

1968 Bill 101

First Session, 16th Legislature, 17 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 101

An Act to amend The Highway Traffic Act

THE MINISTER OF HIGHWAYS

First Reading

Second Reading

Third Reading

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BILL 101

1968

An Act to amend The Highway Traffic Act

(Assented to _____, 1968)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. *The Highway Traffic Act* is hereby amended.

2. Section 2 is amended

(a) by adding the following clause after clause 1:

1a. "boulevard" means, in an urban area, that part of a highway that is not roadway or sidewalk;

(b) by striking out clause 19 and by substituting the following:

19. "park", when prohibited, means allow a vehicle (whether occupied or not) to remain standing in one place, except

(i) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or

(ii) when standing in obedience to a peace officer or traffic control device;

(c) by striking out clause 26 and by substituting the following:

26. "sidewalk" means that part of a highway that is constructed for the use of pedestrians;

3. Section 3 is amended

(a) as to subsection (3) by striking out the word "ordinarily",

(b) as to subsection (4) by adding after the words "to a person" the words ", not being resident in Canada,"

(c) by adding the following subsection after subsection (4):

(4a) Subsection (1) does not apply to a student as defined in the regulations if the student is authorized by the laws of his place of residence to operate a motor vehicle of the type or class being operated by him.

Explanatory Notes

1. This Bill amends chapter 30 of the Statutes of Alberta, 1967.

2. Section 2, clauses 19 and 26 presently read:

- 19. "park", when prohibited, means the standing of a vehicle, whether occupied or not, except
 - (i) when standing temporarily for the purpose of and while actually engaged in loading or unloading, or
 - (ii) in obedience to a peace officer or traffic control device;
- 26. "sidewalk" means that part of a highway primarily intended for the use of pedestrians and includes the part between the curb line or edge of the roadway and the adjacent property line, whether or not paved or improved;

3. Section 3 presently reads in part:

- 3. (1) No person shall drive a motor vehicle on a highway unless he is the holder of a subsisting operator's licence authorizing him to operate a motor vehicle of the type or class being operated by him.
 - (3) Subsection (1) does not apply to a person ordinarily resident outside Alberta
 - (a) if he does not remain in Alberta for more than six months in any year, and
 - (b) if he is authorized by the laws of his place of residence to operate a motor vehicle of the type or class being operated by him.
 - (4) Subsection (1) does not apply to a person who
 - (a) holds an international driver's licence issued outside Canada, and
 - (b) does not remain in Alberta for more than 12 consecutive months.

4. Section 8, subsection (2) is amended by adding after the words "accompanied by a person" the words "who is at least 18 years of age".

5. Section 23 is amended by striking out subsection (2) and by substituting the following:

(2) A person who is engaged in teaching someone to drive and

(a) who does not hold an operator's licence valid for the operation of the type of vehicle being used by the person he is teaching to drive, or

(b) who is not at least 18 years of age,

is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and in default of payment to a term of imprisonment not exceeding 30 days.

6. Section 27 is amended by striking out subsection (3) and by substituting the following:

(3) Where the owner of a vehicle, other than a commercial vehicle or public service vehicle (as defined in *The Public Service Vehicles Act*), who is resident outside Alberta has complied with the laws of his place of residence with respect to the registration and licensing of the vehicle, then if the vehicle is carrying displayed thereon the registration number plates assigned under those laws to that vehicle, it may be brought into Alberta for temporary use therein

(a) for a period not exceeding six months, or

(b) for the period during which the registration and licensing of the vehicle under the laws of his place of residence subsists,

whichever period expires first, and during that period the vehicle shall be deemed to be registered pursuant to this Act.

7. The following section is added after section 49:

49a. (1) The lens and bulb of every headlamp on a motor vehicle shall consist of clear, untinted glass.

(2) No person shall attach to or apply to any headlamp or part thereof any material or substance which causes the beam of light emitted therefrom to be any colour other than what is commonly accepted as being white.

8. Section 50, subsection (1) is amended by striking out the words ", other than motor cycles,".

9. Section 51 is amended by striking out subsection (3).

10. Section 52 is amended by striking out subsection (1) and by substituting the following:

4. Section 8 (2) presently reads:

- (2) An operator's licence of a learner's category shall be stated to entitle and entitles the licensee to drive a motor vehicle of the type specified while the licensee is accompanied by a person
- (a) who holds an operator's licence, valid for the operation of the vehicle being used, and
 - (b) who is sitting immediately beside him and engaged in teaching the licensee to drive or engaged in conducting a driver's examination of the licensee.

5. Section 23 (2) presently reads:

- (2) A person
- (a) who is engaged in teaching someone to drive, and
 - (b) who does not hold an operator's licence valid for the operation of the type of vehicle being used by the person he is teaching to drive,
- is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and in default of payment to a term of imprisonment not exceeding 30 days.

6. This amendment extends the period during which a non-resident may operate a vehicle in Alberta under a foreign registration to six months, and excludes commercial and public service vehicles from the exemption.

7. New—coloured headlamps prohibited.

8. Section 50 (1) presently reads:

50. (1) Except as otherwise provided in section 52, and subject to subsections (2) and (3), the headlamps on motor vehicles, other than motor cycles, shall be so arranged
- (a) that the driver may select at will between distribution of light projected to different elevations, or
 - (b) that the selection of light distribution may be made automatically

9. Section 51 presently reads:

51. (1) No person shall sell a new motor vehicle that has multiple beam road lighting equipment unless the motor vehicle is equipped with a beam indicator that will light up whenever the uppermost distribution of light from the headlamps is in use but not otherwise.
- (2) The beam indicator shall be so designed and mounted that when lighted it will be readily visible without glare to the driver of the vehicle upon which it is mounted.
- (3) This section does not apply to a motor cycle.

