

No. 11

5th Session, 13th Legislature, Alberta
7 Elizabeth II, 1959

BILL 11

A Bill to amend The Vehicles and Highway Traffic Act

HON. MR. TAYLOR

Explanatory Note

2. (a) This amendment is intended to restrict the meaning of highways to places for the passage of vehicles and not other areas of private property. Clause (f) presently reads:

"(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) Defines term "park" which was heretofore undefined and which recently gave some difficulty in interpretation in the courts.

3. The subject matter of section 3 is dealt with at greater length in sections 10 and 16. Section 3 presently reads:

"3. (1) No person shall drive any motor vehicle on any highway unless he is licensed to do so pursuant to this Act.

(2) No person shall drive any motor vehicle on any highway at any time unless the motor vehicle is registered pursuant to this Act."

4. By section 23 of the Statutes of Alberta, 1957, chapter 101, regulations prescribing operators' licences were authorized and subsequently made. (See Alberta Regulation 68/58, section 7 as amended by Alberta Regulation 285/58.) The new term is here introduced to replace the older terminology. Section 4 presently reads:

"4. Application for a driver's or chauffeur's licence or for registration of a motor vehicle shall be made to the Minister in such form and giving such particulars as the Minister may from time to time prescribe."

5. See note to clause 4. Section 5 presently reads:

"5. When an application for a driver's or chauffeur's licence or for registration of a motor vehicle has been made, the Minister or the registrar, upon payment of such fees as may be prescribed by the regulations, may, in his discretion, issue or cause to be issued through a licence issuer, a licence or a certificate of registration as applied for and in such form as the regulations prescribe."

6. See note to clause 4. Section 8 presently reads:

"8. Subject to the provisions of this Act as to suspension and cancellation, the period of registration for any motor vehicle registered and the period of any licence issued to any person licensed as a driver or chauffeur pursuant to Part I, shall be from the first day of April until the ensuing thirty-first day of March, both days inclusive, or for such longer period as the Lieutenant Governor in Council may from time to time prescribe."

7. (a) (i) See note to clause 4. Section 9(1) presently reads:

"9. (1) Where, under the provisions of this Act, the driver's or chauffeur's licence of any person is suspended or cancelled, the suspension or cancellation continues in full force and effect notwithstanding the expiration of the normal licence year during the period of such suspension or cancellation."

(ii) The provision here amended presumes a one year licensing period. By Alberta Regulation 68/58 section 7 (1957, c. 101, s. 23) the licence period is now five years.

(b) See note to clause 4. It is conceivable that one person might hold an operator's licence of each or any two of the Classes A to D. Section 9(2) presently reads:

"(2) Where, under the provisions of this Act, the driver's or chauffeur's licence of a person is suspended or cancelled, the suspension or cancellation extends to both the driver's and chauffeur's licence of the person, whether so stated in the order or not."

BILL

No. 11 of 1959

An Act to amend The Vehicles and Highway Traffic Act

(Assented to _____, 1959)

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, is hereby amended.

2. Section 2 is amended

- (a) as to clause (f) by striking out the words "any part of which" and by substituting the word "that",
- (b) by adding the following new clause immediately after clause (m):

(m1) "park", when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading;

3. Section 3 is repealed.

4. Section 4 is amended by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's".

5. Section 5 is amended by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's".

6. Section 8 is amended by striking out the words "a driver or chauffeur" and by substituting the words "an operator".

7. Section 9 is amended

- (a) as to subsection (1)
 - (i) by striking out the words "driver's or chauffeur's" and by substituting the word "operator's",
 - (ii) by striking out the words "normal licence year" and by substituting the word "licence",
- (b) by striking out subsection (2) and by substituting the following:

(2) Where under or pursuant to this Act an operator's licence of any person is suspended or cancelled, the suspension or cancellation operates to suspend or cancel any operator's licence held by that person, whether so stated or not.

8. (a) See note to clause 4. Because there are now classes of operators' licences for different types of vehicles, it is necessary to revise subsection (1) of section 16, which presently reads:

"16. (1) No person shall drive a motor vehicle on any highway at any time during which he is not the holder of a subsisting driver's or chauffeur's licence issued pursuant to this Act."

(b) This subsection is not relevant to types of licences now being issued. Subsection (2) presently reads:

"(2) No person shall drive a motor vehicle on a highway as a chauffeur unless he is the holder of a subsisting chauffeur's licence issued pursuant to the provisions of this Act."

(c) See note to clause 4. Subsection (4) presently reads:

"(4) No driver's licence for a motor vehicle other than a scooter or a power bicycle shall be issued to any person under the age of sixteen years."

(d) See note to clause 4. Subsection (5) presently reads:

"(5) No driver's licence for a scooter or power bicycle shall be issued to any person under the age of fourteen years."

(e) See note to clause 4. Subsection (7) presently reads:

"(7) The application for a driver's licence from any person of the full age of fourteen years and under the age of eighteen years, shall be signed by the applicant and by the parent or guardian of the applicant."

9. See note to clause 4. The section, which sets out the Minister's powers to examine applicants for licences, refers to the older "driver's" and "chauffeur's" licences and is being amended to refer to operators' licences.

10. (a) Section 19(1) (a) now results in a conviction for any offence under "this Act or the regulations" being endorsed upon an operator's licence. It is desired that only the "moving" or more serious offences be so endorsed, and specified in this clause.

(b) See note to clause 4.

(c) See note to clause 4.

(d) See note to clause 4.

