

No. 101

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 101

A Bill to amend The Vehicles and Highway Traffic Act

HON. MR. TAYLOR

Explanatory Note

1. This Bill will amend chapter 356 of the Revised Statutes.

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

(q) "registrar" means the Registrar of the Motor Vehicle Branch
of that Department of the Government administering this Act;

3. Suspension of licence for refusal to take breathalyzer test.

4. Section 15, subsection (4), clause (b) reads:

(4) A person destroying or dismantling a motor vehicle in such a
manner as to make it inoperative

.....

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

5. Records to be kept by dealers and others of vehicles passing
through their hands.

6. Section 80 was re-enacted in a revised form two years ago
and a cross-reference is corrected accordingly in subsection (1).
Subsections (6) and (7) are new and provide for the suspension of
juvenile licences.

BILL

No. 101 of 1966

An Act to amend The Vehicles and Highway Traffic Act

(Assented to _____, 1966)

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, clause (q) is amended by adding at the end thereof the words "and, for the purpose of signing a certificate as required in subsection (4) of section 225 of the *Criminal Code*, includes a Deputy Registrar".

3. The following section is added after section 7:

7a. Where a person suspected of driving or of having driven a motor vehicle while under the influence of intoxicating liquor refuses to comply with the request of a peace officer that he submit to the taking of a specimen of his breath, the Driver Review Board, after a hearing of which reasonable notice has been given to that person, may recommend the suspension of the operator's licence of the person and the Minister may suspend the operator's licence for a period not exceeding ninety days.

4. Section 15, subsection (4) is amended by striking out clause (b).

5. The following section is added after section 15:

15a. Every dealer and every person engaged in the business of buying, selling, exchanging, wrecking, painting, altering or otherwise dealing in second hand or used motor vehicles shall keep a record of every motor vehicle bought, sold, exchanged, dismantled, wrecked, painted, altered or broken up by him and shall produce the record for inspection at any time upon the demand of a peace officer.

6. Section 19 is amended

(a) as to subsection (1)

(i) by striking out the words "clause (a) or (b) of subsection (5) of section 80," in clause (b)

7. Expired licence plates must be removed from motor vehicles.

8. Section 42, subsections (1) and (1a) presently read:

42. (1) Every motor vehicle except a motor cycle, and every trailer and vehicle being drawn at the end of a train of vehicles shall be equipped with at least two tail lamps mounted on the rear of the vehicle.

(1a) A motor cycle, a self-propelled implement of husbandry and a tractor shall be equipped with at least one tail lamp mounted on the rear of the vehicle.

- and by substituting the words "subsection (4) of section 80,"
- (ii) by striking out the word "or" at the end of clause (d), by adding the word "or" at the end of clause (e) and by adding the following clause after clause (e):
 - (f) under the *Juvenile Delinquents Act* (Canada) for contravening any of the provisions listed in clauses (a) to (e),
- (b) by adding the following subsections:
 - (6) In subsection (7) "juvenile licence" means an operator's licence held by a person under eighteen years of age.
 - (7) Where the convicted person is the holder of a juvenile licence, the judge, magistrate or justice shall
 - (a) suspend the juvenile licence, and
 - (b) transmit the juvenile licence to the Minister, and the juvenile licence so suspended remains suspended for such period as may be imposed by the court and such further period as may be prescribed by the regulations.

7. The following section is added after section 28:

29. No person shall operate a motor vehicle with an expired number plate displayed thereon.

8. Section 42 is amended

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

42. (1) Except as provided in subsections (1a) and (1b),

- (a) every motor vehicle,
- (b) every self-propelled implement of husbandry,
- (c) every tractor,
- (d) every trailer, and
- (e) every vehicle being drawn at the end of a train of vehicles,

shall be equipped with at least two tail lamps mounted at the rear of the vehicle.

(1a) Every motor cycle shall be equipped with at least one tail lamp mounted at the rear of the vehicle.

(1b) Subsection (1) does not apply during daylight hours to such classes of road building equipment as may be exempted therefrom by the regulations.

- (b) by adding the following subsection after subsection (3):

9. Section 42, subsection (2), clause (b) presently reads:

- (2) No motor vehicle other than a vehicle used
.....
(b) for the transportation of any policeman, or
.....
shall be equipped with any red light or flashing light visible from
the front of the vehicle.

10. Section 94, subsections (2) and (3) presently read:

- (2) No person under the age of sixteen years shall operate or be permitted to operate a scooter or power bicycle unless he is wearing a safety helmet.
- (3) No person under the age of sixteen years shall ride as a passenger on a scooter or power bicycle unless he is wearing a safety helmet.

