

No. 121

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1st Session, 14th Legislature, Alberta  
8 Elizabeth II

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## **BILL 121**

A Bill to amend The Vehicles and Highway Traffic Act  
(No. 2)

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HON. MR. TAYLOR

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## Explanatory Note

### 2. Section 19, subsections (1) and (2) presently read:

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

(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

(c) any city by-law that fixes a speed limit within the city, he shall upon conviction forthwith deliver his licence to the judge, magistrate or justice of the peace making the conviction.

(2) The judge, magistrate or justice of the peace making the conviction shall thereupon endorse the particulars of the conviction upon the operator's licence delivered to him following the conviction."

### 3. Section 72 presently reads:

"72. (1) When two vehicles approach or enter an intersection at approximately the same time,

(a) the driver of the vehicle that is to the right of the driver of the other vehicle, has the right of way, and

(b) the driver of the vehicle that is to the left of the driver of the other vehicle shall yield the right of way to the other vehicle, except as is otherwise provided in this Part.

(2) Notwithstanding subsection (1), the driver of a vehicle approaching and facing a "yield right of way" sign shall yield the right of way to all other traffic not facing the sign."

4. Speedometer testers may be appointed whose certificates of tests in certain cases are to be admissible as prima facie proof of facts stated in certificate.

# BILL

No. 121 of 1960

An Act to amend The Vehicles and Highway Traffic Act  
(No. 2)

(Assented to \_\_\_\_\_, 1960)

**H**ER 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 19 is amended by striking out subsection (1) and by substituting the following:

**19.** (1) When a person who is the holder of an operator's licence is convicted of an offence

- (a) under the *Criminal Code* and arising out of the operation of a motor vehicle,
- (b) under Part III or for violating section 65, 66, 66a, 67, 71, 72, 73 or 74, or clause (a) of subsection (6) or clause (a) of subsection (7) of section 75a, or subsection (2), (3), (4) or (5) of section 76, or section 77, 79, 81, 92 or 135,
- (c) under subsection (3) or subsection (6) of section 69 of *The Public Service Vehicles Act*, or
- (d) under any provision of a municipal by-law that fixes a speed limit within the municipality or regulates moving motor vehicles within the municipality,

he shall upon conviction forthwith deliver his licence to the judge, magistrate or justice of the peace making the conviction.

**3.** Section 72 is amended by striking out subsection (2) and by substituting the following:

(2) Notwithstanding subsection (1), the driver of a vehicle approaching and facing a "yield right of way" or "yield" sign shall yield the right of way to all other traffic not facing that sign.

**4.** The following section is added immediately after section 127:

**5. Release of motor vehicle from impoundment, by the Minister.**

**6. Commencement.**

**127a.** (1) The Lieutenant Governor in Council may appoint one or more qualified persons as testers of the speedometer on motor vehicles.

(2) In any prosecution under this Act, a certificate signed by a tester appointed under subsection (1) and bearing date thereon not more than seven days before or after the date of the offence charged and stating therein the result of a test of the speedometer on the motor vehicle mentioned therein, is admissible in evidence without proof of the signature or appointment of the tester, as *prima facie* proof of the facts stated in the certificate.

**5.** The following section is added immediately after section 175:

**175a.** Notwithstanding the other provisions of this Part, where a motor vehicle is impounded pursuant to section 173, if the owner of the motor vehicle

(a) satisfies the Minister that the impoundment is inequitable or results in an injustice to the owner, and

(b) produces to the Minister satisfactory proof of future financial responsibility in respect of the operation of a motor vehicle by the owner,

the Minister may order the release of the motor vehicle from impoundment unless it is required to be impounded under any other provisions of this or any other Act or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

**6.** This Act comes into force on the first day of June, 1960.

No. 121

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FIRST SESSION

FOURTEENTH LEGISLATURE

8 ELIZABETH II

1960

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**BILL**

An Act to amend The Vehicles and  
Highway Traffic Act (No. 2)

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. TAYLOR

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