10. Section 52 (1) presently reads:

52. (1) Headlamps arranged to provide a single distribution of light may be used on motor vehicles manufactured and sold before the 1st day of April, 1956, in lieu of multiple beam road lighting equipment specified in section 50, if the single distribution of light conforms to the requirements of this section.

52. (1) Headlamps arranged to provide a single distribution of light may be used

(a) on motor vehicles, other than motor cycles, manufactured and sold before April 1, 1956, and

(b) on motor cycles manufactured and sold before January 1, 1969,

in lieu of multiple beam road lighting equipment specified in section 50, if the single distribution of light conforms to the requirements of this section.

11. Section 53 is amended by striking out subsections (2) to (5).

12. Section 54, subsection (4) is amended

(a) as to clause (a) by striking out the words "subsection (3) of section 50" and by substituting the words "subsection (2) of section 50",

(b) as to clause (b) by striking out the words "subsection (4)" and by substituting the words "subsection (3)".

13. Section 63 is amended by striking out the words "subsection (1) of".

14. Section 69, subsection (1) is amended by adding at the end thereof the words "and without the emission of any flame or sparks".

15. The following section is added after section 69:

69a. Every motor vehicle, except a motor cycle, shall be equipped with a windshield.

16. Section 75 is amended by adding the following subsection:

(3) After January 1, 1969 no person shall

(a) sell or offer for sale a new holiday camper designed for truck mounting unless the glass in the windows complies with the conditions prescribed by the regulations, or

(b) sell or offer for sale any glass intended to be used for glazing a holiday camper unless the glass complies with the conditions prescribed by the regulations, or

(c) glaze a holiday camper with glass that does not comply with the conditions prescribed by the regulations.

17. Section 80, subsection (1) is amended by adding after the words "equipped with" the words "or that carries or contains".

11. Special provisions governing the intensity of motor cycle headlamps are removed.

12. Errors in cross-reference are corrected.

13. This corrects a cross-reference. Section 63 presently reads:

63. 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 132, be equipped with and display such other lights and reflectors as may be prescribed by the regulations.

14. Section 69 (1) presently reads:

69. (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.

15. Windshields required.

16. Glass in holiday campers.

17. Section 80 (1) presently reads:

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

18. Section 88 is amended by renumbering the section as subsection (1) and by adding the following subsection after the renumbered subsection (1) :

(2) A person who contravenes this section is guilty of an offence and liable on summary conviction

- (a) if a natural person, to a fine of not less than \$100 nor more than \$500, or
- (b) if a corporation, to a fine of not less than \$500 nor more than \$1,000.

19. Section 90 is amended by adding the following subsection:

(5) Notwithstanding anything in this Part, when

- (a) a flagman is stationed, or
- (b) a barricade or sign is erected

upon a highway to direct traffic in connection with any construction, repair or other work upon the highway or upon land adjacent to the highway, every driver or pedestrian shall obey the directions given by the flagman or, if none, by the barricades or signs.

20. Section 96 is amended

- (a) as to subsection (1) by striking out the words "or playground zone",
- (b) by striking out subsections (3) and (4) and by substituting the following:

(3) No driver shall drive within a playground zone

(a) at a rate of speed greater than 20 miles per hour where the zone is within an urban area, or

(b) at a rate of speed greater than 25 miles per hour where the zone is outside an urban area, between the hours of 8:30 o'clock in the morning and 6:00 o'clock in the afternoon.

(4) No driver shall pass or attempt to pass a vehicle moving in the same direction as he is in a school zone or a playground zone when the speed limit prescribed by subsection (1), (2) or (3) is in effect.

- (c) by striking out subsection (6) and by substituting the following:

(6) A school zone or playground zone

- (a) begins where there is a traffic control device indicating the school zone or playground zone, and
- (b) ends where there is a traffic control device indicating a greater rate of speed or the end of the zone.

18. Section 88 presently reads:

88. No person shall commence the repairs on a motor vehicle that shows evidence of having been involved in an accident required to be reported under section 83 or having been struck by a bullet
- (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.

19. Flagmen on construction projects.

20. Section 96 (1), (2), (3), (4) and (6) presently read:

96. (1) On any day on which school is held, no driver shall drive within a school zone or playground zone outside an urban area at a rate of speed greater than 25 miles per hour at any time between
- (a) 8:00 o'clock and 9:30 o'clock in the morning, or
 - (b) 11:30 o'clock in the morning and 1:30 o'clock in the afternoon, or
 - (c) 3:00 o'clock and 4:30 o'clock in the afternoon.
- (2) On any day on which school is held, no driver shall drive within a school zone within an urban area at any rate of speed greater than 20 miles per hour between
- (a) 8:00 o'clock and 9:30 o'clock in the morning, or
 - (b) 11:30 o'clock in the morning and 1:30 o'clock in the afternoon, or
 - (c) 3:00 o'clock and 4:30 o'clock in the afternoon.
- (3) No driver shall drive within a playground zone within an urban area at a rate of speed greater than 20 miles per hour between the hours of 8:30 o'clock in the morning and 6:00 o'clock in the afternoon.
- (4) No driver shall pass a vehicle or attempt to pass a vehicle moving in the same direction in a school zone or a playground zone.
- (6) A school zone or playground zone ends where a traffic control device indicates a greater rate of speed or the end of the school zone or playground zone.

