

No. 87

3rd Session, 13th Legislature, Alberta
5 Elizabeth II, 1957

BILL 87

A Bill to Provide for the Licensing of Seismographic
Recording and Drilling Equipment

HON. MR. HOOKE

EDMONTON, ALBERTA
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1957

Explanatory Note

General. This Act repeals and replaces The Seismographic Recording and Drilling Equipment Licensing Act, 1953, c. 104. It is essentially the present Act with a number of changes and new provisions.

(The references in the notes are to the section numbering used in the Statute Roll of the Revised Statutes of Alberta, 1955.)

- 2. (a) The present clause (a).
- (b) New. At present a ministerial order is required to appoint a person, other than an assessor, as an inspector.
- (c) The present clause (c).
- (d) The present clause (d).
- (e) The present clause (e) amended to include metis improvement districts and forest reserves. Heretofore there has been no authority to apportion any part of a licence fee to either of these two. This amendment gives such authority: See clause 12.
- (f) Replaces the present definition of "owner".
- (g) New. See section 7.
- (h) The present clause (g).
- (i) Definition of seismographic equipment extended to include vehicles (such as track-type vehicles) not at present licensed under this or any other Act.

BILL

No. 87 of 1957

An Act to Provide for the Licensing of Seismographic Recording and Drilling Equipment

(Assented to _____, 1957)

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

1. This Act may be cited as "*The Seismographic Recording and Drilling Equipment Licensing Act, 1957*".

2. In this Act,

- (a) "equipment" means seismographic recording and drilling equipment;
- (b) "inspector" means
 - (i) a police officer, or other person employed for the preservation and maintenance of the public peace, and
 - (ii) a person appointed as an inspector for the purpose of enforcing the provisions of this Act;
- (c) "licence" means a licence issued pursuant to the provisions of this Act;
- (d) "Minister" means Minister of Municipal Affairs;
- (e) "municipality" means a town, village, municipal district, county, improvement district, special area, metis improvement district or forest reserve;
- (f) "owner" includes a person renting seismographic recording or drilling equipment or having the exclusive use thereof under a rental agreement or otherwise;
- (g) "permit" means a permit issued pursuant to the provisions of this Act;
- (h) "person" includes a partnership or corporation;
- (i) "seismographic recording and drilling equipment" means the equipment used for the purposes of seismographic exploration and, without restricting the generality of the foregoing, includes
 - (i) seismographic recording equipment and all appurtenances thereto,
 - (ii) conductor cables and cable reels, geophones, amplifiers and cameras,

- (j) The definition of "unit" is enlarged to include vehicles defined as equipment under clause (i).

3. The present section 3.

4. The present section 4.

5. The present section 5.

6. (1) The present 6 (1).

- (iii) explosive and detonating equipment,
- (iv) drilling units and all the component parts and appurtenances thereof,
- (v) water tanks and pumping equipment, and
- (vi) any vehicle, other than a vehicle licensed under *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act*, upon which equipment is mounted or carried;
- (j) "unit" means all the items of equipment mounted or carried in one vehicle and includes the vehicle where the vehicle is not licensed under *The Vehicles and Highway Traffic Act* or *The Public Service Vehicles Act*.

3. Seismographic recording and drilling equipment, and the explosives intended for use with such equipment, whether the equipment and explosives are mounted or carried upon a vehicle or not, are exempt from assessment and taxation under *The Assessment Act*.

4. A person who is the owner of equipment shall obtain a licence in the manner provided in this Act before he engages in the use of any such equipment in a municipality.

5. (1) A person who is the owner of equipment shall, before the equipment is used for seismographic exploration purposes in a municipality in any year, apply to the Minister of a licence under this Act.

(2) The application shall be accompanied by an affidavit setting out, with respect to the seismographic recording and drilling equipment for which a licence is required,

- (a) the name, description and vehicle licence number of the vehicle upon which the equipment is mounted or carried,
- (b) the name, description and type of equipment mounted on or carried in the vehicle, and
- (c) the sale price at which a new unit of similar specifications is quoted at current market prices.

