

No. 141

1st Session, 15th Legislature, Alberta
12 Elizabeth II

BILL 141

A Bill to amend The Vehicles and Highway Traffic Act

HON. MR. TAYLOR

Explanatory Note

1. This Bill amends The Vehicels and Highway Traffic Act, which is chapter 356 of the Revised Statutes.

2. Section 2, clause (s1) presently reads:

“(s1) “trailer” means a vehicle intended for the conveyance of goods
(i) that may be attached to and drawn by a motor vehicle, and
(ii) that is at any time drawn upon a highway by a motor vehicle;”.

3. Section 4, which provides for application of registration of motor vehicles, is amended to make it applicable to trailers.

4. Section 5, which provides for the issue of a certificate of registration for motor vehicles, is amended to make applicable to trailers.

5. Section 8 presently reads:

“8. Subject to the provisions of this Act as to suspension and cancellation, the period of registration for any motor vehicle registered and the period of any licence issued to any person licensed as an operator pursuant to Part 1, shall be from the first day of April until the ensuing thirty-first day of March, both days inclusive, or for such longer period as the Lieutenant Governor in Council may from time to time prescribe.”.

6. Section 10 is revised to make it applicable to trailers.

BILL

No. 141 of 1964

An Act to amend The Vehicles and Highway Traffic Act

(Assented to _____, 1964)

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* is hereby amended.

2. Section 2 is amended by striking out clause (s1) and by substituting the following:

(s1) "trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle or tractor and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include road building machinery;

3. Section 4 is amended by adding after the words "motor vehicle" in subsections (1) and (2) the words "or trailer".

4. Section 5 is amended by adding after the words "motor vehicle" the words "or trailer".

5. Section 8 is struck out and the following is substituted:

8. Subject to the provisions of this Act as to suspension or cancellation,

(a) the period of registration for any motor vehicle and trailer registered, and

(b) the period of any licence issued to any person licensed as an operator,

pursuant to this Part, shall be for the period prescribed by the Lieutenant Governor in Council.

6. Section 10 is struck out and the following is substituted:

10. Subject to the other provisions of this Act,

(a) no person who is the owner of a motor vehicle or trailer shall operate or suffer to permit any other

7. (a) Section 11a, subsection (3) is amended for clarification. The subsection presently refers to obtaining another motor vehicle.

(b) Subsection (6) presently reads:

"(6) Notwithstanding subsections (2) and (3) where a motor vehicle is registered under the names of both a lesser and a lessee, and the lessee ceases to have an interest in the vehicle, the lessor shall retain the number plates in his possession and may apply at any time during the registration year to have the registration included a new lessee of the vehicle."

8. Section 12 which provides for regulations relating to trailers is revised. Certain matters referred to in the present section are omitted as they will now be dealt with in the Act.

9. Self-explanatory.

person to operate the motor vehicle or trailer on a highway at any time during which he is not the holder of a subsisting certificate of registration issued pursuant to this Act for the motor vehicle or trailer, and

- (b) no person shall operate on a highway any motor vehicle or trailer in respect of which there is not for the time being a subsisting certificate of registration issued pursuant to this Act.

7. Section 11a is amended

- (a) as to subsection (3) by striking out the word "obtaining" and by substituting the words "acquiring ownership of",
- (b) by striking out subsection 6 and by substituting the following:

(6) Notwithstanding subsections (2) and (3), where a motor vehicle is registered under the names of both a lessor and lessee, and the lessee ceases to have an interest in the vehicle, the lessor shall retain the number plates in his possession and may apply within fourteen days after having released the vehicle to a new lessee to have the registration include the new lessee of the vehicle.

8. Section 12 is struck out and the following is substituted:

12. The Lieutenant Governor in Council may

- (a) for the purpose of registration classify trailers into such classes as he considers convenient having regard to carrying capacity, construction, use or any other circumstance, and may fix the fee payable on registration of all or any class thereof and may fix different fees in respect of different classes at such amounts as he considers proper, and may exempt any class of trailer from the requirement of registration, and
- (b) make regulations as to the operation upon any highway of trailers, the lighting or other equipment to be installed thereon, the issuance, form and notice of registration plates, and the display of such plates on the trailer.

