

No. 99

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8 Elizabeth II

BILL 99

A Bill to amend The Vehicles and Highway Traffic Act

HON. MR. TAYLOR

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Edmonton, Alberta, 1960

Explanatory Note

2. Definition of "operator's licence" added.

3. Licensees, etc., are to be required to give changes of address to the Minister in writing. Section 6, presently reads:

"6. The address of every person to whom any licence, certificate or permit is issued shall be given in every such document, and the person to whom it is issued shall, upon changing his address, at once notify the Minister of the change."

4. These provisions relating to registration of vehicles will apply only to commercial vehicles and public service vehicles. See note to clause 5.

5. This amendment is intended to permit registered owners of vehicles other than commercial vehicles or public service vehicles to retain the registration and plates for other vehicles of the registered owner. Section 11 presently reads: (And see note to clause 4.)

"11. (1) Repealed. (1958, c. 93, s. 3)

(2) When the ownership of a registered vehicle passes from the registered owner to any other person, whether by the act of the owner or by the operation of law, the registration of the vehicle expires upon the fourteenth day after the day upon which the ownership passes.

BILL

No. 99 of 1960

An Act to amend The Vehicles and Highway Traffic Act

(Assented to _____, 1960)

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 by adding the following new clause immediately after clause (1) :

(1) "operator's licence" means a licence to operate a motor vehicle issued pursuant to section 5;

3. Section 6 is struck out and the following is substituted :

6. (1) A licence, certificate or permit issued pursuant to this Act shall contain the address of the person to whom it is issued.

(2) Upon every change of his address, the person to whom a licence, certificate or permit is issued shall, in the manner prescribed by regulation, forthwith in writing notify his latest address to the Minister.

4. Section 11 is amended by adding immediately before subsection (2) the following subsection :

11. (1) This section applies only to the registration of commercial vehicles and public service vehicles.

5. The following section is added immediately after section 11:

11a. (1) This section applies to the registration of vehicles other than commercial vehicles or public service vehicles.

(2) Where the ownership of a registered vehicle passes from the registered owner to any other person, whether by act of the owner or by operation of law, the registration of the vehicle expires forthwith and the registered owner shall remove the number plates from the vehicle and retain them in his possession.

(3) The registered owner of the motor vehicle or his legal representative shall, not later than the fourteenth day after the ownership so passes, deliver to the Minister the certificate of registration of such vehicle.

(4) The new owner of the vehicle or his legal representative may, not later than the fourteenth day after the ownership passes, make application to the Minister for the registration of such vehicle in the name of the owner or legal representative and the transfer of the number plates to him.

(5) When the ownership of a registered vehicle passes from the registered owner to any other person, the number plates issued upon registration may, not later than fourteen days after the passing of ownership, be re-issued to the registered owner for use upon another vehicle owned by him, upon

(a) compliance with the regulations,

(b) production of satisfactory proof of ownership of the other vehicle, and

(c) payment of the prescribed fee therefor.

(6) Where the ownership of a registered vehicle passes from the registered owner, either by the act of the owner or by the operation of law, to a person engaged in the business of selling or dealing in vehicles, whether new or otherwise, or engaged in the business of automobile wreckage, such person, if the number plates issued to the registered owner come into his possession, shall return the plates forthwith to the Minister.

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

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

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

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

6. Subsection (6) is removed to make way for the provisions of the next following clause dealing with learners' permits. Subsection (6) of section 16 reads:

"(6) A person over the age of fourteen years shall not be deemed to act in contravention of this section if while driving a motor vehicle he is accompanied by the holder of a driver's licence sitting beside him and engaged in teaching the first named to drive or engaged in conducting a driver's examination thereof."

7. Authorizes learners' permits.

(3) At any time during the registration year for which the number plates referred to in subsection (2) are issued, the person to whom they are issued may apply to the Minister to use the plates on another motor vehicle to be registered in his name, if the application is made within fourteen days after obtaining another vehicle whereupon, notwithstanding sections 10 and 30 that person may display the number plates on the newly acquired vehicle and operate, or permit another person to operate the motor vehicle on a highway during the said fourteen day period.

(4) Where an application is made under subsection (3), the Minister may request from the applicant payment of the fees prescribed by the regulations.

