

No. 105

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

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## **BILL 105**

A Bill to amend The Public Service Vehicles Act

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HON. MR. TAYLOR

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Edmonton, Alberta, 1958

## Explanatory Note

**2.** Under section 20 of the Act transporters are required to have a policy of guarantee insurance covering payment to consignors of sums collected on behalf of consignors. Subsection (2) gives the consignors a direct right of action against the guarantor and it is open to the interpretation that through a number of suits the guarantor could become liable for more than the value of the policy.

**3.** New. Self-explanatory.

**4.** (a) Section 69 (7) sets out graduated fines for overloads up to three thousand pounds. Over that weight the minimum fine increases from \$90.00 to \$500.00. The amendment will provide a more gradual increase in the size of the fine.

# BILL

No. 105 of 1958

An Act to amend The Public Service Vehicles Act

(Assented to \_\_\_\_\_, 1958)

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

**1.** *The Public Service Vehicles Act*, being chapter 265 of The Revised Statutes of Alberta, 1955, is hereby amended.

**2.** Section 20 is amended by adding immediately after subsection (2) the following subsection:

“(2a) Where more than one consignor is entitled to recover from a transporter a sum the payment of which is guaranteed by virtue of a policy of guarantee insurance referred to in subsection (1) and where the aggregate of the sums recoverable by the several consignors is in excess of the face value of the policy then notwithstanding clause (a) of subsection (2) the guarantor party is not liable for more than the face value of the policy and each consignor is entitled to recover from the guarantor party only a *pro rata* portion of the sum otherwise recoverable by him.

**3.** Section 62 is amended by adding immediately after subsection (1) the following subsection:

“(1a) Where an inspector, traffic officer, peace officer or constable takes a motor vehicle, trailer or semi-trailer into custody he may direct that it be taken to a weigh scale or a place of storage and all costs and charges for the removal, care and storage of the same and the cargo thereon, if any, are a lien upon the motor vehicle, trailer or semi-trailer and may be recovered in the manner provided and as if it were a lien under *The Possessory Liens Act*.

**4.** Section 69 is amended

(a) as to subsection (7), clause (b)

(i) by striking out the word “or” at the end of subclause (iii),

(ii) by striking out subclause (iv) and by substituting the following:

“(iv) of not less than two hundred dollars when the vehicle and load are in excess of the

(b) The penalties under subsection (7) only apply to the vehicle and its load as a whole. While the total weight of a vehicle may be under the maximum allowed the weight on any one of its tires or axles may exceed the maximum allowed. This proposed subsection will provide an offence and penalty for this type of overloading which is not covered by subsection (7).

- lawful maximum weight by more than three thousand but not more than four thousand pounds,
- “(v) of not less than three hundred and fifty dollars when the vehicle and load are in excess of the lawful maximum weight by more than four thousand but not more than five thousand pounds, or
- “(vi) of not less than five hundred dollars or more than one thousand dollars when the vehicle and load are in excess of the lawful maximum weight by more than five thousand pounds.”,
- (b) by adding immediately after subsection (7) the following subsection:
- “(7a) A person who contravenes any provision of this Act or any regulation in respect of the maximum weight that may be borne by a tire or an axle, or both, of a vehicle is guilty of an offence and liable on summary conviction to a fine
- “(a) of not less than thirty dollars when the weight borne by the tire or the axle, or both, is in excess of the lawful maximum weight by not more than one thousand pounds,
- “(b) of not less than sixty dollars when the weight borne by the tire or the axle, or both, is in excess of the lawful maximum weight by more than one thousand but not more than two thousand pounds,
- “(c) of not less than ninety dollars when the weight borne by the tire or the axle, or both, is in excess of the lawful maximum weight by more than two thousand but not more than three thousand pounds,
- “(d) of not less than two hundred dollars when the weight borne by the tire or the axle, or both, is in excess of the lawful maximum weight by more than three thousand but not more than four thousand pounds,
- “(e) of not less than three hundred and fifty dollars when the weight borne by the tire or the axle, or both, is in excess of the lawful maximum weight by more than four thousand but not more than five thousand pounds, or
- “(f) of not less than five hundred dollars or more than one thousand dollars when the weight borne by the tire or the axle, or both, is in excess of the lawful maximum weight by more than five thousand pounds.”.

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

No. 105

FOURTH SESSION

THIRTEENTH LEGISLATURE

6 ELIZABETH II

1958

**BILL**

An Act to amend The Public Service  
Vehicles Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR