

No. 20

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5th Session, 14th Legislature, Alberta  
11 Elizabeth II

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## **BILL 20**

A Bill to amend The Vehicles and Highway Traffic Act

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HON. MR. TAYLOR

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## **Explanatory Note**

**2.** (a) The definition of "chauffeur" is no longer required as chauffeurs' licences are no longer issued.

(b) Definition of "implement of husbandry" is added.

(c) Clause (k) presently reads:

"(k) "motor vehicle" means every vehicle propelled by any power, other than muscular power, except aircraft, tractors, whether equipped with rubber tires or not, traction engines and such motor vehicles as run only upon rails or tracks;"

(d) A definition of "parking lane" is added.

(e) Clause (n) presently reads:

"(n) "peace officer" means a mayor, reeve, sheriff, deputy sheriff, sheriff's officer, justice of the peace, gaoler or keeper of a prison, police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process;"

(f) Clause (s) presently reads:

"(s) "traffic lane" means a longitudinal division of a highway into a strip of sufficient width to accommodate the passage of a single line of vehicles;"

**3.** Section 6, subsection (2) is revised to make it apply to a change of name as well as a change of address.

**4.** Section 7 presently reads:

"7. The Minister may suspend or cancel any licence, certificate or permit issued under this Act, for misconduct or non-compliance or infraction of any of the provisions of this Act or of the regulations, or of The Fuel Oil Licensing Act, or of The Fuel Oil Tax Act, or of the Criminal Code, or upon being satisfied of the unfitness, physical or otherwise, of the holder of the licence, certificate or permit, or for any other reason appearing to the Minister to be sufficient."

# **BILL**

No. 20 of 1963

An Act to amend The Vehicles and Highway Traffic Act

(Assented to \_\_\_\_\_, 1963)

**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 2 is amended

- (a) by striking out clause (b),
- (b) by adding the following clause after clause (g1):
  - (g2) "implement of husbandry" means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations;
- (c) as to clause (k) by adding immediately after the words "traction engines" the words ", implements of husbandry",
- (d) by adding the following clause after clause (m1):
  - (m2) "parking lane" means that portion of a highway between a solid yellow line marked on the highway and the nearest outer edge of the highway;
- (e) as to clause (n) by adding immediately after the words "bailiff, constable" the words ", a person appointed under section 105,"
- (f) as to clause (s) by adding immediately at the end thereof the words "but does not mean a parking lane".

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

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

**4.** Section 7 is amended by adding immediately after the words "*The Fuel Oil Tax Act*," the words "or of *The Public Service Vehicles Act* or the regulations thereunder,".

**5. Correction of heading.**

**6. (a) Subsection (8) of section 16 presently reads:**

"(8) No person under the age of sixteen years shall drive a tractor on a main or secondary highway within the meaning of The Public Highways Act, and no person shall permit another person under the age of sixteen years to drive a tractor on such main or secondary highway."

(b) Learners' licences for motor cycles, scooters and power bicycles.

**7. Operation of road maintenance equipment while operator's licence is suspended.**

**8. Section 19, subsection (5) presently reads:**

"(5) Where a judge, magistrate or justice of the peace suspends or cancels a licence pursuant to subsection (3),

(a) the judge, magistrate or justice shall transmit the suspended or cancelled licence to the Minister together with a report setting out the nature of the conviction and the circumstances of the offence, and

(b) the suspension or cancellation remains in force until the Minister in his discretion makes an order shortening the term of suspension or annulling the cancellation."

**5.** The heading immediately preceding section 16 is struck out and the following is substituted:

**Operators Licences**

**6.** Section 16 is amended

(a) by striking out subsection (8) and by substituting the following:

(8) No person under the age of sixteen years shall drive a tractor or self-propelled implement of husbandry on a main or secondary highway within the meaning of *The Public Highways Act*.

(8a) No person shall permit another person under the age of sixteen years to drive a tractor or a self-propelled implement of husbandry on such main or secondary highway.

(8b) No person under the age of fourteen years shall drive a tractor or a self-propelled implement of husbandry on a highway.

(8c) No person shall permit another person under the age of fourteen years to drive a tractor or a self-propelled implement of husbandry on a highway.

(b) by adding the following subsection immediately after subsection (10):

(11) An operator's licence of a learner's category may be issued for the purpose of operating a motor cycle, scooter or power bicycle under such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

**7.** Section 17b is amended by adding the following subsection after subsection (2):

(3) Where the operator's licence of any person is suspended by or under this Act by an order or judgment made under this Act that person may still operate road maintenance equipment not required to be licensed under this Act.