(5) Where the ownership of a registered vehicle passes from the registered owner, either by the act of the owner or by the operation of law, to another person, such person, if the number plates issued to the registered owner come into his possession, shall return the plates forthwith to the Minister.

6. Section 16 is amended

- (a) as to subsection (1) by striking out the word "No" and by substituting the words "Subject to section 16a, no",
- (b) by striking out subsection (6).

7. The following section is added immediately after section 16:

16a. (1) A person of the age of fourteen years or over who is not the holder of a subsisting operator's licence may apply to the Minister for a learner's permit and upon payment of such fee as may be prescribed by the regulations and upon passing such examinations as the Minister may from time to time require, the Minister may issue to the applicant a learner's permit in accordance with this section.

(2) A learner's permit may be issued for any period not exceeding twenty-four months.

(3) A learner's permit shall be stated to entitle and entitles the permittee to drive a motor vehicle of the type specified while the permittee is accompanied by the holder of an operator's licence sitting beside him and engaged in teaching the permittee to drive or engaged in conducting a driver's examination of the permittee, and section 90 does not apply in respect of the licensee in such circumstances.

(4) A learner's permit may be suspended or cancelled in the discretion of the Minister where he considers it in the public interest or in the interest of the safety of the permittee to do so.

(5) The Lieutenant Governor in Council may make regulations

- (a) prescribing the qualifications for learners' permits,

8. (a) Makes specific provision for medical examinations as may be required by the Minister. Section 17(1) reads:

"17. (1) The Minister may

- (a) refuse to issue an operator's licence to any person unless he is satisfied by examination or otherwise of the physical and other competency of the applicant to drive a motor vehicle without endangering the safety of the general public,
- (b) cause special conditions to be stated upon an operator's licence,
- (c) require any applicant to submit himself to examination as to his competency as a driver to a person designated by the Minister as an examiner, and
- (d) from time to time by order under his hand prescribe as to the cases in which an examination as to competency as a driver may be dispensed with and the cases in which it may not be dispensed with."

(b) Makes provision for a medical review board and physical examination fees.

9. This provision is related to the policy set out in clause 7 of this Bill and will require reporting by licensee of certain physical changes and diseases or disabilities that affect driving ability or create a driving hazard.

- (b) prescribing the form of the learner's permit and prescribing application forms therefor, and
- (c) with respect to such other matters as may be thought necessary to carry out the intent of this section.

8. Section 17 is amended

- (a) as to subsection (1) by striking out clause (c) and by substituting the following:
 - (c) require any holder of an operator's licence or learner's permit or applicant for a licence or permit to submit himself for a physical examination to such persons as the Minister may designate,
 - (c1) require any holder of an operator's licence or applicant for a licence to submit himself for an examination as to his competency as a driver to a person designated by the Minister as an examiner, and
- (b) by adding immediately after subsection (2) the following:
 - (3) By agreement with the Council of the Alberta College of Physicians and Surgeons, the Minister may establish a medical review board
 - (a) to act as an advisory board to the Minister with respect to all matters of health bearing upon the operation of motor vehicles and physical conditions that constitute a hazard to the general public,
 - (b) to advise the Minister as to qualified medical practitioners available for physical and mental examination of drivers and applicants for licences, and
 - (c) to act in such other capacity as may be required by the agreement with the Council of the Alberta College of Physicians and Surgeons.
 - (4) The Minister may pay for any medical examinations requested by him pursuant to clause (c) of subsection (1) such fee as he may consider to be proper.

9. The following section is added immediately after section 18:

18a. A person holding an operator's licence shall within a reasonable time thereafter advise the Minister in writing of any change, since the issuance of the operator's licence to the licensee, of his physical condition by reason of any disease or physical disability, which the regulations may designate as a disease or physical disability of which the Minister is to be informed by an applicant for a licence or learner's permit.

10. This amendment will make it illegal to have both a licence and a duplicate in one's possession.

11. This amendment will broaden the use of dealers' plates by removing the test of exclusive use of the vehicle for sale or in the dealer's business. Section 25 reads as follows:

"25. No person shall attach to any motor vehicle any number plate issued pursuant to the provisions of section 24 nor shall any person use or operate any motor vehicle to which any number plate so issued is attached, except a vehicle

- (a) that is kept by him exclusively for sale and not for hire, or
- (b) that is used exclusively in his business of a manufacturer of motor vehicles or a dealer therein for the promotion of sales of such motor vehicles and that is not used to convey freight."