21. Section 100 is amended by striking out subsection (3) and by substituting the following:

(3) Except as may be provided for by a municipal by-law pursuant to clause (n) of section 222, no person shall drive any vehicle into, across or along any boulevard, ditch or sidewalk except at proper and lawful vehicular crossings provided therefor.

22. Section 102, subsection (3) is amended by adding after the words "subsection (1)" the words "and unless prohibited by a traffic control device".

23. Section 114 is amended

- (a) by renumbering the section as subsection (1),
- (b) as to the renumbered subsection (1) by striking out clauses (b) and (c) and by substituting the following:
 - (b) showing a directional arrow or arrows in combination with the words "turn left" or "turn right",
- (c) by adding the following subsection after the renumbered subsection (1):
 - (2) On a laned highway when a traffic lane is marked by a traffic control device showing a red "X" symbol, a driver facing that symbol shall not drive into or continue to drive in the lane so marked.

24. Section 118 is amended by striking out subsection (2).

25. Section 120, subsection (1), clause (b) is amended by striking out the word "private".

26. Section 127, subsection (1) is amended by striking out clause (f) and by substituting the following:

- (f) shall not proceed until the train
 - (i) has passed by the railway crossing, or
 - (ii) has come to a stop,and he can safely proceed.

27. Section 129, subsection (5) is amended by adding after the words "advanced light" the words "or delayed light".

28. The following section is added after section 131:

131a. (1) Notwithstanding sections 118, 120 to 124, 130 and 131, in an urban area where a municipal by-law so permits, a vehicle in a funeral procession, other than the lead vehicle, may during daylight hours, enter an intersection without stopping if

21. Sections 100 (3) and 222 (n) presently read:

(3) No person shall drive into, across or along any boulevard, ditch or sidewalk except at proper and lawful vehicular crossings provided therefor.

222. With respect to highways under its direction, control and management, the council of a municipality may make by-laws, not inconsistent with this Act and on matters for which no provision is made in this Act, for the regulation and control of vehicle, animal and pedestrian traffic and, without restricting the generality of the foregoing, may make by-laws

.....
(n) controlling or preventing the riding of bicycles on any sidewalk,
.....

22. Section 102 (3) presently reads:

(3) Notwithstanding subsection (1), a driver may cross a single solid line or, outside an urban area, a double solid line

- (a) when necessary to turn left into a private road or driveway, or
- (b) when necessary upon entering the highway from a private road or driveway, or
- (c) when necessary to enter a parking lane on the right side of the centre line.

23. Section 114 presently reads:

114. On a laned highway when a traffic lane is marked by a traffic control device

- (a) showing a directional arrow or arrows without any accompanying words, or
- (b) showing a directional arrow or arrows in combination with the word "only", "right" or "left", or
- (c) showing the words "left turn only", "through only" or "right turn only",

a driver travelling in that lane may make only the movement indicated by the traffic control device at the intersection or other place to which the traffic control device applies.

24. Section 118 presently reads:

118. (1) Except as otherwise provided in this Part, when two vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle to the left shall yield the right of way to the vehicle on the right.

(2) A driver approaching an intersection shall yield the right of way to any vehicle that has entered the intersection from another highway.

(3) A driver intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only if he affords a reasonable opportunity to the driver of the other vehicle to avoid a collision.

25. Section 120 (1) (b) presently reads:

120. (1) A driver about to enter upon

.....
(b) an alley or private road from a driveway,
shall, unless the intersection of the two roadways is marked with a "yield" sign, bring his vehicle to a stop
.....

26. Section 127 (1) (d) to (f) presently read:

127. (1) At a railway crossing at any time when

.....
(d) a railway train is visible and approaching the crossing and by reason of its speed or nearness is an immediate hazard,

a driver approaching the railway crossing

- (e) shall stop his vehicle no closer than 15 feet from the nearest rail of the railway, and
- (f) shall not proceed until the train
 - (i) has passed by the railway crossing, or
 - (ii) has come to a stop and he can do so safely.

27. Section 129 (5) presently reads:

(5) Where rapid intermittent flashes of green light are shown at an intersection by a traffic control signal together with a sign or symbol indicating that it is an advanced light, the driver of a vehicle facing the flashes of green light

- (a) has the right of way over any vehicles facing him across the intersection and may enter the intersection and turn left, or
- (b) may proceed straight through the intersection or turn right, while the light is flashing, but he shall yield the right of way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection at the time the flashing green light is shown.

28. Processions and parades.

- (a) the headlamps of the vehicle are alight,
 - (b) the vehicle is travelling immediately behind the vehicle in front of it so as to form a continuous line of traffic, and
 - (c) the passage into the intersection can be made in safety.
- (2) No driver shall
- (a) break through the ranks of a military or funeral procession, or
 - (b) break through the ranks of any other authorized parade or procession.

29. Section 133, subsection (3) is amended by striking out the words "subsection (4)" and by substituting the words "subsection (3)".

30. Section 135, clause (g) is amended by striking out the words "in such a manner as to obstruct" and by substituting the words "within five feet of an".

31. Section 136, subsection (1), clause (b) is amended by adding at the end thereof the words "and with the vehicle facing the direction of travel authorized for that highway".

32. Section 140 is amended by striking out all the words after the words "not more than \$1,000" and by substituting the words "and in default of payment thereof to imprisonment for a term of not more than six months or to imprisonment for a term of not more than six months without the option of a fine".

33. Section 145 is amended by adding the following after subsection (2) :

- (3) Where a vehicle is in motion
 - (a) the driver thereof shall not exchange places with any other person, and
 - (b) no person shall exchange places with the driver thereof.