9. Section 15 is amended by adding the following subsection:

- (4) A person destroying or dismantling a motor vehicle in such a manner as to make it inoperative
 - (a) shall not use or allow the serial number plate of that motor vehicle to be used on any other motor vehicle, and

10. Section 16, subsection (1) requires every person who operates a motor vehicle on a highway to have an operator's licence. Subsection (3) which sets out an exception to that rule is revised for greater clarity and a new exception for holders of international drivers' licences is added.

11. Section 19 which provides for the endorsement and suspension of operators' licences on conviction of certain offences is amended to make it applicable to certain offences under the National Parks Highway Traffic Regulations.

12. Section 31 reads:

"31. A number plate shall at all times be kept in a legible condition, clearly visible and unobscured by any part of the vehicle or its attachments or load, or otherwise howsoever, and shall be kept firmly fastened."

13. Section 46, subsection (1) which sets out the lights to be displayed by vehicles on the highway at night is amended to require clearance lights on self-propelled mobile homes.

- (b) shall forthwith remove and deliver the serial number plate of the motor vehicle to the nearest peace officer.

10. Section 16 is amended by striking out subsection (3) and by substituting the following:

(3) Subsection (1) does not apply to a person ordinarily resident outside the Province

(a) if he

(i) does not remain in Alberta, or

(ii) does not carry on business or is not employed in Alberta,

for more than three months in any year, and

(b) if he is authorized by the laws of his place of residence to operate a motor vehicle.

(3a) Subsection (1) does not apply to a person who

(a) holds an international driver's licence, and

(b) does not remain in Alberta for more than twelve consecutive months.

11. Section 19 is amended

(a) as to subsection (1)

(i) by striking out of clause (b) the word and figure "or 74," and by substituting the word and figures ", 74 or 75,"

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

(iii) by adding the following clause after clause (d):

(e) under regulation 16 (4) of 28 or 39 of the National Parks Highway Traffic Regulations (Canada),

(b) as to subsection (3) by striking out the word "or (d)" and by substituting the word ", (d) or (e)";

(c) as to subsection (4) by striking out the word "or (d)" and by substituting the word ", (d) or (e)"

12. Section 31 is amended by renumbering the section as subsection (1) and by adding the following subsection:

(2) The number plate of a motor vehicle pulling a trailer shall not be considered to be obscured or not visible by reason of the presence of the trailer if the number plate of the trailer is displayed at the rear of the trailer in accordance with subsection (1).

13. Section 46, subsection (1) is amended by striking out the word "and" at the end of clause (f) and by adding the word "and" at the end of clause (g) and by adding the following clause after clause (g):

14. Section 47, subsection (2) restricts the use of flashing lights on vehicles. Subsection (3), clause (c), subclause (iii) presently reads:

“(3) Subsection (2) does not apply to

.....

(c) flashing lights of such color other than red as is provided in this Act or the regulations made hereunder and displayed by

.....

(iii) a tow truck while towing a disabled vehicle,

.....”.

15. Section 52 presently reads:

“52. (1) A motor vehicle other than a motor cycle, shall be equipped with at least two stop lamps mounted on the rear, 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.”.

16. Section 55 presently reads:

“55. (1) Every motor vehicle using gasoline or other fluid of a like nature shall be equipped with a muffler of such kind and description as will prevent any unreasonable noise in the operation of the engine of the vehicle.

(2) No person operating, or having under his control, or in his charge any motor vehicle on any highway in any city, town or village, shall cut out the muffler, or open the cut-out of the vehicle, while the engine thereof is in operation.

(3) Subsection (1) does not apply to a school bus having a capacity of twenty-four or more passengers.”.

- (h) no self-propelled mobile home having a width at any part, including the load thereon, in excess of eighty inches, shall be in motion upon any highway unless it has affixed in conspicuous positions, as near the top as practical, at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear.

14. Section 47, subsection (3), clause (c) is amended

- (a) as to subclause (iii) by adding after the word "towing" the words "or pushing",
- (b) by adding the following subclause after subclause (vii):
 - (viii) a vehicle that has become immobile or inoperative,

15. Section 52 is struck out and the following is substituted:

52. (1) Unless otherwise provided by the regulations

- (a) every motor cycle shall be equipped with at least one stop lamp mounted on the rear of the vehicle, and
- (b) every other motor vehicle and every trailer and rearmost vehicle in a train of vehicles shall be equipped with at least two stop lamps mounted on the rear of the vehicle.