12. Section 29 reads:

"29. Subject to the provisions of this Act relating to the motor vehicle of a non-resident, no number plate other than that issued by the Minister shall be exposed on any part of a motor vehicle."

13. Section 39, subsection (2) reads:

"(2) When a driver of a vehicle approaches within five hundred feet of an oncoming vehicle, he shall use a distribution of light, or composite beam, that is so aimed that the glaring rays are not directed into the eyes of the driver of the oncoming vehicle."

14. Section 42, subsection (1) is amended to require a tail lamp on tractors. The subsection presently reads:

"42. (1) A motor vehicle, any trailer and any vehicle being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear and capable, when lighted as required by this Act, of emitting a red light plainly visible from a distance of five hundred feet to the rear."

15. (a) Clause (e) of subsection (1) of section 46 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

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- (e) no vehicle other than a motor vehicle, motor cycle or bicycle shall be upon any highway whether in motion or stationary unless there is displayed thereon at least one light visible at a distance of at least one hundred feet from the front of and behind that vehicle, or in the alternative, there are affixed thereon one reflector towards the front and one reflector at the rear thereof of a type approved by the Lieutenant Governor in Council, so fixed as to reflect the lights of any motor vehicle approaching from the front and the other so fixed as to reflect the lights of any motor vehicle approaching from the rear,"

(b) Clause (f) of subsection (1) of section 46 reads:

"(f) no vehicle drawn by or attached to a motor vehicle and commonly known as a trailer shall be upon any highway unless it has affixed at the rear thereof a reflector of a type approved by the Lieutenant Governor in Council so fixed as to reflect the lights of any motor vehicle approaching from the rear, and"

10. Section 21 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following:

(2) Where a person has obtained a duplicate of a valid and subsisting operator's licence, if subsequently he again comes into possession of the operator's licence believed to have been lost or destroyed, he shall return the duplicate as soon as possible to the Minister, and no person shall have in his possession both an operator's licence and a duplicate thereof issued pursuant to subsection (1).

(3) Where a person has obtained a duplicate replacing a supposedly lost or destroyed duplicate, if subsequently he again comes into possession of the duplicate believed to have been lost or destroyed, he shall return one duplicate as soon as possible to the Minister, and no person shall have in his possession more than one duplicate of an operator's licence.

11. Section 25 is amended by striking out the word "exclusively" where it occurs in clauses (a) and (b).**12. Section 29 is repealed.****13. Section 39, subsection (2) is amended by striking out the words "five hundred" and by substituting the words "one thousand".****14. Section 42, subsection (1) is amended by adding immediately after the word "trailer" the words ", any tractor,".****15. Section 46, subsection (1) is amended**

- (a) as to clause (e) by adding immediately before the words "motor cycle" the word "trailer,"
- (b) as to clause (f) by striking out the words "vehicle drawn by or attached to a motor vehicle and commonly known as".

16. (a) Subsection (2) of section 47 prohibits the use on a vehicle of flashing lights or red lights visible from the front of the vehicle; but the provision is not intended to apply to a school bus. The words removed do not have significance so far as flashing light equipment is concerned and are removed. As relevant section 47 (3) (b) reads:

"(3) Subsection (2) does not apply to

.....

(b) alternate flashing red lights displayed by a school bus that is stopped to pick up or discharge a child, and".

(b) The prohibition against red and flashing lights not to apply to highway maintenance vehicles. Section 47(3) (c) reads:

"(c) flashing lights of such color other than red as is provided in this Act or the regulations made hereunder and displayed by

(i) a snowplow,

(ii) a vehicle transporting explosives, or

(iii) a tow truck while towing a disabled vehicle.".

17. Section 55, subsection (1) reads:

"55. (1) Every motor vehicle using gasoline or other fluid of a like nature shall be equipped with a muffler of such kind and description as will prevent any unreasonable noise in the operation of the engine of the vehicle.".