34. Section 147, subsection (2) is amended

- (a) as to clause (b) by adding at the end thereof the word "or",
- (b) by adding the following clause after clause (b) :
 - (c) in or on any fire-fighting vehicle.

35. Section 148 is amended by striking out the word "primary" wherever it occurs.

36. Section 149 is repealed.

29. This corrects a cross-reference.

30. Section 135 (g) presently reads:

135. Unless required or permitted by this Act or by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, a driver shall not stop or park his vehicle

(g) in such a manner as to obstruct access to a garage, private road or driveway, or a vehicle crossway over a sidewalk, or
.....

31. Section 136 (1) presently reads:

136. (1) When parking on a roadway, a driver shall park his vehicle with the sides thereof parallel to the curb or edge of the roadway and

(a) with the right hand wheels thereof not more than 18 inches from the right hand curb or edge of the roadway, or

(b) in the case of a one-way highway where parking on either side is permitted, with the wheels closest to a curb or edge of the roadway not more than 18 inches from that curb or edge.

32. Section 140 presently reads:

140. 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 more than \$1,000 or to imprisonment for a term of not more than six months.

33. Self-explanatory.

34. Self-explanatory. Section 147 presently reads:

147. (1) No person shall ride or permit any other person to ride on the outside of a motor vehicle in an urban area.

(2) Subsection (1) does not apply to a person riding

(a) on a regular seat on a motor cycle, or

(b) in the box of a truck.

35. Section 148 presently reads:

148. (1) No person under the age of 16 years shall drive a tractor or self-propelled implement of husbandry on a primary highway.

(2) No person shall permit another person under the age of 16 years to drive a tractor or self-propelled implement of husbandry on a primary highway.

36. Section 149 presently reads:

149. (1) No person under the age of 14 years shall drive a tractor or a self-propelled implement of husbandry on a highway.

(2) No person shall permit another person under the age of 14 years to drive a tractor or a self-propelled implement of husbandry on a highway.

37. Section 155, subsection (2) is amended by adding at the end thereof the words "but shall destroy the serial number plate".

38. Section 163 is amended by adding the following subsection:

(4) Where in the opinion of a peace officer the owner or operator of a scooter or power bicycle is under the age of 16 years, the peace officer may at any time request to test the scooter or power bicycle for the purpose of determining whether or not its motor is adjusted or governed in accordance with subsection (1) and if the owner or operator refuses to comply with the request he is guilty of an offence.

39. Section 167 is amended

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

(2a) No person shall operate a motor cycle, scooter or power bicycle on which a passenger is riding unless the passenger is wearing a safety helmet securely attached to his head.

(b) as to subsection (3) by striking out the words "Subsection (2) does" and by substituting the words "Subsections (2) and (2a) do",

(c) by adding the following subsection after subsection (3):

(4) On and after January 15, 1969 no person shall buy, sell or offer for sale any safety helmet intended for the use of operators or passengers of motor cycles, scooters or power bicycles unless it conforms to the specifications prescribed by the regulations.

40. The following section is added after section 183:

183a. Nothing in this Part shall be construed as authorizing a pedestrian to cross a roadway in an urban area at a place where a municipal by-law prohibits the crossing.

41. Section 191 is amended by striking out clause (h) and by substituting the following:

(h) section 27 relating to the operation of a motor vehicle without a subsisting certificate of registration;

(h1) section 3 relating to the operation of a motor vehicle without having a subsisting driver's licence;

42. Section 192 is amended by adding the following subsection:

(5) Notwithstanding anything in this section, where a motor vehicle is seized pursuant to subsection (1), any

37. Section 155 (2) presently reads:

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

38. Section 163 (1) presently reads:

163. (1) No person under the age of 16 years shall operate a scooter or power bicycle unless the motor thereof is so adjusted or governed that the vehicle is unable to attain a speed in excess of 30 miles an hour.

39. Section 167 presently reads:

167. (1) No person shall operate a motor cycle, scooter or power bicycle unless he is wearing a safety helmet securely attached on his head.

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

(3) Subsection (2) does not apply to a person who is riding as a passenger in a side car.

40. Section 183 reads:

183. Any person crossing or walking upon a highway in a manner contrary to this Act or any municipal by-law regulating pedestrian traffic shall, upon request, give his name and address to any peace officer.

41. Section 191 (h) presently reads:

191. Every peace officer who on reasonable and probable grounds believes that any person has committed an offence against any of the provisions of the sections hereinafter enumerated, whether the offence has been committed or not, may arrest such person without warrant and whether such person is guilty or not:

.....

(h) section 27 relating to the operation of a motor vehicle without a subsisting certificate of registration or a subsisting operator's licence;

.....

42. Vehicle may be released on security. Section 192 presently reads:

192. (1) Every peace officer who on reasonable and probable grounds believes that any of the offences enumerated in section 191 has been committed may seize and detain any motor vehicle in respect of which the offence has been committed until the final disposition of any proceedings that may be taken under this Act.

(2) A peace officer seizing a motor vehicle pursuant to subsection (1) may cause the vehicle to be removed and taken to and stored in a suitable place and cause such tests and examinations thereof to be made as he considers proper.

(3) Except where subsection (4) applies, 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.

(4) If proceedings are not taken under this Act within 10 days after the motor vehicle is seized and detained pursuant to subsection (1), the motor vehicle shall be forthwith returned to the owner thereof.

judge having jurisdiction in the place within which the offence is suspected of having been committed may, in his discretion, release the motor vehicle pending the disposition of any proceedings that may be taken under this Act, if security is given therefor in a sum which shall not exceed \$100.

