

No. 91

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4th Session, 14th Legislature, Alberta  
10 Elizabeth II

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## **BILL 91**

A Bill to amend The Public Service Vehicles Act

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HON. MR. TAYLOR

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Edmonton, Alberta, 1962

## Explanatory Note

**2.** The definition of "owner" for the purposes of the Act is broadened. Section 2, clause (h) presently reads:

"(h) "owner" means a person in whose name a vehicle is registered under The Vehicles and Highway Traffic Act;".

**3.** Section 8 presently reads:

"8. The powers, duties and functions vested in and imposed on the Minister by subsection (2) of section 22 and section 104 of The Vehicles and Highway Traffic Act shall be exercised, performed and administered by the Board."

Because of recent amendments to section 22, this reference is no longer applicable.

**4.** Section 20 which requires transporters to have certain insurance coverage is amended.

**5.** Section 27, subsection (1) presently reads:

"27. (1) Where a person who is the holder of a chauffeur's licence issued pursuant to section 22 of The Vehicles and Highway Traffic Act is convicted of an offence under the provisions of this Act or of a regulation made under this Act, the convicting judge, magistrate or justice of the peace may, with respect to the public service vehicle driven by the chauffeur, suspend for a specified period or cancel the chauffeur's licence or the certificate issued by the Board or both."

# BILL

No. 91 of 1962

An Act to amend The Public Service Vehicles Act

(Assented to \_\_\_\_\_, 1962)

**H**ER 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 by striking out clause (h) and by substituting the following:

(h) "owner"

(i) means a person in whose name a vehicle is registered under *The Vehicles and Highway Traffic Act*, and

(ii) where a vehicle is not registered or is not required to be registered under *The Vehicles and Highway Traffic Act*, means the legal owner or a person in legal possession of the vehicle or a person who during all times material to this Act and the regulations has the exclusive use of the vehicle;

**3.** Section 8 is amended by striking out the words and figures "subsection (2) of section 22 and".

**4.** Section 20 is amended by adding the following new subsection:

(5) A transporter shall not transfer an insurance policy filed with the Board pursuant to this section to another person unless he also transfers to that person the certificate for the public service vehicle to which the policy applies and any instrument of transfer of such a policy is of no effect until such time as the certificate is transferred in accordance with this Act.

**5.** Section 27 is amended by striking out subsection (1) and by substituting the following:

**27.** (1) Where a person who is the holder of an operator's licence issued under *The Vehicles and Highway Traffic Act* is convicted of an offence under this Act or the regulations, the convicting judge, magistrate or justice of the peace may suspend for a specified period or cancel

**6. Section 35 presently reads:**

"35. No public service vehicle used for the carriage of passengers shall carry or transport any luggage, baggage, package, trunk, crate or other load that extends beyond the running board of the vehicle."

**7. Section 69, subsection (5) presently reads:**

"(5) The owner of a public service vehicle or a commercial vehicle for which a certificate has been issued under the provisions of this Act is liable for a contravention of any of the provisions of this Act or of the regulations made under this Act in connection with the operation of the public service vehicle or commercial 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 public service vehicle or commercial vehicle was not being driven by him or by any other person with his consent, express or implied."

**8. Section 74 presently reads:**

"74. Where proof is required of the ownership of a public service vehicle or a commercial vehicle or of the suspension or cancellation or forfeiture of a certificate, permit or liveryman's licence issued under this Act, other than one issued pursuant to section 73, or an operator's licence issued under The Vehicles and Highway Traffic Act, the production of a certificate purporting to be under the hand of the chairman of the Board to the effect that the person named therein is or was the registered owner of the public service vehicle or commercial vehicle, or that the certificate, permit or licence, as the case may be, has been suspended, cancelled or forfeited, is admissible in evidence as prima facie proof thereof, without proof of signature or official character."

**9. Commencement of Act.**

- (a) the operator's licence of the person with respect to driving public service vehicles, or
- (b) the certificate of the public service vehicle that the person was driving at the time of the commission of the offence,

or both.

**6.** Section 35 is amended by striking out the words "running board of the vehicle" and by substituting the words "extreme width of the body of the vehicle".

**7.** Section 69 is amended by striking out subsection (5) and by substituting the following:

(5) The owner of a vehicle is liable for a contravention of any of the provisions of this Act or of the regulations in connection with the operation of the 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 vehicle was not being operated by him or by any other person with his consent, express or implied.

**8.** Section 74 is amended by adding immediately after the words "commercial vehicle" wherever they occur the words "or of the issuance by the Board of a certificate, permit or liveryman's licence under this Act".

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

No. 91

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FOURTH SESSION

FOURTEENTH LEGISLATURE

10 ELIZABETH II

1962

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**BILL**

An Act to amend The Public Service  
Vehicles Act

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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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