18. Speedometers are to become required equipment for motor vehicles.

19. Section 57, subsection (1) reads:

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

20. In carrying out their duties peace officers are excused from complying with certain requirements of traffic regulation if it is necessary.

16. Section 47, subsection (3) is amended

- (a) as to clause (b) by striking out the words "that is stopped to pick up or discharge a child",
- (b) as to clause (c)
 - (i) by striking out the word "or" at the end of subclause (ii),
 - (ii) by adding the word "or" at the end of subclause (iii),
 - (iii) by adding after subclause (iii) the following:
 - (iv) a vehicle engaged in highway inspection, highway construction or highway maintenance work.

17. Section 55 is amended by adding immediately after subsection (2) the following:

- (3) Subsection (1) does not apply to a school bus having a capacity of twenty-four or more passengers.

18. The following section is added immediately after section 56:

56a. Every motor vehicle shall be equipped with a speedometer to indicate the speed of the vehicle when moving forward.

19. Section 57, subsection (1) is amended by adding immediately after the word "lights," the word "speedometer,".

20. Section 62 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following:
 - (2) For the purpose of preventing a contravention of this Act or of a municipal by-law regulating traffic or for the purpose of apprehending persons driving in contravention of this Act or any such by-law, or to obtain evidence of any such contravention, a peace officer may, notwithstanding subsection (1),
 - (a) operate a motor vehicle on a highway in excess of the speed limit thereon and at such speed as is necessary and reasonable having regard to the traffic ordinarily upon the highway and the fact that it is being so used,
 - (b) drive past a red or stop signal or stop sign without stopping but only at such speed as is reasonable and prudent under the circumstances, and
 - (c) drive a motor vehicle contrary to any rule of the road prescribed by this Act or a municipal by-law, if in the interest of law enforcement it is necessary, and in the circumstance safe, to do so.

21. Section 65, subsection (1) reads:

"65. (1) A driver shall not pass or attempt to pass another vehicle proceeding in the same direction,

(a) while proceeding uphill,

(b) on a curve, or

(c) on a bridge or any approaches thereto."

22. In "tail gate" collisions the driver of the following vehicle is to be *prima facie* presumed to have driven more closely to the front running vehicle than is reasonable and prudent.

23. Section 67, clause (a) provides a rule of the road for travelling vehicles on a highway divided into traffic lanes by solid lines. It was not intended to prevent left turns off the highway and is not to be so construed. Section 67, clause (a) reads:

"67. When a highway has been divided into traffic lanes

(a) a driver shall not drive from one traffic lane to another where solid lines exist between lanes, except where solid and broken lines exist together at which place a driver may cross the solid line from the lane in which the broken line exists,".

24. This section is inferentially repealed by section 61 enacted by 1959, c. 93, s. 20, which deals with the same matter.

25. Section 70 reads:

"70. (1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the travelled portion of a highway outside of a city, town or village, when it is practicable to park or leave the vehicle off the travelled highway, and in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon the highway unless a clear and unobstructed width opposite the vehicle is left for free passage of other vehicles thereon, and unless a clear view of the parked or standing vehicle may be obtained for a distance of two hundred feet along the highway in both directions.

(2) No vehicle shall remain at a standstill on any highway for longer than one minute at any place within thirty feet of the point of intersection of that highway with any other highway."

26. Amended for clarification Section 78 presently reads:

"78. Notwithstanding any other provision of this Act, every person while engaged upon the work of maintenance of a highway may, upon such portion of the highway as may be requisite for the necessary, regular or convenient discharge of his duties, drive or operate any vehicle required for the work."

21. Section 65, subsection (1) is amended

- (a) by adding at the end of clause (c) the word “or”,
- (b) by adding immediately after clause (c) the following:
- (d) at a level railway crossing.

22. Section 66a is amended by adding immediately after subsection (2) the following:

(3) Where two or more vehicles are involved in an accident wherein a vehicle collides with the rear end of the vehicle immediately in front of it, the driver of the vehicle colliding with the rear end of the vehicle in front shall be *prima facie* deemed to have been following the vehicle immediately in front of his vehicle more closely than is reasonable and prudent.

