate of the Highway Traffic Board that the corporation, in the opinion of the Board, maintains an adequate self-insurance fund as required by the said Act.

*(Strike out the two above paragraphs that do not apply)*

“*Registrar of Motor Vehicles*”

“(4) Where the owner of a motor vehicle to whom the registrar has issued a financial responsibility card ceases to maintain, as required by this Part, the proof of financial responsibility in respect of which the card was issued, he shall forthwith deliver to the registrar for cancellation the card and all additional cards issued to him.

“**140.** (1) A person who is not a resident of Alberta may, for the purposes of section 139, give proof of financial responsibility

141. Under this section the ordinary card may be issued, that is, upon motor vehicle liability policies. In this case, the card will issue from the insurer who will be supplied with the standard card by the Registrar of Motor Vehicles.

- “(a) as provided in subsection (1) of section 129, or
- “(b) subject to subsection (2) by filing a certificate of insurance, in a form approved by the Minister, issued by any insurer authorized to transact automobile insurance in the province, state, territory, district or country in which the person resides.

“(2) A certificate issued under clause (b) of subsection (1) by an insurer that is not authorized to carry on in Alberta the business of automobile insurance is not effectual for the purpose of subsection (1) unless the insurer has complied with clause (b) of subsection (5) of section 141.

“141. (1) Every insurer that issues an owner’s policy shall, at the time of issue thereof, also issue and deliver to the named insured a financial responsibility card and shall, on request by the insured issue and deliver to him an additional card, which shall be a copy of the financial responsibility card delivered to the insured, for each person who commonly drives the motor vehicle to which the card refers, or for each motor vehicle in respect of which the policy is issued.

“(2) A financial responsibility card issued under this section shall be in a form approved by the registrar and shall set forth:

- “(a) the name and address of the insurer;
- “(b) the name of the insured;
- “(c) the policy number;
- “(d) the particulars of the motor vehicle as set forth in the registration thereof under this Act;
- “(e) the date upon which the insurance expires;
- “(f) any other particulars required by the registrar.

“(3) The financial responsibility cards issued by all insurers shall be uniform in size, colour and form, and the date of expiry of the policy of insurance to which a card refers shall be prominently noted thereon and the cards may be in the following form, or in such other form as the registrar may approve:

“(Provincial Coat of Arms)  
 “The Vehicles and Highway Traffic Act  
 “Financial Responsibility Card

“This certifies that . . . . . of . . . . .  
 is insured in this company under Policy No. . . . .  
 against public liability and property damage arising by reason  
 of the operation of the motor vehicle described as follows:  
 Make of vehicle. . . . . Year . . . . . Type . . . . .  
 Serial No. . . . . and that such insurance EXPIRES  
 on the . . . . . day of . . . . ., 19 . . . . .  
 Dated . . . . . day of . . . . ., 19 . . . . .  
 Issued by: . . . . .  
Name of Company”

“(4) The financial responsibility cards shall be supplied to each insurer by the registrar in such quantity as he deems requisite, and no insurer shall prepare or issue a card under this section except in a form supplied as in this subsection provided.



“(5) The registrar may supply financial responsibility cards to an insurer that issues owners’ policies outside the Province for issue in respect of such policies, but

“(a) in the case of an insurer that is licensed to carry on in the Province the business of automobile insurance, every card issued by it shall show that the policy thereon mentioned complies with section 275 of *The Alberta Insurance Act*, and

“(b) in case of an insurer that is not so licensed, the insurer shall file with the Superintendent of Insurance, in a form prescribed by him,

“(i) a power of attorney authorizing the Superintendent of Insurance to accept service of notice or process for itself in any action or proceeding against it arising out of a motor vehicle accident in Alberta, or

“(ii) an undertaking

“(A) to appear in any action or proceeding against it or its insured arising out of a motor vehicle accident in Alberta, and of which it has knowledge,

“(B) that upon receipt from the Superintendent of Insurance of any notice or process served upon him in respect of its insured or in respect of its insured and another or others, and sent by the Superintendent of Insurance to it as hereinafter provided, it will forthwith cause the notice or process to be personally served upon its insured, and

“(C) not to set up to any claim action or proceeding under a motor vehicle liability policy issued by it, any defence that might not be set up if such policy had been issued in Alberta in accordance with the law of Alberta relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy and, in any event to an amount not less than the limits of liability fixed in section 275 of *The Alberta Insurance Act*, any judgment rendered against it or its insured by a court in Alberta and become final in any such action or proceeding.

“(6) Where an insurer to which subsection (5) refers is not authorized to carry on in Alberta the business of automobile insurance, notice or process in any action or proceeding in Alberta against it or its insured arising out of a motor vehicle accident in Alberta may be effectually served upon the insurer or the insured, or upon both of them, by leaving three copies of the notice or process with the Superintendent of Insurance, but if the insurer is not a party to the action or proceeding the person who leaves with the Superintendent the copies of the notice or process shall at the same time leave



with him a written statement signed by the person who issued or caused to be issued the notice or process and stating the full name and address of the insurer against whose insured the action or proceeding is taken.

“(7) Upon receipt of notice or process under subsection (6) the Superintendent of Insurance shall forthwith mail two copies thereof, by registered mail, to the insurer at its address last known to him.

“(8) In any action or proceeding against an insurer who has given to the Superintendent of Insurance an undertaking under subclause (ii) of clause (b) of subsection (5), the plaintiff may give evidence of the undertaking, and the undertaking shall, for all purposes of the action or proceeding, be deemed to be a covenant for valuable consideration made by the insurer with the plaintiff.

“(9) If an insurer that has filed the documents described in subsection (5) defaults thereunder, certificates of the insurer shall not thereafter be accepted as proof of financial responsibility so long as such default continues, and the registrar shall forthwith notify the Superintendent of Insurance and the proper officers in charge of the registration of motor vehicles and the licensing of drivers in all provinces of Canada and in all states, territories or districts in the United States, where the certificates of the insurer are accepted as proof of financial responsibility, of such default.

“(10) Before supplying cards to an insurer pursuant to subsection (5), the registrar shall require the insurer to file with him an undertaking that it will issue cards only to persons who being non-residents of Alberta are insured under policies that are owners' policies within the meaning of section 271 of *The Alberta Insurance Act*.

“(11) Where the license of an insurer to do business as an insurer is cancelled or suspended, the registrar may demand

“(a) the insurer and every agent of the insurer to return to him forthwith all financial responsibility cards supplied to it or him and not issued by it or him to an insured,

“(b) every person who holds a financial responsibility card issued in respect of a subsisting owner's policy to send the card to him forthwith.

“(12) The demand mentioned in subsection (11) may be made in any manner deemed by the registrar to be most likely to bring it to the notice of the insurer or of those to whom it is directed, and every insurer or person to whom such a demand is directed and who has notice thereof shall comply therewith and in default of compliance is guilty of an offence.

