

No. 77

2nd Session, 14th Legislature, Alberta
9 Elizabeth II

BILL 77

A Bill to amend The Vehicles and Highway Traffic Act

HON. MR. TAYLOR

Explanatory Note

2. The definition of "centre line" of a highway is amended to include a reference to the new divided highways.

3. Section 11, subsection (2) is amended to make it applicable to registered commercial vehicles only and a new subsection (2a) is added to deal with registered public service vehicles. Section 11, subsections (1) and (2) read:

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

(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."

4. A new section is added authorizing the Minister to issue an order of disqualification and providing a penalty for driving while disqualified.

BILL

No. 77 of 1961

An Act to amend The Vehicles and Highway Traffic Act

(Assented to _____, 1961)

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, clause (a) is amended by adding immediately after subclause (i) the following:

(ia) that portion of a divided highway separating the travelled ways between traffic streams moving in opposite directions, or an area or device located longitudinally between two roadways in order to separate traffic flowing in opposite directions, and

3. Section 11 is amended

(a) as to subsection (2) by adding immediately after the words "ownership of a registered" the word "commercial",

(b) by adding the following new subsection immediately after subsection (2):

(2a) When the ownership of a registered public service vehicle passes from the registered owner to any other person, whether by act of the owner or by the operation of law, the registration of the vehicle expires at the time the ownership passes.

4. The following new section is added immediately after section 17:

17a. (1) Where pursuant to this Act

(a) the Minister refuses to issue an operator's licence or a learner's permit to a person, or

(b) a person is convicted of operating a motor vehicle without a subsisting operator's licence,

the Minister may at any time thereafter issue an order declaring that person to be not qualified to obtain an operator's licence or to drive a motor vehicle on a highway.

5. Section 18 presently reads:

"18. Every person driving a motor vehicle shall carry his licence with him at all times during which he is in charge of a motor vehicle, and shall deliver it for inspection to a peace officer or inspector appointed under this Act when demanded by any peace officer or any inspector."

The new subsection will require a person teaching a student driver to drive to produce his licence in the same circumstances a driver is so required.

6. Section 19 (2) & (3) is revised to refer to municipal by-laws instead of just city by-laws. Subsections (2) and (3) presently read:

"(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) When a judge, magistrate or justice of the peace convicts a person of an offence under this Act, or under a city by-law that fixes a speed limit within the city, if the convicted person is the holder of an operator's licence the judge, magistrate or justice upon making the conviction may suspend for such time as he thinks fit, or cancel, the operator's licence of the convicted person."

7. Section 20 (1), (2) and (3) presently reads:

"20. (1) Where a person is convicted for a second time within a period of twelve months for an offence that in each case arose from or in connection with a motor vehicle accident that resulted in bodily injury to, or in the death of a person or that resulted in damage to property in an amount exceeding one hundred dollars,

(a) when the convicted person is the holder of an operator's licence, his licence is thereupon suspended

(i) for a period of six months from the date of the second conviction, or

(ii) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited,

whichever is the longer period, or

(b) when the convicted person is not the holder of an operator's licence, he is thereupon disqualified from holding an operator's licence

(i) for a period of six months from the date of the second conviction, or

(ii) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited,

whichever is the longer period.

(2) Where a person is convicted under the Criminal Code of driving or of having the care or control of a motor vehicle while intoxicated

(a) when the convicted person is the holder of an operator's licence, his licence is thereupon suspended

(i) for a period of twelve months from the date of his conviction, or

(ii) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited,

whichever is the longer period, or

(b) when the convicted person is not the holder of an operator's licence, he is thereupon disqualified from holding an operator's licence

(i) for a period of twelve months from the date of his conviction, or

(ii) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited,

whichever is the longer period.

(3) Where a person is convicted under the Criminal Code of driving a motor vehicle or of having the care or control of a motor vehicle while his ability to drive a motor vehicle is impaired by alcohol or any drug

(a) when the convicted person is the holder of an operator's licence, his licence is thereupon suspended

(i) in the case of a first conviction for that offence, for a period of six months from the date of the conviction or, if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited, whichever is the longer period, or

(2) A person against whom an order is made under subsection (1) and who drives a motor vehicle on a highway is guilty of an offence and liable on summary conviction to a fine of not more than five hundred dollars or to imprisonment for a term of not more than six months, or to both fine and imprisonment.

