

No. 91

4th Session, 13th Legislature, Alberta
6 Elizabeth II, 1958

BILL 91

A Bill to amend The Vehicles and Highway
Traffic Act

HON. MR. TAYLOR

Explanatory Note

2. (a) The definition of "highway" is replaced by a broader definition which will make the Act applicable to all roadways that the public are ordinarily entitled to use, whether publicly owned, as at present, or privately owned.

(b) Definition of "traffic control signal" added. See clause 7.

3. Section 11, subsection (1) presently reads as follows:

"11. (1) Every person who sells a motor vehicle to any other person and every person who becomes in any manner the owner of any motor vehicle, shall forthwith notify the Minister in writing that he has sold or become the owner of the motor vehicle, as the case may be, in such form and giving such information as the Minister may require."

The other provisions of section 11 require the registration of the vehicles to be transferred within fourteen days of the transfer of ownership. Subsection (1) serves no useful purpose and is never used.

4. Section 19(1)(b) presently reads as follows:

"19. (1) When a person who is the holder of a driver's or chauffeur's licence is convicted of an offence under

"(b) section 221, 222, 223 or 281 of the Criminal Code, as amended from time to time, or".

The amendment is to make section 19(1)(b) conform with section 152(1)(g) dealing with the suspension of licences by the Minister.

BILL

No. 91 of 1958

An Act to amend The Vehicles and Highway
Traffic Act

(Assented to _____, 1958)

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 2 is amended

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

“(f) “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage of vehicles, but does not include a place declared by the Lieutenant Governor in Council not to be a highway;”

(b) by adding the following clause immediately after clause (r):

“(r1) “traffic control signal” means a device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;”

3. Section 11 is amended by striking out subsection (1).

4. Section 19, subsection (1), clause (b) is amended by adding immediately after the number “223” the number “, 226”.

5. Section 23 presently reads as follows:

"23. The Lieutenant Governor in Council may at any time direct that chauffeurs' licences be good only for such period less than a year as may seem to him proper."

In view of the five year licence plan this section is no longer applicable.

6. New provision added to prevent unlawful use of licence plates by requiring them to be removed from vehicles left with a dealer for resale.

7. This proposed new section gives authority for the control of traffic by traffic lights and the effect that must be given to such signals. It does not apply to municipalities that under the authority of their municipal Act pass by-laws respecting traffic signals. This is done so that municipalities may retain all fines imposed for contravention of the traffic lights. (see section 146 of the Act). But for the purpose of uniformity in the law throughout the Province, the municipal by-laws are required to conform in substance to this section.

5. Section 23 is repealed.

6. The following section is added immediately after section 25:

"25a. Where a dealer in motor vehicles takes possession of a motor vehicle for the purpose of selling it on behalf of the owner and if current number plates have been issued for the motor vehicles

"(a) the owner of the motor vehicle shall remove the number plates and retain them in his possession, and

"(b) the dealer shall not accept the motor vehicle until the number plates have been removed therefrom."

7. The following new section is added immediately after section 75:

"75a. (1) Whenever traffic is controlled by traffic control signals exhibiting coloured lights or arrows, the colours mentioned in this section only shall be used, and except where otherwise directed by a peace officer drivers of vehicles and pedestrians shall obey the instructions of an official traffic control signal in accordance with the provisions of this section.

"(2) When a green light alone is exhibited at an intersection by a traffic control signal

"(a) the driver of a vehicle facing the green light

"(i) may cause the vehicle to proceed straight through the intersection, or may cause the vehicle to turn left or right, subject to a sign or signal prohibiting such a left or right turn, or both, or designating the turning movement permitted,

"(ii) shall yield the right of way to pedestrians lawfully within the intersection or within an adjacent crosswalk at the time the green light is exhibited, and

"(iii) shall, if causing the vehicle to turn left or right, yield the right of way to other vehicles lawfully within the intersection at the time the green light is exhibited,

"and

"(b) a pedestrian facing the green light may proceed across the roadway within any marked or unmarked crosswalk, subject to any special pedestrian traffic control signal directing him otherwise, and has the right of way for that purpose over all vehicles.