23. Section 67 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following:
 - (2) Nothing in clause (a) of subsection (1) shall be construed to prevent a driver from crossing a solid line for the purpose of turning off the highway into a driveway or a private or public road.

24. Section 68 is repealed.

25. Section 70 is amended by adding immediately after subsection (2) the following:

(3) Nothing in this section shall be construed to prohibit police vehicles, ambulances, vehicles engaged in highway repair, maintenance or inspection work from parking or standing upon the travelled portion of a highway when it is advisable to do so to prevent accidents, giving warning of hazards, or of persons on the highway or to remove injured persons or to repair roadway or for similar purposes.

(4) A driver of a school bus is not prohibited from parking or standing a school bus upon the travelled portion of a highway where space is required along the side of the travelled portion of the highway to load or unload passengers.

26. Section 78 is struck out and the following is substituted:

78. Vehicles used in highway maintenance or highway construction work may be operated upon such portions of a highway as may be requisite for the highway maintenance or highway construction work in which it is engaged.

27. Section 79, subsection (1) prescribes the situations in which drivers are to stop upon approaching a stopped school bus. Subsection (2) is amended to refer to those drivers where now it refers only to those who have complied with subsection (1). Subsection (2) reads:

"(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."

28. (a) Section 80, subsection (4) reads:

"(4) Where a stop sign has been erected at a railway crossing, a driver shall stop not less than fifteen feet from the nearest rail of the railway and shall not proceed until he can do so safely."

(b) Section 80, subsection (5) reads:

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

- (a) a vehicle carrying passengers for hire,
- (b) a school bus carrying a child, or
- (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,

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."

(c) This amendment will permit the drivers of the vehicles enumerated in subsection (5) (see note to (b) above) to cross a railway at a crossing guarded by an ordinary railway crossing signal, when the signal is not on. Subsection (7) presently reads:

"(7) Subsection (5) does not apply where a peace officer or traffic control device directs traffic to proceed."

29. The amendment will require a person involved in a vehicle accident and in charge of a vehicle so involved to offer to give the required information to a person sustaining loss or injury, where at present he is only required to do so if a request is made. Subsection (1) of section 81 reads:

"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."

30. Unclaimed vehicles to be reported to police after 30 days by persons in charge of public garages, and car or parking lots. Subsection (1) prevents repair of certain damaged vehicles without police consent. Section 81c presently reads:

"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."

31. Additional information is to be made available from the accident reports required by section 81a. Section 81d, subsection (2) reads:

"(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 81a, 81b or 81c in respect of

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

27. Section 79, subsection (2) is amended by striking out all the words preceding clause (a) and by substituting the following:

(2) A person who is required by subsection (1) to stop his vehicle before reaching a school bus shall not proceed to pass the school bus until

28. Section 80 is amended

- (a) as to subsection (4) by adding immediately after the word "feet" the words "or more than fifty feet",
- (b) as to subsection (5) by adding immediately after the word "feet" the words "or more than fifty feet",
- (c) by striking out subsection (7) and by substituting the following:

(7) Subsection (5) does not apply

- (a) where a peace officer or a traffic control device directs traffic to proceed, or
- (b) if the railway crossing is provided with a signal device to indicate the approach of a train, when the signal device is not indicating the approach of a train.

29. Section 81, subsection (1) is amended by striking out the words "upon request" and by substituting the words "offer to give to anyone sustaining loss or injury and upon request shall".

30. Section 81c is struck out and the following is substituted:

81c. (1) 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 garage or repair shop for repair, the person in charge of the garage or repair shop shall not carry out the repairs until he has been authorized in writing by the local police authority to do so.

(2) Where a motor vehicle that is stored in or left at a public garage, parking station, parking lot, used car lot or repair shop is unclaimed for thirty days or more, the person in charge of the place where the motor vehicle was stored or left shall immediately report the presence of the unclaimed motor vehicle to the police department having jurisdiction in that area, giving the registration plate number and a description of the motor vehicle and such information as he may have relating to the person storing or leaving the vehicle at his place of business.

31. Section 81d, subsection (2) is amended

- (a) by striking out clause (g) and by substituting the following:
 - (g) the location of the road upon which the accident occurred, the direction of travel of the vehicles involved, the weather and highway conditions at the time 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."

