

1969 Bill 102

Second Session, 16th Legislature, 18 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 102

An Act to amend The Highway ~~Traffic~~ Act

THE MINISTER OF HIGHWAYS

First Reading

Second Reading

Third Reading

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BILL 102

1969

An Act to amend The Highway Traffic Act

(Assented to _____, 1969)

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 striking out clause 1a. and by substituting the following:

1a. "boulevard" means, in an urban area, that part of a highway that

(i) is not roadway, and

(ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by, pedestrians;

(b) by striking out clause 8. and by substituting the following:

8. "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and

(i) includes

(A) a sidewalk (including a boulevard portion thereof),

(B) where a ditch lies adjacent to and parallel with the roadway, the ditch, and

(C) where a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be, but

Explanatory Notes

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

2. Section 2 1a., 8., 26. presently read:

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

.....

8. "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, but does not include a place declared by the Lieutenant Governor in Council not to be a highway;

.....

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

- (ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway;
- (c) by striking out clause 26 and by substituting the following:
 - 26. "sidewalk" means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between the curb line thereof (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved;

3. Section 6, subsection (1), clause (b) is amended by adding after the words "special conditions" the words "or restrictions, or both,".

4. Section 11 is amended

- (a) by renumbering the section as subsection (1) and as to the renumbered subsection (1) by striking out wherever it occurs the word "physical",
- (b) by adding the following subsection after the renumbered subsection (1):

(2) A duly qualified medical practitioner may, without acquiring any liability thereby, report to the Registrar any medical information relative to the health of a person holding or applying for an operator's licence where the practitioner believes that the condition in relation to which the information is given may adversely affect that person's operation of a motor vehicle.

5. Section 33, clause (b) is amended by adding after the word "defaced" the word ", altered".

6. Section 40 is amended by adding the following subsection:

(3) In this section "freight" means anything that may be conveyed in or on a motor vehicle, excepting passengers.

7. Sections 42 to 44 are struck out and the following sections are substituted:

42. No person shall

- (a) attach to a motor vehicle or trailer, or
- (b) operate a motor vehicle or trailer to which is attached,

3. Section 6 (1) (b) presently reads:

6. (1) The Minister may

.....

(b) cause special conditions to be stated upon an operator's licence,

4. Section 11 presently reads:

11. A person holding an operator's licence shall within a reasonable time thereafter advise the Minister in writing of any change, since the issuance of the operator's licence to the licensee, of his physical condition by reason of any disease or physical disability, which the regulations designate as a disease or physical disability of which the Minister is to be informed by an applicant for a licence.

5. Clarification. Section 33 presently reads:

33. No person shall

(a) deface or alter a certificate of registration issued under this Act, or

(b) use or permit the use of a defaced or illegible certificate of registration.

6. Section 40 presently reads:

40. (1) No person shall attach a licence plate issued pursuant to section 39 to any vehicle

(a) except a motor vehicle kept for sale, and not for hire, by a manufacturer or dealer, or

(b) except a motor vehicle used by a manufacturer or dealer for the promotion of sales of such motor vehicles, and that is not used to convey freight.

(2) No person shall use or operate on a highway a motor vehicle to which a licence plate is attached contrary to subsection (1).

7. For clarification. Sections 42 to 44 presently read:

42. No licence plate shall be attached to or used upon any motor vehicle or trailer other than the one for which it is authorized.

43. (1) In the case of a motor vehicle, other than a motor cycle,

(a) one of the licence plates shall be firmly attached to the front of the vehicle, and

(b) the other licence plate shall be firmly attached to the rear of the vehicle in such a position that the lower edge of the plate will not be lower than the axle.

(2) In the case of a motor cycle, the licence plate shall be firmly attached to the rear mudguard in such a position as to be clearly visible.

(3) In the case of a trailer, the licence plate shall be firmly attached on the back thereof in such a position that the lower edge of the plate will not be lower than the axle.

44. (1) A licence 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 in the position required by section 43.

(2) The licence 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.

a licence plate other than a licence plate authorized for use on that motor vehicle or trailer.