11. Section 107, clause (i) 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
-
(i) prescribing terms and conditions governing the registration, use and operation of motor vehicles whether new or secondhand, owned, kept or used by any manufacturer or dealer, and

12. Section 111, subsection (2) and subsection (3), clause (b) read:

- (2) If the vehicle, equipment or trailer is found to be unfit or unsafe for transportation or dangerous to passengers or the public, the peace officer making the examination or test
 - (a) may require the operator of the vehicle to have the vehicle, equipment or trailer rendered fit and safe for transportation, and
 - (b) may order that the vehicle or trailer be removed from the highway until the vehicle, equipment or trailer has been rendered fit and safe for transportation.
- (3) An operator
.....
 - (b) who in contravention of an order under subsection (2) operates a vehicle, equipment or trailer on a highway before it has been rendered fit and safe for transportation,
is guilty of an offence.

(3a) The tail lamps on a vehicle shall be as widely spaced laterally as is practicable.

9. Section 47, subsection (2), clause (b) is amended by adding after the word "policeman" the words "or forestry officer".

10. Section 94 is amended by striking out subsections (2) and (3) and by substituting the following:

(2) No person shall operate a motor cycle, scooter or power bicycle unless he is wearing a safety helmet.

(3) No person shall ride as a passenger on a motor cycle, scooter or power bicycle unless he is wearing a safety helmet.

(4) Subsection (3) does not apply to a person who is riding as a passenger in a side car.

11. Section 107 is amended

(a) by relettering clause (j) as clause (m),

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

(i) prescribing terms and conditions governing the registration, use and operation of motor vehicles,

(j) governing, restricting or prohibiting the registering and licensing of motor vehicles in the name of a person under any specified age,

(k) prescribing warning signals or devices that may be used and the manner of use thereof, and

12. Section 111 is amended

(a) as to subsection (3) by adding the word "or" at the end of clause (b) and by adding the following clause after clause (b):

(c) who fails to comply with the direction of a peace officer given pursuant to subsection (5),

(b) by adding the following subsections:

(4) Where a motor vehicle or trailer is found unfit or unsafe for transportation and is ordered removed from the highway under subsection (2), a peace officer may seize the number plates of the motor vehicle or trailer and hold the plates until the motor vehicle or trailer has been placed in a safe condition.

(5) The operator of a vehicle shall on the direction of a peace officer drive the vehicle to and park it on a safety lane or other place designated by the peace officer for the purpose of examination of the vehicle as provided by this section.

13. Section 113 presently reads:

113. Every peace officer upon the discovery of any motor vehicle apparently abandoned on or near a highway, or of any motor vehicle without proper registration plates, may take the motor vehicle into his custody and may cause it to be taken to and stored in a suitable place, and all costs and charges for removal, care or storage thereof, are a lien upon the motor vehicle and the same may be enforced in the manner provided by The Possessory Liens Act.

13. Section 113 is struck out and the following sections are substituted:

113. A peace officer may remove a vehicle from a highway

- (a) when the vehicle is left unattended upon a highway in such a manner as to obstruct the normal movement of traffic, or
- (b) when the vehicle is illegally parked on any highway and obstructs any private driveway, or
- (c) when the vehicle is parked so as to prevent access by fire fighting equipment to a fire hydrant, or
- (d) when the vehicle is without valid and subsisting number plates,

and may cause it to be taken to and stored in a suitable place, and all costs for the removal and storage are a lien upon the vehicle which may be enforced in the manner provided by *The Possessory Liens Act*.

113a. (1) No person shall abandon a vehicle upon any highway.

(2) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(3) Where a peace officer has reasonable grounds to believe that a vehicle is abandoned in contravention of this section

- (a) he may remove the vehicle from the highway or the public or private property, and
- (b) he may cause it to be taken to and stored in a suitable place.

(4) All costs for the removal and storage of the vehicle are a lien upon the vehicle which may be enforced in the manner provided in *The Possessory Liens Act* or as provided in subsection (5).

(5) If the abandoned vehicle is not claimed by the owner within thirty days of its removal, the vehicle may be disposed of by public auction or otherwise, on notice to the holders of any encumbrances registered against the vehicle with the registration clerk of the Motor Vehicle Branch, and the proceeds of the sale shall be used

- (a) firstly, to pay any costs of towing and storage involved in removal of the vehicle, and
- (b) secondly, to pay the balance owing on any encumbrances on the vehicle registered with the registration clerk of the Motor Vehicle Branch, and
- (c) the balance shall be forwarded to the Motor Vehicle Branch and placed in the Motor Vehicle Accident Claims Fund.

14. Section 127, subsection (1) presently reads:

127. (1) When proof of ownership of any motor vehicle or of the suspension or revocation of any licence issued under the provisions of this Act is required, the production of a certificate purporting to be under the hand of the registrar or his deputy, to the effect that the person named therein is or was the registered owner of the vehicle, or that the licence of the person named therein has been suspended or revoked, is prima facie proof thereof, without proof of signature or official character.

15. Section 127c presently reads:

127c. A notice of suspension of his operator's licence shall be deemed to be sufficiently served on a person if it is sent by registered mail to the person at his last known address as shown by the records of the registrar.