**8.** Section 19, subsection (5) is amended by striking out the words "or cancels", the words "or cancelled", the words "or cancellation" and the words "or annulling the cancellation".

9. (a) Section 20, subsection (3) is revised to provide that where a second conviction occurs 5 years or more after the first conviction the suspension or prohibition is to be for 6 months instead of 1 year.

Subsection (3a) is revised to make it applicable only in respect of first convictions.

9. Section 20 is amended

- (a) by striking out subsection (3) and by substituting the following:

(3) Where a person is convicted under the *Criminal Code* anywhere in Canada 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, 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,

for the following period of time:

- (c) 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  
 (d) in the case of a second or subsequent conviction for that offence within five years of a previous 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  
 (e) in the case of a conviction for that offence when he has within five years of the conviction been convicted under the *Criminal Code*, anywhere in Canada, of driving or of having care or control of a motor vehicle while intoxicated, for the same period as is provided in clause (d);

and where a second or subsequent conviction for that offence is five years or more after the preceding conviction for that offence it shall, for the purposes of this section, be deemed to be a first conviction.

(3a) Notwithstanding subsection (2) or (3), in the case of a first conviction of having the care or control of a motor vehicle while intoxicated or impaired, if the person convicted 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, make an order reducing 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.

(b) Subsection (4) is struck out as being not necessary because of the establishment of the Driver Review Board. Subsection (4) reads:

"(4) When a judge, magistrate or justice of the peace convicts a person of an offence that arose from or in connection with a motor vehicle accident that resulted in bodily injury to, or in the death of, a person or in damage to property in an amount exceeding one hundred dollars, if there has been a previous similar conviction endorsed upon the operator's licence of that person within the preceding twelve months, the judge, magistrate or justice shall forward the operator's licence of that person to the Minister."

**10.** Section 35a, which states the requirements for headlamps on tractors is amended to make the requirements applicable to self-propelled implements of husbandry.

**11.** Section 42, which sets out the requirements for tail lamps on vehicles, is amended to make it applicable to self-propelled implements of husbandry and to require on certain vehicles at least two tail lamps instead of at least one.

**12.** A new section is added to enable additional lights and reflectors to be required on self-propelled implements of husbandry. Section 44 presently reads:

"44. A police constable or officer, or any inspector appointed under this Act or The Public Service Vehicles Act, may stop a vehicle when the driver of the vehicle has failed to lower the beam of his headlamp, or to direct a beam, as required by this Act."

The present section 44 is considered unnecessary as sufficient authority is found in other provisions of the Act.

**13.** Section 46, subsection (1), clauses (a), (c) and (d) presently read:

"46. (1) At any time during the period between one hour after sunset and one hour before sunrise or at any other time, due to insufficient light or unfavourable atmospheric conditions, objects are not clearly discernible on the highway at a distance of five hundred feet ahead,

(a) no motor vehicle or tractor shall be in motion on any highway unless both headlamps are alight and are providing sufficient light to make objects on the highway clearly visible,

(i) in the case of a motor vehicle at distances specified in section 37, 40 or 41, as the case may be, and

(ii) in the case of a tractor at distances specified in section 35a, .....

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

(d) no motor vehicle or tractor shall be stationary on any highway outside the corporate limits of any city, town or village unless either

(i) it has a lighted tail lamp, or

(ii) it has affixed to the left of the rear thereof a reflector of any type approved by the Lieutenant Governor in Council and so fixed as to reflect the lights of any motor vehicle approaching the stationary vehicle from the rear."



- (b) by striking out subsection (4).

**10.** Section 35a is amended by adding immediately after the word "tractor" wherever it occurs the words "or self-propelled implement of husbandry".

**11.** Section 42 is amended

- (a) by striking out subsections (1) and (2) and by substituting the following:

**42.** (1) A tractor and a self-propelled implement of husbandry and a trailer and a vehicle being drawn at the end of a train of vehicles and a motor vehicle, other than a motor cycle, shall be equipped with at least two tail lamps, and a motor cycle shall be equipped with at least one tail lamp, mounted on the rear of the vehicle.

(2) A tail lamp shall be capable, when lit as required by this Act, of emitting a red light plainly visible from a distance of not less than five hundred feet to the rear of the vehicle, except that in the case of a train of vehicles only the tail lamps on the rear most vehicle need be seen from that distance.

- (b) by striking out subsection (6).

**12.** Section 44 is struck out and the following section is substituted:

**44.** In addition to the lamps required by this Act, every self-propelled implement of husbandry shall, at the times mentioned in subsection (1) of section 46, be equipped with and display such other lights and reflectors as may be prescribed by the Lieutenant Governor in Council.