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

16. Section 55 is struck out and the following is substituted:

55. (1) A motor vehicle propelled by an internal-combustion engine shall be equipped with an exhaust muffler consisting of a series of pipes or chambers, which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise.

(2) No person shall drive or operate a motor vehicle propelled by an internal-combustion engine when the muffler with which the vehicle is equipped is cut out or disconnected from the engine.

(3) No person shall drive or operate a motor vehicle propelled by an internal-combustion engine equipped with a muffler from which has been removed a baffle-plate or other part.

(4) No person shall drive or operate a motor vehicle pro-

17. Section 59, subsections (2) and (3) presently read:

"(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.

(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."

18. On multiple lane highways slow moving vehicles should use the righthand lane.

19. Section 66, subsection (2) 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."

pelled by an internal-combustion engine equipped with a muffler, the exhaust outlet of which has been opened or widened.

(5) No Person shall drive or operate a motor vehicle propelled by an internal-combustion engine equipped with a muffler or exhaust system to which is attached any device which increases the noise of the explosion of the gases from the engine or allows a flame to be ignited from the exhaust system.

(6) This section does not apply to a school bus having a capacity of twenty-four or more passengers.

17. Section 59 is amended

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

(2) The Minister may by order prescribe a maximum speed in excess of sixty miles an hour for any highway and may prescribe different rates for daytime and night time.

(b) as to subsection (3) by striking out the words "Lieutenant Governor in Council may, by regulation" and by substituting the words "Minister may, by order".

18. Section 61 is amended by adding the following subsections:

(3) Subject to Part IV, on a highway outside a city, town or village where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction, a person shall not drive in the traffic lane nearest the centre line unless he is driving at or near the maximum speed permitted.

(4) Subsection (3) does not prohibit a slower moving vehicle from using the traffic lane nearest to the centre line for the purpose of overtaking and passing another vehicle.

19. Section 66 is amended by adding the following subsection:

(9) Notwithstanding subsection (2), the driver of a motor vehicle may overtake to pass upon the right of another vehicle

(a) when the vehicle overtaken is making or about to make a left turn, or

(b) upon a one-way highway, or upon any highway on which traffic is restricted to one direction of movement,

but only under conditions permitting such movement in safety.

20. Self-explanatory.

21. Parking vehicle on slope.

22. Traffic circles .

23. Section 80 relating to railway crossings is revised.

20. Section 67 is amended by adding the following subsection:

(4) Where a highway is divided into two or more roadways by a boulevard, ditch or other physical barrier, no person shall drive a vehicle into, across or along the boulevard, ditch or physical barrier.

21. Section 70 is amended by adding the following subsection:

(6) No person shall permit a vehicle to stand unattended upon any grade or slope without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

22. Section 72 is amended by adding the following subsection:

(3) Unless otherwise directed by signs, the driver of a vehicle travelling in a traffic circle shall yield the right of way to any other vehicle that is travelling to his left in the circle.

23. Section 80 is struck out and the following is substituted:

80. (1) 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, or
- (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 within approximately fifteen hundred feet of the crossing is approaching the crossing and either emits an audible signal or is visible, or
- (d) a railway train is visible and approaching the crossing and by reason of its speed or nearness is an immediate hazard,

the driver shall stop his vehicle not less than fifteen feet or more than fifty feet from the nearest rail of the railway, and shall not proceed until the train has passed by the railway crossing or has come to a stop and he can do so safely.

(2) No person shall drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.

(3) Where a stop sign has been erected at a railway crossing, a driver shall stop not less than fifteen feet or

24. Section 81c, subsection (1) presently reads:

"81c. (1) Where a motor vehicle that shows evidence of having been involved in an accident required to be reported under section 81a, or having been struck by a bullet, is brought into a garage or repair shop for repair, the person in charge of the garage or repair shop shall not carry out the repairs,

- (a) unless a notice in the form prescribed by the regulations has been affixed to the motor vehicle by the local police authority, or
- (b) if no notice is affixed to the motor vehicle, until he has been authorized in writing by the local police authority to do so."

25. Prohibitions added.

more than fifty feet from the nearest rail of the railway and shall not proceed until he can do so safely.

(4) The driver of

- (a) a vehicle carrying passengers for compensation, or
- (b) a school bus, 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.

