

No. 118

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BILL 118

An Act to amend The Vehicles and Highway Traffic Act

HON. MR. TAYLOR

EDMONTON, ALBERTA
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1957

Explanatory Note

2. As the Act presently reads, the purchaser of a motor vehicle has fourteen days within which he may apply for registration. But the car can not be used until it is registered in his name. This amendment would permit the purchaser of a vehicle other than a public service vehicle to drive the vehicle during the time that he is allowed for registration when he has licence plates that can, upon registration, be authorized for that vehicle.

3. These subsections provide for metal chauffeur's badges. Under the proposed new system of licensing they will not be used.

4. Section 36 presently reads:

"36. A headlamp upon a motor vehicle, other than a snowplow, shall be mounted on the motor vehicle at a height, which shall be measured from the centre of the headlamp, of not more than fifty-four inches nor less than twenty-eight inches to the level of the ground when the motor vehicle stands unloaded."

On many small cars the headlights are lower than twenty-eight inches.

BILL

No. 118 of 1957

An Act to amend The Vehicles and Highway Traffic Act

(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. *The Vehicles and Highway Traffic Act*, being chapter 356 of the Revised Statutes of Alberta, 1955, is hereby amended.

2. Section 11 is amended by adding immediately after subsection (6) the following subsection:

“(7) Where the ownership of a motor vehicle other than a public service vehicle passes from one person to another and the new owner intends to make application for the registration of the vehicle in his name, and

“(a) to have transferred to him the number plates issued to the registered owner of such vehicle, or

“(b) to have reissued to him for use on such vehicle number plates issued to him upon the registration of another motor vehicle,

then notwithstanding sections 10 and 30, the new owner may display such number plates on the said vehicle and operate or permit another person to operate the motor vehicle on a highway for not more than fourteen days after the ownership passes to him.”

3. Section 22 is amended by striking out subsections (5) and (6).

4. Section 36 is amended by striking out the word “twenty-eight” and by substituting the word “twenty-four”.

5. Printing error in the Revision is corrected. Subsection (1) of section 46 as relevant presently reads:

"46. (1) At any time during the period between one hour after sunset and one hour before sunrise or at any other time when atmospheric conditions are such that objects on the highway are not plainly visible at a distance of three hundred feet

"(a) no motor vehicle or tractor shall be in motion on any highway unless both headlamps are alight and are providing sufficient light to make objects on the highway clearly visible,

"(i) in the case of a motor vehicle at distances specified in section 37, 40 or 41, as the case may be, and

"(ii) in the case of a tractor at a distance of three hundred feet ahead of the tractor,".

6. Subsections (2) and (3) of section 47 presently read:

"(2) No motor vehicle other than a vehicle used

"(a) for the transportation of any member of a fire-brigade or of any firefighting equipment,

"(b) for the transportation of any policeman,

"(c) as an ambulance,

"(d) as a snowplow,

"(e) as a tow truck, or

"(f) for the transportation of explosives,

shall be equipped with any red light or flashing light visible from the front of the vehicle, except such signalling lights for turning as are provided for in section 53.

"(3) No motor vehicle used as a tow truck shall have on a red light or flashing light, except such signalling lights for turning as are provided for in section 53, unless it is in the actual process of towing."

The use of red lights or flashing lights visible to the front of a vehicle is further restricted.

7. Section 53 requires all new vehicles sold, to be equipped with turn signals. The new subsection will require the signals to be kept in working order.

8. New. Vehicles required to be equipped with windshield wipers and defrosters.

5. Section 46, subsection (1), clause (a) is amended by adding immediately after the word "vehicle" in subclause (i) the word "at".

6. Section 47 is amended by striking out subsections (2) and (3) and by substituting the following subsections:

- "(2) No motor vehicle other than a vehicle used
- "(a) for the transportation of any member of a fire brigade or of any firefighting equipment,
- "(b) for the transportation of any policeman, or
- "(c) as an ambulance,

shall be equipped with any red light or flashing light visible from the front of the vehicle.