**13.** Section 46, subsection (1) is amended

- (a) as to clause (a) by adding immediately after the word "tractor" wherever it occurs the words "or self-propelled implement of husbandry",
- (b) by striking out clause (c) and by substituting the following:
  - (c) no motor vehicle or tractor or self-propelled implement of husbandry or trailer shall be in motion upon any highway unless the tail lamps with which it is required to be equipped are lit,
- (c) as to clause (d) by adding immediately after the word "tractor" the words "or self-propelled implement of husbandry".

**14.** Section 47, subsection (3), clause (c) permits flashing lights on certain vehicles. A vehicle leading a funeral procession will be permitted flashing lights.

**15.** Section 50, which sets out the requirements for service and parking brakes on motor vehicles is amended to make it applicable to self-propelled implements of husbandry to the same extent as it applies to tractors. Subsections (8) and (9) presently read:

“(8) No tractor shall be operated upon a highway unless it has an adequate service brake.

(9) In subsections (2) to (7) “motor vehicle” includes a tractor.”.

**16.** Section 52 is revised to require at least two stop lights instead of one on motor vehicles other than motor cycles.

**17.** A new section is added requiring mudguards on fenders on certain vehicles.

**18.** Authority to prescribe standards and specifications of equipment used in motor vehicles.

**14.** Section 47, subsection (3), clause (c) is amended by adding the following subclause:

(vii) a vehicle leading a funeral procession,

**15.** Section 50 is amended

(a) as to subsection (8) by adding immediately after the word "tractor" the words "or self-propelled implement of husbandry",

(b) as to subsection (9) by adding immediately after the word "tractor" the words "and a self-propelled implement of husbandry".

**16.** Section 52 is struck out and the following section is substituted:

**52.** (1) A motor vehicle other than a motor cycle, shall be equipped with at least two stop lamps, and a motor cycle shall be equipped with at least one stop lamp, mounted on the rear of the vehicle.

(2) A stop lamp shall be capable of being lit when the service brake is applied and when lit, shall be capable of emitting a red light plainly visible from a distance of not less than one hundred feet to the rear of the vehicle in normal sunlight.

**17.** The following new section is added immediately after section 55a:

**55b.** (1) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle.

(2) Subsection (1) does not apply to a motor vehicle or trailer in an unfinished condition while proceeding to a works for completion.

**18.** The following new section is added immediately after section 57b:

**57c.** (1) No person shall sell or offer for sale for use in vehicles upon a highway any equipment that does not comply with the standards and specifications that may be prescribed for such equipment by the regulations.

(2) The Lieutenant Governor in Council may make regulations

(a) prescribing the standards and specifications for any equipment to be installed or used in vehicles, and

(b) providing for the identification and labelling of such equipment or the containers thereof.

(3) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary any code of standards or specifications of any equipment to be used or installed in vehicles.

**19. Section 59, subsections (2), (3) and (7) presently read:**

"(2) The Lieutenant Governor in Council may, by regulations, prescribe a maximum rate of speed in excess of sixty miles an hour for any highway outside an urban district, but any such maximum rate shall prescribe a lesser rate for night time than daytime and shall not in any event prescribe a maximum rate in excess of sixty-five miles an hour.

(3) In case of highways other than district highways, local roads or development roads within the area of a county, municipal district or improvement district, the Lieutenant Governor in Council may, by regulation applicable to all vehicles or to any class or classes of vehicles, prescribe general maximum speed limits therefor under sixty miles an hour to be indicated by signs posted along the highway, but no such general maximum rates of speed shall prescribe a rate for night time in excess of fifty miles an hour.

(7) Where speed limits are prescribed pursuant to this section, the Minister, council, or engineer, as the case may be, fixing the speed limit shall cause to be erected along the highway, at such intervals as may be prescribed by the regulations, signs indicating the speed limits so prescribed."

**20. Section 65, subsection (1) presently 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, or
- (d) at a level railway crossing."

**21. Section 66, subsection (2) presently reads:**

"(2) If any driver desires to pass another vehicle or horseman travelling upon a highway in the same direction, he shall sound his horn before commencing to pass and he shall in passing keep his vehicle to the left of the other vehicle or horseman, except as is otherwise provided for in section 67."

**22. Section 67, subsection (1), clause (h) and subsection (2) presently read:**

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

.....

- (h) a driver overtaking another vehicle that is travelling in the same direction on any highway where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction, may in passing keep to the right or left of the other vehicle if there is a lane available for passing to the right or to the left of the lane being used by the overtaken vehicle,

....."

"(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."