43. (1) No person shall operate a motor vehicle, other than a motor cycle, upon a highway unless

- (a) one of the licence plates is firmly attached to the front of the vehicle, and
- (b) the other licence plate is firmly attached to the rear of the vehicle in such a position that the lower edge of the plate is not lower than the axle.

(2) No person shall operate a motor cycle upon a highway unless the licence plate is firmly attached to the rear mudguard or rear fender in such a position as to be clearly visible.

(3) No person shall operate a trailer upon a highway unless the licence plate is firmly attached on the back thereof in such a position that the lower edge of the plate is not lower than the axle.

44. (1) The operator of a motor vehicle or trailer shall at all times keep a licence plate required to be attached to the vehicle secured in a manner and maintained in a condition as to be clearly visible and readable and unobscured by any part of the vehicle or its attachments or load or otherwise.

(2) No person shall be considered to contravene subsection (1) by reason only that a trailer is attached to the rear of a motor vehicle that he owns or operates.

8. Section 61, subsection (1), clause (b) is amended by striking out the words "policeman or forestry officer," and by substituting the words "peace officer,".

9. Section 65, subsection (5) is amended by striking out the word "designated" and by substituting the word "designed".

10. Section 82, subsection (1), clause (c) is amended

- (a) as to subclause (iv) by adding at the end thereof the word ", and",
- (b) by adding the following subclause after subclause (iv) :
 - (v) the financial responsibility card required in respect of that vehicle or a certificate issued by the Registrar under *The Motor Vehicle Accident Claims Act* stating that the uninsured motor vehicle fee has been paid in respect of that vehicle.

8. Section 61 (1) presently reads:

61. (1) No motor vehicle other than a vehicle used
- (a) for the transportation of any member of a fire brigade or of any firefighting equipment,
 - (b) for the transportation of any policeman or forestry officer, or
 - (c) as an ambulance,
- shall be equipped with any red light or flashing light visible from the front of the vehicle.

9. Typographical error corrected.

10. Section 82 (1) (c) presently reads:

82. (1) When an accident occurs on a highway, the driver or other person in charge of a vehicle that was directly or indirectly involved in the accident
- (c) shall produce in writing to anyone sustaining loss or injury and to any peace officer and to a witness
 - (i) his name and address, and
 - (ii) the number of his operator's licence, and
 - (iii) the name and address of the registered owner of the vehicle, and
 - (iv) the registration number of the motor vehicle,
- or such of that information as is requested.

11. Section 83, subsection (1) is amended by adding after the words “written report” the words “in the form prescribed by the Minister and containing such information as may be required thereby”.

12. Section 94 is amended

- (a) as to subsection (1) by adding after the words “no person shall drive” the words “on a primary highway”,
 - (b) by adding the following subsection:
 - (4) Except where a higher rate of speed is authorized pursuant to section 220, no person shall drive on a highway that is
 - (a) subject to the direction, control and management of the local governing authority of a municipal district, county, improvement district or special area, or
 - (b) within a city where the title to the highway is vested in the Crown in right of Alberta pursuant to section 21 of *The Public Highways Development Act*, or
 - (c) through an Indian reserve, the title to which is vested in the Crown in right of Alberta and that is not the subject of an agreement entered into pursuant to section 18 of *The Public Highways Development Act*, or
 - (d) a forestry road, or
 - (e) a local road as defined in *The Provincial Parks Act, 1964*, or
 - (f) a licence of occupation road,
- at a greater rate of speed than 50 miles per hour.

13. Section 102 is amended

- (a) as to subsection (1) by striking out clause (d) and by substituting the following:
 - (d) where a single solid line and a broken line together exist between traffic lanes, a driver
 - (i) shall not, except as provided in subclause (ii), cross the solid line from the lane next to which the solid line is located, and
 - (ii) may only cross to the left over the broken and solid lines from the lane next to which the broken line is located for the purpose of and when overtaking and passing another vehicle in that lane and shall immediately recross both lines and return to the lane on the right in which he was originally travelling;

11. Section 83 (1) presently reads:

83. (1) Subject to subsection (2), where an accident results in injury or death to a person or in property damage to an apparent extent of \$100 or more, the driver shall forthwith make a written report to a peace officer having jurisdiction where the accident occurred.