"(3) When a green light alone is exhibited at a place other than an intersection by a traffic control signal

"(a) the driver of a vehicle

"(i) may cause the vehicle to pass the signal, and

- “(ii) shall yield the right of way to any pedestrian still in the roadway or on a crosswalk, if any, in the vicinity of the signal when the green light is exhibited,
- “(b) a pedestrian still in the roadway or on a crosswalk in the vicinity of the signal when the green light is exhibited shall proceed as quickly as possible from the roadway, and
- “(c) a pedestrian shall not enter the roadway in the vicinity of the signal until either
 - “(i) the traffic control signal facing the vehicular traffic exhibits a red light, or
 - “(ii) a traffic control signal instructs him that he may cross the roadway.
- “(4) When a yellow light is exhibited at an intersection by a traffic control signal at the same time as or following the exhibition of a green light
 - “(a) the driver of a vehicle approaching the intersection and facing the yellow light shall cause the vehicle to stop before entering the marked crosswalk on the near side of the intersection, or if there is no such marked crosswalk, then before entering the intersection, unless such a stop cannot be made in safety,
 - “(b) a pedestrian facing the yellow light shall not enter the roadway, and
 - “(c) a pedestrian proceeding across the roadway and facing the yellow light exhibited after he entered the roadway
 - “(i) shall proceed to the sidewalk as quickly as possible, and
 - “(ii) has the right of way for that purpose over all vehicles.
- “(5) When a yellow light is exhibited at a place other than an intersection by a traffic control signal at the same time as or following the exhibition of a green light
 - “(a) the driver of a vehicle approaching the signal shall cause the vehicle to stop before reaching the signal or before entering the nearest crosswalk, if any, in the vicinity of the signal, unless such a stop cannot be made in safety, and
 - “(b) a pedestrian shall not enter the roadway in the vicinity of the signal until either
 - “(i) the traffic control signal facing the vehicular traffic exhibits a red light, or
 - “(ii) a traffic control signal instructs him that he may cross the roadway.
- “(6) When a red light alone is exhibited at an intersection by a traffic control signal
 - “(a) the driver of a vehicle approaching the intersection and facing the red light shall cause the vehicle to stop before entering the marked crosswalk on the near side of the intersection, or if there is no such

- marked crosswalk, then before entering the intersection, shall not cause the vehicle to proceed until a traffic control signal instructs him that he is permitted to do so,
- “(b) a pedestrian facing the red light shall not enter the roadway unless instructed that he may do so by a pedestrian traffic control signal, and
 - “(c) a pedestrian proceeding across the roadway and facing the red light exhibited after he entered the roadway
 - “(i) shall proceed to the sidewalk as quickly as possible, and
 - “(ii) has the right of way for that purpose over all vehicles.
- “(7) When a red light is exhibited at a place other than an intersection by a traffic control signal
- “(a) the driver of a vehicle approaching the signal shall cause the vehicle to stop before reaching the signal or before entering the nearest crosswalk, if any, in the vicinity of the signal, and
 - “(b) a pedestrian may proceed across the roadway.
- “(8) When a green arrow is exhibited at an intersection by a traffic control signal
- “(a) the driver of a vehicle facing the green arrow may cause the vehicle to enter the intersection and to make only the movement indicated by the green arrow, but shall yield the right of way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection, and
 - “(b) a pedestrian facing the green arrow shall not enter the roadway unless or until a pedestrian traffic control signal or the exhibition of a green light by a traffic control signal instructs him that he is permitted to do so.
- “(9) When a green arrow and a red light are exhibited at the same time at an intersection by a traffic control signal
- “(a) the driver of a vehicle approaching the intersection and facing the green arrow and red light may cause the vehicle cautiously to enter the intersection and to make only the movement indicated by the green arrow,
 - “(b) the driver of the vehicle shall yield the right of way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection, and
 - “(c) a pedestrian facing the green arrow and red light shall not enter the roadway unless or until a pedestrian traffic control signal or the exhibition of a green light by a traffic control signal instructs him that he is permitted to do so.
- “(10) When rapid intermittent flashes of red light are exhibited at an intersection by a traffic control signal