5. Section 18 is amended

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

(2) Every person while engaged in instructing a student driver shall carry his operator's licence with him at all times during which he is so engaged and shall deliver it for inspection to a peace officer or inspector appointed under this Act when demanded by any peace officer or any inspector.

6. Section 19 is amended by striking out subsections (2) and (3) and by substituting the following:

(2) When a judge, magistrate or justice of the peace convicts a person of an offence

- (a) under this Act, or
- (b) under a municipal by-law that fixes a speed limit within the municipality,

if the convicted person is the holder of an operator's licence, the judge, magistrate or justice upon making the conviction may suspend for such time as he thinks fit, the operator's licence of the convicted person.

(3) When a judge, magistrate or justice of the peace convicts a person of an offence

- (a) under this Act, or
- (b) under a municipal by-law that fixes a speed limit within the municipality,

if the convicted person is not, at the date of conviction, the holder of an operator's licence, the judge, magistrate or justice upon making the conviction may order that the convicted person be disqualified from holding an operator's licence for such period as he thinks fit, and the disqualification remains in force until the Minister, in his discretion makes an order shortening the period of, or annulling the disqualification.

7. Section 20 is amended

- (a) by striking out subsection (1),
- (b) as to subsection (2) by adding immediately after the words "*Criminal Code*" the words "anywhere in Canada",
- (c) as to subsection (3) by adding immediately after the words "*Criminal Code*" the words "anywhere in Canada",

- (ii) in the case of a second or subsequent conviction for that offence, for a period of one year from the date of the latest conviction or, if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the latest conviction, for the period driving is prohibited, whichever is the longer period,
- or
- (b) when the convicted person is not the holder of an operator's licence, he is thereupon disqualified from holding an operator's licence
 - (i) in the case of a first conviction for that offence, for a period of six months from the date of the conviction or, if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period driving is prohibited, whichever is the longer period, or
 - (ii) in the case of a second or subsequent conviction for that offence, for a period of one year from the date of the latest conviction or, if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the latest conviction, for the period driving is prohibited, whichever is the longer period."

8. Section 46, subsection (1), clause (c) presently 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

.....

- (c) no motor vehicle or tractor shall be in motion upon any highway unless the tail lamp with which it is required to be equipped is alight."

Section 42 requires motor vehicles, tractors and trailers to be equipped with tail lamps.

9. Section 47 which generally prohibits the use of flashing lights on motor vehicles is amended by adding another exception. Subsection (3) presently reads:

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

- (a) signal lights for indicating an intention to turn as are provided in section 53,
- (b) alternate flashing red lights displayed by a school bus, and
- (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,
 - (iii) a tow truck while towing a disabled vehicle, or
 - (iv) a vehicle engaged in highway inspection, highway construction or highway maintenance work."

10. Section 50, dealing with the adequacy of brakes, is made applicable to tractors. Section 50, subsection (1) reads:

"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."

11. Self-explanatory.

(d) by adding immediately after subsection (3) the following subsection:

(3a) Notwithstanding subsection (2) or (3) where a person convicted of having the care or control of a motor vehicle while intoxicated or impaired, produces evidence satisfactory to the convicting judge, magistrate or justice of the peace, that he was not actually driving the motor vehicle at the time of the offence, the judge, magistrate or justice of the peace may, in his discretion, reduce the period of suspension or disqualification provided by subsection (2) or (3), as the case may be, to any period not less than three months.

8. Section 46, subsection (1), clause (c) is amended by adding immediately after the word "tractor" the words "or trailer".

9. Section 47, subsection (3) is amended

(a) as to clause (c)

(i) by striking out the word "or" at the end of subclause (iii) and by adding the word "or" at the end of subclause (iv),

(ii) by adding the following new subclause after subclause (iv):

(v) a vehicle engaged in the transportation of or towing of a building.