“(13) On making a demand under subsection (11) directed to an insurer, the registrar shall send a copy thereof to the Superintendent of Insurance.

142. Makes provision for the "garage and sales agency" insurance coverage, which will be sufficient proof of financial responsibility for the issuing of a card by the insurer under such policy.

“142. (1) Where a person is insured under a policy of the type commonly known as “a garage and sales agency policy”, whereby he is insured against liability for loss or damage to persons or property, occasioned by or arising out of the ownership, maintenance, operation or use, by him or his employees, of a motor vehicle that is either owned by him or in his charge, if in the opinion of the registrar, the amount in which he is insured under the policy is adequate to satisfy all such liabilities as he is likely to incur, subject, for each motor vehicle that at any one time may be operated or used by him or his employees to no lesser limits as to amount than the limits of liability fixed in section 275 of *The Alberta Insurance Act*, the insurer that issues the policy shall, at the time of the issue thereof, also issue and deliver to the named insured a financial responsibility card, and shall, on request by the insured, issue and deliver to him an additional card, which shall be a copy of the financial responsibility card delivered to the insured, for each of his employees who commonly drives the motor vehicle owned by him or in his charge.

“(2) A financial responsibility card issued under this section shall be in a form approved by the registrar and shall set forth:

- “(a) the name and address of the insurer;
- “(b) the name of the insured;
- “(c) the policy number;
- “(d) the date upon which insurance expires;
- “(e) any other particulars required by the registrar;

and shall be signed in handwriting and in ink, with his usual signature, by the person for whose use the card or additional card is issued, and the card shall bear the number of the driver’s license held by him as at the date on which the card is issued.

“(3) The financial responsibility cards issued under this section by all insurers shall be uniform in size, colour and form, and the date of expiry of the policy of insurance to which the card refers shall be prominently noted thereon.

“(4) A financial responsibility card issued under this section may be in the following form, or in such other form as may be approved by the registrar:

“(Front of Card)

“The Vehicles and Highway Traffic Act

“Financial Responsibility Card

“(Garage and Sales Agency Liability)

“This certifies that . . . . . of . . . . . is insured in this company against public liability and property damage arising by reason of the operation, in the course of his or its business, of any automobile, whether owned by the insured or not, under Garage and Sales Agency Liability Policy No. . . . . ; and that such insurance EXPIRES on the . . . . . day of . . . . ., 19 . . . . .

Dated the . . . . . day of . . . . ., 19 . . . . .

Signature of Driver

143, Herein provision is made with regard to cards issued to insurers whose license to transact insurance is under suspension or cancellation.

144. This clause and clauses 145 and 146 set out the impoundment provisions of the new Part.

Driver's License No. *Signature of Insurance Company*  
 "(Back of Card)

**"WARNING**

"This card may be produced only when a motor vehicle is being used by the insured or by his employee for the purposes of the business of the insured. Very drastic penalties will follow wrongful production of this card to any one.

"This card is valid only when signature of the driver and the driver's license number are endorsed upon the reverse side hereof."

"(5) Financial responsibility cards for issue under this section shall be supplied to each insurer by the registrar in such quantity as the registrar deems requisite, and no insurer shall prepare or issue a card under this section except on a form supplied as in this section provided.

"(6) Where a person to whom a financial responsibility card has been issued under this section ceases to keep in force the policy of insurance in respect of which the card was issued, he shall immediately deliver to the registrar for cancellation the card and all additional cards so issued to him.

"(7) No person insured under "a garage and sales agency policy" and no employee of such person shall produce to a peace officer for inspection or otherwise produce or use a financial responsibility card issued upon any such policy, or any additional card issued in respect of such financial responsibility card, at any time when such person or employee is not in the course of the business of the insured person.

**"143.** (1) Where under section 141, the registrar demands financial responsibility cards supplied to an insurer to be returned to him on the cancellation or suspension of the license of the insurer to do business as an insurer and sends to the Minister a copy of the demand, a certificate given under clause (a) of subsection (1) of section 129 by that insurer thereupon ceases to be proof of financial responsibility for either the purposes of Part XI or this Part.

"(2) Upon receipt of the copy of the demand, the Minister shall immediately require every person who is maintaining proof of financial responsibility by such a certificate from that insurer to file, within ten days or such shorter period as may be fixed by the Minister, further proof of financial responsibility by a certificate from some other insurer or in any other form authorized by subsection (1) of section 129.

"(3) Where a person required under subsection (2) to file further proof of financial responsibility fails to do so within the time fixed, this Part and Part XI apply as if he had not previously filed proof of financial responsibility.

**"Impounding**

**"144.** (1) Where bodily injury to or the death of any person or damage in any amount apparently exceeding one hundred dollars to property results from an accident in which a motor vehicle is in any manner directly or indirectly



involved, any peace officer present at the scene of the accident, or who arrives thereat while any or all of the motor vehicles so involved in the accident are still at the scene thereof, shall, subject to subsection (10) and to section 145, impound each motor vehicle so involved and require it to be taken,

“(a) if repairs are necessary and immediately desired by the owner, to such repair shop or garage as the owner may select, for the purpose of having it repaired, or

“(b) if repairs are not necessary or are not immediately desired by the owner, to such garage or storage place as the owner may select, unless otherwise required by the police, in which case the peace officer may direct it to be taken to a garage or storage place maintained by any police force or other public authority, if such is available, and otherwise to a privately maintained garage or storage place designated by the peace officer, there to be kept at the expense of the owner of the motor vehicle.

“(2) Where, under subsection (1), a motor vehicle has been taken to a repair shop, garage or storage place selected by the owner, the chief constable of the municipality in which the repair shop, garage or storage place is situated, or the officer in command in Alberta of the Royal Canadian Mounted Police Force, on receipt of a written application by the owner, may, at the cost of the applicant, have the motor vehicle transferred to such other repair shop, garage, or storage place, as the applicant may select, and may give all necessary directions to that end, and shall, in that case give to the owner, operator, manager or other person in charge of the repair shop, garage or other storage place, to which the motor vehicle is transferred a notice as prescribed in subsection (7).

“(3) In subsections (1) and (2) the word “owner” includes any person, firm or corporation who or that has sold the motor vehicle under the terms of a conditional sale agreement or lien note upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the moneys secured thereby remain unpaid, and also includes an assignee of any such vendor or mortgagee.

“(4) Where any or all of the motor vehicles directly or indirectly involved in the accident are not impounded as provided in subsection (1), if the accident is reported to or otherwise comes to the attention of a peace officer, he shall, subject to subsection (10) and to section 145, forthwith impound each motor vehicle so involved, or report the matter to the officer in command in Alberta of the Royal Canadian Mounted Police Force who shall, subject as aforesaid, cause each of such motor vehicles to be impounded, and the peace officer impounding the motor vehicle shall require it to be disposed of as provided in subsection (1).