- “(a) the driver of a vehicle approaching the intersection and facing the flashes of red light shall cause the vehicle to stop before entering the marked crosswalk on the near side of the intersection, or if there is no such marked crosswalk, then before entering the intersection, and shall not cause the vehicle to proceed until it is safe to do so, and
- “(b) a pedestrian facing the flashes of red light may proceed across the roadway within a marked or unmarked crosswalk with caution.
- “(11) When rapid intermittent flashes of red light are exhibited at a place other than an intersection by a traffic control signal
- “(a) the driver of a vehicle approaching the signal
- “(i) shall cause the vehicle to stop before reaching the signal or before entering the nearest crosswalk, if any, in the vicinity of the signal, and
- “(ii) may, after having caused the vehicle to stop, cause the vehicle to pass the signal and the crosswalk, if any, only if conditions of pedestrian traffic in the roadway or a crosswalk, if any, in the vicinity of the signal are such that the vehicle can do so with safety,
- “and
- “(b) a pedestrian may proceed across the roadway.
- “(12) When rapid intermittent flashes of yellow light are exhibited at an intersection by a traffic control signal
- “(a) the driver of a vehicle facing the flashes of yellow light may cause the vehicle to enter the intersection and proceed only with caution, but shall yield the right of way to pedestrians lawfully within the intersection or an adjacent crosswalk and to other vehicles lawfully within the intersection, and
- “(b) a pedestrian facing the flashes of yellow light may proceed across the roadway within a marked or unmarked crosswalk with caution.
- “(13) When rapid intermittent flashes of yellow light are exhibited at a place other than an intersection by a traffic control signal
- “(a) the driver of a vehicle approaching the signal may cause the vehicle to pass the signal only with caution, and shall yield the right of way to pedestrians in the roadway or on a crosswalk, if any, in the vicinity of the signal, and
- “(b) a pedestrian may proceed across the roadway with caution.
- “(14) When rapid intermittent flashes of green light are exhibited at an intersection or at a place other than an intersection by a traffic control signal
- “(a) the driver of a vehicle approaching the intersection or signal and facing the signal shall cause the vehicle to approach the intersection or signal in such a manner that he is able to cause the vehicle to stop before reaching the signal or any cross-

walk in the vicinity of the signal if a stop should become necessary, and shall yield the right of way to pedestrians lawfully within a crosswalk in the vicinity of the signal or within the intersection, and

“(b) a pedestrian may proceed across the roadway with caution and at an intersection only within a marked or unmarked crosswalk.

“(15) When the word “walk” is exhibited at an intersection by a pedestrian traffic control signal, a pedestrian may proceed across the roadway in the direction of the signal within a marked or unmarked crosswalk and has the right of way over all vehicles within the intersection or any adjacent crosswalk.

“(16) When the word “walk” is exhibited at a place other than at an intersection by a pedestrian traffic control signal, a pedestrian may proceed across the roadway in the direction of the signal and has the right of way over all vehicles.

“(17) When the word “wait” or the words “don’t walk” is or are exhibited at an intersection or at a place other than an intersection by a pedestrian traffic control signal

“(a) a pedestrian shall not enter the roadway, and

“(b) a pedestrian proceeding across the roadway and facing the word “wait” or the words “don’t walk” exhibited after he entered the roadway

“(i) shall proceed to the sidewalk as quickly as possible, and

“(ii) has the right of way for that purpose over all vehicles.

“(18) Where and when a pedestrian is instructed or permitted by a traffic control signal to enter or to proceed across a roadway, he shall do so

“(a) at an intersection, only within a marked or unmarked crosswalk, and

“(b) at a place other than an intersection in the vicinity of which there is a marked crosswalk, only within the crosswalk.

“(19) The provisions of subclause (i) of clause (a) of subsection (2) and the provisions of subsections (8) and (9) do not apply so as to prohibit a trolley bus that forms part of the municipal trolley bus system of a city turning at an intersection in the direction determined by the proper transportation officials of the city.

“(20) This section does not apply to any city, town or village that has by by-law provided for the regulation of traffic by traffic control signals, but for the purpose of obtaining uniformity in the rules of the road throughout the Province, on and after the first day of January, 1959, no such by-law shall contain any rule of the road respecting traffic or traffic control signals not in substance uniform with the provisions of this section.”.

8. Section 76 is amended to give the councils of municipal districts and counties the authority to designate stop streets. At present they are designated by the Minister on the request of the local governing body.