12. Section 94 presently reads:

94. (1) Except where a higher rate of speed is prescribed pursuant to section 216, no person shall drive outside an urban area at any greater rate of speed than

- (a) 60 miles an hour during the daytime, or
- (b) 50 miles an hour during the night time.

(2) Except where a higher rate of speed is prescribed pursuant to section 220, no person shall drive in an urban area at a greater rate of speed than 30 miles an hour.

(3) In an urban area no person shall drive in an alley at a greater rate of speed than the maximum rate prescribed pursuant to section 222.

13. Section 102 (1) (d) and (3) (a) presently read:

102. (1) On a highway:

.....

- (d) where a single solid line and a broken line together exist between traffic lanes, a driver may cross the solid line from the lane in which the broken line is located and recross when overtaking and passing another vehicle;

(3) Notwithstanding subsection (1) and unless prohibited by a traffic control device, 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) as to subsection (3), clause (a) by adding after the words "turn left into a" the word "highway,".

14. Section 108, subsection (1), clause (b) is amended by adding at the end thereof the words "whereupon he shall return to the right side of the roadway".

15. Section 114 is amended by striking out subsection (2) and by substituting the following:

(2) On a laned highway when a traffic lane is marked by a traffic control device showing the words "no left turn" or "no right turn" a driver travelling in that lane and approaching the traffic control device shall not make the turn prohibited by the device.

16. The following section is added after section 114:

114a. A driver who approaches

- (a) a traffic control device that shows a downward pointing illuminated green arrow symbol marking the lane in which he is travelling may continue to drive in that lane, and
- (b) a traffic control device that shows an illuminated red "X" symbol marking the lane in which he is travelling shall not drive into or continue to drive in that lane.

17. Section 115 is amended

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

115. (1) A driver shall not turn his vehicle so as to proceed in the opposite direction unless he can do so in safety and without interfering with other traffic.

- (b) as to subsection (3) by striking out clause (e),
- (c) by adding the following subsection:

(4) The turns referred to in this section include what are commonly known as "U-turns".

18. Section 118 is amended by striking out subsection (3) and by substituting the following:

(3) A driver intending to turn left across the path of any vehicle approaching from the opposite direction shall not make the left turn unless he can do so in safety.

14. Section 108 (1) presently reads:

108. (1) Subject to section 109, a driver overtaking another vehicle
- (a) shall pass to the left of the other vehicle at a safe distance, and
 - (b) shall not return to the right side of the roadway until safely clear of the overtaken vehicle.

15. Section 114 presently reads:

114. (1) 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 words "turn left" or "turn right",
- (c) Repealed 1968, c. 40, s. 23

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.

(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.

16. New.

17. Clarification. Section 115 presently reads:

115. (1) A driver shall not turn his vehicle so as to proceed in the opposite direction unless he can do so without interfering with other traffic.

(2) A driver shall not turn his vehicle so as to proceed in the opposite direction

- (a) upon a curve, or
- (b) upon the approach to or near the crest of a grade where his vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet.

(3) In an urban area a driver shall not turn his vehicle so as to proceed in the opposite direction

- (a) on a roadway between intersections, or
- (b) at a place where a sign prohibits making a U-turn, or
- (c) at an intersection controlled by a traffic control signal, or
- (d) at an alley intersection, or
- (e) at an intersection when the vehicle is required to stop, or
- (f) at any other intersection unless the movement can be made in safety.

18. Liability of left-turning driver made more strict. Section 118 (3) presently reads:

(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.

19. Section 120, subsection (1) is amended by striking out after clause (b) the words

“shall, unless the intersection of the two roadways is marked with a “yield” sign, and by substituting the words “shall, unless the intersection of the two roadways is marked with a “yield” sign or a “merge” sign,”.