“(5) All costs and charges for the care or storage of a motor vehicle impounded under this section constitute a lien thereon in favour of the keeper of the repair shop, garage, or storage place, and the same may be enforced by him in the manner provided by *The Possessory Liens Act*.

“(6) Where a motor vehicle is impounded under this section the peace officer who impounds it shall, directly or through his superior officer, if any, notify the registrar of such impoundment in writing on a form prescribed by the registrar.

“(7) Where a motor vehicle impounded under this section is placed in a repair shop, garage, or storage place, the peace officer impounding the same shall, in writing on a form prescribed by the registrar, notify the owner, operator, manager, or other person in charge of the repair shop, garage, or storage place that the motor vehicle is impounded and must not be removed or permitted to be removed or released from impoundment except upon order of the registrar or of a police officer to whom reference is made in subsection (2).

“(8) Subject to subsection (2), no person shall remove, or permit to be removed from the place of impoundment or release from impoundment any motor vehicle impounded under this section except upon the written order of the registrar.

“(9) This section shall not apply to authorize or permit the impounding of a motor vehicle that is the property of Her Majesty.

“(10) This section does not authorize the impoundment of a motor vehicle involved in an accident if, at the time of the accident, the motor vehicle was parked in a place where parking was at that time permitted.

“**145.** (1) If the driver, owner, or other person in charge of a motor vehicle that is in any manner directly or indirectly involved in an accident produces to a peace officer seeking to impound the motor vehicle pursuant to section 144 a financial responsibility card, the peace officer shall not impound the motor vehicle unless it is required to be impounded by some other provision of this or any other Act, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

“(2) Where a motor vehicle has been impounded under section 144, and

“(a) the registrar is satisfied that, at the time of the accident, the motor vehicle was a stolen motor vehicle,

“(b) the only damage resulting from the accident is to the person or property of the owner of and the driver, or

“(c) the driver, owner, or other person in charge of the motor vehicle produces to the registrar a financial responsibility card in respect of the motor vehicle and issued prior to the accident,



the registrar shall order the release of the motor vehicle from impoundment unless it is required to be impounded by some other provision of this or any other Act, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

“(3) Where an order in council is made under subsection (2) of section 147, if the driver, owner, or other person in charge, of a motor vehicle that is registered in the other jurisdiction and subject to impoundment under section 144 produces, as provided in subsection (1), a card issued under the legislation of the other jurisdiction and similar to a financial responsibility card and to which the legislation of the other jurisdiction similar to this section applies, subsections (1) and (2) apply as if he had produced a financial responsibility card.

“**146.** (1) Where the owner of a motor vehicle impounded under section 144 gives security or proof of satisfaction of claims for damages and proof of financial responsibility as required by Part XI, the registrar shall, on application by the owner, order the release of the motor vehicle from impoundment, but if the motor vehicle is not and is not required to be registered under this Act, the registrar shall order the release thereof

“(a) upon the owner

“(i) giving such security or such proof of satisfaction of claim for damages, and

“(ii) giving to the registrar a written undertaking signed by him that he will not drive the motor vehicle in Alberta other than to drive it directly and immediately from the place of impoundment to the boundary of the Province on such day and over such highway as the registrar may direct,

or

“(b) upon the owner satisfying the registrar that he is insured under a motor vehicle liability policy issued by an insurer satisfactory to the registrar, in amounts not less than those mentioned in section 275 of *The Alberta Insurance Act*.

“(2) Where the owner of a motor vehicle impounded under section 144 satisfies the registrar that he has in good faith sold it, subject only to it being released from impoundment, and that he has not directly or indirectly retained any right to use the motor vehicle or to control the use thereof, if he applies to the registrar to release the motor vehicle from impoundment and gives security or proof of satisfaction of claims for damages as required by clause (a) of subsection (1a) of section 123, the registrar may order the release of the motor vehicle without requiring the owner to give proof of financial responsibility.

“(3) Where a motor vehicle is driven on a highway contrary to an undertaking given under subclause (ii) of clause (a) of subsection (1), the owner and the driver thereof are each guilty of an offence and liable, on summary conviction



to a fine of not less than fifty or more than two hundred dollars, and are also each liable to imprisonment for a term not exceeding thirty days, and the registrar may order that the motor vehicle be impounded until the owner thereof gives proof of financial responsibility as required by section 140.

“(4) Where a motor vehicle is impounded under section 144 and the owner fails to give the security or proof of satisfaction of claims for damages and proof of financial responsibility, or security or proof of satisfaction of claims for damages and an undertaking as provided in subsection (1),

“(a) if six months have elapsed since the date of the accident and no certificate of *lis pendens* in a form set out in subsection (9), or otherwise to the satisfaction of the registrar, has been filed with the registrar, or

“(b) if such certificate has been filed with the registrar, and proof has been given to his satisfaction that

“(i) the action against the owner of the motor vehicle has been decided in his favour and that no appeal against the judgment has been filed within the time fixed for the filing of such appeal,

“(ii) that any judgment recovered against the owner has been satisfied or settled,

“(iii) that the action has not been brought to trial within twelve months after it was begun, or

“(iv) that although judgment has been recovered against the owner, and no appeal has been filed by him within the time fixed, or any appeal by him has been dismissed, the motor vehicle has not, within three months from the date of the judgment, or the date of the dismissal of such appeal, been seized under an execution issued pursuant to the judgment,

the registrar shall order the release of the motor vehicle from impoundment.

“(5) Where judgment has been recovered in an action against the owner of a motor vehicle impounded under section 144 and the motor vehicle has been seized under an execution issued pursuant thereto, the registrar shall order that the motor vehicle be released to the person making the seizure.

“(6) Where the registrar is satisfied by a certificate signed by a qualified mechanic, or by such other written documentary evidence as he deems sufficient, that a motor vehicle impounded under section 144

“(a) is so damaged that it is impracticable to repair it so that it can be driven on a highway, and

“(b) is worth not more than one hundred dollars,

he may, in a case to which clause (a) applies, order the release of the motor vehicle from impoundment, and, in a case

147. This provision authorizes the making of reciprocal arrangements with other jurisdictions having similar legislation, for example, Manitoba and British Columbia.

to which clause (b) applies, authorize the keeper of the repair shop, garage or storage place in which the motor vehicle is impounded to sell it as provided in subsection (7).

“(7) On receipt of an authorization under subsection (6), the person authorized thereby may, if the motor vehicle mentioned therein has been stored for not less than thirty days in a repair shop, garage, or storage place operated by him, sell the motor vehicle upon giving the owner thereof ten days’ prior notice in writing of the sale, and without other publication of the notice, and he shall dispose of the proceeds of the sale as provided in *The Possessory Liens Act* in respect of the sale of a motor vehicle under that Act.