8. Section 16 is amended

- (a) by striking out subsection (1) and by substituting the following:

16. (1) No person shall drive a motor vehicle on a highway unless he is the holder of a subsisting operator's licence issued pursuant to this Act and authorizing him to operate a motor vehicle of that type or class being operated by him.
- (b) by striking out subsection (2),
- (c) as to subsection (4) by striking out the word "driver's" and by substituting the word "operator's",
- (d) as to subsection (5) by striking out the word "driver's" and by substituting the word "operator's",
- (e) as to subsection (7) by striking out the words "a driver's" and by substituting the words "an operator's".

9. Section 17 is amended

- (a) as to subsection (1) by striking out the words "a driver's or chauffeur's" where they occur in clauses (a) and (b) and by substituting the words "an operator's",
- (b) as to subsection (2) by striking out the words "driver's or chauffeur's" and by substituting the word "operator's".

10. Section 19 is amended

- (a) as to subsection (1)
 - (i) by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's",
 - (ii) by striking out clause (a) and (b) and by substituting the following:
 - (a) the *Criminal Code* and arising out of the operation of a motor vehicle,
 - (b) section 75a, Part III or section 92 or 135, or
- (b) as to subsection (2) by striking out the words "driver's licence or chauffeur's" and by substituting the word "operator's",
- (c) as to subsection (3)
 - (i) by striking out the words "a driver's licence or chauffeur's" and by substituting the words "an operator's",
 - (ii) by striking out the words "driver's or chauffeur's" and by substituting the word "operator's",
- (d) as to subsection (4)
 - (i) by striking out the words "either a driver's licence or a chauffeur's" and by substituting the words "an operator's",

11. (a) See note to clause 4.

(b) See note to clause 4.

(c) See note to clause 4.

(d) See note to clause 4.

12. See note to clause 4.

13. Section 22, which relates to “chauffeurs’ licences”, is being repealed, except for subsection (6) which is being made to apply to all licences. The chauffeur’s licence requirements are not applicable under the new licensing methods.

14. New. While it is not intended to require tractors to have headlamps as standard equipment, this provision will govern the type of headlamps that may be installed on tractors for use on highways where lights are required under section 46(1)(b).

- (ii) by striking out the words "a driver's and chauffeur's" and by substituting the words "an operator's".

11. Section 20 is amended

- (a) as to subsections (1), (2) and (3) by striking out the words "a driver's or chauffeur's" wherever they occur and by substituting the words "an operator's",
- (b) as to subsection (4) by striking out the words "driver's or chauffeur's" wherever they occur and by substituting the word "operator's",
- (c) as to subsection (5)
 - (i) by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's",
 - (ii) by striking out the words "the driver's or chauffeur's" and by substituting the words "the operator's",
- (d) as to subsection (6)
 - (i) by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's",
 - (ii) by striking out the words "the driver's or chauffeur's" and by substituting the words "the operator's".

12. Section 21 is amended

- (a) by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's",
- (b) by striking out the words "subsisting driver's or chauffeur's" and by substituting the words "subsisting operator's",
- (c) by striking out the words "another driver's or chauffeur's" and by substituting the words "another operator's".

13. Section 22 is struck out and the following substituted:

22. A person receiving a licence under this Act shall write his usual signature in the space provided for that purpose, and until the licence has been so signed it is not valid.

14. The following section is added immediately after section 35:

35a. (1) If a tractor is equipped with any headlamps, it shall not be equipped with any less or any more than two headlamps.

(2) Headlamps upon a tractor may be of the single beam or multiple beam type but in either case the headlamps shall conform with the requirements and limitations of this section.

15. Section 46(1) (c) provides that no tractor shall be in motion upon a highway unless the tail lamp "with which it is required to be equipped is alight", but there is presently no such requirement. This new subsection (6) of section 42 will require tail lamps as tractor equipment to the extent motor vehicles are required to have tail lamps.

16. See clause 14 hereof. Section 46(1) (a) as relevant 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,

.....

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

17. (a) This section subsequently refers to two separate braking systems by reference to "service" brakes and "hand" brakes, but does not expressly require the emergency or parking brake under subsection (1). Subsection (1) of section 50 presently reads:

"50. (1) Every motor vehicle shall be equipped with adequate brakes."

(b) and (c) See note above. The term "hand brake" is out of date.

18. See note to next following clause.

(3) The headlamps shall be of sufficient intensity to reveal a person or vehicle

- (a) at a distance of not less than one hundred feet ahead when the tractor is operated at any speed of less than twenty-five miles per hour,
- (b) at a distance of not less than two hundred feet ahead when the tractor is operated at a speed of twenty-five to thirty-five miles per hour, and
- (c) at a distance of not less than three hundred feet ahead when the tractor is operated at a speed of more than thirty-five miles per hour.

(4) When the tractor is equipped with a multiple beam headlamp

- (a) the uppermost beam of light shall conform to the minimum requirements set out in subsection (2) of this section and shall not exceed the limitations set out in subsection (3) of section 37, and
- (b) the lowermost beam of light shall conform to the requirements applicable to lowermost distribution of light as set out in subsection (4) of section 37.

(5) When a tractor is equipped with single beam headlamps, the headlamps shall be so aimed that none of the high intensity portion of the light will be directed higher, at a distance of twenty-five feet ahead, than the level of the centre of the headlamp from which the light comes.

15. Section 42 is amended by adding immediately after subsection (5) the following:

(6) Subsections (1), (2), (3) and (5) apply in respect of any tractor operated upon a highway to the same extent as if the term "motor vehicle" included tractors.

16. Section 46, subsection (1), clause (a) is amended by striking out subclause (ii) and by substituting the following:

- (ii) in the case of a tractor at distances specified in section 35a,

17. Section 50 is amended

- (a) by striking out subsection (1) and by substituting the following:

50. (1) No motor vehicle shall be operated upon a highway unless it has an adequate service brake and an adequate emergency or parking brake capable of being operated separately.