43. Section 196 is amended by adding at the end thereof the words "or to imprisonment for a term not exceeding six months without the option of a fine".

44. Section 197, subsection (1) is amended by adding after the words "was not being driven" the words "or was not parked or left".

45. Section 200, subsection (1) is amended by striking out clause (b) and by substituting the following:

- (b) bearing a date thereon not more than,
 - (i) in the case of a tuning fork, one year before or after the date of the offence charged, or
 - (ii) in the case of a speedometer or other device used for establishing the speed of vehicles, 30 days before or after the date of the offence charged,
- and

46. Section 204 is struck out and the following is substituted:

204. (1) When a person who is the holder of an operator's licence is convicted of an offence

- (a) for contravening section 82, 83, 93, 94, 95, 96, 99, 102, 103, 104, 106, 108, 109, 110, 111, 112, 113, 115 or 117 or 118, or subsection (1) of section 120, or subsection (1) of section 121, or section 122, or section 123, or subsection (1) or (2) of section 125, or subsection (4) of section 127, or section 128, or subsection (1) or (2) of section 131, or section 140, 141, 142 or 184, or
- (b) under subsection (3) or subsection (6) of section 69 of *The Public Service Vehicles Act*, or
- (c) under any provision of a municipal by-law that fixes a speed limit within the municipality or regulates moving motor vehicles within the municipality, or
- (d) under regulation 17 (4) or 32 or 33 of the National Parks Highway Traffic Regulations (Canada), or
- (e) under the *Juvenile Delinquents Act* (Canada) for contravening any of the provisions listed in clauses (a) to (d),

if authority to suspend the person's operator's licence is not given under any other provision of this Act the judge upon making the conviction, may suspend the operator's licence

43. Section 196 presently reads:

196. Except as otherwise provided in this Act, a person who is guilty of an offence under this Act or the regulations for which a penalty is not otherwise provided is liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding six months.

44. Section 197 presently reads:

197. (1) The owner of a motor vehicle is guilty of an offence and liable for any contravention of this Act or a municipal by-law in connection with the motor vehicle unless the owner proves to the satisfaction of the judge trying the case that at the time of the offence the motor vehicle was not being driven by him or by any other person with his consent, express or implied.

(2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle he is not in any event liable to imprisonment.

45. Section 200 (1) presently reads:

200. (1) In any prosecution under this Act or the regulations or under The Public Service Vehicles Act or the regulations under that Act or under a municipal by-law, a certificate

- (a) stating the result of a test of
 - (i) the speedometer of a motor vehicle identified therein, or
 - (ii) a tuning fork identified therein and used for determining the accuracy of a radar set, or
 - (iii) any other device identified therein and used for or in connection with establishing the speed of vehicles,
- (b) bearing a date thereon not more than 30 days before or after the date of the offence charged, and
- (c) purporting to be signed by a tester appointed under this Act to test devices of the type stated to have been tested, shall be admitted in evidence as prima facie proof of the facts stated therein without proof of the signature or appointment as a tester of the person signing the certificate.

46. Section 204 presently reads:

204. (1) When a person who is the holder of an operator's licence is convicted of an offence

- (a) under the Criminal Code and arising out of the operation of a motor vehicle, or
 - (b) for contravening section 82, 83, 93, 94, 95, 96, 99, 102, 103, 104, 106, 108, 109, 110, 111, 112 or 113, or subsection (3) of section 115, or section 117 or 118, or subsection (1) of section 120, or subsection (F) of section 121, or section 122, or subsection (1) of section 123, or subsection (1) or (2) of section 125, or subsection (4) of section 127, or section 128, or subsection (1) or (2) of section 131, or section 140, 141, 142 or 184, or
 - (c) under subsection (3) or subsection (6) of section 69 of The Public Service Vehicles Act, or
 - (d) under any provision of a municipal by-law that fixes a speed limit within the municipality or regulates moving motor vehicles within the municipality, or
 - (e) under regulation 17 (4) or 32 or 33 of the National Parks Highway Traffic Regulations (Canada), or
 - (f) under the Juvenile Delinquents Act (Canada) for contravening any of the provisions listed in clauses (a) to (e),
- he shall upon conviction forthwith deliver his licence to the judge making the conviction.

(2) The judge making the conviction shall thereupon endorse the particulars of the conviction upon the operator's licence delivered to him following the conviction.

(3) Notwithstanding subsection (2), the judge shall not endorse the particulars of the conviction on the operator's licence of the owner of a motor vehicle who is convicted of an offence referred to in subsection (1) only because of the liability imposed upon him by section 197.

(4) Where a judge convicts a person of an offence referred to in clause (b), (c), (d) or (e) of subsection (1),

- (a) if the convicted person is the holder of an operator's licence, and
- (b) if the judge is not given authority under any other provision of this Act to suspend the operator's licence of the convicted person,

of the convicted person for a period not exceeding three months.

(2) Instead of suspending the operator's licence of a convicted person pursuant to subsection (1), the convicting judge may impose any one or more of the following conditions on the convicted person, namely:

- (a) that he attend a driver improvement course specified by the judge;
- (b) that he submit to being re-examined
 - (i) by the Motor Vehicle Branch of the Department of Highways as to his driving skill, and
 - (ii) as to his physical or other competency to drive a motor vehicle,within such time as the judge directs;
- (c) that he only drive a motor vehicle
 - (i) registered in the name of a person or business specified by the judge,
 - (ii) during any hours of the day specified by the judge, and
 - (iii) on any specified days of the week, or any combination thereof, during such period, not exceeding three months, as the judge fixes.