20. The following heading and section are added after section 123:

Merging

123a. (1) A driver about to enter an intersecting highway from a highway marked by a “merge” sign need not stop his vehicle before entering therein but he shall take all necessary precautions and merge safely with the traffic on the highway merged with.

(2) A driver on a highway marked by a “merging traffic” sign near the intersection of another highway marked by a “merge” sign shall take all reasonable precautions to allow a merging vehicle to enter in safety the highway he is driving on.

21. Section 127 is amended by striking out subsections (4) to (8) and by substituting the following:

(4) In case of a railway crossing that is not controlled by a traffic control signal, the driver of a vehicle that

(a) is a school bus, or

(b) is carrying explosive substances as cargo, or

(c) is used for carrying flammable liquids or gas, whether or not it is then empty,

shall stop the vehicle no closer than 15 feet or further than 50 feet from the nearest rail of the railway, and

(d) remaining stopped, shall listen and look in both directions along the railway for an approaching train and for signals indicating the approach of a train,

(e) shall not proceed until he can do so safely, and

(f) in the case of a school bus, shall before proceeding open the front door and where practicable to do so with one hand, shall also open the window immediately to his left.

(5) Subsection (4) does not apply where a peace officer or a flagman otherwise directs.

22. The following section is added after section 127:

127a. Where a driver has stopped in accordance with section 127 he

19. Section 120 (1) (a) to (c) presently read:

120. (1) A driver about to enter upon
- (a) a primary highway or street from a road, alley or driveway, or
 - (b) an alley or road from a driveway,
- shall, unless the intersection of the two roadways is marked with a "yield" sign, bring his vehicle to a stop
- (c) before entering upon the intersecting roadway and at a point no further than 10 feet from the intersecting roadway, or

See proposed new section 123a.

20. New—merging.

21. Section 127 (4) to (8) presently read:

- (4) In the case 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.
- a driver of such a vehicle approaching a railway crossing,
 - (e) shall stop his vehicle
 - (i) no closer than 15 feet, and
 - (ii) no further than 50 feet
 - from the nearest rail of the railway, and
 - (f) remaining stopped, shall look and listen in both directions along the railway for an approaching train and for signals indicating the approach of a train, and
 - (g) shall not proceed until he can do so safely.
- (5) When a driver of a school bus has stopped as required by subsection (4) and before proceeding he shall for the purposes of subsection (4) also open the front door and, where practicable to do so with one hand, open the window immediately to his left.
- (6) 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.
- (7) Subsections (4), (5) and (6) do not apply where a peace officer or a traffic control device directs traffic to proceed.
- (8) Subsections (4), (5) and (6) do not apply to railway crossings within a city.

22. Section 127a. Self-explanatory.

- (a) shall cross the railway tracks in a gear that he will not need to change while crossing the tracks, and
- (b) shall not shift gears while so crossing.

23. Section 128 is amended

- (a) as to subsection (1) by striking out clauses (a) and (b) and by substituting the following:
 - (a) from the rear, if the highway is physically divided into two separate roadways, or
 - (b) from either direction, if the highway is not so divided,
- (b) by adding the following subsection:
 - (3) Notwithstanding subsection (1), where upon a highway within a city the maximum speed limit is higher than 30 miles per hour the council of the city may by by-law make the stopping and proceeding requirements of this section applicable to all vehicles travelling on that highway and in that case the council shall cause warning signs to be posted at all appropriate locations thereon.

24. Section 134 is amended by striking out subsection (2) and by substituting the following:

(2) Notwithstanding subsection (1), except when his motor vehicle is incapable of moving under its own power, or where some other emergency arises, or as is otherwise permitted by law, no person shall park a vehicle on the roadway, parking lane or shoulder portions of a primary highway outside an urban area.

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

143. (1) No person, whether as a pedestrian or driver, and whether or not with the use or aid of any animal, vehicle or other thing, shall perform or engage in any stunt or other activity upon a highway that is likely to distract, startle or interfere with other users of the highway.

(2) No person shall, whether by using or by means of the horn, engine, exhaust system, braking system, acceleration system, tires making contact with the roadway or otherwise, create or cause the emission of any loud and unnecessary noise from the motor vehicle, any part thereof, or any thing or substance that the motor vehicle or a part thereof comes into contact with.