“(8) An order or authorization issued under this section shall not effect the release of a motor vehicle impounded under section 115.

“(9) The certificate of *lis pendens* shall, on request therefor and payment of the proper fee, be issued by the clerk of the court in which is commenced an action claiming compensation for damages resulting from bodily injury to, or the death of, any person or damage in an amount exceeding one hundred dollars to property and, occasioned by, or arising out of, the ownership, maintenance, operation or use, of a motor vehicle, and the certificate may be in the form following:

“CERTIFICATE OF LIS PENDENS

“I hereby certify that an action has been begun in this Court in which action . . . . . is plaintiff and . . . . . is defendant, and a claim is made for compensation for damages to person or property as a result of an accident alleged to have occurred at or near . . . . . in this Province on the day of . . . . . 19 . . . . . in which accident it is alleged that there was (were) involved

“(a) a motor vehicle alleged to be owned by . . . . . (and operated at the time of the accident by . . . . .), and

“(b) a motor vehicle alleged to be owned by . . . . . (and operated at the time of the accident by . . . . .).

NOTE: *Strike out phrases in brackets where not required or not applicable. Strike out (b) if only one motor vehicle is involved. Add additional paragraphs if more than two motor vehicles involved.*”

“(10) In this section the word “owner” includes any person, firm or corporation who or that has sold the motor vehicle under the terms of a conditional sale agreement or lien note upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the moneys secured thereby remain unpaid, and also includes an assignee of such vendor or mortgagee.

“147. (1) Where the law in force in a province or territory of Canada or in any state or territory or the District of Columbia in the United States (in this section and in sections 145 and 148 called the “other jurisdiction”) contains provisions that, in the opinion of the Lieutenant

148. Particular offences.

Governor in Council, are similar to those set out in section 144, this section and sections 145 and 148 other than clauses (a), (c) and (d) of subsection (1) of section 148, the Attorney General on behalf of the government, if authorized by order of the Lieutenant Governor in Council, may enter into an agreement with the proper minister or public officer or other proper authority on behalf of the other jurisdiction or the executive government thereof for the reciprocal application, as hereinafter provided,

“(a) of this section and sections 145 and 148 other than clauses (a), (c) and (d) of subsection (1) of section 148, or of such parts thereof as may be specified in the agreement, to motor vehicles registered in the other jurisdiction and the owners, drivers and persons in charge thereof, and

“(b) of the provisions in the legislation of the other jurisdiction that are similar to this section and sections 145 and 148 other than clauses (a), (c) and (d) of subsection (1) of section 148, or of such parts thereof as may be specified in the agreement, to motor vehicles registered in Alberta and the owners, drivers and persons in charge thereof.

“(2) On the making of an agreement under subsection (1), the Lieutenant Governor in Council may, by order in council, declare that, on and after a date to be fixed in the order, this section and sections 145 and 148 other than clauses (a), (c) and (d) of subsection (1) of section 148 or such parts of that legislation as may be specified in the order, shall apply to motor vehicles registered in the other jurisdiction and to the owners, drivers and persons in charge thereof.

“(3) An order made under subsection (2) shall be published forthwith in one issue of *The Alberta Gazette*.

“**148.** (1) A person who

“(a) violates the provisions of subsection (8) of section 144,

“(b) produces to a peace officer or to the registrar, as provided in section 145,

“(i) a financial responsibility card purporting to show that at the time of an accident in which a motor vehicle was in any manner, directly or indirectly, involved, there was in force a policy of insurance that was, in fact, not in force,

“(ii) a financial responsibility card purporting to show that he is at the time maintaining in effect proof of financial responsibility as required by this Act when such is not the case, or

“(iii) a financial responsibility card purporting to show that the person named in the card as the insured is, at the time of an accident in which a motor vehicle is in any manner, directly or indirectly, involved, insured in respect of loss

149. General offence.

resulting from that accident and occasioned by the operation or use of that motor vehicle, when such is not the case,

- “(c) fails to deliver to the registrar for cancellation as required by subsection (4) of section 139 or subsection (6) of section 142 a financial responsibility card or any additional card issued to him under section 139 or section 142,
- “(d) fails to return to the registrar upon demand therefor under subsection (11) of section 141 any financial responsibility card issued to him under section 141, or
- “(e) gives or loans to a person not entitled to have the same a financial responsibility card or additional card issued under this Part,

is guilty of an offence and liable, if not a corporation, to a fine of not less than fifty dollars and not more than two hundred dollars and to imprisonment for a term not exceeding thirty days, and, if a corporation, to a fine of not less than two hundred dollars and not more than one thousand dollars.

“(2) Where an order in council is made under subsection (2) of section 147, if a person produces, as mentioned in subsection (1) of section 145 a financial responsibility card to which subsection (3) of section 145 applies for any of the purposes, and under any of the circumstances mentioned in subclauses (i), (ii) and (iii) of clause (b) of subsection (1) of this section,

- “(a) the registrar, on the matter being brought to his attention shall forthwith report the facts to the Registrar of Motor Vehicles, or other person, in the other jurisdiction responsible for the administration of the legislation thereof similar to this section, and
- “(b) the person shall be deemed to have committed an offence under subsection (1) and shall be subject to the penalty therein provided.

“(3) Where an order in council is made under subsection (2) of section 147, if a person resident in Alberta commits in the other jurisdiction an offence against the legislation thereof that is similar to subsection (1) other than clauses (a), (c) and (d) thereof, he shall be deemed to have committed an offence under subsection (1) and shall be subject to the penalty therein provided.

“**149.** A person who contravenes any provision of this Part for which no penalty is expressly provided is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars nor less than twenty dollars, and in default of payment thereof to imprisonment for a term not exceeding three months.”.

Part II will relate the amendments to the revision and consolidation.

## PART II

3. *The Vehicles and Highway Traffic Act*, being chapter 354 of the Revised Statutes of Alberta, 1955, is hereby amended.

4. The following is added immediately after section 166:

## "PART XII

## "FINANCIAL RESPONSIBILITY CARDS

"167. In this Part,

"(a) "financial responsibility card" means a card issued pursuant to this Part;

"(b) "owner's policy" means an owner's policy within the meaning of section 293 of *The Alberta Insurance Act*.

"168. (1) Where the owner of a motor vehicle

"(a) gives proof of financial responsibility in any of the forms for which provision is made in clauses (b) and (c) of subsection (1) of section 157, or

"(b) being a corporation, produces to the registrar a certificate issued by the Highway Traffic Board showing that

"(i) the corporation maintains a separate insurance fund for the purpose of satisfying therefrom, *inter alia*, liabilities it may incur resulting from bodily injury to or the death of any person, or damage to property, occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle by the corporation, and

"(ii) in the opinion of the Highway Traffic Board, the insurance is adequate to satisfy all such liabilities that the corporation is likely to incur, subject, for each motor vehicle registered in the name of the corporation, to the limits as to amount stated in section 297 of *The Alberta Insurance Act*,

the registrar shall issue and deliver to the owner a financial responsibility card, and shall, on request by the owner, issue and deliver to him an additional card, which shall be a copy of the card issued to the owner,

"(c) for each person who commonly drives the motor vehicle to which the card refers,

"(d) for each motor vehicle in respect of which the proof of financial responsibility is given, or

"(e) in the case of a corporation to which the Highway Traffic Board issues a certificate under clause (b), for each motor vehicle registered in the name of the corporation.