6. (1) Upon receipt of an application and accompanying affidavit the Minister shall calculate the annual licence fee for each unit

- (a) by determining the sale price at which a new unit of similar specifications is quoted at current market prices,
- (b) by reducing the amount determined pursuant to clause (a) by the amount of such depreciation as the Minister deems proper,
- (c) by calculating three-tenths of the net amount as determined pursuant to clause (b), and
- (d) by computing four per cent of the amount calculated pursuant to clause (c).

(2) Licence fee increased effective January 1, 1958.

(3) The present subsection (2) reworded.

(4) The present subsection (3).

7. (1) New permit. See conditions in subsection (2).

(2) At present an owner must pay a full year's licence fee even though the equipment may be required to operate for a very brief period. This subsection provides for licensing for a short period.

(3) Information required on application for permit.

(4) Amount of fee to be twenty-five per cent of licence fee.

(5) When a licence obtained in same year as permit, permit fees may be applied to licence fee.

8. New. At present a licence is not required for equipment not used prior to September 30.

9. (1) The present section 8 (1).

(2) The present subsection (2).

(3) Subsection (3) as amended by 1955, c. 44.

(2) When calculating the annual licence fee for each unit for the 1958 calendar year and subsequent licensing years the Minister shall compute five per cent of the amount calculated pursuant to clause (c) of subsection (1) and not four per cent as provided in clause (d) of subsection (1).

(3) Upon payment of the required licence fee the Minister shall issue a licence to the owner of the equipment.

(4) A licence expires on the thirty-first day of December in the year for which the licence is issued.

7. (1) Notwithstanding any other provision of this Act, the Minister, in his discretion, may issue a permit in lieu of a licence.

(2) A permit issued pursuant to subsection (1),

(a) shall have, while valid, the same effect as a licence,

(b) shall be valid for a period stated on the face thereof and not exceeding thirty days,

(c) shall state on the face thereof why it was expedient to issue it in lieu of a licence,

(d) shall state on the face thereof the municipality or municipalities where the unit is to be used,

(e) may be renewed once in any calendar year, and

(f) shall be in the possession of the owner or his agent in charge of the unit who shall produce it on demand.

(3) An application for a permit shall be in such form and contain such information as may be prescribed by the regulations.

(4) The fee payable for a permit or a renewal of a permit shall be twenty-five per cent of the annual licence fee as calculated pursuant to section 6.

(5) When a licence is issued for a unit in the same year a permit has been issued for that unit, the fees paid for the permit and a renewal of the permit shall be credited to the fees payable for the licence for such unit.

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

9. (1) A licence plate shall be issued by the Minister with each licence.

(2) The licence plate shall be attached in a conspicuous place to the equipment or to the vehicle upon which the equipment for which the licence was issued is mounted or carried.

(3) Until the licence for which a licence plate has been issued expires, the licence plate shall not be removed from

(4) New. Procedure when licence plate lost or destroyed.

(5) New. Minister authorized to issue replacement plate.

10. New. (1) The Minister authorized to recall and cancel licences if under the circumstances it is considered necessary.

(2) A partial refund of fee may be made.

11. The present section 9 partially reworded for greater clarity.

the unit or the vehicle, as the case may be, that it is required to be attached to, but a licence may during the licence year be transferred, in the records of the Department of Municipal Affairs, to any new owner of the equipment.

(4) Where a licence plate is lost or destroyed, the licensee may apply to the Minister for a replacement plate, and every such application shall be accompanied by an affidavit setting forth such information as the Minister may require.

(5) Upon being satisfied of the loss or destruction of a licence plate and upon payment of such fee as he may prescribe, the Minister shall issue a replacement licence plate.

10. (1) The Minister, in his discretion, may cancel and recall any permit, licence or licence plate issued pursuant to the provisions of this Act.

(2) Where a licence or permit is cancelled pursuant to subsection (1) the Minister, in his discretion may allow a refund of not more than one-half of the fee paid for such licence or permit or renewal of permit.

11. (1) The owner of equipment, either himself or through his agent in charge of the equipment,

(a) shall keep and maintain a complete record, in each calendar year, of the date of entry of each unit of equipment into each municipality for the purpose of engaging in seismographic exploration, and

(b) on or before the thirty-first day of December in each year, shall make a return to the Minister, in such form as he may prescribe, showing the number of days in that year a unit of equipment was in each municipality for seismographic exploration purposes, whether or not such unit was in actual use.