**19. Section 59 is amended**

- (a) by striking out subsection (2) and by substituting the following:

(2) The Lieutenant Governor in Council may, by regulations prescribe a maximum speed in excess of sixty miles an hour for any highway outside an urban district and may prescribe different rates for daytime and night time.

- (b) as to subsection (3) by striking out the words “, but no such general maximum rates of speed shall prescribe a rate for night time in excess of fifty miles an hour”,
- (c) as to subsection (7) by striking out the words “at such intervals as may be prescribed by the regulations.”,
- (d) by adding the following subsection after subsection (7) :

(7a) Where a speed limit is prescribed pursuant to this section, the speed limit applies to all that part of the highway between the point where the first sign indicating the prescribed speed limit is posted and the point where a sign is posted indicating a greater or lesser speed or indicating that the prescribed speed limit has ceased to apply.

**20. Section 65, subsection (1) is amended by striking out clause (c).****21. Section 66 is amended by striking out subsection (2) and by substituting the following:**

(2) Where any driver desires to pass another vehicle travelling upon a highway in the same direction, he shall in passing keep his vehicle to the left of the other vehicle except as otherwise provided for in section 67.

**22. Section 67 is amended**

- (a) as to subsection (1), clause (h) by adding immediately at the end thereof the words “but he shall not overtake or pass by driving in a parking lane”,
- (b) as to subsection (2) by adding immediately at the end thereof the words “or onto a parking lane”,
- (c) by adding the following subsection after subsection (2) :

(3) Notwithstanding anything in this section, a driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety.

**23.** Section 69, subsections (2) and (3) presently read:

"(2) A driver meeting or being overtaken or being approached from the right or left by a motor vehicle on which a siren is being sounded, shall bring the motor vehicle he is driving to a stop at the extreme right and shall remain stopped until the motor vehicle sounding its siren has passed.

(3) The provisions of subsection (2) do not operate so as to relieve the driver of an authorized emergency vehicle from the duty of driving with due regard to the safety of all persons using the highway."

**24.** Section 76, subsections (2), (4) and (6) presently read:

"(2) The driver of a vehicle being about to enter upon

(a) a main highway from a secondary highway or local highway or from a private road or from a street, alley, lane, or driveway,

(b) a secondary highway from a local highway or from a private road or from a street, alley, lane or driveway,

(c) a local highway from a private road, or from a street, alley, lane or driveway,

(d) a street from a private road, or from an alley, lane or driveway, or

(e) an alley or lane or private road from a driveway,

shall bring his vehicle to a stop at a point not less than ten feet nor more than twenty feet from such highway, street, alley, lane or private road being entered upon, unless the intersection point is marked with a "yield right of way" sign.

(4) Where a vehicle has been brought to a stop pursuant to subsection (2) or (3), the driver of the vehicle shall not proceed until the conditions of traffic upon the highway, street, alley, lane, private road or intersection being entered upon are such that he can enter thereupon in safety, and he shall yield the right of way to all traffic approaching thereupon.

(6) The council of a municipal district or county may, by by-law, designate any local highway, street or intersection within the municipality as a highway, street or intersection at which vehicles are required to stop or yield the right of way before entering thereupon and may authorize the erecting of "stop" or "yield right of way" signs thereon, as desired."

**25.** A new section 87a prohibits the use of radar detectors on vehicles.

A new section 87b prohibits the carriage of passengers in house trailers.

**23. Section 69 is amended**

- (a) by adding the following subsection after subsection (2) :

(2a) On a one-way street where there are more than two traffic lanes, a driver meeting or being overtaken or being approached from the right or left by a motor vehicle on which a siren is being sounded, shall drive his motor vehicle as close as practicable to either the right or left of the highway, whichever is nearer, and shall bring his vehicle to a stop and shall remain stopped until the motor vehicle sounding its siren has passed.

- (b) as to subsection (3) by striking out the word and figure "subsection (2)" and by substituting the words and figures "subsections (2) and (2a)".

**24. Section 76 is amended**

- (a) as to subsection (2) by striking out clauses (a) and (b) and by substituting the following
  - (a) a main highway or a secondary highway from a local highway or from a private road or from a street, alley, lane or driveway,
- (b) as to subsection (4) by striking out the words "has been brought to a" and by substituting the words "is required to",
- (c) as to subsection (6) by adding immediately after the words "may, by by-law," the words "or in the case of an improvement district, the Minister may, by order,".

**25. The following new sections are added immediately after section 87:**

**87a.** (1) No person shall drive upon a highway a vehicle that is equipped with a device capable of detecting radar or such other electronic equipment as may be used from time to time for measuring the speed of vehicles.

(2) Subsection (1) does not apply to

- (a) a vehicle used by a peace officer in the course of his duties, or
- (b) a vehicle used by a person in conducting a traffic survey authorized by the Minister.