23. Section 128 presently reads:

128. (1) When a vehicle bearing the sign "school bus" has stopped on a highway outside an urban area to receive or discharge passengers or while the vehicle is displaying alternately flashing red lights, a driver approaching the school bus

(a) from the rear, if the highway is a four-lane divided highway, or

(b) from either direction, if the highway is a two-lane highway or a four-lane undivided highway,

shall stop before reaching the school bus.

(2) A person who is required by subsection (1) to stop before reaching a school bus shall not proceed to pass the school bus

(a) until the school bus resumes motion, or

(b) until the driver of the school bus indicates by a signal that he may proceed, or

(c) where the school bus is displaying alternately flashing red lights, until the lights stop flashing,

24. Section 134 (2) presently reads:

(2) Notwithstanding subsection (1), except in cases of emergency and except as otherwise permitted by law, no person shall park a vehicle on any portion of a primary highway outside an urban area within 500 feet of an intersection or a point where a sign prohibiting parking is erected.

25. Section 143 presently reads:

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

26. Section 147 is amended

- (a) as to subsection (1) by striking out the words “in an urban area”,
- (b) as to subsection (2) by adding the word “or” at the end of clause (c) and by adding the following clauses:
 - (d) in or on a vehicle engaged in highway construction or maintenance, or
 - (e) in or on a vehicle forming part of an entertainment exhibition that has been approved by the council of the municipality within which it is taking place.

27. Section 150, subsection (3), clause (b) is amended by adding after the word “glass” the words “or like material”.

28. Section 157 is amended by adding the following subsection:

(3) A vehicle left standing, at a location referred to in subsection (1) or (2), for more than 72 consecutive hours shall be deemed to have been abandoned at that location for the purposes of section 189.

29. Section 163 is amended by striking out subsections (1) and (4).

30. Section 189 is struck out and the following is substituted:

189. (1) Where a peace officer, or a person appointed or designated as a district engineer by the Minister, on reasonable and probable grounds believes that a vehicle

- (a) has been abandoned in contravention of section 157, or
- (b) is situated unattended at such location or in such condition as to constitute a present or potential hazard to persons or property,

he may cause the vehicle to be moved from its location, whether private or public property or a highway, and to be stored at what is in his opinion a suitable place therefor in the same judicial district.

(2) All reasonable costs incidental to the removal and storage of a vehicle removed under subsection (1) constitute a debt owing to the Crown by the registered owner of the vehicle or any subsequent purchaser.

26. 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, or
 - (c) in or on any fire-fighting vehicle.

27. Section 150 (3) (b) presently reads:

- (3) In this section "litter" means deposit or cause or allow to be deposited
-
- (b) any glass, nails, tacks or scraps of metal, or
-

28. Section 157 presently reads:

157. (1) No person shall abandon a vehicle upon a 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.

29. Section 163 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.
- (2) No person under the age of 16 years shall operate a scooter or power bicycle with a motor having a displacement or horsepower greater than that prescribed by the regulations.
- (3) No person under the age of 16 years shall carry any passengers on a scooter or power bicycle being operated by him.
- (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.

30. Section 189 presently reads:

189. (1) Where a peace officer has reasonable grounds to believe that a vehicle is abandoned in contravention of section 157, he may cause the vehicle to be removed from the highway or the public or private property and taken to and stored in a suitable place.
- (2) 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 (3).
- (3) If the abandoned vehicle is not claimed by the owner within 30 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.
- (4) No liability attaches to a person making the sale of a vehicle pursuant to subsection (3) and the person purchasing the vehicle acquires good title thereto as against the former owner or anyone claiming through him.

(3) The Registrar may, for the purpose of enforcing payment of a debt owed to the Crown pursuant to this section,

- (a) refuse to register any motor vehicle in the name of the debtor, or
- (b) suspend the registration of all vehicles registered in the name of the debtor,

until the debt is paid in full or, where the vehicle is sold pursuant to subsection (4), until the Crown receives the amount of the removal and storage costs out of the sale proceeds.

