

No. 105

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

BILL 105

A Bill to amend The Public Service Vehicles Act

HON. MR. TAYLOR

Explanatory Note

2. Definitions are added of terms used in the Act and in the amendments to be made by this Bill.

3. The authority of the Board to pass regulations is extended and revised for greater clarity.

BILL

No. 105 of 1961

An Act to amend The Public Service Vehicles 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 Public Service Vehicles Act*, being chapter 265 of the Revised Statutes, is hereby amended.

2. Section 2 is amended

(a) by relettering clause (a) as clause (a1) and by adding the following clause immediately before the relettered clause (a1):

(a) "axle group" means two or more axles so placed that their centres are in separate transverse vertical planes extending across the full width of the vehicle and where the distance between the centre of the first axle and the centre of the last axle of the group is not less than forty-two inches and not more than ten feet;

(b) by adding immediately after clause (n) the following new clause:

(o) "vehicle" means a motor vehicle, trailer, semi-trailer, traction engine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the cars of electric or steam railways running only upon rails.

3. Section 9, subsection (1) is amended

(a) by striking out clause (b) and by substituting the following:

(b) relating to the maximum weight of a vehicle or combination of vehicles whether loaded or without load or the maximum weight that may be borne by a tire or an axle, or both, of a vehicle, or the maximum weight that may be borne by an axle group of a vehicle or combination of vehicles,

(b) by adding immediately after clause (d) the following new clause:

4. This amendment enables the Board to appoint other personnel in addition to inspectors. The section presently reads:

"15. The Board may appoint such inspectors and traffic officers as it deems necessary to aid in the enforcement of this Act."

5. The amendment will make the wording of this section uniform with the remainder of the Act.

6. The section is amended as all fire extinguishers bearing the seal of approval of the Underwriters' Laboratory were not satisfactory. Section 38 presently reads:

"38. (1) A public service vehicle, except
 (a) a public service vehicle trailer, or
 (b) a public service vehicle exempt under subsection (3),
 shall be equipped with a fire extinguisher, bearing the seal of approval of the Underwriters' Laboratory.
 (2) The fire extinguisher shall be kept in a satisfactory operative condition.
 (3) The Board may exempt a public service vehicle or a class or classes thereof from the requirement in subsection (1)."

7. The section is amended to clarify the powers of the Board. Section 54 presently reads:

"54. (1) No holder of a public service vehicle certificate shall without the authority of the Board abandon or discontinue a service established under such certificate except as provided in subsection (3) or in the regulations.
 (2) Subject to subsection (1), if the holder of a certificate abandons or discontinues in whole or in part a service established thereunder without the authority of the Board, such certificate may be cancelled by the Board.
 (3) The Board may from time to time on the request of the Minister
 (a) close a part of a highway to a class or classes of traffic,
 (b) limit or restrict the load to be transported over a part of a highway, and
 (c) limit or restrict the speed of a class or classes of motor vehicles on a part of a highway."

8. (a) Subsection (7) is amended to clarify its meaning. Subsection (7) presently reads:

"(7) Any person who violates any provision of this Act in respect of maximum weight or any regulation in respect thereof is guilty of an offence and liable on summary conviction,
 (a) if the maximum weight of the vehicle in respect of which the offence was committed is less than twenty thousand pounds,
 (i) to a fine of not less than twenty dollars nor more than fifty dollars for a first offence,
 (ii) to a fine of not less than fifty dollars nor more than one hundred dollars for a second offence, and
 (iii) to a fine of not less than one hundred dollars nor more than two hundred dollars, or to have his licence suspended, for a third or subsequent offence,
 or
 (b) if the maximum weight of the vehicle in respect of which the offence was committed is twenty thousand pounds or greater,
 to a fine
 (i) of not less than thirty dollars when the vehicle and load are in excess of the lawful maximum weight by not more than one thousand pounds,
 (ii) of not less than sixty dollars when the vehicle and load are in excess of the lawful maximum weight by more than one thousand but not more than two thousand pounds,
 (iii) of not less than ninety dollars when the vehicle and load are in excess of the lawful maximum weight by more than two thousand pounds, but not more than three thousand pounds,
 (iv) of not less than two hundred dollars when the vehicle and load are in excess of the lawful maximum weight by more than three thousand but not more than four thousand pounds,
 (v) of not less than three hundred and fifty dollars when the vehicle and load are in excess of the lawful maximum weight by more than four thousand but not more than five thousand pounds, or
 (vi) of not less than five hundred dollars or more than one thousand dollars when the vehicle and load are in excess of the lawful maximum weight by more than five thousand pounds."

- (e) relating to the maximum weight that may be transported over any highway or portion thereof.

4. Section 15 is struck out and the following is substituted:

15. Subject to *The Public Service Act*, the board may appoint such officers and inspectors and such other employees as the Board deems necessary, and the Board may prescribe the duties of all persons appointed by it.

5. Section 23 is amended by striking out the word "tonnage" wherever it occurs and by substituting the words "maximum weight".

6. Section 38 is amended

- (a) as to subsection (1) by striking out the words ", bearing the seal of approval of the Underwriters' Laboratory" and by substituting the words "of the type prescribed by the regulations",
- (b) by adding immediately after subsection (3) the following:
 - (4) The Board may require that an ambulance be equipped with a fire extinguisher of the type prescribed by the regulations.

7. Section 54 is amended by striking out subsection (3) and by substituting the following:

- (3) The Board may from time to time on the request of the Minister
 - (a) close a highway or a part of a highway to a class or classes of traffic,
 - (b) increase, limit or restrict the load to be transported over any highway or part of a highway,
 - (c) increase, limit or restrict the maximum weight that may be borne by a tire, an axle, or an axle group, or any of them, or the maximum weight that may be borne by a vehicle or combination of vehicles, and
 - (d) limit or restrict the speed of a motor vehicle, or a class or classes of motor vehicles on any highway or part thereof.

8. Section 69 is amended

- (a) as to subsection (7)
 - (i) as to clause (a) by striking out all the words preceding subclause (i) and by substituting the following:
 - (a) if the lawful maximum weight of the vehicle and load in respect of which the offence was committed is less than twenty thousand pounds,

(b) The amendment brings subsection (7a) in line with the practical application of the legislation. Subsection (7a) reads in part:

“(7a) A person who contravenes any provision of this Act or any regulation in respect of the maximum weight that may be borne by a tire or an axle, or both, of a vehicle is guilty of an offence and liable on summary conviction to a fine

(a) of not less than thirty dollars when the weight borne by the tire or the axle, or both, is in excess of the lawful maximum weight by not more than one thousand pounds,
.....”.

- (ii) as to clause (b) by striking out all the words preceding subclause (i) and by substituting the following:
 - (b) if the lawful maximum weight of the vehicle and load in respect of which the offence was committed is twenty thousand pounds or greater, to a fine
- (b) as to subsection (7a)
 - (i) by striking out the words "a tire or an axle, or both," and by substituting the words "an axle or an axle group",
 - (ii) by striking out the words "the tire or the axle, or both," wherever they occur in clauses (a) to (f) and by substituting the words "the axle or the axle group".

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

No 105

SECOND SESSION

FOURTEENTH LEGISLATURE

9 ELIZABETH II

1961

BILL

An Act to amend The Public Service
Vehicles Act

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. TAYLOR