**87b.** (1) No person shall occupy or permit any other person to occupy a house trailer while it is being moved upon a highway.

(2) In this section "house trailer" means a vehicle capable of being attached to and drawn by a motor vehicle and designed, constructed or equipped as a dwelling place, living abode or sleeping place.

**26.** Section 89, subsections (1) and (6) presently read:

"89. (1) No domestic animal shall be on a highway unless it is in direct and continuous charge of a person who is competent to control it and who is controlling it in such a manner that it does not obstruct or cause any damage to the highway or create any hazard to traffic on the highway.

(6) Subsections (1) to (4) do not apply to a highway adjacent to land

(a) held under a grazing lease or grazing permit, or

(b) established and operated as a community grazing reserve, pursuant to The Public Lands Act."

Subsections (2), (3) and (4) deal with the impoundment of stray animals.

**27.** Prohibition against stunts upon a highway.

**28.** Section 105 presently reads:

"105. The Lieutenant Governor in Council may on the recommendation of the Minister appoint such persons or officers as may be deemed necessary for enforcing and carrying out the provisions of this Act."

See the definition of "peace officer" in clause 2(e) of this Bill and see clause 30.

**29.** Section 106 reads:

"106. All members of the Royal Canadian Mounted Police and all police constables and officers and all other peace officers, are ex officio officers for the purpose of carrying out and enforcing the provisions of this Act."

This section no longer serves any purpose as a result of the amendment to section 105—see clause 27.

**30.** Section 108 reads:

"108. (1) The Minister may from time to time appoint such persons as he thinks fit as motor vehicle inspectors who shall have such duties as may be assigned to them by him.

(2) The Minister may delegate all powers conferred upon him by this Act to such person or persons as he may deem advisable."

See clause 28 of this Bill which will provide for the appointment of peace officers.

**31.** A reference is changed because of the changes being made in sections 2 and 105 and the repeal of section 108.



**26.** Section 89 is amended

- (a) as to subsection (6) by adding immediately after the word "highway" the words ", other than a main highway or secondary highway within the meaning of *The Public Highways Act*,"
- (b) by adding the following subsection immediately after subsection (6) :

(7) When any person is charged with an offence under this section, the justice of the peace or magistrate trying the case may dismiss the case if he is of the opinion that the offence was committed wholly by accident or misadventure, and without negligence and that the person could not by the exercise of reasonable care or precaution have avoided the offence.

(8) In this section "highway" means a main highway, a secondary highway, a district highway, a development road and a local road, all within the meaning of *The Public Highways Act*.

**27.** The following new section is added immediately after section 92a :

**92b.** No person shall perform or engage in any stunt or other activity upon a highway that is likely to unduly distract the attention of the drivers of motor vehicles.

**28.** Section 105 is amended by striking out the words "or officers" and by substituting the words "as peace officers".

**29.** Section 106 is repealed.

**30.** Section 108 is amended by striking out subsection (1).

**31.** Section 109 is amended by striking out the words "Any motor vehicle inspector appointed by the Minister or any police officer or constable" and by substituting the words "Any peace officer".

**32.** Sections 110 to 116 give certain powers to any "inspector or peace officer". The references to inspector are being removed because of the repeal of section 108.

**33.** Section 114 is amended to remove a reference to "inspector" (see note to clause 32) and to add an additional offence for which a person may be arrested without a warrant.

**34.** See note to clause 32.

**35.** See note to clause 32.

**36.** Section 127a presently reads:

"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 or the regulations or under The Public Service Vehicles Act or the regulations under that Act a certificate signed by a tester appointed under subsection (1) and bearing date thereon not more than thirty 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."

**37.** Proof of time of sunrise and sunset by a meteorologist's certificate.

**32.** Sections 110, 111, 112 and 113 are amended by striking out the words "inspector or" wherever they occur.

**33.** Section 114 is amended

- (a) by striking out the words "inspector or",
- (b) by adding the following clause after clause (b):
  - (b1) subsection (10) of section 83 relating to the giving of his name by a pedestrian;

**34.** Section 115 is struck out and the following section is substituted:

**115.** Every person called upon by a peace officer to assist a peace officer in the arrest of a person suspected of having committed any of the offences mentioned in section 114 is justified in so doing if he knows that the person calling on him for assistance is a peace officer and does not know that there are no reasonable grounds for the suspicion.

**35.** Section 116 is amended

- (a) as to subsection (1) by striking out the words "inspector or",
- (b) as to subsection (2) by striking out the word "inspector,".