- (b) as to subsection (5) by striking out the word "hand" wherever it occurs and by substituting the words "emergency or parking",
- (c) as to subsection (6) by striking out the word "hand" and by substituting the words "emergency or parking".

18. Section 53, subsection (1) is amended

19. The present section appears to apply only to new vehicles and is being revised to apply to turn signals generally. Section 53(1) presently reads:

"53. (1) No person shall sell a new motor vehicle unless it is equipped with lamps or mechanical signal devices that comply with the requirements of this section and that show to the front and rear for the purpose of indicating an intention to turn either to the right or left."

20. This clause repeals Part III relating to speed limits, unreasonable rate of speed, etc., and re-enacts the Part to accomplish the following purposes:

- (1) to prescribe a general speed limit of 60 miles by day and 50 miles by night (as is now the rate);
- (2) to permit this rate to be increased on four lane highways to 65 by day and 55 by night;
- (3) to permit the rate to be decreased on other highways where such a lesser rate may be desirable.

In addition, the provision for a speed limit for "school zones" on highways is revised to define what are school zones. Sections 61 and 63 of the present Part are re-enacted as sections 62 and 63 respectively.

(3) The former rate was ten miles an hour under this provision. See present section 58(3).

- (a) by striking out the figure (1),
- (b) by striking out the words "this section" and by substituting the word and figure "section 53a".

19. Section 53 is further amended by inserting immediately before subsection (2) the following:

53a. (1) No person shall operate a motor vehicle equipped with lamps or mechanical signal devices to indicate an intention to turn the vehicle unless the lamps or device show to the front and rear of the vehicle and otherwise comply with the requirements of this section.

20. Part III is struck out and the following is substituted:

PART III

RATE OF SPEED

58. (1) Notwithstanding any speed limit prescribed by or pursuant to this Act or any other Act of the Province, no person shall drive a vehicle on any highway, within or without the area of any city, town, village or hamlet, at any rate of speed that is unreasonable having regard to all the circumstances of the case, including, without restricting the generality of the foregoing,

- (a) the nature, condition and use of the highway,
- (b) the atmospheric, weather or other conditions that might affect the visibility of the driver or the control of the vehicle,
- (c) the amount of traffic there then is or that might reasonably be expected to be on the highway, and
- (d) the mechanical condition of the vehicle or any equipment of the vehicle.

(2) Except where a higher rate of speed is prescribed pursuant to section 59, no person shall drive a motor vehicle on any highway within or without a city, town, village or hamlet at any greater rate of speed than

- (a) sixty miles an hour during the daytime, or
- (b) fifty miles an hour during the night time.

(3) A person driving a vehicle at a greater rate of speed than fifteen miles an hour in turning a corner within a town, village or hamlet shall, for the purpose of subsection (1), be deemed *prima facie* to be driving at an unreasonable rate of speed.

(4) The expressions "daytime" and "night time" in subsection (2) bear the meanings ascribed to them by section 59.

59. (1) In this section,

- (a) "daytime" means that period of the day that is not night time;
- (b) "four lane highway" means a main highway that is paved and constructed for two or more lanes of traffic in each direction, whether or not the highway is a divided highway;

(c) "night time" means the interval between one hour after sunset and one hour before sunrise;

(d) "urban district" means a city, town or village.

(2) The Lieutenant Governor in Council may, by regulations, prescribe a maximum rate of speed in excess of sixty miles an hour for any part of a four lane highway outside an urban district, but any such maximum rate shall prescribe a lesser rate for night time than daytime and shall not in any event prescribe a maximum rate in excess of sixty-five miles an hour.

(3) In case of highways other than district highways, local roads or development roads within the area of a county, municipal district or improvement district, the Lieutenant Governor in Council may, by regulation applicable to all vehicles or to any class or classes of vehicles, prescribe general maximum speed limits therefor under sixty miles an hour to be indicated by signs posted along the highway, but no such general maximum rates of speed shall prescribe a rate for night time in excess of fifty miles an hour.

(4) In the case of district highways, local roads or development roads within a county, municipal district or improvement district, the county, municipal district, or Minister, in the case of an improvement district, may by signs posted along the district highway, local road or development road, prescribe speed limits thereon or on any parts thereof, applicable to all vehicles or to any class or classes of vehicles, but no such speed limits shall exceed the limits fixed by subsection (2) of section 58.

(5) The Minister may from time to time in respect of any highway, not being a district highway, local road or development road within a county or municipal district, or a highway within an urban district, prescribe by signs posted along the highway speed limits thereon or on any parts thereof of less than the general maximum speed under section 58 or fixed pursuant to subsections (2) to (4) of this section and applicable to all vehicles or to any class or classes of vehicles.

(6) An engineer employed by the Highways Department, may by signs posted along the highway, fix a maximum speed limit, in respect of any part of the highway under construction or repair, applicable to all vehicles or to any class or classes of vehicles while travelling over that portion of the highway.

(7) Where speed limits are prescribed pursuant to this section, the Minister, council, or engineer, as the case may be, fixing the speed limit shall cause to be erected along the highway, at such intervals as may be prescribed by the regulations, signs indicating the speed limits so prescribed.

(8) No person shall drive a vehicle on any highway or on any part thereof at any rate of speed in excess of the maximum rate prescribed pursuant to this section for that class of vehicle and indicated by signs for that highway or part thereof.

(9) In a prosecution under this section, the existence of a sign indicating a maximum speed limit is *prima facie* proof that the maximum speed limit was regularly prescribed by the proper authority without other or further proof thereof.