(3) Any person who does not abide by a condition imposed by a judge under subsection (2) is guilty of an offence and is liable on summary conviction to a fine of not more than \$100 and to suspension of his operator's licence for a period not exceeding three months.

(4) Where a judge convicts a person of an offence referred to in subsection (1),

- (a) if the convicted person is not, at the date of the conviction, the holder of an operator's licence, and
- (b) if the judge is not given authority under any other provision of this Act to disqualify the convicted person from holding an operator's licence,

the judge, upon making the conviction, may order that the convicted person be disqualified from holding an operator's licence for a period not exceeding three months, and the disqualification remains in force for the period specified unless the Minister in his discretion makes an order shortening the period of, or annulling, the disqualification.

(5) Where a judge acts under this section, he shall forward the operator's licence, if any, of the convicted person to the Minister together with a report setting out the nature of the conviction and the circumstances of the offence.

(6) Where

- (a) the judge has suspended the licence, the suspension remains in force until the Minister in his discretion

the judge, upon making the conviction, may suspend the operator's licence of the convicted person for a period not exceeding three months.

(5) Instead of suspending the operator's licence of a convicted person pursuant to subsection (4), the convicting judge may impose any one or more of the following conditions on the convicted person, namely:

- (a) that he attend a specified driver improvement course for such time, not exceeding three months, as the judge fixes;
- (b) that he submit to being re-examined
 - (i) by the Motor Vehicle Branch of the Department of Highways, and
 - (ii) as to his physical or other competency to drive a motor vehicle, within such time as the judge directs;
- (c) that he only drive a motor vehicle
 - (i) of a specified class, or
 - (ii) between any specified hours of the day, or
 - (iii) on any specified days of the week, or any combination thereof, during such period, not exceeding three months, as the judge fixes;

and if the convicted person contravenes any condition so imposed the judge may suspend the operator's licence of the convicted person for a period not exceeding three months.

(6) Where a judge convicts a person of an offence referred to in clause (b), (c), (d) or (e) of subsection (1),

- (a) if the convicted person is not, at the date of the conviction, the holder of an operator's licence, and
- (b) if the judge is not given authority under any other provision of this Act to disqualify the convicted person from holding an operator's licence,

the judge, upon making the conviction, may order that the convicted person be disqualified from holding an operator's licence for a period not exceeding three months, and the disqualification remains in force for the period specified unless the Minister in his discretion makes an order shortening the period of, or annulling, the disqualification.

(7) When a judge acts under subsection (4) or (5), he shall forward the operator's licence of the convicted person to the Minister together with a report setting out the nature of the conviction and the circumstances of the offence, and

- (a) where the judge has suspended the licence, the suspension remains in force until the Minister in his discretion makes an order shortening the term of suspension, or
- (b) where the judge imposes conditions on the convicted person, the Registrar shall, subject to section 245, forthwith issue a temporary licence to the convicted person with the conditions imposed by the judge endorsed thereon.

(8) Where a judge convicts a person of an offence referred to in clause (b), (c), (d) or (e) of subsection (1) and the convicted person is the holder of a juvenile licence, the judge shall

- (a) suspend the juvenile licence for a period of not less than two weeks, 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 judge and such further period as may be prescribed by the regulations.

(9) In subsection (8) "juvenile licence" means an operator's licence held by a person under 18 years of age.

makes an order shortening the term of suspension,
or

- (b) the judge imposes conditions on the convicted person, the Registrar shall, subject to section 245, forthwith issue a restricted licence to the convicted person with the conditions imposed by the judge endorsed thereon.

47. Section 206 is struck out and the following section is substituted:

206. (1) Where a person is convicted under section 222 of the *Criminal Code* anywhere in Canada of driving or of having the care or control of a motor vehicle while intoxicated or under the influence of a drug, the convicted person thereupon becomes disqualified from holding an operator's licence

- (a) for a period of 12 months from the date of his conviction, or
- (b) 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, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(2) Where a person is convicted under section 223 of the *Criminal Code* anywhere in Canada of driving or of having care or control of a motor vehicle while his ability to drive a motor vehicle is impaired by alcohol or drug, the convicted person thereupon becomes disqualified from holding an operator's licence

- (a) for a period of six months from the date of his conviction, or
- (b) 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, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(3) Notwithstanding subsections (1) and (2), where a person is convicted under section 222 or 223 of the *Criminal Code*,

- (a) if the convicted person has not, within the preceding five years, been convicted under section 222 or 223 of the *Criminal Code* anywhere in Canada, and
- (b) if the convicted person produces proof satisfactory to the convicting judge that he was not actually driving the motor vehicle at the time of the offence,

47. Section 206 presently reads:

206. (1) Where a person is convicted under section 222 of the Criminal Code anywhere in Canada of driving or of having the care or control of a motor vehicle while intoxicated or under the influence of a narcotic drug, the convicted person thereupon becomes disqualified to hold an operator's licence

(a) for a period of 12 months from the date of his conviction, or

(b) 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, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(2) Notwithstanding subsection (1), where a person is convicted under section 222 of the Criminal Code,

(a) if the convicted person has not, at any time before, been convicted of the same or any other offence under section 222 or 223 of the Criminal Code anywhere in Canada, and

(b) if the convicted person produces proof satisfactory to the convicting judge that he was not actually driving the motor vehicle at the time of the offence,

the judge, in his discretion, may make an order reducing the period of disqualification and suspension provided by subsection (1) to any period being not less than three months.