32. The subject matter of section 86 is included in section 137. Section 86 reads:

"86. No vehicle shall be operated on any highway unless all the requirements of Part II as to the equipment thereof are at all times complied with."

33. Section 94 reads:

"94. No person under the age of sixteen years shall drive any scooter or power bicycle unless the motor of such vehicle is so adjusted or governed that it is unable to attain a speed in excess of twenty miles per hour."

34. Section 103 reads:

"103. No chauffeur shall permit any other person to possess or use his badge or certificate, nor shall any person use or possess

- (a) a chauffeur's badge or certificate belonging to another person,
- (b) a chauffeur's badge or certificate issued or renewed in respect of any year other than the current year, or
- (c) a fictitious chauffeur's badge or certificate."

35. Section 107 presently reads in part:

"107. The Lieutenant Governor in Council may, on the recommendation of the Minister, make such regulations as are necessary to carry out the provisions of this Act according to their obvious intent or to meet cases that arise and for which no provision is made by this Act, and without in any way restricting the generality of the foregoing, may make regulations

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- (f) requiring the periodic inspection, testing, and adjustment of any mechanical equipment of any motor vehicle,".

36. Section 114 sets out the offences under this Act for which an arrest without warrant may be made. Offences under sections 81 and 97 are being added. Section 114 begins:

"114. Every inspector or peace officer who on reasonable and probable grounds believes that any person has committed an offence against any of the provisions of the sections hereinafter enumerated, whether the offence has been committed or not, may arrest such person without warrant and whether such person is guilty or not:".

37. The Summary Convictions Act applies in cases of arrest for offences under this Act, and section 117 is now in conflict with the summary conviction procedure, and is removed. Section 117 reads:

"117. Every inspector or peace officer who arrests without a warrant any person pursuant to section 114, shall take the person so arrested without delay before a justice of the peace or a magistrate and proceed with the trial of such person or obtain a warrant for his arrest."

38. This amendment removes an ambiguity. The relevant words of section 124 (1) read:

"124. (1) The owner of a motor vehicle 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,".

39. New. The provisions referred to relate to speed, keeping to the right of the road, entering highway from a "stop" street, and careless driving, respectively. Subsection (3) of section 140 permits the Minister to reinstate a cancelled licence in a proper case for relief.

- (b) by adding at the end of clause (h) the word “and”,
- (c) by adding immediately after clause (h) the following:
 - (i) the classification of the accident, any diagram made with respect to the accident and the fact of any visit to the scene of the accident.

32. Section 86 is repealed.

33. Section 94 is amended by striking out the word “twenty” and by substituting the word “thirty”.

34. Section 103 is repealed.

35. Section 107 is amended by adding the following new clauses immediately after clause (f) :

- (f1) governing, restricting or prohibiting the use on any highway or highways of any vehicle or class of vehicles that, in the opinion of the Minister, may be a hazard to other users of the highway by reason of unusual or novel size, weight or operating characteristics,
- (f2) governing, restricting or prohibiting the use on vehicles of any decoration or device that in the opinion of the Minister constitutes a hazard to the public or other users of the highway,

36. Section 114 is amended by adding immediately after clause (g) the following:

- (h) section 81 relating to the duties of a driver at the scene of an accident;
- (i) section 97 relating to the requirement that drivers stop when so requested by a constable or police officer in uniform.

37. Section 117 is repealed.

38. Section 124, subsection (1) is amended by striking out the word “thereof” and by substituting the words “of this Act”.

39. The following section is added immediately after section 140:

140a. (1) Where after a second conviction for any offence under Part III, subsection (1) of section 66, section 76 or section 135, a person is convicted of an offence under any of such provisions, the operator’s licence of that person is *ipso facto* cancelled, and his operator’s licence shall be immediately returned to the Minister by the convicting judge, magistrate or justice.

(2) Subsection (3) of section 140 applies in respect of a licence cancelled under this section.