9. Section 77 presently reads as follows:

"77. No person shall drive any vehicle on any street or highway within any city, town or village in such a manner that the vehicle crosses from one side of the street or highway to the other side thereon between intersecting streets or highways."

This amendment is intended to make possible the crossing of the centre line to drive into private driveways, etc., between intersections.

10. Section 79 presently reads as follows:

"79. (1) When a conveyance that bears either the sign "school bus" or "school van" has stopped to receive or discharge passengers, no driver shall overtake and pass such conveyance until all persons who are about to enter or leave the same are safely clear of the path of the vehicle.

"(2) When a conveyance that bears the sign "school bus" or "school van" has stopped to receive or discharge passengers, no driver approaching from the opposite direction shall pass such conveyance at a rate of speed greater than twenty-five miles per hour."

This does not require approaching and overtaking vehicles to come to a stop and problems of enforcement have arisen.

11. Section 85 prohibits the defacing of licence plates but at present the Act does not prohibit the defacing or altering of operators licences or certificates of registration.

8. Section 76 is struck out and the following section is substituted:

“76. (1) The council of any municipal district or county may, by by-law, designate and mark any highway other than a main or secondary provincial highway, as defined in *The Public Highways Act*, as a highway at which vehicles are required to stop.

“(2) Every vehicle being about to enter upon any main or secondary provincial highway as defined in *The Public Highways Act*, or upon any other highway which is marked as a highway, at which vehicles are required to stop, or upon any intersection at which it is required to stop by any by-law of any city, town or village, shall be brought to a stop at a point not less than ten feet nor more than fifty feet from such highway, and shall not enter upon the highway either for the purpose of crossing it or of proceeding along it until the conditions are such that the vehicle can enter upon the highway with safety.

“(3) A driver entering a highway from a private road or drive or from an alley-way or lane or from a street or highway on which he is required to stop before entering such highway, shall yield the right of way to all vehicles upon such highway.”.

9. Section 77 is amended by adding immediately at the end thereof the words “unless it is possible to make the movement in safety and without obstructing traffic”.

10. Section 79 is struck out and the following section is substituted:

“79. (1) When a vehicle bearing the sign “school bus” has stopped on a highway outside a city, town or village to receive or discharge passengers the driver of a vehicle approaching the school bus

“(a) from the rear, if the highway is a four-lane highway or divided highway, or

“(b) from either direction, if the highway is a two-lane highway,

shall stop his vehicle before reaching the school bus.

“(2) A person who has stopped a motor vehicle as required by subsection (1) shall not proceed until

“(a) the school bus resumes motion,

“(b) the driver of the school bus indicates by a signal that he may proceed, or

“(c) where the school bus is showing flashing signal lights, the lights stop flashing.”.

11. Section 85 is amended

(a) by striking out the word “or” at the end of clause (b),

12. Section 98 (1) presently reads as follows:

"98. (1) No person, other than the highway authority or a person authorized to do so by the highway authority, shall erect or display on or in the vicinity of any highway any sign or notice giving any warning or direction as to the use of any highway by any person on a highway."

The amendment is made in connection with the amendment to section 76. See clause 8.

13. Self-explanatory.

14. Section 134 presently reads as follows:

"134. A person who fails to produce

"(a) his driver's or chauffeur's licence,

"(b) the certificate of the registration of the motor vehicle, within a reasonable time, or

"(c) the certificate of approval of the motor vehicle issued pursuant to section 57 within a reasonable time,

when the same is demanded by a police officer or inspector, is guilty of an offence and liable upon summary conviction to a fine of not more than five dollars."

Clause (b) is amended to conform to the amendment made to section 110 by 1957, chapter 101, section 12. The certificate of approval referred to in clause (c) was abolished last year.

15. Section 152 provides that upon the conviction of a person for certain offences his operators licence and the registration of his motor vehicle are to be suspended by the Minister. The proposed amendments remove the references to the motor vehicle registration and the requirement of suspension will only apply to the operators licence.

(b) by adding the following new clauses immediately after clause (c):

“(d) deface or alter any operators licence issued under the provisions of this Act, or

“(e) deface or alter any certificate of registration issued under the provisions of this Act.”.