(3) Where a person is convicted under section 223 of the Criminal Code anywhere in Canada of driving or of having the care or control of a motor vehicle while his ability to drive a motor vehicle is impaired by alcohol or a drug, the convicted person thereupon becomes disqualified to hold an operator's licence

(a) for a period of six months from the date of his conviction, or

(b) 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, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(4) Notwithstanding subsection (3), where a person is convicted under section 223 of the Criminal Code,

(a) if the convicted person has not, at any time before, been convicted of the same or any other offence under section 222 or 223 of the Criminal Code anywhere in Canada, and

(b) if the convicted person produces proof satisfactory to the convicting judge that the right to drive is essential to earning his livelihood,

the judge, in his discretion, may make an order modifying the period of disqualification and suspension provided by subsection (2) so as to permit the convicted person, during that period, to drive a motor vehicle

(c) of any class specified by the judge, or

(d) between any hours of the day specified by the judge, or

(e) on any days of the week specified by the judge,

or any combination thereof, and as long as the convicted person drives a motor vehicle only in accordance with the restrictions set out in the order he shall be deemed not to be disqualified from driving and his operator's licence shall be deemed not to be suspended.

(5) Notwithstanding subsection (2), where a person

(a) is convicted under section 223 of the Criminal Code anywhere in Canada, and

(b) has, at any time before, been convicted of the same or any other offence under section 222 or 223 of the Criminal Code anywhere in Canada,

the convicted person thereupon becomes disqualified to hold an operator's licence

(c) for a period of 12 months from the date of his conviction, or

the judge, in his discretion, may make an order reducing the period of disqualification and suspension provided by subsection (1) or (2), as the case may be, to any period being not less than three months.

(4) Notwithstanding subsection (2) or (3), where a person is convicted under section 223 of the *Criminal Code*,

- (a) if the convicted person has not, within the preceding five years, been convicted under section 222 or 223 of the *Criminal Code* anywhere in Canada, and
- (b) if the convicted person produces proof satisfactory to the convicting judge that driving is essential to earning his livelihood,

the judge, in his discretion, may make an order modifying the disqualification and suspension provided by subsection (2) so as to permit the convicted person, during that period, to drive a motor vehicle

- (c) registered in the name of a person or business specified by the judge, and
- (d) during any hours of the day specified by the judge, and
- (e) on any days of the week specified by the judge,

or any combination thereof, and as long as the convicted person drives a motor vehicle only in accordance with the restrictions set out in the order he shall be deemed not to be disqualified from driving and his operator's licence shall be deemed not to be suspended.

(5) Notwithstanding subsection (2), where a person

- (a) is convicted under section 223 of the *Criminal Code* anywhere in Canada, and
- (b) has, within the preceding five years, been convicted of any offence under section 222 or 223 of the *Criminal Code* anywhere in Canada,

the convicted person thereupon becomes disqualified to hold an operator's licence

- (c) for a period of 12 months from the date of his conviction, or
- (d) if an order prohibiting him from driving a motor vehicle on a highway in Canada is made as a result of the conviction, for the period driving is prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(6) Notwithstanding anything in this section, where a person

- (a) is convicted under section 222 or section 223 of the *Criminal Code* anywhere in Canada, and
- (b) has, at any time before, been convicted on two previous occasions of any offences under section 222

(d) if an order prohibiting him from driving a motor vehicle on a highway in Canada is made as a result of the conviction, for the period driving is prohibited, whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(6) Notwithstanding anything in this section, where a person

(a) is convicted under section 222 or 223 of the Criminal Code anywhere in Canada, and

(b) has during the preceding five years been convicted on two previous occasions of the same or any other offences under section 222 or 223 of the Criminal Code anywhere in Canada, the convicted person thereupon becomes disqualified to hold an operator's licence

(c) for a period of 36 months from the date of his conviction, or

(d) 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, and any operator's licence held by the convicted person becomes suspended for the same period.

(7) Where a person who holds an operator's licence is convicted under section 222 or 223 of the Criminal Code, the convicting judge shall forward the operator's licence of that person to the Minister, and where the judge has made an order under subsection (4), the Registrar shall, subject to section 245, forthwith issue a temporary licence to the convicted person with the restrictions imposed by the judge endorsed thereon.

or section 223 of the *Criminal Code* anywhere in Canada,

the convicted person thereupon becomes disqualified from holding an operator's licence and any operator's licence held by the convicted person becomes suspended for a period of 36 months from the date of his conviction.

(7) Where a person who holds an operator's licence is convicted under section 222 or section 223 of the *Criminal Code*, the convicting judge shall forward the operator's licence of that person to the Minister, and where the judge has made an order under subsection (4), the Registrar shall, subject to section 245, forthwith issue a restricted licence to the convicted person with the restrictions imposed by the judge endorsed thereon.

(8) Any person who holds a restricted licence issued pursuant to subsection (7) and who, because of an alteration of employment or times of employment that may render the modified licence inoperative may appear before the judge who ordered the modification and the judge may, in his discretion, order the Registrar, subject to section 245, to alter the modification on the restricted licence to suit the altered circumstances.

(9) Any person who does not comply with an order made under subsection (4) or (8), as the case may be, is guilty of an offence and is liable on summary conviction to a fine of not more than \$100 and thereupon

- (a) any order made pursuant to subsection (4) or (8) and the restricted licence issued pursuant thereto are cancelled, and
- (b) the disqualification imposed by subsection (2) becomes effective for the remainder of the period specified therein.

48. Section 216, subsection (1) is amended by adding at the end thereof the words "and may by order prescribe different maximum speeds for different classes of vehicles".