(5) Where a driver has stopped and is proceeding as required in subsection (4), he shall cross the railway track in a gear that he will not need to change while crossing the track and he shall not shift gears while crossing the track.

(6) Subsections (4) and (5) do not apply

- (a) where a peace officer or a traffic control device directs traffic to proceed, or
- (b) if the railway crossing is provided with a signal device to indicate the approach of a train, when the signal device is not indicating the approach of a train.

(7) Subsections (4) and (5) do not apply to railway crossings within a city, town or village.

(8) The erection of stop signs at dangerous railway crossings

- (a) in a county or municipal district may be authorized by a resolution of the council,
- (b) in improvement districts or special areas may be authorized by the Minister, and
- (c) on any main or secondary highway may be authorized by the Minister.

24. Section 81c, subsection (1) is amended by striking out the words "carry out" and by substituting the word "commence".

25. Section 85 is amended by striking out the word "or" at the end of clause (e) and by adding the following clauses after clause (f) :

- (g) treat an operator's licence or permit an operator's licence to be treated in any manner that will prevent an endorsement from being written on the licence,

26. Self-explanatory.

27. Under section 16 the holder of a learner's licence is entitled to drive only when accompanied by the holder of a regular operator's licence.

28. Section 107 authorizes the Lieutenant Governor in Council to make regulations. Clause (e) presently reads:

"107. The Lieutenant Governor in Council may, on the recommendation of the Minister, make such regulations as are necessary to carry out the provisions of this Act according to their obvious intent or to meet cases that arise and for which no provision is made by this Act, and without in any way restricting the generality of the foregoing, may make regulations

.....
(e) prescribing any equipment required and the types and uses thereof on motor vehicles,
.....".

29. Section 114, clause (f) is revised to bring the wording into conformity with that of section 135.

30. Section 118 reads:

"118. Every person who buys, sells, wrecks or otherwise deals in secondhand motor vehicles shall forward to the Minister a record of the same in such form, with such particulars and at such times as the Minister may from time to time prescribe."

31. Section 120 presently reads:

"120. Every person who buys, sells, wrecks or stores motor vehicles shall, if a motor vehicle remains in his possession without good reason or under suspicious circumstances, forthwith report the matter to the Minister."

32. Section 121 requires dealers to make a monthly report of vehicles sold. Subsection (2) presently reads:

"(2) The dealer shall give in such record the name and address of the purchaser of each vehicle comprised in the record and such further particulars as the Minister may require, and shall send therewith a statutory declaration as to the truth of the statements therein contained."

- (h) use an illegible or defaced operator's licence, or
- (i) use or permit to be used a defaced or illegible certificate of registration.

26. The following section is added after section 85:

86. Where a person produces to a peace officer an operator's certificate that is illegible or defaced or treated contrary to section 85, the peace officer shall give the person a reasonable time to produce a replacement certificate issued by the registrar.

27. The following section is added after section 90:

90a. No person shall permit any person who is the holder of an operator's licence of a learners category to operate a motor vehicle contrary to subsection (10) of section 16.

28. Section 107, clause (e) is amended by striking out the word "motor".

29. Section 114 is amended by striking out clause (f) and by substituting the following:

- (f) section 135 relating to driving a motor vehicle on a highway without due care and attention or driving a motor vehicle on a highway without reasonable consideration for the persons using the highway;

30. Section 118 is repealed.

31. Section 120 is struck out and the following is substituted:

120. Every person who buys, sells, wrecks, stores or otherwise deals in motor vehicles shall, if a motor vehicle remains in his possession without good reason or under suspicious circumstances, forthwith report the matter to a peace officer in the vicinity.

32. Section 121, subsection (2) is amended by striking out the words "and shall send therewith a statutory declaration as to the truth of the statements therein contained".

33. Section 126 sets out the procedure to be followed in a prosecution when a previous conviction is charged. The effect of the repeal will be to make the procedure under Part XXIV of the Criminal Code applicable.

34. Section 138, subsection (2) refers to section 81, but the reference should be to section 81a.

35. The opening words of section 152, subsection (1) 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:"

36. Section 160 is revised to enable the Minister to enter into agreements for the repayment of a judgment by instalments when a payment on the judgment has been made from the Motor Vehicle Accident Claims Fund.