(4) Where a vehicle stored pursuant to this section

- (a) is not registered in Alberta, or
- (b) is not claimed in return for full payment of the removal and storage costs actually paid by the registered owner or someone on his behalf, within 30 days of its removal,

upon the approval in writing of the sheriff of that judicial district the vehicle may be disposed of by public auction or otherwise as the sheriff shall direct, subject to the giving of written notice of the proposed sale to the holders of encumbrances registered in respect of the vehicle at the Motor Vehicle Branch of the Department of Highways and Transport and the proceeds of the sale shall be expended in the following order:

- (c) to pay the debt owing to the Crown under this section;
- (d) to pay the balance owing on any encumbrances referred to in this section, to the rightful persons;
- (e) to pay any remaining portion to the Registrar who shall deposit the amount in the Motor Vehicle Accident Claims Fund established under *The Motor Vehicle Accident Claims Act* whereupon the amount
 - (i) shall be paid by the Registrar to any person who provides proof satisfactory to the Registrar that the person is entitled thereto if the claim made and proof thereof is established within one year of the removal of the vehicle under subsection (1), or
 - (ii) shall constitute a part of the Motor Vehicle Accident Claims Fund if no claim is made and established as provided in subclause (i).

(5) If the proceeds realized from the sale or auction of the abandoned or stored motor vehicle are not sufficient to cover the costs of removal and storage, the person authorized to remove and store the motor vehicle may apply to the Administrator of *The Motor Vehicle Accident Claims Act* for payment of the outstanding amount and the Administrator, upon being satisfied that the claim is proper,

may order payment to be made from the Motor Vehicle Accident Claims Fund subject to the limitations prescribed in the regulations under *The Motor Vehicle Accident Claims Act*.

(6) No liability attaches to a person making the sale of a vehicle pursuant to subsection (4) and the person purchasing the vehicle acquires good title thereto as against the former owner or anyone claiming through him.

31. Section 199, subsection (1), clause (b) is amended by adding after the word “suspended” the word “, restricted”.

32. Section 204 is amended

- (a) as to subsection (1), clause (a) by adding after the figures “95, 96, 99,” the figures “100, 101,”
- (b) by striking out subsections (2) and (3),
- (c) as to subsection (4) by striking out the words “Minister in his discretion” and by substituting the words “Driver Control Board in its discretion”,
- (d) by striking out subsection (5) and by substituting the following:

(5) Where a judge

- (a) suspends a person’s operator’s licence, pursuant to subsection (1), or
- (b) orders that a person be disqualified from holding an operator’s licence, pursuant to subsection (4),

the judge shall forward to the Minister

- (c) a report setting out the nature of the conviction and the circumstances of the offence, and
 - (d) the operator’s licence suspended, if any.
- (e) as to subsection (6) by striking out the words “Minister in his discretion” and by substituting the words “Driver Control Board in its discretion”.

31. Section 199 (1) (b) presently reads:

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

.....
(b) that a licence issued under this Act to the person named therein is, or was, at a stated time, suspended or revoked, or

32. Section 204 presently reads:

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, 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 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 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.

33. Section 206 is amended

- (a) by striking out subsection (4),
- (b) as to subsection (7) by striking out all the words in the subsection after the words “the Minister”,
- (c) by striking out subsections (8) and (9).

34. The following sections are added after section 206:

206a. (1) Where a peace officer suspects that the driver of a motor vehicle has consumed alcohol in such quantity as to affect the driver’s physical or mental ability, the peace officer may require the driver to surrender his operator’s licence to the peace officer.

(2) The request of a peace officer under subsection (1) *ipso facto* suspends any operator’s licence belonging to the driver to whom the request is made and the driver shall forthwith surrender any such licence to the peace officer, but the refusal or other failure of the driver to do so does not affect the suspension.

(3) Where a driver who has been required under subsection (1) to surrender his operator’s licence is not the holder of an operator’s licence, the request *ipso facto* disqualifies the driver from holding an operator’s licence.