"(2) A financial responsibility card shall set forth:

"(a) the name of the person or corporation giving the proof of financial responsibility;



“(b) the particulars of the motor vehicle as set forth in the registration thereof under this Act;

“(c) any other particulars required by the registrar.

“(3) A financial responsibility card issued under this section may be in the following form or in such other form as may be approved by the registrar:

“(Provincial Coat of Arms)

“The Vehicles and Highway Traffic Act

“Financial Responsibility Card

“This certifies that . . . . . of . . . . . has given me proof of financial responsibility as required by *The Vehicles and Highway Traffic Act* in respect of public liability and property damage arising by reason of the operation of the motor vehicle described as follows: make of vehicle . . . . . year . . . . . type . . . . . Serial number . . . . . such proof having been given in the form of

“(a) a bond of guarantee or surety company duly authorized to carry on business in Alberta

“or

“(b) a certificate of the Minister that the person above named has deposited with him money or securities for money as required by the said Act,

“or

“(c) a certificate of the Highway Traffic Board that the corporation, in the opinion of the Board, maintains an adequate self-insurance fund as required by the said Act.

*(Strike out the two above paragraphs that do not apply)*

Registrar of Motor Vehicles.”

“(4) Where the owner of a motor vehicle to whom the registrar has issued a financial responsibility card ceases to maintain, as required by this Part, the proof of financial responsibility in respect of which the card was issued, he shall forthwith deliver to the registrar for cancellation the card and all additional cards issued to him.

“**169.** (1) A person who is not a resident of Alberta, may, for the purposes of section 168, give proof of financial responsibility

“(a) as provided in subsection (1) of section 157, or

“(b) subject to subsection (2), by filing a certificate of insurance, in a form approved by the Minister, issued by any insurer authorized to transact automobile insurance in the province, state, territory, district or country in which the person resides.

“(2) A certificate issued under clause (b) of subsection (1) by an insurer that is not authorized to carry on in Alberta the business of automobile insurance is not effectual for the purpose of subsection (1) unless the insurer has complied with clause (b) of subsection (5) of section 170.

“**170.** (1) Every insurer that issues an owner’s policy shall, at the time of issue thereof, also issue and deliver to the named insured a financial responsibility card and shall, on request by the insured issue and deliver to him an additional card, which shall be a copy of the financial responsibility card delivered to the insured, for each person who



commonly drives the motor vehicle to which the card refers, or for each motor vehicle in respect of which the policy is issued.

“(2) A financial responsibility card issued under this section shall be in a form approved by the registrar and shall set forth:

- “(a) the name and address of the insurer;
- “(b) the name of the insured;
- “(c) the policy number;
- “(d) the particulars of the motor vehicle as set forth in the registration thereof under this Act;
- “(e) the date upon which the insurance expires;
- “(f) any other particulars required by the registrar.

“(3) The financial responsibility cards issued by all insurers shall be uniform in size, colour and form, and the date of expiry of the policy of insurance to which a card refers shall be prominently noted thereon and the cards may be in the following form, or in such other form as the registrar may approve:

“(Provincial Coat of Arms)  
 “The Vehicles and Highway Traffic Act  
 “Financial Responsibility Card

“This certifies that . . . . . of . . . . .  
 is insured in this company under Policy No. . . . .  
 against public liability and property damage arising by reason  
 of the operation of the motor vehicle described as follows:

Make of vehicle	Year	Type
Serial No.	and that such insurance EXPIRES	
on the . . . . . day of . . . . . 19 . . . . .		
Dated . . . . . day of . . . . . 19 . . . . .		
Issued by: . . . . .	Name of Company”	

“(4) The financial responsibility card shall be supplied to each insurer by the registrar in such quantity as he deems requisite, and no insurer shall prepare or issue a card under this section except in a form supplied as in this subsection provided.

“(5) The registrar may supply financial responsibility cards to an insurer that issues owners’ policies outside the Province for issue in respect of such policies, but

- “(a) in the case of an insurer that is licensed to carry on in the Province the business of automobile insurance, every card issued by it shall show that the policy thereon mentioned complies with section 297 of *The Alberta Insurance Act*, and
- “(b) in case of an insurer that is not so licensed, the insurer shall file with the Superintendent of Insurance, in a form prescribed by him,
  - “(i) a power of attorney authorizing the Superintendent of Insurance to accept service of notice or process for itself in any action or proceeding against it arising out of a motor vehicle accident in Alberta, or



“(ii) an undertaking

- “(A) to appear in any action or proceeding against it or its insured arising out of a motor vehicle accident in Alberta, and of which it has knowledge,
- “(B) that upon receipt from the Superintendent of Insurance of any notice or process served upon him in respect of its insured, or in respect of its insured and another or others, and sent by the Superintendent of Insurance to it as hereinafter provided, it will forthwith cause the notice or process to be personally served upon its insured, and
- “(C) not to set up to any claim action or proceeding under a motor vehicle liability policy issued by it any defence that might not be set up if such policy had been issued in Alberta in accordance with the law of Alberta relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy and, in any event to an amount not less than the limits of liability fixed in section 297 of *The Alberta Insurance Act*, any judgment rendered against it or its insured by a court in Alberta, and become final in any such action or proceeding.

“(6) Where an insurer to which subsection (5) refers is not authorized to carry on in Alberta the business of automobile insurance, notice or process in any action or proceeding in Alberta against it or its insured arising out of a motor vehicle accident in Alberta may be effectually served upon the insurer or the insured, or upon both of them, by leaving three copies of the notice or process with the Superintendent of Insurance, but if the insurer is not a party to the action or proceeding the person who leaves with the Superintendent the copies of the notice or process shall at the same time leave with him a written statement signed by the person who issued or caused to be issued the notice or process and stating the full name and address of the insurer against whose insured the action or proceeding is taken.

“(7) Upon receipt of notice or process under subsection (6) the Superintendent of Insurance shall forthwith mail two copies thereof, by registered mail, to the insurer at its address last known to him.

“(8) In any action or proceeding against an insurer who has given to the Superintendent of Insurance an undertaking under subclause (ii) of clause (b) of subsection (5), the plaintiff may give evidence of the undertaking, and the undertaking shall, for all purposes of the action or proceeding, be deemed to be a covenant for valuable consideration made by the insurer with the plaintiff.



“(9) If an insurer that has filed the documents described in subsection (5) defaults thereunder, certificates of the insurer shall not thereafter be accepted as proof of financial responsibility so long as such default continues, and the registrar shall forthwith notify the Superintendent of Insurance and the proper officers in charge of the registration of motor vehicles and the licensing of drivers in all provinces of Canada and in all states, territories or districts in the United States, where the certificates of the insurer are accepted as proof of financial responsibility, of such default.

“(10) Before supplying cards to an insurer pursuant to subsection (5), the registrar shall require the insurer to file with him an undertaking that it will issue cards only to persons who being non-residents of Alberta are insured under policies that are owners’ policies within the meaning of section 293 of *The Alberta Insurance Act*.

“(11) Where the licence of an insurer to do business as an insurer is cancelled or suspended, the registrar may demand

“(a) the insurer and every agent of the insurer to return to him forthwith all financial responsibility cards supplied to it or him and not issued by it or him to an insured,

“(b) every person who holds a financial responsibility card issued in respect of a subsisting owner’s policy to send the card to him forthwith.

“(12) The demand mentioned in subsection (11) may be made in any manner deemed by the registrar to be most likely to bring it to the notice of the insurer or of those to whom it is directed, and every insurer or person to whom such a demand is directed and who has notice thereof shall comply therewith and in default of compliance is guilty of an offence.

“(13) On making a demand under subsection (11) directed to an insurer, the registrar shall send a copy thereof to the Superintendent of Insurance.

“**171.** (1) Where a person is insured under a policy of the type commonly known as “a garage and sales agency policy”, whereby he is insured against liability for loss or damage to persons or property, occasioned by or arising out of the ownership, maintenance, operation or use, by him or his employees, of a motor vehicle that is either owned by him or in his charge, if in the opinion of the registrar, the amount in which he is insured under the policy is adequate to satisfy all such liabilities as he is likely to incur, subject, for each motor vehicle that at any one time may be operated or used by him or his employees to no lesser limits as to amount than the limits of liability fixed in section 297 of *The Alberta Insurance Act*, the insurer that issues the policy shall, at the time of the issue thereof, also issue and deliver to the named insured a financial responsibility card, and shall, on request by the insured issue and deliver to him an additional card, which shall be a copy of the financial re-



sponsibility card delivered to the insured, for each of his employees who commonly drives the motor vehicle owned by him or in his charge.

“(2) A financial responsibility card issued under this section shall be in a form approved by the registrar and shall set forth:

- “(a) the name and address of the insurer;
- “(b) the name of the insured;
- “(c) the policy number;
- “(d) the date upon which insurance expires;
- “(e) any other particulars required by the registrar;

and shall be signed in handwriting and in ink, with his usual signature, by the person for whose use the card or additional card is issued, and the card shall bear the number of the driver’s licence held by him as at the date on which the card is issued.

“(3) The financial responsibility cards issued under this section by all insurers shall be uniform in size, colour and form, and the date of expiry of the policy of insurance to which the card refers shall be prominently noted thereon.

“(4) A financial responsibility card issued under this section may be in the following form, or in such other form as may be approved by the registrar:

“(Front of Card)

“The Vehicles and Highway Traffic Act  
“Financial Responsibility Card  
“(Garage and Sales Agency Liability)

“This certifies that . . . . . of . . . . . is insured in this company against public liability and property damage arising by reason of the operation, in the course of his or its business, of any automobile, whether owned by the insured or not, under Garage and Sales Agency Liability Policy No. . . . .; and that such insurance EXPIRES on the . . . . . day of . . . . ., 19 . . . . .

Dated the . . . . . day of . . . . ., 19 . . . . .

*Signature of Driver* . . . . . *Signature of Insurance Company*

Driver’s Licence No. . . . .

“(Back of Card)

“WARNING

“This Card may be produced only when a motor vehicle is being used by the insured or by his employee for the purposes of the business of the insured. Very drastic penalties will follow wrongful production of this card to any one. This card is valid only when signature of the driver and the driver’s licence number are endorsed upon the reverse side hereof.”

“(5) Financial responsibility cards for issue under this section shall be supplied to each insurer by the registrar in such quantity as the registrar deems requisite, and no insurer shall prepare or issue a card under this section except on a form supplied as in this section provided.

“(6) Where a person to whom a financial responsibility card has been issued under this section ceases to keep in force the policy of insurance in respect of which the card



was issued, he shall immediately deliver to the registrar for cancellation the card and all additional cards so issued to him.

“(7) No person insured under “a garage and sales agency policy” and no employee of such person shall produce to a peace officer for inspection or otherwise produce or use a financial responsibility card issued upon any such policy, or any additional card issued in respect of such financial responsibility card, at any time when such person or employee is not in the course of the business of the insured person.

“**172.** (1) Where under section 170 the registrar requires financial responsibility cards supplied to an insurer to be returned to him on the cancellation or suspension of the licence of the insurer to do business as an insurer, and sends to the Minister a copy of the demand, a certificate given under clause (a) of subsection (1) of section 157 by that insurer thereupon ceases to be proof of financial responsibility for either the purposes of Part XI or this Part.

“(2) Upon receipt of the copy of the demand, the Minister shall immediately require every person who is maintaining proof of financial responsibility by such a certificate from that insurer to file, within ten days or such shorter period as may be fixed by the Minister, further proof of financial responsibility by a certificate from some other insurer or in any other form authorized by subsection (1) of section 157.

“(3) Where a person required under subsection (2) to file further proof of financial responsibility fails to do so within the time fixed, this Part and Part XI apply as if he had not previously filed proof of financial responsibility.

#### “Impounding

“**173.** (1) Where bodily injury to or the death of any person or damage in any amount apparently exceeding one hundred dollars to property results from an accident in which a motor vehicle is in any manner directly or indirectly involved, any peace officer present at the scene of the accident, or who arrives thereat while any or all of the motor vehicles so involved in the accident are still at the scene thereof, shall, subject to subsection (10) and to section 174, impound each motor vehicle so involved and require it to be taken,

“(a) if repairs are necessary and immediately desired by the owner, to such repair shop or garage as the owner may select, for the purpose of having it repaired, or

“(b) if repairs are not necessary or are not immediately desired by the owner, to such garage or storage place as the owner may select, unless otherwise required by the police, in which case the peace officer may direct it to be taken to a garage or storage place maintained by any police force or other public authority, if such is available, and otherwise to a



privately maintained garage or storage place designated by the peace officer, there to be kept at the expense of the owner of the motor vehicle.

“(2) Where, under subsection (1), a motor vehicle has been taken to a repair shop, garage or storage place selected by the owner, the chief constable of the municipality in which the repair shop, garage or storage place is situated, or the officer in command in Alberta of the Royal Canadian Mounted Police Force, on receipt of a written application by the owner, may, at the cost of the applicant, have the motor vehicle transferred to such other repair shop, garage or storage place, as the applicant may select, and may give all necessary directions to that end, and shall, in that case give to the owner, operator, manager or other person in charge of the repair shop, garage or other storage place, to which the motor vehicle is transferred a notice as prescribed in subsection (7).