33. Section 126 is repealed.

34. Section 138, subsection (2) is amended by striking out the figure "81" and by substituting the figure "81a".

35. Section 152, subsection (1) is amended

- (a) by striking out all the words preceding clause (a) and by substituting the following:

152. (1) The Minister shall suspend the operator's licence of a person, or, if that person is not the holder of an operator's licence, shall not issue that person an operator's licence, if he, by order, judgment or conviction of a court, magistrate or justice of the peace has been convicted of any one of the following offences or violations of law, or if, having been arrested for any such offence or violation, he has forfeited his bail namely:

- (b) as to clause (g) by adding after the word "arising" the words "anywhere in Canada",
- (c) by adding the following clause after clause (j):
- (k) driving a motor vehicle on a highway contrary to regulations 28 and 39 of the National Parks Regulations (Canada) if injury to property in excess of one hundred dollars or to any person occurs in connection therewith;

36. Section 160 is struck out and the following is substituted:

160. (1) A judgment debtor to whom this Part applies may on due notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments.

(2) Where the Provincial Treasurer has made a payment with respect to a judgment pursuant to *The Motor Vehicle Accident Claims Act*, or *The Motor Vehicle Accident Indemnity Act*, the judgment debtor:

- (a) may apply to the Minister for the privilege of paying the judgment to the Provincial Treasurer in instalments, in which case the Minister may enter into an agreement with the debtor for payment by instalments;
- (b) may apply to the court pursuant to subsection (1) for the privilege of paying the judgment to the Provincial Treasurer, in which case the debtor shall give due notice of the application to the Admin-

37. Section 168, subsection (3) sets out a form of financial responsibility card and provides that the Registrar of Motor Vehicles may approve different forms. The form set out in the Act is no longer used.

38. Section 170, subsection (3) sets out a form of financial responsibility card and provides that the Registrar of Motor Vehicles may approve different forms. The form set out in the Act is no longer used.

39. Sections 173 to 176 which provide for the impoundment of uninsured vehicles involved in accidents are repealed.

40. References to the repealed sections 173 to 176 are removed from section 177 which provides penalties for contravening various provisions of Part XII of the Act dealing with financial responsibility.

istrator of *The Motor Vehicle Accident Claims Act* who may appear personally or by counsel and be heard on the application.

(3) While the judgment debtor is not in default in payment of the instalments, he shall be deemed not in default for the purposes of this Part in payment of the judgment, and upon proof of financial responsibility for future accidents pursuant to this Part, the Minister may restore the operator's licence and registration of the judgment debtor but the operator's licence and registration shall again be suspended and remain suspended as provided in section 151 if the Minister is satisfied of default made by the judgment debtor in compliance with the terms of the court order or of the agreement.

37. Section 168 is amended by striking out subsection (3) and by substituting the following:

(3) A financial responsibility card issued under this section shall be in a form approved by the registrar.

38. Section 170 is amended by striking out subsection (3) and by substituting the following:

(3) The financial responsibility cards issued by all insurers shall be in a form approved by the registrar.

39. Sections 173 to 176 are repealed, but the repeal does not operate so as to remove or impair the lien given under those sections to the keeper of a repair shop, garage or storage place with respect to a motor vehicle impounded before the commencement of this section.

40. Section 177 is struck out and the following is substituted:

177. A person who

- (a) produces to a peace officer a financial responsibility card purporting to show that he is at that time maintaining in effect proof of financial responsibility as required by this Act when such is not the case,
- (b) fails to deliver to the registrar for cancellation as required by subsection (4) of section 168 or subsection (6) of section 171 a financial responsibility card or any additional card issued to him under section 168 or 171,
- (c) fails to return to the registrar upon demand therefor under subsection (11) of section 170 and financial responsibility card issued to him under section 170, or
- (d) gives or loans to a person not entitled to have the

41. Commencement of Act.

same a financial responsibility card or additional card issued under this Part, 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.

41. (1) This Act, except section 36, comes into force on the first day of July, 1964.

(2) Section 36 comes into force on the first day of May, 1964.

No. 141

FIRST SESSION
FIFTEENTH LEGISLATURE
12 ELIZABETH II
1964

BILL

An Act to amend The Vehicles and
Highway Traffic Act

Received and read the

First time

Second time

Third time

HON. MR. TAYLOR