60. (1) In this section "marked school zone" means a zone identified by signs posted along the highway, or by markings on the pavement or by signs or lights or both posted or suspended over the highway as an area wherein school children may be expected to be on the highway or are permitted to cross the highway at a designated point along the highway.

(2) On any day upon which school is held no person driving a vehicle on any highway outside a city, town or village shall, within a marked school zone on the highway, drive a vehicle at a rate of speed greater than twenty-five miles an hour at any time between

- (a) eight o'clock and nine-thirty o'clock in the forenoon,
- (b) eleven-thirty o'clock in the forenoon and one-thirty o'clock in the afternoon, or
- (c) three o'clock and four-thirty o'clock in the afternoon.

61. (1) No person shall drive a vehicle at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic then existing on a highway, except when it is necessary to do so for safe operation or to comply with this Part.

(2) Where a person drives a vehicle at such a slow rate of speed that he impedes or blocks the normal and reasonable movement of traffic then existing, a peace officer may require him to increase his rate of speed or to remove the vehicle from the highway.

62. Any motor vehicle equipped with a siren and being

- (a) used for the transportation of any member of a fire brigade or any policeman or any fire-fighting equipment to a fire,
- (b) used for the transportation of any policeman for the purpose of detecting or preventing crime or making arrests,
- (c) an ambulance used in response to an emergency call, or
- (d) used in an emergency in accordance with an authorization granted by the Minister pursuant to subsection (1) of section 69,

may, while being so used and while the siren is being continuously sounded, be operated at such speed as is reasonable and proper having regard to the traffic ordinarily upon the highway and the use of the highway and the fact that it is being so used and may proceed past a red or stop signal or stop sign without stopping and at such speed as is reasonable and safe under the circumstances.

21. At present a driver is only required to drive to the right side of the centre line when meeting another vehicle. This provision will require driving to the right at all times except as permitted by the provision. Section 66(1) presently reads:

“66. (1) A driver shall when meeting another vehicle keep his vehicle at all times to the right of the centre line of the highway.”.

22. Rules for following vehicles.

23. (a) At some intersections the municipal traffic authority may require right turns on red lights because of the local traffic pattern at that intersection. Since this would not revise the general rule (no right turn on red) and might be required by some municipalities, the subsection is amended to permit the rule being changed by the traffic authorities. Section 75a.(6) (a) presently reads:

“(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, and shall not cause the vehicle to proceed until a traffic control signal instructs him that he is permitted to do so.”.

(b) The rapid intermittent green light signal is being removed and the pedestrian crossing or school crossing signal substituted in this subsection.

63. (1) The council of a municipality or other authority having jurisdiction over a highway may make orders limiting the rate of speed of any vehicle passing over any bridge on such highway, and may fix a penalty not exceeding twenty dollars for a breach of the order.

(2) A notice of the rate of speed fixed by an order for a bridge shall be posted up in a conspicuous place at each end of the bridge, and shall be in the following form :

Notice

Any person riding or driving over this bridge at a faster rate than.....miles an hour, shall on conviction therefor, be subject to a fine of.....dollars.

21. Section 66 is amended by striking out subsection (1) and by substituting the following :

66. (1) No person shall drive a vehicle to the left of the centre line of the highway except

- (a) when overtaking and passing another vehicle proceeding in the same direction,
- (b) when the highway to the right of the centre line is obstructed by a parked vehicle or other object,
- (c) when the highway to the right of the centre line is closed to traffic, or
- (d) upon a one-way highway.

22. The following section is added immediately after section 66 :

66a. (1) No driver of a vehicle shall follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the vehicles, and the amount and nature of traffic upon and the condition of the highway.

(2) The driver of a motor vehicle in a caravan or motorcade, other than a funeral procession, on a highway outside a city, town, village, hamlet or a built-up area along the highway, shall leave sufficient space between his vehicle and another vehicle or combination of vehicles to enable a vehicle to enter and occupy that space without danger.

23. Section 75a is amended

- (a) as to subsection (6) by adding at the end of clause (a) the words "or where a traffic sign or device directs or permits a right turn to be made on the red light, he may cause his vehicle to turn and proceed right at the intersection but only after stopping and after yielding the right of way to all vehicles and pedestrians in the intersection,"
- (b) by striking out subsection (14) and by substituting the following :

(14) When rapid intermittent flashes of yellow light are exhibited at an intersection or other place together with a sign reading "school zone", "school crossing", "pedestrian crossing", "ped-

24. Section 76 is not a complete "stop street" rule and is being revised to set out that rule more fully, and to change the stopping distances and to apply "yield right of way" rules. Section 76 presently reads:

"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

(a) any main or secondary provincial highway as defined in The Public Highways Act,

(b) any other highway that is marked as a highway at which vehicles are required to stop, or

(c) any intersection that, pursuant to a by-law of a municipality is marked as an intersection at which vehicles are required to stop,

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 driveway or from an alley 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."

estrian zone” or other wording indicating a pedestrian hazard, the driver of a vehicle approaching the signal

- (a) shall cause the vehicle to cross the intersection or pass the sign, if at a place other than an intersection, only with extreme caution and shall in no case cross the intersection or pass the sign at a greater rate of speed than twenty miles an hour, and
- (b) shall yield the right of way to pedestrians in the intersection or on the roadway in the vicinity of the sign, as the case may be.

24. Section 76 is struck out and the following is substituted:

76. (1) In this section,

- (a) “local highway” means a district highway, development road or local road as these terms are used by *The Public Highways Act*;
- (b) “main highway” means a main highway within the meaning of *The Public Highways Act*;
- (c) “secondary highway” means a secondary highway within the meaning of *The Public Highways Act*.