- "(3) Subsection (2) does not apply to
- "(a) signal lights for indicating an intention to turn as are provided in section 53,
- "(b) alternate flashing red lights displayed by a school bus that is stopped to pick up or discharge a child, and
- "(c) flashing lights of such color other than red as is provided in this Act or the regulations made hereunder and displayed by
 - "(i) a snowplow,
 - "(ii) a vehicle transporting explosives, or
 - "(iii) a tow truck while towing a disabled vehicle."

7. Section 53 is amended by adding immediately following subsection (4) the following subsection:

"(5) The owner of a motor vehicle equipped with lamps or mechanical signal devices pursuant to subsection (1) shall maintain such lamps or mechanical signal devices in good working order."

8. The following new section is added immediately after section 55:

"55a. (1) Every motor vehicle equipped with a windshield shall be equipped with

- "(a) a mechanically or electrically operated device for cleaning rain, snow or other moisture from the windshield, and
- "(b) a device for keeping the windshield clear of fog and frost,

that can in each case be controlled or operated by the driver of the motor vehicle.

9. The present section 57 provides for the annual certificate of approval for vehicles. This certificate is being abolished.

10. Section 59 presently reads:

"59. (1) The Minister may from time to time by order fix, or authorize a council of any municipal district or county to fix by by-law a maximum speed limit applicable to all vehicles or to any class or classes of vehicles travelling over any highway in the municipal district or county and designated by the Minister or over any part of such designated highway.

"(2) Any order or by-law made pursuant to subsection (1) shall be published in The Alberta Gazette and the Minister may cause such signs to be erected along the highway or portion thereof as he deems adequate to notify any person driving a vehicle thereon of the maximum speed limit so fixed.

"(3) No person shall drive a motor vehicle on any highway or portion thereof at any rate of speed in excess of the maximum speed limit indicated by signs erected pursuant to subsection (2)."

Municipal districts are given the power to fix speed limits on district highways and local roads without an order of the Minister. The Minister may by order fix the maximum speed on other highways.

“(2) The owner of a motor vehicle shall maintain in good working order the devices required by subsection (1).

“(3) The operator of a motor vehicle shall maintain the windshield so as to provide adequate visibility.”

9. Section 57 is struck out and the following section is substituted:

“**57.** (1) Without in any way restricting the provisions of this Part, the owner of a motor vehicle shall keep and maintain the lights, brakes, mirrors, horn, steering mechanism, windshield wipers and defrosters of the vehicle in good working order.

“(2) When so requested by a peace officer the owner of a motor vehicle shall, as soon as is reasonably possible, have such work done to the vehicle as is necessary to make it comply with the provisions of this Part and shall report such compliance to the peace officer.”

10. Section 59 is struck out and the following is substituted:

“**59.** (1) In this section “district highway” and “local road” means district highway and local road as defined in *The Public Highways Act*.

“(2) Except in the case of district highways and local roads, the Minister may from time to time by order fix a maximum speed limit applicable to all vehicles or to any class or classes of vehicles travelling over any highway designated by the Minister or over any part of such designated highway.

“(3) An order made pursuant to subsection (1) shall be published in *The Alberta Gazette*.

“(4) The council of any municipal district may by by-law fix a maximum speed limit applicable to all vehicles or any class or classes of vehicles travelling over any district highway or local road within the municipal district or over any part of such district highway or local road.

“(5) The Minister or the council, as the case may be, may cause such signs to be erected along the designated highway, district highway or local road or portion thereof as the Minister or the council, as the case may be, deems adequate to notify any person driving a vehicle thereon of the maximum speed limit so fixed.

“(6) No person shall drive a motor vehicle on a highway designated in the order or a district highway or local road designated in the by-law at a rate of speed in excess of the maximum speed limit indicated by signs erected pursuant to subsection (5).”