49. Section 222 is amended

- (a) as to clause (f)
 - (i) by adding the word "and" at the end of subclause (i) and by striking out the word "or" at the end of subclause (ii),
 - (ii) by striking out subclause (iii),
- (b) by striking out the word "and" at the end of clause (w) and by adding the word "and" at the end of clause (x),
- (c) by adding the following clause after clause (x):
 - (y) providing for the placing on a vehicle parked in contravention of this Act or a by-law under this section (including clause (f)) of a parking tag in the form prescribed by the Lieuten-

48. Section 216 (1) presently reads:

216. (1) With respect to all or any part of a primary highway, the Minister may by order prescribe a maximum speed for daytime or night time, or both, in excess of the general maximum speed fixed by section 94.

49. Section 222 (f) presently reads:

222. With respect to highways under its direction, control and management, the council of a municipality may make by-laws, not inconsistent with this Act and on matters for which no provision is made in this Act, for the regulation and control of vehicle, animal and pedestrian traffic and, without restricting the generality of the foregoing, may make by-laws

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- (f) prohibiting the owner of a vehicle or the person in charge of a vehicle from parking or leaving the vehicle on private property without authority from the owner, tenant, occupant or person in charge or control of the private property and providing for
 - (i) the impounding and removal from the private property of a vehicle so parked or left thereon without authority,
 - (ii) the laying of an information and complaint against the owner or person in charge of the illegally parked vehicle for the parking offence, or
 - (iii) the placing on the vehicle of a parking violation notice allowing the owner of the vehicle an opportunity to pay a set amount in lieu of prosecution for the offence,

ant Governor in Council allowing the payment of a penalty to the municipality in lieu of prosecution for the offence and setting the penalty applicable to each such offence.

50. Section 227, subsection (2) is amended by striking out clause (a) and by substituting the following:

- (a) requiring the individual identification thereof and the display thereon of evidence of identification,

51. Section 232 is amended by adding the following subsection:

- (4) This section does not apply to a dealer
 - (a) who enters into a contract with or who is approved by a municipality for the operation of a motor vehicle disposal area, and
 - (b) who receives motor vehicles without giving consideration, for disposal.

52. Section 245, subsection (1) is amended

- (a) as to clause (a) by striking out the words "Part 4," and by substituting the words "Part 5,"
- (b) as to clause (d) by striking out the words "or the failure to return to the scene of an accident".

53. Section 254 is amended by striking out subsection (1) and by substituting the following:

254. (1) The clerk or registrar of the court, or the court where there is no clerk or registrar, in which any final order, judgment or conviction to which this Part applies is rendered shall forward to the Minister immediately a certified copy of the order, judgment or conviction or a certificate thereof in a form prescribed by the Minister.

54. Section 255 is amended by adding the following subsection:

- (4) Upon request of a person, the Minister may, in his discretion, furnish a certified abstract of the driving record of the person to a barrister and solicitor.

55. Section 262, subsection (8) is amended by striking out the words "and undertaking" and by substituting the words "an undertaking".

56. Section 264, clause (b) is amended by striking out the words "subsection (4)" and by substituting the words "subsection (3)".

57. (1) This Act, except sections 8, 9 and 11, comes into force on June 1, 1968.

(2) Sections 8, 9 and 11 come into force on January 1, 1969.

50. Section 227, subsection (2) presently reads:

(2) The Lieutenant Governor in Council may make regulations in respect of any class or classes of motor vehicles, including power toboggans, not ordinarily operated or intended for operation upon the highway,

- (a) requiring the registration thereof and the display thereon of licence plates issued by the Minister,
- (b) prescribing any equipment required thereon for safety purposes and the types and uses therefor, and
- (c) prescribing traffic rules governing the manner in which they are to be operated,

which may impose different requirements applicable when such motor vehicles are operated on a highway and when they are operated elsewhere than on a highway and which, having regard to the nature and purpose of such vehicles, may declare any provision of this Act wholly or partially inapplicable to such vehicles and the operation thereof.

51. Section 232 reads:

232. (1) 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.

(2) Every person engaged in the business of buying, selling, exchanging, wrecking, painting, altering or otherwise dealing in 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.

(3) Where a motor vehicle, the manufacturer's serial number or other identifying mark of which is obliterated or illegible is offered for sale to a dealer in motor vehicles the dealer

- (a) shall forthwith report the matter to the nearest peace officer, and
- (b) shall not buy, sell, wreck or otherwise deal with any such vehicle until he has received convincing proof that the person offering the vehicle for sale has the right to sell it, and
- (c) shall keep a record of any such vehicles purchased by him and of the facts convincing him of the right of the person offering the vehicle for sale to sell it.

52. Section 245 (1) (a) and (d) presently read:

245. (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 judge has been convicted of any one of the following offences or contraventions of law, or if, having been arrested for any such offence or contravention, he has forfeited his bail, namely:

- (a) driving a motor vehicle on a highway at a rate of speed in contravention of Part 4, if injury to property in excess of \$200 or to any person occurs in connection therewith;

-
- (d) an offence under the Criminal Code arising anywhere in Canada out of the operation of a motor vehicle or the failure to return to the scene of an accident;

.....

and the 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.

53. Section 254 (1) presently reads:

254. (1) The clerk or registrar of the court, or the court where there is no clerk or registrar, in which any final order, judgment or conviction to which this Part applies is rendered shall forward to the Minister immediately after the date upon which the order, judgment or conviction becomes final by affirmation upon appeal, or by expiry without appeal of the time allowed for appeal, a certified copy of the order, judgment or conviction or a certificate thereof in a form prescribed by the Minister.

54. Client's driving record may be furnished to a lawyer.

55. A typographical error is corrected.

56. An error in cross-reference is corrected.