(b) by striking out the word "and" at the end of clause (b) and by adding the word "and" at the end of clause (c),

(c) by adding the following after clause (c):

(d) simultaneously flashing turn signal lights displayed at a railway crossing by a vehicle required to stop at such crossings pursuant to section 80.

10. Section 50 is amended by adding the following subsection immediately after subsection (7):

(8) In this section "motor vehicle" includes a tractor.

11. The following new section is added immediately after section 57:

57a. (1) The Lieutenant Governor in Council may make such regulations as may be deemed necessary in the interests of safety, respecting the type, quality or standard of glass that may be used in glazing a motor vehicle.

(2) On and after a date that may be prescribed by such regulations no person shall sell a new motor vehicle unless the glass in the windshield and the other windows of the vehicle complies with the conditions prescribed by the regulations.

12. Section 70, subsection (1) 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."

13. Section 80, subsections (2), (5) and (8) presently read:

"(2) When a driver is approaching a railway crossing at a time when

- (a) a clearly visible electrical or mechanical signal device gives warning of the approach of a railway train,
- (b) a crossing gate is lowered or a flagman is giving a signal of the approach or passage of a railway train, or
- (c) a railway train in dangerous proximity to a crossing is approaching the crossing and either emits an audible signal or is visible,

the driver shall stop his vehicle not less than fifteen feet from the nearest rail of the railway, and shall not proceed until he can do so safely.

(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 or more than fifty 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.

(8) Subsections (5) and (6) do not apply to

- (a) street railway grade crossings within a business or residence district, or
- (b) industrial spur railway crossings within a business district."

These amendments will require the vehicles named in subsection (5) to stop at the crossings described in subsection (8).

14. Section 81d is amended to enable the compulsory accident reports made by the drivers of vehicles involved in accidents to be used against them in court as evidence of who was driving. Section 81d, subsection (1) reads:

"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
 - (i) compliance with section 81a, 81b or 81c, as the case may be, or
 - (ii) falsity in a prosecution for making a false statement in the report or statement."

15. Section 83 specifying the rights and duties of pedestrians is amended.

(3) No person shall sell or offer for sale any windshield or glass intended to be used for glazing a motor vehicle and no person shall glaze a motor vehicle with glass that does not comply with the conditions prescribed by the regulations.

12. Section 70 is amended by adding immediately after subsection (4) the following:

(5) Notwithstanding subsection (1), except in cases of emergency and except as otherwise permitted by law, no person shall park or leave standing any vehicle on any portion of a main or secondary highway outside of a city, town or village within five hundred feet of any intersection or any point where signs prohibiting parking have been erected.

13. Section 80 is amended

- (a) as to subsection (2) by adding immediately after the word "until" the words "the train has passed by the railway crossing or has come to a stop and",
- (b) as to subsection (5)
 - (i) by striking out the words and figures "subsections (7) and (8)" and by substituting the word and figure "subsection (7)",
 - (ii) by striking out the words "carrying a child" in clause (b),
- (c) as to subsection (8) by striking out the words and figures "Subsections (5) and (6) do" and by substituting the words and figures "Subsection (6) does".

14. Section 81*d*, subsection (1), clause (b) is amended

- (a) by striking out the word "or" at the end of subclause (i) and by adding the word "or" at the end of subclause (ii),
- (b) by adding the following new subclause after subclause (ii):
 - (iii) the identity of the persons who were driving the vehicles involved in the accident.

15. Section 83 is amended

- (a) by adding the following subsection immediately after subsection (5):
 - (5*a*) Every pedestrian crossing a roadway shall cross as quickly as is reasonably possible without stopping or loitering or otherwise impeding the free movement of vehicles thereon.
- (b) by adding the following subsection immediately after subsection (9):
 - (10) Any person crossing or walking upon a highway in a manner contrary to this Act or any municipal by-law regulating pedestrian traffic shall, upon request, give his name and address to any peace officer.

16. An increased penalty is provided for a contravention of section 97. Section 97 presently reads:

"97. Every person who is driving a vehicle shall, immediately he is signalled or requested to stop by a constable or police officer in uniform, bring his vehicle to a stop and furnish such information respecting the vehicle as the constable or police officer may require and shall not start the motor vehicle until such time as he is permitted to do so by the constable or police officer."