11. The Act presently provides that when there are two lanes on the same side of the centre line of a highway for vehicles travelling in the same direction a driver *within a city* may pass another vehicle travelling in the same direction on either the right or the left. *Outside the city* he may only pass on the left even though the right lane is clear. The amendment will permit passing on the right outside a city on highways laned for two lines of traffic proceeding in the same direction.

12. Section 110 presently reads:

"110. Every driver of a motor vehicle shall produce within a reasonable time,

"(a) the certificate of the registration of the motor vehicle, and

"(b) the certificate of approval of the motor vehicle issued pursuant to section 57,

when requested to do so by any inspector or peace officer."

The certificate is being abolished.

13. Minister is given discretionary power to issue temporary licence.

14. The minimum insurance limits are doubled and are set out in the Act. At present the insurance coverage stipulated under Parts XI and XII is determined with reference to the minimum limits in The Alberta Insurance Act. But in that Act the minimum limits for public liability and for property damage are dealt with separately and this new subsection is intended to make it clear that for the purposes of Parts XI and XII both public liability and property damage coverage is required, not one or the other.

15. Subsection (2) of section 151 reads:

"(2) Every such licence and registration remains suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be issued to, or new registration be permitted to be made by the person liable, until

"(a) the judgment

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

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

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

"(B) to the extent of at least ten thousand dollars exclusive of interest and costs, for bodily injury to or death of two or more persons in any one accident, subject to the limit prescribed in paragraph (A) for each person so injured or killed, and

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

and

"(b) such person gives proof of his financial responsibility."

11. Section 67 is amended

- (a) by striking out clause (g),
- (b) as to clause (h) by striking out the words “within a city and”,
- (c) by striking out clause (j),
- (d) as to clause (k) by striking out the words “within a city and”.

12. Section 110 is struck out and the following is substituted:

“**110.** Every driver of a motor vehicle shall produce the certificate of the registration of the motor vehicle upon demand therefor by any inspector or peace officer.”

13. Section 140 is amended

- (a) as to subsection (2) by striking out the words “forfeited, cancelled and void” and by substituting the word “suspended”,
- (b) by adding immediately after subsection (2) the following:

“(3) Where a licence is cancelled and the Minister deems it a proper case for relief, he may in his discretion, issue a temporary permit or reissue the licence for such period and upon such terms and conditions as he deems just.”

14. Section 150 is amended by adding immediately after subsection (1) the following:

“(1a) A motor vehicle liability policy shall

- “(a) insure to the limit of at least ten thousand dollars for loss or damage resulting from bodily injury to or the death of any one person, and subject to such limit for any one person so injured or killed, to the limit of at least twenty thousand dollars for bodily injury to or death of two or more persons in any one accident, and
- “(b) insure to the limit of at least two thousand dollars for damage to property resulting from any one accident,

exclusive of interest and costs.”

15. Section 151, subsection (2), clause (a), subclause (ii) is amended

- (a) as to paragraph (A) by striking out the word “five” and by substituting the word “ten”,
- (b) as to paragraph (B) by striking out the word “ten” and by substituting the word “twenty”,
- (c) as to paragraph (C) by striking out the words “one thousand” and by substituting the words “two thousand.”

16. Section 156 presently reads:

"156. Proof of financial responsibility shall be given by every driver, and in the case of an owner, by every owner to whom this Part applies for each motor vehicle registered in his name, in the amounts and subject to the limitations, conditions and qualifications prescribed for an owner's and a driver's policy respectively by Part VII of The Alberta Insurance Act."

17. Section 157, subsection (1), clause (c) presently reads:

"157. (1) Proof of financial responsibility may be given in any one of the following forms:

"(c) the certificate of the Minister that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of eleven thousand dollars for each motor vehicle registered in the name of such person; the Minister shall accept any such deposits and issue a certificate therefor, if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the judicial district in which the depositor resides."

Subsection (3) of section 157 presently reads:

"(3) In the case of an owner of ten or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount not less than fifty thousand dollars, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part."

18. Reference is changed to the minimum limits as set out in the Act. See clause 14.**19. Clause (b) of subsection (5) of section 170 presently reads in part:**

"(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,".