(2) The driver of a vehicle being about to enter upon

- (a) a main highway from a secondary highway or local highway or from a private road or from a street, alley, lane, or driveway,
- (b) a secondary highway from a local highway or from a private road or from a street, alley, lane or driveway,
- (c) a local highway from a private road, or from a street, alley, lane or driveway,
- (d) a street from a private road, or from an alley, lane or driveway, or
- (e) an alley or lane or private road from a driveway,

shall bring his vehicle to a stop at a point not less than ten feet nor more than twenty feet from such highway, street, alley, lane or private road being entered upon, unless the intersection point is marked with a “yield right of way” sign.

(3) The driver of a vehicle being about to enter upon

- (a) any highway from a highway that is marked by a “stop” sign, or
- (b) any intersection that is marked by a “stop” sign as an intersection at which vehicles are required to stop when entering the intersection from a particular street or streets,

shall bring his vehicle to a stop at a point not less than ten feet nor more than twenty feet from the highway or intersection being entered upon.

25. When a school bus is flashing warning lights, other drivers in certain cases will now be required to stop as in the case of the bus loading or unloading children. Section 79(1) reads:

"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."

26. It is considered that trucks for carrying oil and gas and other similar substances constitute a hazard even when empty and should stop at crossings. Section 80(5) reads as relevant:

"(5) Except as provided in subsections (7) and (8), a driver of

.....
(c) a vehicle carrying explosive substances or flammable liquids as cargo,

shall, before crossing a track of a railway, stop the vehicle not less than fifteen feet from the nearest rail and remaining stopped shall listen and look in both directions along the track for an approaching train and for signals indicating the approach of a train and shall not proceed until he can do so safely."

27. (81) Section 81 (1) and (2) cover some matters provided for by the Criminal Code and are therefore revised. See Criminal Code, s. 221(2) re failing to stop at scene of accident. Section 81(1) and (2) presently read:

"81. (1) When an accident occurs to any person or vehicle and a motor vehicle is in any manner directly or indirectly involved, the person in charge of the motor vehicle shall return to the scene of the accident, render all reasonable assistance, and give to any person sustaining loss or injury or to any peace officer or to a witness, his name and address, and also the name and address of the owner of the motor vehicle, and the registration number of the motor vehicle, together with such other information as may be requested.

(2) Where an accident occurs to a vehicle that is parked and unattended, the driver of the other vehicle involved in the accident shall report the accident to the nearest peace officer."

(4) Where a vehicle has been brought to a stop pursuant to subsection (2) or (3), the driver of the vehicle shall not proceed until the conditions of traffic upon the highway, street, alley, lane, private road or intersection being entered upon are such that he can enter thereupon in safety, and he shall yield the right of way to all traffic approaching thereupon.

(5) The driver of a vehicle being about to enter upon a main highway, secondary highway or local highway or street from a highway, street, alley, lane or private road that is marked by a "yield right of way" sign need not stop his vehicle before entering thereupon but he shall yield the right of way to all traffic upon the highway or street being entered upon.

(6) The council of a municipal district or county may, by by-law, designate any local highway, street or intersection within the municipality as a highway, street or intersection at which vehicles are required to stop or yield the right of way before entering thereupon and may authorize the erecting of "stop" or "yield right of way" signs thereon, as desired.

25. Section 79, subsection (1) is amended by adding immediately after the word "passengers" the words "or while the vehicle is flashing red signal lights,".

26. Section 80, subsection (5) is amended by striking out clause (c) and by substituting the following:

- (c) a vehicle carrying explosive substances as cargo, or
- (d) a vehicle used for carrying flammable liquids or gas, whether or not it is then empty.

27. Section 81 is struck out and the following sections are substituted:

81. (1) Where an accident occurs on a highway, every person who was in charge of a vehicle and was directly or indirectly a party to the accident shall, upon request give to anyone sustaining loss or injury, to any person at the scene of the accident and to any peace officer, his name and address, the name and address of the registered owner of the vehicle, the number of the driver's operator's licence, and the registration number of the vehicle.

(2) The driver of a vehicle that collides with an unattended vehicle shall stop and either locate and notify the person in charge or owner of the unattended vehicle of the name and address of the driver, the number of his operator's licence and the registration number of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in or upon the vehicle collided with a written notice giving the name and address of the driver, the number of his operator's licence and the registration number of the vehicle striking the unattended vehicle.

(81a(1)) Section 81(3) revised. Subsection (3) presently reads:

"(3) Every person who is in charge of a motor vehicle and who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding one hundred dollars, report the accident forthwith to the nearest police officer or constable, and furnish him with a written statement concerning the accident on such forms as may be prescribed by the Minister."

(2) Section 81(4) revised. Subsection (4) presently reads:

"(4) Where such person is physically incapable of making a report and there is another occupant of the motor vehicle, the other occupant shall make the report."

(3) New.

(4) New.

(81b) Section 81(7) revised. Subsection (7) presently reads:

"(7) Every officer or constable of the Royal Canadian Mounted Police, and every chief of police, municipal clerk, or officer or constable of municipal police who receives or completes any report made pursuant to this section shall, within twenty-four hours after the receipt or completion of the report, mail or deliver a copy of the same to the Minister on such forms as may be prescribed by the Minister."

(81c) New. Self-explanatory.

(81d(1)) Section 81(5) revised. Subsection (5) presently reads:

"(5) Any written statement made pursuant to the provisions of subsection (3) or subsection (4) is without prejudice, shall not be open to public inspection, and the fact that such statement has been so furnished is admissible in evidence solely to prove compliance with this section, and no such statement or any part thereof is admissible in evidence for any other purpose in any trial arising out of a motor vehicle accident."