**36.** Section 127a is struck out and the following section is substituted:

**127a.** (1) The Lieutenant Governor in Council may

- (a) appoint one or more qualified persons as testers of the speedometer on motor vehicles, and
- (b) may prescribe such forms as may be required for the recording and reporting of such tests.

(2) In any prosecution under this Act or the regulations or under *The Public Service Vehicles Act* or the regulations under that Act, a certificate purporting to be signed by a tester appointed under subsection (1) and bearing date thereon not more than thirty days before or after the date of the offence charged and stating therein the result of the 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.

**37.** The following new section is added immediately after section 127a:

**127b.** In any prosecution under this Act or the regulations, a certificate purporting to be signed by a meterologist and stating the time of sunrise or the time of sunset in any area on any day is admissible in evidence as *prima facie* proof of the facts stated in the certificate, without proof of the signature or qualifications of the person signing the certificate.

**38. Section 128 presently reads:**

"128. (1) Where any person who is the holder of an operator's licence or in whose name a vehicle is registered is convicted of any offence referred to in subsection (1) of section 19, the judge, magistrate or justice of the peace before whom the person was convicted shall forward to the Minister with the conviction a summary outlining the facts and circumstances of the offence and setting forth

- (a) the name, address and description of the person so convicted,
- (b) the number of the motor vehicle,
- (c) the Act or by-law and section thereof contravened, and
- (d) the time the offence was committed.

(2) If the offence was committed by a licensed chauffeur, the convicting magistrate shall also set forth the number of his licence and the name, address and description of his employer."

**39. Section 130 presently reads:**

"130. In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle upon a highway, a person driving the motor vehicle and living with and as a member of the family of the owner thereof and a person who is driving the motor vehicle and who has acquired possession of it with the consent, express or implied, of the owner thereof shall be deemed to be the agent or servant of the owner of the motor vehicle and to be employed as such, and shall be deemed to be driving the motor vehicle in the course of his employment, but nothing in this section relieves any person deemed to be the agent or servant of the owner and to be driving the motor vehicle in the course of his employment from the liability for the damages."

**40. Section 132, subsection (1) reads:**

"132. (1) No person transported by the owner or driver of a motor vehicle as his guest without payment for the transportation has any cause of action for damages against the owner or driver for injury, death or loss, in case of accident, unless the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle, and unless the gross negligence or wilful or wanton misconduct contributed to the injury, death or loss for which the action is brought."

The effect of the amendment is to make the driver not liable to the owner unless the driver was grossly negligent.

**41. Sections 134 and 135 presently read:**

"134. A person who fails to produce his operator's licence, or the certificate of registration of the motor vehicle, when the same is demanded by a police officer or inspector, is guilty of an offence and liable on summary conviction to a fine of not more than five dollars.

"135. Every person who drives a vehicle on a highway without due care and attention or without reasonable consideration for the persons using the highway is guilty of the offence of driving carelessly and liable on summary conviction to a fine of not less than ten dollars and not more than five hundred dollars or to imprisonment for a term of not more than three months."

Section 134 is revised to include a specific reference to the sections requiring drivers to produce licences.

The change in form of section 135 is intended to indicate that there are two forms of careless driving.

**42. Prima facie proof by certificate.**

**38.** Section 128 is amended

- (a) as to subsection (1) by striking out the words “who is the holder of an operator’s licence or in whose name a vehicle is registered”,
- (b) by striking out subsection (2).

**39.** Section 130 is amended by striking out the words “has acquired possession” and by substituting the words “is in possession”.

**40.** Section 132 is amended by adding the following subsection after subsection (2) :

(3) Where the owner of a motor vehicle is being driven in his own motor vehicle by another person, subsection (1) applies as if the owner were the guest of the driver.

**41.** Sections 134 and 135 are struck out and the following sections are substituted:

**134.** A person who, on the demand of a peace officer,

- (a) fails to deliver his operator’s licence as required by section 18, or
- (b) fails to produce the certificate of registration of a motor vehicle as required by section 110,

is guilty of an offence and liable on summary conviction to a fine of not more than five dollars.

**135.** Every person who drives a vehicle on a highway

- (a) without due care and attention, or
- (b) without reasonable consideration for the persons using the highway,

is guilty of the offence of driving carelessly and liable on summary conviction to a fine of not less than ten dollars and not more than five hundred dollars or to imprisonment for a term of not more than three months.

**42.** Section 139 is amended by striking out subsection (3) and by substituting the following:

**43. Sections 140 and 140a read:**

"140. (1) Any person violating the provisions of Part III is guilty of an offence and liable on summary conviction,

- (a) for a first offence to a fine of not more than fifty dollars,
- (b) for a second offence to a fine of not more than three hundred dollars, and
- (c) for a third and subsequent offence, to a fine of not more than five hundred dollars, or to imprisonment for a term of not less than two weeks nor more than one month, or to both fine and imprisonment.