40. The infractions of speeding laws are added to the list of those in respect of which the Minister must suspend licences. Section 152, subsection (1) begins:

"152. (1) The Minister shall suspend the operator'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:"

41. Section 159 reads:

"159. If the Minister finds that any driver to whom this Part applies was at the time of the offence for which he was convicted employed by the owner of the motor vehicle involved therein as chauffeur or motor vehicle operator, whether or not so designated, or is a member of the family or household of the owner, and that there was no motor vehicle registered in the Province in the name of such driver as an owner, then if the owner of the motor vehicle submits to the Minister, who is hereby authorized to accept it, proof of his financial responsibility as provided by this Part, the chauffeur, operator, or other person shall be relieved of the requirement of giving proof of financial responsibility on his own behalf."

42. As some doubt exists as to the time during which a filing is to be maintained, this amendment expressly prescribes the minimum period referred to in section 166.

43. Section 170, subsection (4) presently reads:

"(4) The financial responsibility card shall be supplied to each insurer by the registrar in such quantity as he deems requisite, and no insurer shall prepare or issue a card under this section except in a form supplied as in this subsection provided."

44. (a) Sometimes impounded vehicles are left in the custody of the owner as custodian. In such cases, the registrar is to be deemed custodian for disposal purposes.

40. Section 152, subsection (1) is amended by adding immediately after clause (h) the following:

- (i) driving a motor vehicle on a highway in a city at a rate of speed in excess of the maximum speed limit prescribed by the by-laws of that city;
- (j) driving a public service vehicle or commercial vehicle on a highway at a rate of speed in excess of a maximum speed limit prescribed by *The Public Service Vehicles Act* or any regulation thereunder.

41. Section 159 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following:

(2) Where a person is relieved from the requirement of filing proof of financial responsibility on his own behalf under subsection (1), his operator's licence is thereupon restricted to the vehicles referred to in the proof of financial responsibility filed on his behalf, as advised in writing to the Minister from time to time by the person filing the proof, and any licence issued as a result thereof shall be stated to be so restricted.

42. The following section is added immediately after section 166:

166a. For the purpose of removing doubt, it is hereby declared that where a person is under this Act required to file proof of financial responsibility or where proof of financial responsibility is filed on behalf of any person pursuant to this Act, the liability policy, the bond or the money or securities constituting proof of financial responsibility, shall be continued in force or held, as the case may be, for a period of at least three years.

43. Section 170 is amended by striking out subsection (4) and by substituting the following:

(4) Except where it issues an owner's policy outside the Province, an insurer may print and prepare the financial responsibility card for issue and delivery to its insured if the financial responsibility card complies with subsection (3) and is in a form approved by the registrar.

44. Section 175 is amended

- (a) by adding immediately after subsection (5) the following:

(5a) Where the person who has custody of a motor vehicle for the purposes of an impoundment is the owner of the motor vehicle, the registrar shall be deemed for the purpose of disposing of the motor vehicle the custodian under this section.
- (b) by adding immediately after subsection (13) the following:

(b) The new subsection (14) authorizes the release of useless vehicles from impoundment and the sale of vehicles of such a low value that storage charges thereon would in a short time exceed the value of the vehicle.

45. Commencement date.

(14) Notwithstanding subsections (5) to (12), where the registrar is satisfied by a certificate signed by a qualified mechanic, or by such other proof as the registrar may consider sufficient,

- (a) that a motor vehicle impounded under section 173 is so damaged that it is impracticable to repair it so that it is capable of being driven upon a highway, the registrar may order the release of the motor vehicle from impoundment, or
- (b) that a motor vehicle impounded under section 173 is not worth more than two hundred dollars, the registrar may direct the proprietor of the repair shop, garage or storage place in which the motor vehicle is impounded to sell the motor vehicle in the circumstance and manner prescribed by subsection (15).

(15) On receipt of a direction under subsection (14) from the registrar, the person named in the direction may, if the motor vehicle mentioned in the direction has been stored for not less than thirty days in a repair shop, garage or storage place operated by him, sell the motor vehicle by public or private sale upon giving the owner ten days' notice by registered mail of his intention to sell the motor vehicle, and the proceeds of the sale shall be disposed of in accordance with the provisions of *The Possessory Liens Act* respecting sales for liens under that Act.

45. This Act comes into force on the first day of June, 1960, except section 5 and this section which come into force on the day upon which this Act is assented to.

No. 99

FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

BILL

An Act to amend The Vehicles and
Highway Traffic Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