16. Section 128, subsection (1), clauses (a) and (b) presently read:

128. (1) Where any person 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,

17. Section 139, subsection (1), clause (a) reads:

139. (1) Any person who operates a motor vehicle without a subsisting certificate of registration thereof is guilty of an offence and liable upon summary conviction,

- (a) for a first offence to a fine of not more than one hundred dollars or to imprisonment for a term not exceeding thirty days, or to both such fine and imprisonment, and

(6) No liability attaches to a person making the sale of a vehicle pursuant to subsection (5) and the person purchasing the vehicle acquires good title thereto as against the former owner or anyone claiming through him.

14. Section 127 is amended by striking out subsection (1) and by substituting the following:

127. (1) A certificate purporting to be signed by the registrar or his deputy and certifying

- (a) that the person named therein is, or was, at a stated time, the registered owner of a described motor vehicle or trailer, or
- (b) that a licence issued under this Act to the person named therein is, or was, at a stated time, suspended or revoked, or
- (c) as to the last recorded address of the person named therein as shown on the records of the registrar,

shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or official character of the person signing the certificate.

15. Section 127c is struck out and the following is substituted:

127c. A notice of suspension of the operator's licence of any person or the disqualification of any person from holding an operator's licence pursuant to this Act shall be deemed to be sufficiently served on a person if it is sent by registered mail to that person at his last recorded address as shown by the records of the registrar.

16. Section 128, subsection (1) is amended by striking out clauses (a) and (b) and by substituting following:

- (a) the full name, address and birth date and the operator's licence number of the person so convicted,
- (b) the licence number of the motor vehicle,

17. Section 139, subsection (1) is amended by adding after the words "motor vehicle" the words "or trailer upon a highway".

18. Section 143 presently reads:

143. (1) Where any person has been convicted of any offence against the provisions of Part III, or section 92 or 135 committed in a city, and is within a period of one year thereafter convicted of a similar offence in any city, the magistrate, justice of the peace or justices of the peace making the conviction may by the conviction or by a subsequent order direct that the motor vehicle in which the offence was committed, if the person convicted is the owner thereof, or has any beneficial interest therein, be impounded and kept by the police, at the cost and risk of the person so convicted, for not more than fourteen days.

(2) When any person, after having been convicted of any offence that may lead to the impounding of his motor vehicle, is subsequently convicted of any offence against the provisions of Part III, or section 92 or 135 within a city, the vehicle in which the offence was committed may be impounded under the same conditions as are set out in subsection (1) hereof, except that the impounding may be for a period of not more than six months.

(3) The proper cost of keeping and storing any motor vehicle so impounded shall be paid by the person convicted upon his conviction, and if not so paid shall be deemed to form a lien upon the motor vehicle and is recoverable by distress in the same manner as any fine imposed under this Act.

19. Section 146 presently reads:

146. (1) A moiety of all fines and penalties imposed by this Act shall enure to the benefit of the municipalities within which offences occur in respect of which convictions are made, in all cases in which prosecutions have been instituted by or under municipal authorities, or by officers appointed by them, and the other moiety thereof belongs to the Province and shall form a part of the General Revenue Fund.

(2) In all other cases the fines and penalties shall enure to the benefit of the Province and shall form part of the General Revenue Fund.

(3) Any moiety payable to a municipality shall forthwith after conviction be transmitted and forwarded by the convicting magistrate, justice or justices of the peace, to the treasurer of the municipality, and the other moiety, or all of the fine in case it belongs to the Province, to the Attorney General.

20. Section 152, subsection (1) requires the Minister to suspend the operator's licence of a person who is convicted of certain traffic offences if injury to property in excess of \$100 occurs in connection therewith. The amendment increases the amount to \$200.

21. Section 160, subsection (2), clause (a) presently reads:

(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;

22. Commencement of Act.

18. Section 143 is struck out and the following is substituted:

143. When a person has been convicted of operating a motor cycle in contravention of the provisions of Part III or Part IV, or section 92, 92*b* or 94, the justice of the peace, magistrate or judge making the conviction may order that the motor cycle driven by the person convicted at the time of the commission of the offence be seized, impounded and taken into custody of the law for a period of not more than three months if the motor cycle was at that time owned by or registered in the name of that person or his parent or guardian.

19. Section 146 is struck out and the following is substituted:

146. (1) All fines and penalties imposed under this Act shall enure to the benefit of the municipality within which offences occur in respect of which convictions are made, except in the case of offences occurring on a primary highway, in which case the fines and penalties belong to the Province and shall form part of the General Revenue Fund.

(2) Fines and penalties payable to a municipality shall forthwith after conviction be transmitted and forwarded by the convicting magistrate, justice or justices of the peace, to the treasurer of the municipality and all other fines and penalties to the Attorney General.

20. Section 152, subsection (1) is amended by striking out the words "one hundred dollars" wherever they occur and by substituting the words "two hundred dollars".

21. Section 160, subsection (2), clause (a) is amended by striking out the words "enter into an agreement" and by substituting the words "cause an agreement to be entered into".

22. This Act comes into force on the first day of July, 1966.

No. 101

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to amend The Vehicles and
Highway Traffic Act

Received and read the

First time

Second time

Third time

HON. MR. TAYLOR