(3) The driver of a vehicle involved in an accident resulting in damage to property upon or adjacent to a highway, other than a vehicle under subsection (2), shall take reasonable steps to locate and notify the owner or person in charge of the property of such fact and of the name and address of the driver, the number of his operator's licence and the registration number of the vehicle.

81a. (1) Subject to subsection (2), where an accident results in injury or death to a person or in property damage to an apparent extent of one hundred dollars or more, the driver shall forthwith make a written report to a police officer having jurisdiction where the accident occurred.

(2) Where the driver is incapable of making the report required by subsection (1) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) Where no report has been made under subsection (1) or (2) and the driver or occupant is not the owner of the vehicle, the owner shall forthwith after learning of the accident make the report.

(4) Where the driver is alone, is the owner and is incapable of making the report required by subsection (1), he shall make the report forthwith after becoming capable of making it.

81b. (1) A police officer who has witnessed or investigated an accident shall forthwith forward to the registrar a written report, in the form prescribed by the Minister, setting forth full particulars of the accident including the names and addresses of the persons involved and the extent of the personal injuries or property damage.

(2) Where a report has been made under section 81, 81a or this section, the registrar may require the driver involved or a police officer or person having knowledge of the accident to furnish additional information or to make a supplementary report.

81c. Where a motor vehicle that shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a public garage, parking station, parking lot, used car lot or repair shop, the person in charge of the place into which the vehicle is brought shall forthwith report that fact to the police department having jurisdiction in that area, giving the name and address of the owner or operator and also the registration plate number and a description of the motor vehicle.

81d. (1) Subject to subsection (2), a written report or statement made or furnished under section 81a, 81b or 81c

(a) is not open to public inspection, and

(b) is not admissible in evidence for any purpose in a trial arising out of the accident except to prove

(2) New. Self-explanatory.

(3) New. Self-explanatory.

(4) New. Self-explanatory.

(5) New. Self-explanatory.

(6) The meaning of "motor vehicle" extended to include trailer, tractor engines and tractors by use of term "vehicle" in these provisions. Cf. section 2, clauses (k) and (t) of the Act.

28. Section 75a provides rules with respect to traffic control and pedestrian control signals for both vehicles and pedestrians. These references are therefore removed. Section 83 (1) and (6) presently read:

"83. (1) At intersections of highways where traffic is controlled by traffic control signals, pedestrians shall cross the highway only in the direction in which vehicles are permitted to move, and drivers of vehicles when turning shall yield the right of way to pedestrians when so crossing.

(6) At intersections where traffic is controlled by traffic control signals or by a police officer, operators of vehicles shall yield the right of way to pedestrians crossing or those who have started to cross the roadway on a green or "go" signal, and in all other cases, pedestrians shall yield the right of way to vehicles lawfully proceeding directly ahead on a green or "go" signal."

(i) compliance with section 81*a*, 81*b* or 81*c*, as the case may be, or

(ii) falsity in a prosecution for making a false statement in the report or statement.

(2) Where a person or insurance company has paid or may be liable to pay for damages resulting from an accident in which a motor vehicle is involved, the person and insurance company and any solicitor, agent or other representative of the person or company, may be given such information as may appear in any report made under section 81*a*, 81*b* or 81*c* in respect of

(*a*) the date, time and place of the accident,

(*b*) the identification of vehicles involved in the accident,

(*c*) the name and address of any parties to, or involved in, the accident,

(*d*) the names and addresses of witnesses to the accident,

(*e*) the names and addresses of persons or bodies to whom the report was made,

(*f*) the name and address of any police officer who investigated the accident,

(*g*) the weather and highway conditions at the time of the accident, and

(*h*) the estimate of damages sustained by any person involved in the accident.

(3) A person shall not make a false statement in a report made or purporting to be made under section 81, 81*a*, 81*b* or 81*c*.

(4) In a prosecution for an offence under sections 81 to 81*c*, a certificate purporting to be signed by the registrar that any report therein required has or has not been made is admissible in evidence as *prima facie* proof of the facts stated in the certificate.

(5) In a prosecution for failure to make a report required by section 81, 81*a*, 81*b* or 81*c* in respect of an accident, the place of the offence shall be deemed to be the place where the accident occurred.

(6) In sections 81 to 81*c* "vehicle" means a vehicle other than one powered by muscular power.

28. Section 83 is amended

(*a*) by striking out subsection (1),

(*b*) as to subsection (6)

(i) by striking out the words "by traffic control signals or",

(ii) by striking out the words "on a green or "go" signal" wherever they occur.

29. Section relating to "littering" extended. Section 88 presently reads:

"88. (1) No person shall throw, place, leave or allow to be left upon a highway any glass, nails, scraps of metal or other material injurious to the tires of a motor vehicle.

(2) Unless authorized to do so by the highway authority no person shall deposit ashes, sand, soil, or any other matter upon a snow-covered highway."

30. Subsection (1) not now applicable under the new licensing system. See note to clause 4. Subsection (2) revised to fit present licensing system. Section 90 presently reads:

"90. (1) No person shall employ for hire to drive a motor vehicle anyone who is not the holder of a chauffeur's licence.

(2) Except as otherwise provided herein, no person shall permit anyone who is not the holder of a driver's or chauffeur's licence to drive his motor vehicle."

31. See note to clause 4.

32. See note to clause 4.

33. (a) Reference changed because of new Part III added by this Bill.

(b) See note to clause 4.

34. The words here mentioned restrict the provision to owners of registered motor vehicles, thus permitting owners of unregistered motor vehicles to escape the onus. Section 124(1) reads:

"124. (1) The owner of a motor vehicle for which a certificate of registration has been issued under the provisions of this Act is guilty of an offence and liable for any violation of any of the provisions thereof in connection with the operation of the motor vehicle, unless the owner proves to the satisfaction of the justice of the peace or magistrate trying the case that at the time of the offence the motor vehicle was not being driven by him or by any other person with his consent, express or implied."