“(3) In subsections (1) and (2) the word “owner” includes any person, firm or corporation who or that has sold the motor vehicle under the terms of a conditional sale agreement or lien note upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the moneys secured thereby remain unpaid, and also includes an assignee of any such vendor or mortgagee.

“(4) Where any or all of the motor vehicles directly or indirectly involved in the accident are not impounded as provided in subsection (1), if the accident is reported to or otherwise comes to the attention of a peace officer, he shall, subject to subsection (10) and to section 174, forthwith impound each motor vehicle so involved, or report the matter to the officer in command in Alberta of the Royal Canadian Mounted Police Force who shall, subject as aforesaid, cause each of such motor vehicles to be impounded, and the peace officer impounding the motor vehicle shall require it to be disposed of as provided in subsection (1).

“(5) All costs and charges for the care or storage of a motor vehicle impounded under this section constitute a lien thereon in favour of the keeper of the repair shop, garage or storage place, and the same may be enforced by him in the manner provided by *The Possessory Liens Act*.

“(6) Where a motor vehicle is impounded under this section the peace officer who impounds it shall, directly or through his superior officer, if any, notify the registrar of such impoundment in writing on a form prescribed by the registrar.

“(7) Where a motor vehicle impounded under this section is placed in a repair shop, garage or storage place, the peace officer impounding the same shall, in writing on a form prescribed by the registrar, notify the owner, operator, manager, or other person in charge of the repair shop, garage, or storage place that the motor vehicle is impounded



and must not be removed or permitted to be removed or released from impoundment except upon order of the registrar or of a police officer to whom reference is made in subsection (2).

“(8) Subject to subsection (2), no person shall remove, or permit to be removed from the place of impoundment or release from impoundment any motor vehicle impounded under this section except upon the written order of the registrar.

“(9) This section shall not apply to authorize or permit the impounding of a motor vehicle that is the property of Her Majesty.

“(10) This section does not authorize the impoundment of a motor vehicle involved in an accident if, at the time of the accident, the motor vehicle was parked in a place where parking was at that time permitted.

“**174.** (1) If the driver, owner, or other person in charge of a motor vehicle that is in any manner directly or indirectly involved in an accident produces to a peace officer seeking to impound the motor vehicle pursuant to section 173 a financial responsibility card, the peace officer shall not impound the motor vehicle unless it is required to be impounded by some other provision of this or any other Act, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

“(2) Where a motor vehicle has been impounded under section 173, and

“(a) the registrar is satisfied that, at the time of the accident, the motor vehicle was a stolen motor vehicle, or

“(b) the only damage resulting from the accident is to the person or property of the owner of and the driver, or

“(c) the driver, owner, or other person in charge of the motor vehicle produces to the registrar a financial responsibility card in respect of the motor vehicle and issued prior to the accident,

the registrar shall order the release of the motor vehicle from impoundment unless it is required to be impounded by some other provision of this or any other Act, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

“(3) Where an order in council is made under subsection (2) of section 176, if the driver, owner, or other person in charge, of a motor vehicle that is registered in the other jurisdiction and subject to impoundment under section 173 produces, as provided in subsection (1), a card issued under the legislation of the other jurisdiction and similar to a financial responsibility card and to which the legislation of the other jurisdiction similar to this section applies, subsections (1) and (2) apply as if he had produced a financial responsibility card.



“175. (1) Where the owner of a motor vehicle impounded under section 173 gives security or proof of satisfaction of claims for damages and proof of financial responsibility as required by Part XI, the registrar shall, on application by the owner, order the release of the motor vehicle from impoundment, but if the motor vehicle is not and is not required to be registered under this Act, the registrar shall order the release thereof

“(a) upon the owner

“(i) giving such security or such proof of satisfaction of claim for damages, and

“(ii) giving to the registrar a written undertaking signed by him that he will not drive the motor vehicle in Alberta other than to drive it directly and immediately from the place of impoundment to the boundary of the Province on such day and over such highway as the registrar may direct,

or

“(b) upon the owner satisfying the registrar that he is insured under a motor vehicle liability policy issued by an insurer satisfactory to the registrar, in amounts not less than those mentioned in section 279 of *The Alberta Insurance Act*.

“(2) Where the owner of a motor vehicle impounded under section 173 satisfies the registrar that he has in good faith sold it, subject only to it being released from impoundment, and that he has not directly or indirectly retained any right to use the motor vehicle or to control the use thereof, if he applies to the registrar to release the motor vehicle from impoundment and gives security or proof of satisfaction of claims for damages as required by clause (a) of subsection (2) of section 151, the registrar may order the release of the motor vehicle without requiring the owner to give proof of financial responsibility.

“(3) Where a motor vehicle is driven on a highway contrary to an undertaking given under subclause (ii) of clause (a) of subsection (1), the owner and the driver thereof are each guilty of an offence and liable, on summary conviction to a fine of not less than fifty or more than two hundred dollars, and are also each liable to imprisonment for a term not exceeding thirty days, and the registrar may order that the motor vehicle be impounded until the owner thereof gives proof of financial responsibility as required by section 168.

“(4) Where a motor vehicle is impounded under section 172 and the owner fails to give the security or proof of satisfaction of claims for damages and proof of financial responsibility, or security or proof of satisfaction of claims for damages and an undertaking as provided in subsection (1),



- “(a) if six months have elapsed since the date of the accident and no certificate of *lis pendens* in a form set out in subsection (9), or otherwise to the satisfaction of the registrar, has been filed with the registrar, or
- “(b) if such certificate has been filed with the registrar, and proof has been given to his satisfaction that
  - “(i) the action against the owner of the motor vehicle has been decided in his favour and that no appeal against the judgment has been filed within the time fixed for the filing of such appeal,
  - “(ii) that any judgment recovered against the owner has been satisfied or settled,
  - “(iii) that the action has not been brought to trial within twelve months after it was begun, or
  - “(iv) that although judgment has been recovered against the owner, and no appeal has been filed by him within the time fixed, or any appeal by him has been dismissed, the motor vehicle has not, within three months from the date of the judgment, or the date of the dismissal of such appeal, been seized under an execution issued pursuant to the judgment,

the registrar shall order the release of the motor vehicle from impoundment.

“(5) Where judgment has been recovered in an action against the owner of a motor vehicle impounded under section 173 and the motor vehicle has been seized under an execution issued pursuant thereto, the registrar shall order that the motor vehicle be released to the person making the seizure.