12. Section 98 is amended by striking out subsection (1) and by substituting the following:

“**98.** (1) Except as otherwise provided in this Act, no person other than the Minister, or a person authorized by the Minister, shall erect or display, on or in the vicinity of any highway, any sign or notice giving any warning or direction as to the use of any highway by any person on a highway.”.

13. The following is added immediately after section 107:

“**107a.** The Lieutenant Governor in Council, on the recommendation of the Minister, may make regulations governing the licensing and operation of driver training schools, and without in any way restricting the generality of the foregoing, may make regulations

“(a) governing the testing and licensing of driving instructors,

“(b) prescribing the kind and nature of driver training equipment to be used, and

“(c) requiring the filing of proof of financial responsibility in the amounts and for the purposes as may be prescribed.”.

14. Section 134 is struck out and the following section is substituted:

“**134.** A person who fails to produce his driver’s or chauffeur’s licence, or the certificate of the registration of the motor vehicle, when the same is demanded by a police officer or inspector, is guilty of an offence and liable upon summary conviction to a fine of not more than five dollars.”.

15. Section 152 is amended

(a) as to subsection (1)

(i) by striking out the words “and the registration of every motor vehicle registered in the name”,

(ii) by striking out the words “and registration”,

(iii) by striking out the words “or registration”,

(iv) by striking out the words “or the registration of a motor vehicle”,

(b) as to subsection (2) by striking out the words “or registration”,

16. Section 163, subsection (1) presently reads as follows:

"163. (1) The Minister shall upon request furnish to any insurer, surety or other person a certified abstract of the operating record of any person who is subject to the provisions of this Part, and the abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any provision of any statute relating to the operation of motor vehicles or any judgment against such person for any injury or damage caused by him, according to the records of the Minister, and if there is no record of any such conviction or judgment in the office of the Minister, the Minister shall so certify, and the Minister shall collect as a fee for each such certificate the sum of one dollar."

17. Section 173, subsection (1) presently reads as follows:

"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."

See clause 18. These two amendments will prevent much unnecessary impounding.

18. (a) Section 174(2) (b) presently reads as follows:

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

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

See clause 17.

(b) Section 174, subsection (3) presently reads as follows:

"(3) Where a motor vehicle has been impounded under section 173 and the driver, owner or other person, in charge of the motor vehicle produces, within twenty-four hours thereafter, to the peace officer impounding the motor vehicle a financial responsibility card in respect of the motor vehicle and issued prior to the accident, the peace officer may order the release of the motor vehicle from impoundment unless it is required to be impounded under the provisions of this or any other Act or unless it is required by the Crown as evidence in the prosecution of a criminal offence."

Under this wording motor vehicles must be impounded if the card was not issued prior to the accident. Cases have arisen where insurance coverage was obtained shortly before the accident but the "pink card" was not issued until shortly after.

19. An error is corrected. Subsection (6) of section 175 presently reads as follows:

"(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)."

- (c) as to subsection (3)
 - (i) by striking out the words “, or an owner of a motor vehicle registered,”,
 - (ii) by striking out the words “and registration”,
- (d) as to subsection (4) by striking out the words “and the privilege of using or having within the Province a motor vehicle owned by him, become” and by substituting the word “becomes”.

16. Section 163, subsection (1) is amended by striking out the words “shall upon request” and by substituting the words “upon request may, in his discretion,”.

17. Section 173 is amended

- (a) as to subsection (1) by striking out the words “subsection (10)” and by substituting the words “subsections (10) and (11)”,
- (b) by adding the following new subsection immediately after subsection (10) :
 - “(11) This section does not authorize the impoundment of a motor vehicle when the only damage resulting from the accident is to the person or property of the owner of the motor vehicle.”.

18. Section 174 is amended

- (a) as to subsection (2) by striking out clause (b),
- (b) as to subsection (3) by striking out the words “and issued prior to” and by substituting the words “showing financial responsibility at the time of”.

19. Section 175, subsection (6) is amended by striking out the word “and” at the end of clause (a) and by substituting the word “or”.

20. This Act comes into force on the day upon which it is assented to.

No. 91

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

BILL

An Act to amend The Vehicles and
Highway Traffic Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