It was intended that both be done, not either one.

20. See note to clause 14.**21. See note to clause 14.****22. Section 3 of chapter 59 presently reads:**

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

An error is corrected.

16. Section 156 is amended by adding immediately after the word "amounts" the words "stated in subsection (1a) of section 150,".

17. Section 157 is amended

- (a) as to subsection (1) by striking out the word "eleven" in clause (c) and by substituting the word "twenty-two",
- (b) as to subsection (3) by striking out the word "fifty" and by substituting the words "one hundred".

18. Section 168, subsection (1), clause (b) as enacted by chapter 59 of the Statutes of Alberta, 1956, is amended by striking out the words "section 297 of *The Alberta Insurance Act*" in subclause (ii) and by substituting the words "subsection (1a) of section 150".

19. Section 170, subsection (5) as enacted by chapter 59 of the Statutes of Alberta, 1956, is amended

- (a) as to clause (b) by striking out the word "or" at the end of subclause (i) and by substituting the word "and",
- (b) by striking out the words "section 297 of *The Alberta Insurance Act*" wherever they occur and by substituting the words "subsection (1a) of section 150".

20. Section 171, subsection (1) as enacted by chapter 59 of the Statutes of Alberta, 1956, is amended by striking out the words "section 297 of *The Alberta Insurance Act*" and by substituting the words "subsection (1a) of section 150."

21. Section 175, subsection (1), clause (b) as enacted by chapter 59 of the Statutes of Alberta, 1956, is amended by striking out the words "section 279 of *The Alberta Insurance Act*" and by substituting the words "subsection (1a) of section 150".

22. Chapter 59 of the Statutes of Alberta, 1956, being an *Act to amend The Vehicles and Highway Traffic Act* is amended by striking out the numerals "354" in section 3 and by substituting the numerals "356".

23. Lieutenant Governor in Council is given power to establish a new system of operators licences in place of the present yearly drivers and chauffeurs licences. Subsection (3) provides that references in the Act to drivers and chauffeurs licences shall be construed as references to the applicable class of operators licences. There are so many references in the Act to chauffeurs licences and to drivers licences that it would be necessary to rewrite the Act in order to incorporate this change.

23. (1) The Lieutenant Governor in Council may by regulations prescribe operators licences for use under *The Vehicles and Highway Traffic Act* in substitution for drivers and chauffeurs licences or either of them.

(2) Without restricting the generality of the foregoing, the regulations may prescribe

- (a) the commencement, and termination date for operators licences either generally or by reference to particular dates or events,
- (b) different classes of operators licences, the persons to whom any class of operators licence may be issued and the conditions for obtaining and retaining any class of licence,
- (c) practical and medical examinations or either required to be taken by any person to obtain any class of operators licence, or to retain any class of operators licence, and
- (d) such other requirements as may be deemed necessary to ensure that only qualified or competent persons obtain or retain, as the case may be, any class of operators licence.

(3) Where pursuant to any regulation operators licences or classes of operators licences are prescribed for use under *The Vehicles and Highway Traffic Act*, all references in that Act to chauffeurs licences or drivers licences or to both drivers and chauffeurs licences, shall be deemed to be a reference, *mutatis mutandis*, to an operators licence issued pursuant to the regulations referred to in this section.

24. (1) This Act except for sections 14 to 18, clause (b) of section 19 and sections 20, 21 and 23, comes into force on the day upon which the Revised Statutes of Alberta, 1955, come into force.

(2) Section 23 comes into force on the day upon which this Act is assented to and upon so coming into force shall be deemed to have been in force at all times on and after the first day of January, 1957.

(3) Sections 14 to 18, clause (b) of section 19 and sections 20 and 21 come into force on the first day of July, 1958.

No. 118

THIRD SESSION
THIRTEENTH LEGISLATURE

5 ELIZABETH II

1957

BILL

An Act to amend The Vehicles and
Highway Traffic Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