(2) The licence of any person who commits any offence against the provisions of Part III after a conviction for a second offence under that Part is ipso facto suspended.

(3) Where a licence is suspended pursuant to subsection (2) and the Minister deems it a proper case for relief, he may in his discretion, issue a temporary permit or reissue the licence for such period and upon such terms and conditions as he deems just.

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 suspended, 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 suspended under this section."

The offences will now come under the general penalty section—section 133.

**44. Section 150, subsection (1a) presently reads:**

"(1a) A motor vehicle liability policy shall insure, in respect of any one accident, to the limit of twenty-five thousand dollars, exclusive of interests and costs, against loss or damage resulting from bodily injury to or the death of one or more persons and damage to property, and where in any one accident loss or damage results from bodily injury or death and damage to property

- (a) any claim arising out of bodily injury or death shall have priority over claims arising out of damage to property to an amount of twenty thousand dollars, and
- (b) any claims arising out of damage to property shall have priority over claims arising out of bodily injury or death to an amount of five thousand dollars."

**45. (1) A reference to an operator's licence is substituted for references to drivers' and chauffeurs' licences.**

**(2) Section 151, subsection (2) presently reads:**

"(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 is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of at least twenty-five thousand dollars, exclusive of interest and costs,
- (b) such person gives proof of his financial responsibility."

(3) A person who operates a motor vehicle

(a) of a type that he is not authorized to operate under the class of operator's licence that he holds, or

(b) contrary to a restriction or condition on his licence, is guilty of an offence and liable upon summary conviction to a fine of not more than one hundred dollars and in default of payment, to a term of imprisonment not exceeding thirty days.

**43.** Sections 140 and 140a are repealed.

**44.** Section 150, subsection (1a) is amended

(a) by striking out the words "twenty-five thousand" and by substituting the words "thirty-five thousand",

(b) by striking out the words "twenty thousand" in clause (a) and by substituting the words "thirty thousand".

**45.** (1) Section 151 is amended

(a) as to subsection (1) by striking out the words "driver's or chauffeur's" and by substituting the word "operator's",

(b) as to subsections (2) and (4) by striking out the word "driver's" and by substituting the word "operator's",

(c) as to subsection (6) by striking out the words "a driver's or chauffeur's" and by substituting the words "an operator's".

(2) Section 151, subsection (2), clause (a) is amended by striking out the words "twenty-five thousand" and by substituting the words "thirty-five thousand".

**46.** Section 152, subsection (1), clauses (a), (b), (c) and (f) presently 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:

- (a) driving a motor vehicle on a highway at an unreasonable rate of speed in contravention of subsection (1) of section 58 if injury to property in excess of one hundred dollars or to any person occurs in connection therewith;
- (b) driving a motor vehicle on a highway at a rate of speed prohibited under subsection (2) of section 58 if injury to property in excess of one hundred dollars or to any person occurs in connection therewith;
- (c) driving a motor vehicle on a highway at a rate of speed in excess of a maximum speed limit prescribed pursuant to section 60, if injury to property in excess of one hundred dollars or to any person occurs in connection therewith;
- (f) driving a motor vehicle on a highway without an operator's licence in contravention of any of the provisions of this Act if injury to property in excess of one hundred dollars or to any person occurs in connection therewith;

and such licence remains so suspended and shall not at any time thereafter be renewed, nor shall any new licence be thereafter issued to or made for such person until he has satisfied any penalty imposed by the court in respect of the offence, or his conviction has been quashed, and until he has given to the Minister proof of his financial responsibility for future motor vehicle accidents in the manner and for the amount required by this Part, but the giving of proof to the Minister of such financial responsibility for future accidents does not alter or affect in any way any disqualification to hold a licence or the suspension or cancellation of an operator's licence under any other provisions of this Act."

**47.** Proof of financial responsibility is to be given in the amount of \$35,000.

**48.** Section 159, subsection (2) reads:

"(2) Where a person is relieved from the requirements 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."

**49.** Section 164 presently reads:

"164. (1) Any owner or driver whose registration or licence has been suspended as herein provided or whose policy of insurance or surety bond has been cancelled or terminated as herein provided or who neglects to furnish additional proof of financial responsibility upon the request of the Minister as herein provided shall immediately return to the Minister his operator's licence or both and all licence plates issued upon the registration of his motor vehicles.

(2) If any such person fails to return his licence, and plates as provided herein, the registrar or his deputy may direct any police officer to secure possession thereof and return the same to the office of the Minister.