17. Authority is given for peace officers to enter garages and repair shops without a search warrant. Section 109 reads:

"109. Any motor vehicle inspector appointed by the Minister or any police officer or constable has the right and power without further authority to enter in the daytime, that is to say, in the interval between six o'clock in the forenoon and nine o'clock in the afternoon of the same day,

- (a) the business premises of any dealer in motor vehicles, or person or persons conducting a motor vehicle livery, or
- (b) other place where motor vehicles are kept for hire or sale, for the purpose of ascertaining whether or not the provisions of this Act are being complied with in respect of the motor vehicles in any of such places and by the several employees therein."

18. Section 110 reads:

"110. Every driver of a motor vehicle shall produce the certificate of the registration of the motor vehicle upon demand therefor by any inspector or peace officer."

19. Provision is made to prevent a motor vehicle from being detained indefinitely. Section 116, subsection (1) reads:

"116. (1) Every inspector or peace officer who on reasonable and probable grounds, believes that any of the offences enumerated in section 114 has been committed may seize and detain any motor vehicle in respect of which the offence has been committed until the final disposition of any proceedings that may be taken under the provisions of this Act, and while it is so detained, may make such examinations and tests thereof as he deems proper."

20. Section 127a, subsection (2) reads:

"(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."

21. Section 151 provides for the suspension of a person's drivers licence when he fails to satisfy a judgment based on a motor accident. Section 151 (2) presently reads in part:

"(2) Every such licence and registration remains suspended and shall not at any time thereafter be renewed, nor shall any new driver's licence be issued to, or new registration be permitted to be made by the person liable, until

- (a) the judgment
 - (i) is barred under The Limitation of Actions Act, or"

The amendment will remove the necessity of renewing the judgment every ten years.

22. (a) Section 152, subsection (1), clauses (i) and (j) read:

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:

.....

16. Section 97 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding the following subsection immediately after the renumbered subsection (1):
 - (2) A person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not more than one hundred dollars.

17. Section 109 is amended

- (a) by striking out the word "or" at the end of clause (a) and by adding the word "or" at the end of clause (b),
- (b) by adding the following clause immediately after clause (b):
 - (c) any garage or place of business where motor vehicles are repaired,

18. Section 110 is amended

- (a) by renumbering the section as subsection (1),
- (b) by adding immediately after the renumbered subsection (1) the following:
 - (2) Where the motor vehicle is being driven
 - (a) with number plates issued pursuant to section 24, or
 - (b) by a mechanic who has custody of the vehicle for the purpose of repairs,the inspector or peace officer shall give the driver of the vehicle reasonable time within which to produce the certificate of registration.

19. Section 116 is amended by adding immediately after subsection (2) the following:

(3) If proceedings are not taken under the provisions of this Act within ten days after the motor vehicle is seized and detained pursuant to subsection (1), the motor vehicle shall be forthwith returned to the owner thereof.

20. Section 127a, subsection (2) is amended by striking out the word "seven" and by substituting the word "thirty".

21. Section 151, subsection (2), clause (a) is amended by striking out subclause (i).

22. Section 152 is amended

- (a) as to subsection (1),
 - (i) by striking out clause (i) and by substituting 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."

(b) Section 152, subsection (6) is amended to include a reference to the new clauses in subsection (1) added in 1960. Section 152, subsection (6) reads:

"(6) Where a person has been convicted for any of the offences referred to in clauses (a) to (g) of subsection (1), the convicting judge, magistrate or justice of the peace shall forward the operator's licence of the convicted person to the Minister."

23. (a) Section 163, subsection (1) is amended to remove the fee fixed for certificates of driving records supplied by the Minister to insurers. A fee may be established by regulation under section 107.

(b) Authority is given to provide abstract of a driver's record to his employer.