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

(a) the name or type of the unit of equipment, and

(b) the number of the licence issued therefor.

(3) When the legal possession of seismographic recording and drilling equipment, other than explosives and detonators, for which a licence or permit 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 equipment shall notify the Department of Municipal Affairs of the transfer within ten days thereof.

(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.

12. The present section 10, amended to include forest reserves and metis improvement districts.

13. New. Provides for the division of permit fees not covered by the preceding section.

14. The present section 12. At present it is an offence to attach the wrong plate. This amendment makes it an offence to display the wrong plate.

15. The present section 13.

12. As soon as may be in each year, the Minister shall assemble the returns made to him pursuant to clause (b) of subsection (1) of section 11 for the preceding year in respect of each unit of equipment and, according to the returns, shall

- (a) determine the total number of days a unit was in all municipalities,
- (b) divide ninety-five per cent of the amount of the licence fee received by him pursuant to section 6 by the total number of days a unit was in all municipalities,
- (c) compute the number of days a unit was in each municipality, and
- (d) pay the amount arrived at by multiplying the result obtained pursuant to clause (b) by the number of days the unit was in that municipality
 - (i) to each town, village, municipal district or county,
 - (ii) in the case of an improvement district or special area, to the Department of Municipal Affairs,
 - (iii) in the case of a forest reserve, to the Minister of Lands and Forests, or
 - (iv) in the case of a metis improvement district, to the Minister of Public Welfare.

13. (1) The Minister shall pay ninety-five per cent of the fee received for a permit or a renewal thereof to the municipality named on the face thereof.

(2) Where more than one municipality is named on a permit, the amount shall be divided equally among them.

(3) Where a permit or renewal fee has been credited to a licence fee pursuant to subsection (5) of section 7 such fee shall be deemed part of a licence fee.

14. A person

- (a) who gives false information in his application for a licence or a permit, or
- (b) who displays or permits to be displayed a licence plate upon a unit for which that licence plate was not issued,

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

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

(2) The assessor of a municipality is *ex officio* an inspector of equipment licences.

16. The present section 14.

17. (1) The present section 15 (1) with the maximum fine increased from \$100 to \$300.

(2) and (3) The present section 15 (2) and (3).

(4) New. Relates to the matter of proof of licensing.

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

16. (1) A person who is the owner or who has the control or management of equipment shall permit an inspector to inspect and examine the equipment at any reasonable time during the day, and shall furnish such information as the inspector may require.

(2) A person

(a) who fails to comply with the provisions of subsection (1), or

(b) who knowingly makes a false statement to an inspector,

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

17. (1) A person

(a) who engages or attempts to engage in seismographic exploration by the use of equipment for which a licence is required but for which a licence or permit has not been obtained, or

(b) who engages or attempts to engage in seismographic exploration by the use of equipment for which a licence is required but for which a licence plate is not displayed,

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

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

(3) Where 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 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.

(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 seismographic recording or drilling equipment described in the certificate has or has not been

18. The present section 16.

19. The present section 17.

20. The present section 18.

21. New. Land in a metis improvement district and a forest reserve excluded from other municipalities.

22. Present section 11.

23. Repealing section.

24. The Act is made retroactive to the beginning of the licensing year.

licensed pursuant to this Act, is admissible 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.

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

19. The Minister may refund in whole or in part any moneys received by way of a licence fee when

- (a) the licence fee or any part thereof was paid or received in error, or
- (b) the equipment for which the licence fee was collected or received was not used for seismographic exploration purposes in any municipality during the licence year.

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

(2) Any surplus moneys from licence fees and permit fees remaining with the Minister after the annual apportionment to municipalities pursuant to sections 12 and 13 shall be paid into the General Revenue Fund of the Province.

21. For the purpose of this Act, land contained within a metis improvement district or a forest reserve shall be deemed not to be contained within any other municipality.

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

23. *The Seismographic Recording and Drilling Equipment Licensing Act*, being chapter 104 of the Statutes of Alberta, 1953, is hereby repealed.

24. 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, 1957.

No. 87

THIRD SESSION
THIRTEENTH LEGISLATURE
5 ELIZABETH II
1957

BILL

An Act to Provide for the Licensing
of Seismographic Recording and
Drilling Equipment

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. HOOKE