35. See note to clause 4.

36. The repeal of section 131(3) would result in a six months' limit applying within which prosecution may be brought. Section 131(3) presently reads:

"(3) Any prosecution or proceedings taken or instituted to enforce the provisions of this Act or the regulations, other than the provisions of section 11, shall be commenced within three months of the time when the offence was committed and not afterwards."

37. See note to clause 4.

29. Section 88 is struck out and the following is substituted:

88. (1) In this section "litter" means deposit or cause to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse or waste.

(2) No person shall litter a highway.

(3) A person who removes a wrecked or damaged vehicle from a highway shall remove glass or other injurious substance or thing dropped upon the highway from the vehicle.

30. Section 90 is amended

(a) by striking out subsection (1),

(b) by striking out subsection (2) and by substituting the following:

(2) No person shall permit anyone who is not the holder of an operator's licence to drive a motor vehicle or permit anyone to drive a motor vehicle other than one of the type that his licence permits him to drive.

31. Section 100 is amended by striking out the words "a driver's or chauffeur's" wherever they occur and by substituting the words "an operator's".

32. Section 101 is amended by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's".

33. Section 114 is amended

(a) as to clause (b) by striking out the word and figure "section 58" and by substituting the word and numeral "Part III",

(b) as to clause (g) by striking out the words "driver's or chauffeur's" and by substituting the word "operator's".

34. Section 124, subsection (1) is amended by striking out the words "for which a certificate of registration has been issued under the provisions of this Act".

35. Section 128, subsection (1) is amended by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's".

36. Section 131 is amended by striking out subsection (3).

37. Section 134 is amended by striking out the words "driver's or chauffeur's" and by substituting the word "operator's".

38. (a) See note to clause 4.

(b) New, but required because operators' licences are classified.

39. Penalties for speeding increased from \$100 and \$200 to \$300 and \$500 respectively. Section 140(1) presently reads:

"140. (1) Any person violating the provisions of Part III is guilty of an offence and liable on summary conviction,

- (a) for a first offence to a fine of not more than fifty dollars,
- (b) for a second offence to a fine of not more than one hundred dollars, and
- (c) for a third and subsequent offence, to a fine of not more than two hundred dollars, or to imprisonment for a term of not less than two weeks nor more than one month, or to both fine and imprisonment."

40. Because of amendments to Part III, new reference is here necessary. Section 143 (1) and (2) presently read:

"143. (1) Where any person has been convicted of any offence against the provisions of section 58, 92 or 135 committed in a city, and is within a period of one year thereafter convicted of a similar offence in any city, the magistrate, justice of the peace or justices of the peace making the conviction may by the conviction or by a subsequent order direct that the motor vehicle in which the offence was committed, if the person convicted is the owner thereof, or has any beneficial interest therein, be impounded and kept by the police, at the cost and risk of the person so convicted, for not more than fourteen days.

(2) When any person, after having been convicted of any offence that may lead to the impounding of his motor vehicle, is subsequently convicted of any offence against the provisions of section 58, 92 or 135 within a city, the vehicle in which the offence was committed may be impounded under the same conditions as are set out in subsection (1) hereof, except that the impounding may be for a period of not more than six months.

41. (a) See note to clause 4.

(b) "trailer" is not defined. Clause (c) of section 148 presently reads:

"(c) "motor vehicle" includes "trailer" as defined in this Act;".

42. (a) (i) See note to clause 4. (ii) The present clause (e) will in part be absorbed in the new clause (g) (see under) clause (e) reads:

"152. (1) The Minister shall suspend the driver's or chauffeur's licence of a person, who by an order, judgment or conviction of a court, magistrate or justice of the peace in the Province has been convicted of any one of the following offences or violations of law, or who, having been arrested for any such offence or violation, has forfeited his bail, namely:

- (e) upon the occurrence of an accident, failing to return to the scene of the accident or otherwise contravening any of the provisions of section 81 if injury to property in excess of one hundred dollars or to any person occurs in connection with the accident;".

38. Section 139 is amended

- (a) as to subsection (1) by striking out the words “driver’s or chauffeur’s” and by substituting the word “operator’s”,
- (b) by adding immediately after subsection (2) the following:

(3) A person who operates a motor vehicle of a type that he is not authorized to operate under the class of operator’s licence that he holds 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 a term of imprisonment not exceeding thirty days.

39. Section 140, subsection (1) is amended

- (a) as to clause (b) by striking out the word “one” and by substituting the word “three”,
- (b) as to clause (c) by striking out the words “two hundred” and by substituting the words “five hundred”.

40. Section 143 is amended

- (a) as to subsection (1) by striking out the word and figure “section 58,” and by substituting the words and numeral “Part III, or section”.
- (b) as to subsection (2) by striking out the word and figure “section 58,” and by substituting the words and numeral “Part III, or section”.

41. Section 148 is amended

- (a) as to clause (b) by striking out the words “and a chauffeur’s licence”,
- (b) by striking out clause (c).

42. Section 152 is amended

- (a) as to subsection (1)
 - (i) by striking out the words “driver’s or chauffeur’s” and by substituting the word “operator’s”,
 - (ii) by striking out clause (e) and by substituting the following:
 - (e) driving a motor vehicle on a highway at a rate of speed in excess of a maximum speed limit prescribed pursuant to section 60, if injury to property in excess of one hundred dollars or to any person occurs in connection therewith;
 - (iii) by striking out the words “a driver’s or chauffeur’s” in clause (f) and by substituting the words “an operator’s”,

(iv) Clause (g) presently reads:

“(g) an offence under section 221, 222, 223, 226 or 281 of the Criminal Code and amendments thereto or manslaughter committed by a person in charge of a motor vehicle;”.