24. Section 171, subsection (1) is revised to make it describe more accurately the type of policy to which it refers. Section 171, subsection (1) reads:

"171. (1) Where a person is insured under a policy of the type commonly known as "a garage and sales agency policy", whereby he is insured against liability for loss or damage to persons or property, occasioned by or arising out of the ownership, maintenance, operation or use, by him or his employees, of a motor vehicle that is either owned by him or in his charge, if in the opinion of the registrar, the amount in which he is insured under the policy is adequate to satisfy all such liabilities as he is likely to incur, subject, for each motor vehicle that at any one time may be operated or used by him or his employees to no lesser limits as to amount than the limits of liability fixed in subsection (1a) of section 150, the insurer that issues the policy, shall, at the time of the issue thereof, also issue and deliver to the named insured a financial responsibility card, and shall, on request by the insured issue and deliver to him an additional card, which shall be a copy of the financial responsibility card delivered to the insured, for each of his employees who commonly drives the motor vehicle owned by him or in his charge."

25. (a) Section 173, subsection (1) reads in part:

"173. (1) Where bodily injury to or the death of any person or damage in any amount apparently exceeding one hundred dollars to property results from an accident in which a motor vehicle is in any manner directly or indirectly involved, any peace officer present at the scene of the accident, or who arrives thereat while any or all of the motor vehicles so involved in the accident are still at the scene thereof, shall, subject to subsections (10) and (11) and to section 174,....."

The section as it presently reads could apply to an accident occurring on private property.

(b) Subsection (11) presently reads:

"(11) This section does not authorize the impoundment of a motor vehicle when the only damage resulting from the accident is to the person or property of the owner of the motor vehicle."

- (i) driving a motor vehicle on a highway in a municipality at a rate of speed in excess of the maximum speed limit prescribed by the by-laws of that municipality, if injury to property in excess of one hundred dollars or to any person occurs in connection therewith;
- (ii) by adding immediately at the end of clause (j) the words "if injury to property in excess of one hundred dollars or to any person occurs in connection therewith",
- (b) as to subsection (6) by striking out the letter "(g)" and by substituting the letter "(j)".

23. Section 163 is amended

- (a) as to subsection (1) by striking out the words "and the Minister shall collect as a fee for each such certificate the sum of one dollar",
- (b) by adding the following new subsection immediately after subsection (2) :
 - (3) Upon the receipt of an application from a driver, the Minister may issue an abstract of the driver's record to the driver's employer or a prospective employer.

24. Section 171 is amended by striking out subsection (1) and by substituting the following:

171. (1) Where a person is insured under a policy of the type commonly known as "a garage and sales agency policy" whereby he is insured against liability, to no lesser limits as to amount than the limits fixed in subsection (1a) of section 150, for loss or damage to persons or property occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle by himself and such other persons as are covered by the policy, the insurer who issues the policy

- (a) shall, at the time of issue thereof, issue and deliver to the named insured a financial responsibility card, and
- (b) shall, on request by the insured, issue and deliver to him an additional card, which shall be a copy of the financial responsibility card delivered to the insured, for any person who is authorized to drive the motor vehicle owned by the insured or in his charge.

25. Section 173 is amended

- (a) as to subsection (1) by adding immediately after the words "results from an accident" the words "on a highway",
- (b) as to subsection (11) by adding immediately after the word "only" the words "injury or".

26. At present the impoundment provisions of the financial responsibility part provide a fine for producing an invalid financial responsibility card but there is no authority to impound the vehicle in respect of which the invalid card was used.

27. Section 175, which provides for the sale of impounded motor vehicles when the owner fails to give security or proof of financial responsibility, is amended. Section 175, subsection (11) reads:

“(11) The proceeds of 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.”.

26. The following new section is added immediately after section 174:

174a. Where

- (a) a motor vehicle is not impounded because of the production of a purportedly valid financial responsibility card in respect of the vehicle, and
- (b) it appears the policy of insurance or other form of financial responsibility was, in fact, not in effect at the time of the accident,

a peace officer may impound the motor vehicle in the manner provided in section 173.

27. Section 175, subsection (11) is amended

- (a) as to clause (b) by adding immediately after the word "storage" the words "and towing",
- (b) as to clause (c) by adding immediately after the words "lien note" the words "registered with the central registry office of the Motor Vehicle Branch".

28. This Act comes into force on the first day of July, 1961.

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act to amend The Vehicles and
Highway Traffic Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