“(6) Where the registrar is satisfied by a certificate signed by a qualified mechanic, or by such other written or documentary evidence as he deems sufficient, that a motor vehicle impounded under section 173

“(a) is so damaged that it is impracticable to repair it so that it can be driven on a highway, and

“(b) is worth not more than one hundred dollars,

he may, in a case to which clause (a) applies, order the release of the motor vehicle from impoundment, and, in a case to which clause (b) applies, authorize the keeper of the repair shop, garage or storage place in which the motor vehicle is impounded to sell it as provided in subsection (7).

“(7) On receipt of an authorization under subsection (6), the person authorized thereby may, if the motor vehicle mentioned therein has been stored for not less than thirty days in a repair shop, garage, or storage place operated by him, sell the motor vehicle upon giving the owner thereof ten days' prior notice in writing of the sale, and without other publication of the notice, and he shall dispose of the proceeds of the sale as provided in *The Possessory Liens Act* in respect of the sale of a motor vehicle under that Act.



“(8) An order or authorization issued under this section shall not effect the release of a motor vehicle impounded under section 143.

“(9) The certificate of *lis pendens* shall, on request therefor and payment of the proper fee, be issued by the clerk of the court in which is commenced an action claiming compensation for damages resulting from bodily injury to, or the death of, any person or damage in an amount exceeding one hundred dollars to property and, occasioned by, or arising out of, the ownership, maintenance, operation or use, of a motor vehicle, and the certificate may be in the form following:

“CERTIFICATE OF LIS PENDENS

“I hereby certify that an action has been begun in this Court in which action . . . is plaintiff and . . . is defendant, and a claim is made for compensation for damages to person or property as a result of an accident alleged to have occurred at or near . . . in this Province on the day of . . . 19 . . . in which accident it is alleged that there was (were) involved

“(a) a motor vehicle alleged to be owned by . . . (and operated at the time of the accident by . . . ), and

“(b) a motor vehicle alleged to be owned by . . . (and operated at the time of the accident by . . . ).

NOTE: *Strike out phrases in brackets where not required or not applicable. Strike out (b) if only one motor vehicle is involved. Add additional paragraphs if more than two motor vehicles involved.*”

“(10) In this section the word “owner” includes any person, firm or corporation who or that has sold the motor vehicle under the terms of a conditional sale agreement or lien note upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the moneys secured thereby remain unpaid, and also includes an assignee of such vendor or mortgagee.

“**176.** (1) Where the law in force in a province or territory of Canada or in any state or territory or the District of Columbia in the United States (in this section and in sections 174 and 177 called the “other jurisdiction”) contains provisions that, in the opinion of the Lieutenant Governor in Council, are similar to those set out in section 173, this section and sections 174 and 177 other than clauses (a), (c) and (d) of subsection (1) of section 177, the Attorney General on behalf of the government, if authorized by order of the Lieutenant Governor in Council, may enter into an agreement with the proper minister or public officer or other proper authority on behalf of the other jurisdiction or the executive government thereof for the reciprocal application, as hereinafter provided,

“(a) of this section and sections 174 and 177 other than clauses (a), (c) and (d) of subsection (1) of section 177, or of such parts thereof as may be specified in the agreement, to motor vehicles registered in the other jurisdiction and the owners, drivers and persons in charge thereof, and



“(b) of the provisions in the legislation of the other jurisdiction that are similar to this section and sections 174 and 177 other than clauses (a), (c) and (d) of subsection (1) of section 177, or of such parts thereof as may be specified in the agreement, to motor vehicles registered in Alberta and the owners, drivers and persons in charge thereof.

“(2) On the making of an agreement under subsection (1), the Lieutenant Governor in Council may, by order in council, declare that, on and after a date to be fixed in the order, this section and sections 174 and 177 other than clauses (a), (c) and (d) of subsection (1) of section 177 or such parts of that legislation as may be specified in the order, shall apply to motor vehicles registered in the other jurisdiction and to the owners, drivers and persons in charge thereof.

“(3) An order made under subsection (2) shall be published forthwith in one issue of *The Alberta Gazette*.

“**177.** (1) A person who

“(a) violates the provisions of subsection (8) of section 173,

“(b) produces to a peace officer or to the registrar, as provided in section 174

“(i) a financial responsibility card purporting to show that at the time of an accident in which a motor vehicle was in any manner, directly or indirectly, involved, there was in force a policy of insurance that was, in fact, not in force,

“(ii) a financial responsibility card purporting to show that he is at that time maintaining in effect proof of financial responsibility as required by this Act when such is not the case, or

“(iii) a financial responsibility card purporting to show that the person named in the card as the insured is, at the time of an accident in which a motor vehicle is in any manner, directly or indirectly, involved, insured in respect of loss resulting from that accident and occasioned by the operation or use of that motor vehicle, when such is not the case,

“(c) fails to deliver to the registrar for cancellation as required by subsection (4) of section 168 or subsection (6) of section 171 a financial responsibility card or any additional card issued to him under section 168 or section 171,

“(d) fails to return to the registrar upon demand therefor under subsection (11) of section 170 any financial responsibility card issued to him under section 170, or

“(e) gives or loans to a person not entitled to have the same a financial responsibility card or additional card issued under this Part,

is guilty of an offence and liable, if not a corporation, to a fine of not less than fifty dollars and not more than two



hundred dollars and to imprisonment for a term not exceeding thirty days, and, if a corporation, to a fine of not less than two hundred dollars and not more than one thousand dollars.

“(2) Where an order in council is made under subsection (2) of section 176, if a person produces, as mentioned in subsection (1) of section 174 a financial responsibility card to which subsection (3) of section 174 applies for any of the purposes, and under any of the circumstances mentioned in subclauses (i), (ii) and (iii) of clause (b) of subsection (1) of this section,

“(a) the registrar, on the matter being brought to his attention shall forthwith report the facts to the Registrar of Motor Vehicles, or other person, in the other jurisdiction responsible for the administration of the legislation thereof similar to this section, and

“(b) the person shall be deemed to have committed an offence under subsection (1) and shall be subject to the penalty therein provided.

“(3) Where an order in council is made under subsection (2) of section 176, if a person resident in Alberta commits in the other jurisdiction an offence against the legislation thereof that is similar to subsection (1) other than clauses (a), (c) and (d) thereof, he shall be deemed to have committed an offence under subsection (1) and shall be subject to the penalty therein provided.

“**178.** A person who contravenes any provision of this Part for which no penalty is expressly provided is guilty of an offence and liable on summary conviction to a fine of not more than two hundred dollars nor less than twenty dollars, and in default of payment thereof to imprisonment for a term not exceeding three months.”.

**5.** Part I and this section come into force on the first day of October, 1956, and 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 or on the first day of October, 1956, whichever is the later date.

SECOND SESSION  
THIRTEENTH LEGISLATURE  
4 ELIZABETH II  
1956

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**BILL**

An Act to amend The Vehicles and  
Highway Traffic Act

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. TAYLOR

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