(3) Any person failing to return his licence and plates when so required, or refusing to deliver the same when requested to do so by the police officer, is guilty of an offence and liable to a fine of not less than ten dollars and not more than one hundred dollars for each offence."

The words "or both" in subsection (1) are an error.

**50.** Section 166a presently reads:

"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, a liability policy or a bond or money or securities constituting proof of financial responsibility shall be maintained by him each year for at least three consecutive years."



**46. Section 152 is amended**

- (a) as to subsection (1)
  - (i) by striking out clause (a) and by substituting the following:
    - (a) driving a motor vehicle on a highway at a rate of speed in contravention of Part III, if injury to property in excess of one hundred dollars or to any person occurs in connection therewith;
  - (ii) by striking out clauses (b), (e) and (f),
- (b) by adding the following subsection after subsection (1):
  - (1a) Where a person who has an operator's licence is convicted or forfeits his bail anywhere in Canada for an offence under the *Criminal Code* arising out of the operation of a motor vehicle or the failure to return to the scene of an accident, subsection (1) applies in the same manner as if the conviction had been made or the bail forfeited by a court in the Province.

**47. Section 157, subsection (1), clause (c) is amended** by striking out the words "twenty-five thousand" and by substituting the words "thirty-five thousand".

**48. Section 159 is amended** by adding the following subsection after subsection (2):

(3) Subsection (2) does not apply to the filing of proof of financial responsibility on behalf of a spouse.

**49. Section 164 is amended**

- (a) as to subsection (1) by striking out the words "or both" and by substituting the words ", the certificates of registration of any motor vehicles registered in his name",
- (b) as to subsection (2) by adding immediately after the word "licence," the words "certificates of registration",
- (c) as to subsection (3) by striking out the words "and plates" and by substituting the words ", certificates of registration and plates, or any of them".

**50. Section 166a is amended** by striking out the word "consecutive".

**51. Self-explanatory.**

**52.** Section 173 provides for the impounding of vehicles involved in accidents where proof of financial responsibility is not shown. Subsection (5) presently reads:

"(5) All costs and charges for the care or storage of a motor vehicle impounded under this section constitute a lien thereon in favor of the keeper of the repair shop, garage or storage place, and the same may be enforced by him in the manner provided by The Possessory Liens Act."

**53.** Section 174, subsection (2) presently reads:

"(2) Where a motor vehicle has been impounded under section 173, and  
(a) the registrar is satisfied that, at the time of the accident, the motor vehicle was a stolen motor vehicle, or

(b) Repealed. (1958, c. 93, s.18)

(c) the driver, owner, or other person in charge of the motor vehicle produces to the registrar a financial responsibility card in respect of the motor vehicle and issued prior to the accident,

the registrar shall order the release of the motor vehicle from impoundment unless it is required to be impounded by some other provision of this or any other Act, or unless it is required by the Crown as evidence in the prosecution of a criminal offence."

**54.** Section 177, subsection (1) reads in part:

"177. (1) A person who

.....

is guilty of an offence and liable, if not a corporation, to a fine of not less than fifty dollars and not more than two hundred dollars and to imprisonment for a term not exceeding thirty days, and, if a corporation, to a fine of not less than two hundred dollars and not more than one thousand dollars."

**55.** Commencement of Act.

**51.** The following new section is added immediately after section 166b :

**166c.** Where a person fails to maintain proof of financial responsibility, a liability policy or a bond or money or securities constituting proof of financial responsibility as required by this Act, the Minister may suspend the operator's licence and motor vehicle registration of that person until proof of financial responsibility is again filed.

**52.** Section 173, subsection (5) is amended

- (a) by adding immediately after the words "charges for the" the words "towing and the",
- (b) by adding immediately after the words "in favor of the" the words "tower and the".

**53.** Section 174, subsection (2) is amended by striking out clause (c) and by substituting the following:

- (c) the driver, owner, or other person in charge of the motor vehicle produces to the registrar a financial responsibility card in respect of the motor vehicle which shows proof of financial responsibility at the time of the accident,

**54.** Section 177, subsection (1) is amended by striking out the words "and to imprisonment for a term not exceeding thirty days," and by substituting the words "or to imprisonment for a term not exceeding thirty days, or to both such fine and imprisonment,".

**55.** (1) This Act, except sections 44, subsection (2) of section 45 and 47, comes into force on the first day of July, 1963.

(2) Section 44, subsection (2) of section 45 and 47 come into force on the first day of September, 1963.

No. 20

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FIFTH SESSION

FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

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## **BILL**

An Act to amend The Vehicles and  
Highway Traffic 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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