(4) A suspension or disqualification arising pursuant to this section terminates

- (a) upon the expiration of 24 hours from the time the suspension or disqualification arose, or
- (b) upon the driver voluntarily undergoing a test at a place designated by the peace officer, which test indicates that the proportion of alcohol in the driver’s blood does not exceed 80 milligrams in 100 millilitres of blood, or
- (c) upon the production by the driver to the peace officer of a signed certificate of a duly qualified medical practitioner, which certificate states that the driver’s blood, as tested by the medical practitioner subsequent to the commencement of the suspension or disqualification, did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,

whichever first occurs, and the peace officer shall thereupon return the driver’s licence, if any, to the driver.

(5) This section does not apply to a case where a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code*, committed any offence involving

- (a) the actual driving of or care or control of a motor vehicle by the driver, and

33. Section 206 (4), (7), (8) and (9) presently read:

(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,

(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.

(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.

34. Temporary licence suspension where driver suspected of high alcohol to blood ratio. Where Criminal Code amended.

- (b) the condition of the driver or the amount of alcohol in his blood, as the case may be, resulting from the consumption by him of alcohol.

206b. Notwithstanding anything in this Act, where a person is convicted anywhere in Canada under a provision of the *Criminal Code* of an offence

- (a) that is the same or substantially the same as an offence that he would have, in similar circumstances, been liable to have been charged with and convicted of on the 31st day of January, 1969 under section 223 of the *Criminal Code*, or
- (b) that involved the person having had an amount of alcohol exceeding 80 milligrams in 100 millilitres of his blood at a time when he was driving or had the care or control of a motor vehicle,

that person shall, for the purposes of section 206, be deemed to have been charged with and convicted of an offence of driving or having the care or control of a motor vehicle while his ability to do so was impaired by alcohol or a drug, under section 223 of the *Criminal Code* as that section was on the 31st day of January, 1969, and section 206 applies and shall be applied accordingly in respect of his operator's licence or qualification to hold an operator's licence.

35. Section 220 is amended

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

(2) In the case of a highway that is not a primary highway and that falls within a class referred to in section 94, subsection (4), the speed authority may, by order or by-law, as the case may require, prescribe a maximum speed therefor of not more than 60 miles an hour if the Minister, pursuant to subsection (4), designates the highway or a part thereof for the purposes of this subsection, and where the speed authority does so, it shall authorize and cause the placing, erecting or marking of traffic control devices at such locations as it considers necessary for the purpose of marking the maximum speed limit.

- (b) as to subsection (3) by striking out all the words before clause (a) and by substituting the following:

(3) A speed authority may, subject to subsection (4), prescribe

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

(3a) In this section "speed authority" means,

35. Section 220 (1) to (4) presently read:

220. (1) With respect to highways subject to its direction, control and management, the council of an urban area, by by-law, may

- (a) prescribe a maximum speed in excess of 30 miles an hour for all or any part of a highway, and
- (b) prescribe a maximum speed of less than 30 miles an hour for all or any part of a highway that comes within any class designated under subsection (4).

(2) In the case of

- (a) highways subject to the direction, control and management of a municipal district or county, or
- (b) highways in a special area subject to the direction, control and management of the Minister of Municipal Affairs,

the council by by-law or the Minister of Municipal Affairs by order, as the case may be, may prescribe a maximum speed of less than 60 miles an hour for all or any part of a highway that comes within any class of highway designated under subsection (4).

(3) The council of a municipality or the Minister of Municipal Affairs, as the case may be, may, subject to subsection (4), prescribe

- (a) different maximum speeds for different classes of vehicles, and
 - (b) different maximum speeds for daytime and night time,
- but may not increase the maximum speed prescribed by this Act for school zones and playground zones.

(4) The Minister may, by general or special order, designate

- (a) any class of highways or parts thereof, or
- (b) any specified highway or part thereof,

for the purposes of subsections (1) to (3) and may, in every case, fix a speed below which a municipality may not prescribe a maximum speed limit.