(b) See note to clause 4.

43. See note to clause 4.

44. See note to clause 4.

45. See note to clause 4.

46. See note to clause 4.

47. See note to clause 4.

48. See note to clause 4.

49. See note to clause 4.

50. See note to clause 4.

51. Section 173(8) reads:

“(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.”.

(iv) by striking out clause (g) and by substituting the following:

(g) an offence under the *Criminal Code* arising out of the operation of a motor vehicle or the failure to return to a scene of an accident;

(v) by striking out the words “a driver’s licence” and by substituting the words “an operator’s licence”,

(b) as to subsection (6) by striking out the words “driver’s or chauffeur’s” and by substituting the word “operator’s”.

43. Section 153 is amended by striking out the word “driver’s” and by substituting the word “operator’s”.

44. Section 154 is amended by striking out the word “driver’s” and by substituting the word “operator’s”.

45. Section 155 is amended

(a) as to subsection (1) by striking out the words “a driver’s” and by substituting the words “an operator’s”,

(b) as to subsection (2) by striking out the word “driver’s” and by substituting the word “operator’s”.

46. Section 157, subsection (2) is amended by striking out the word “driver’s” and by substituting the word “operator’s”.

47. Section 160, subsection (1) is amended by striking out the word “driver’s” wherever it occurs and by substituting the word “operator’s”.

48. Section 161 is amended by striking out the words “driver’s or chauffeur’s” wherever they occur in subsections (1) and (2) and by substituting the word “operator’s”.

49. Section 164, subsection (1) is amended by striking out the words “driver’s or chauffeur’s” and by substituting the word “operator’s”.

50. Section 166, subsection (4) is amended by striking out the word “driver’s” and by substituting the word “operator’s”.

51. Section 173, subsection (8) is amended by adding immediately after the word “section” the words “or any part or accessory of the vehicle”.

52. (a) Section 175(1), where it speaks of "proof of financial responsibility as required by Part XI" leads to the argument that the circumstances in which such proof is required also apply with respect to section 157(1). The amendment will relate the requirement to the forms of proof in section 157 and to the future operation of the vehicle. Subsection (1) of section 175 as relevant reads:

"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....."

(b) This amendment provides a different means of disposing of impounded motor vehicles. Section 175 (4) to (10) read:

"(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, or

(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:

52. Section 175 is amended

- (a) as to subsection (1) by striking out the words "as required by Part XI" and by substituting the words and figures "in any of the forms prescribed by section 157 in respect of the future operation of the motor vehicle by him",
- (b) by striking out subsections (4) to (10) and by substituting the following:

(4) An order under subsection (1) or (2) does not affect the release of a motor vehicle impounded under section 143.

(5) Where a motor vehicle is impounded under section 173 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) within two months from the date of the accident, the registrar may authorize the person who has custody of the motor vehicle, hereinafter in this section called the "custodian", to sell the vehicle as hereinafter provided.

(6) The custodian shall serve notice on the owner of the motor vehicle that an application will be made to a judge of the district court on the day and at the hour and place stated in the notice for leave to sell the motor vehicle.

(7) Service of the notice may be effected by mailing the notice by registered mail to the registered owner at the address shown on the certificate of registration of the motor vehicle, not less than ten days before the date fixed for the application.

(8) Where the owner fails to give any security or proof required under subsection (1) before the time fixed for the application, the judge

- (a) may order the motor vehicle sold and make such order as to him seems just with respect to the sale and the manner of conducting it, or
- (b) if the motor vehicle is not worth more than the storage charges against it and the probable costs of sale, may vest the ownership of the vehicle in the custodian.

(9) Unless the judge otherwise directs, it is not necessary to take out an order for sale and the judge may note informal directions for the sale on the notice or on any affidavit that is used, but the owner shall be given notice, in such manner as the judge may direct, of the date, time and place fixed for the sale of the motor vehicle.

(10) Notwithstanding any order for the sale of a motor vehicle the owner may, at any time before the vehicle is sold, obtain the release of the vehicle

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."

by giving the registrar the proof and security required under subsection (1) and by paying any storage charges and the costs incurred in connection with the sale.

(11) The proceeds of the sale shall be applied

- (a) firstly, in payment of the expenses of the sale, including solicitor's costs,
- (b) secondly, in payment of any storage charges, and
- (c) thirdly, in payment of any person who 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 a bill of sale by way of chattel mortgage thereon has been given and in respect of which all or part of the moneys secured thereby remains unpaid.

(12) Any moneys remaining after the payments specified in subsection (10) have been made shall be paid to the registrar to be held by him

- (a) for the owner of the motor vehicle at the time of its impoundment if, within the time limited by section 131, no action is commenced against the owner, with notice thereof to the registrar, in respect of the accident that occasioned the impoundment of the motor vehicle, or
- (b) for the successful plaintiff in an action against such owner in respect of the accident that occasioned the impoundment of the motor vehicle,

and any such moneys in the hands of the registrar are not subject to attachment by any creditors of such owner of a motor vehicle impounded and sold under this section.

(13) Where the registrar is in doubt as to the proper disposal to be made of moneys in his hands under this section, he may apply *ex parte* to a judge of the district court for directions thereon and shall comply with any directions so given.

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

No. 11

FIFTH SESSION

THIRTEENTH LEGISLATURE

7 ELIZABETH II

1959

BILL

An Act to amend The Vehicles and
Highway Traffic Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
