

No. 61

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

BILL 61

A Bill to amend The Public Service Vehicles Act

HON. MR. TAYLOR

Explanatory Note

2. Section 2 is amended to clarify some of the terms used in the Act.

3. Subsection (3) of section 3 is revised to clarify the prohibition against advertising transportation for hire. Subsection (3) of section 3 presently reads:

“(3) No person other than the holder of a public service vehicle certificate shall by advertising or otherwise solicit the transportation of passengers, livestock, liquids, goods, merchandise, sand, gravel or other material.”.

4. Subsection (1) of section 4 is amended to provide for an increase in membership from three to five. Subsections (4) and (8) are revised to provide for the Board to act when there is a vacancy on the Board. Subsections (1), (4) and (8) presently read:

“4. (1) There shall be a board named “The Highway Traffic Board” which shall be composed of three members to be appointed by the Lieutenant Governor in Council.

(4) If a member of the Board is absent or unable to act or for any reason vacates his seat, the two remaining members shall concur in exercising the powers of the Board.

(8) A vacancy does not impair the powers of the remaining members to act, and in any such case the signature of one member is sufficient.”.

BILL

No. 61 of 1963

An Act to amend The Public Service Vehicles Act

(Assented to _____, 1963)

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 by adding the following after clause (d):

- (d1) "express" means express freight;
- (d2) "express freight" means freight carried faster than ordinary freight;
- (d3) "freight" means any load or burden exclusive of passengers that is or may be carried by means of a vehicle;

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

(3) No person shall advertise or otherwise solicit or undertake to transport for compensation any passengers or freight unless he has the proper certificate, permit or licence required by the Board.

4. Section 4 is amended

- (a) as to subsection (1) by striking out the word "three" and by substituting the words "not more than five",
- (b) by striking out subsection (4) and by substituting the following:
 - (4) If a member of the Board is absent or unable to act, the remaining members shall concur in exercising the powers of the Board.
- (c) by striking out subsection (8) and by substituting the following:
 - (8) Where there is a vacancy on the Board the remaining members may exercise all the powers of the Board.

5. Clause (p) of section 14 presently reads:

"14. The Board may do all that is necessary for the proper conduct of its business, and in particular, but without restricting the generality of the foregoing, may make regulations or orders

.....

(p) providing for a uniform bill of lading,".

6. Subsection (1) of section 20 requires certain insurance policies and proof of motor vehicle liability insurance to be filed before a public service vehicle certificate will be issued. This amendment expands the present subsection (5) of section 20 and will prevent the transfer of a policy of insurance to another person or from one motor vehicle to another contrary to the purposes of the Act. Subsection (5) of section 20 presently reads:

"(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."

7. Section 55 is revised because there are no longer licences designated as "chauffeurs' licences" in Alberta.

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

9. Commencement of Act.

5. Section 14 is amended by striking out clause (p) and by substituting the following:

(p) governing the form, content and use of a bill of lading,

6. Section 20 is amended by striking out subsection (5) and by substituting the following:

(5) No person shall transfer an insurance policy mentioned in this section from one person to another or from one motor vehicle to another unless

(a) when the policy is transferred to another person, the certificate for the public service vehicle to which the policy applies is also transferred to the other person, or

(b) when the policy is transferred to another vehicle,
(i) the certificate for the first vehicle is cancelled or transferred to the other vehicle, or
(ii) new proof of insurance on the first vehicle is filed pursuant to this section,

and any transfer of such a policy contrary to this section is invalid.

7. Section 55 is amended by striking out the words "a chauffeur's" and by substituting the words "the proper operator's".

8. The following new section is added after section 69:

69a. In any prosecution under this Act or the regulations, a certificate purporting to be signed by a meteorologist 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.

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

No. 61

FIFTH SESSION

FOURTEENTH LEGISLATURE

11 ELIZABETH II

1963

BILL

An Act to amend The Public Service
Vehicles Act

Received and read the

First time

Second time

Third time

HON. MR. TAYLOR