- (a) in the case of a municipal district or county, the council thereof;
 - (b) in the case of an improvement district or a highway within a city and the title to which is vested in the Crown in right of Alberta pursuant to section 21 of *The Public Highways Development Act*, the Minister;
 - (c) in the case of a special area, the Minister of Municipal Affairs;
 - (d) in the case of a forestry road, local road as defined in *The Provincial Parks Act, 1964*, licence of occupation road, or a highway, through an Indian reserve, the title to which is vested in the Crown in right of Alberta and that is not the subject of an agreement entered into pursuant to section 18 of *The Public Highways Development Act*, the Minister of Lands and Forests.
- (d) as to subsection (4) by adding after the words "which a municipality" the words "or other speed authority".

36. Section 222 is amended

- (a) as to clause (c) by adding after the words "municipal clerk," the words "or if none to the secretary-treasurer,"
- (b) as to clause (e), subclause (i) by adding at the end thereof the words "and authorizing any person enforcing its parking laws to place an erasable chalk mark on the tread face of the tire of a parked or stopped vehicle without that person or the municipality incurring any liability for doing so,"
- (c) by adding the following clause after clause (g) :
 - (g1) defining what constitutes objectionable noise, devising a system or method of determining or measuring such noise, and prohibiting the operation of motor vehicles which in any manner make objectionable noise,

37. Section 226 is amended

- (a) by adding the following clause after clause (j) :
 - (j1) prescribing fees for supplying information relating to the licensing of persons and vehicles, and for supplying copies of or extracts from driving records and accident reports;
- (b) by striking out clause (r) and by substituting the following:

36. Section 222 (c) (e) and (i) presently read:

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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- (c) delegating to the municipal commissioners, or where there are none to the municipal manager or if none, to the municipal clerk, the power to prescribe where traffic control devices are to be located and providing for a record of such locations to be kept and which shall be open to public inspection during normal business hours,
 - (e) preventing or restricting, controlling and regulating
 - (i) the parking of vehicles or of any particular class or classes of vehicles on all or any highways and other public places or any portion thereof,
 - (ii) the parking on specified highways or within a certain distance from any building, of any class or classes of vehicles or of vehicles used for carrying inflammable, combustible, explosive or other dangerous material, whether loaded or unloaded, and defining the route or routes through the municipality that such vehicles must follow in entering or traversing the municipality and prohibiting them from travelling on any designated highway, bridge, overpass or subway, and
 - (iii) any other use of the highways and other public places or any portion thereof by or for vehicles or any particular classification thereof,
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- (i) establishing, acquiring, operating, controlling and regulating parking stands and places for parking vehicles or any class or classes of vehicles on any highway or other public place or on any municipal lands designated in the by-law as parking stands or places and assigning any particular stand or place to a specific person or persons,
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37. Regulation-making powers added. The present clause (r) repealed as a consequence of amendment to section 159 by this Bill. Section 226 (a) presently reads:

226. The Lieutenant Governor in Council may make such regulations as are necessary to carry out this Act according to its 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:

- (a) prescribing forms and fixing the times at which and the persons to whom returns are to be made;

- (r) requiring that any traffic control device marked or erected under the authority of this Act conform
 - (i) to the design standards prescribed by the Minister, or
 - (ii) in the absence of a design standard prescribed by the Minister, to the design standards prescribed by the Uniform Traffic Devices Manual;
- (r1) implementing a demerit point system for drivers of motor vehicles and providing under the system for the suspension and cancellation of operators' licences and requiring the attendance of any driver before any person, board, committee or similar body designated by the Lieutenant Governor in Council, to show why his operator's licence should not be suspended or cancelled, as the case may require;

38. Section 227, subsection (2) is amended by striking out the words "including power toboggans".

39. Section 235 is amended by striking out subsection (1) and by substituting the following:

235. (1) The Lieutenant Governor in Council may make regulations

- (a) to establish and operate facilities for the inspection and testing of motor vehicles, or
- (b) to authorize municipalities or persons to conduct the inspection and testing of vehicles,

in accordance with the regulations.

40. Section 252, subsection (4) is amended by striking out the figures "210" and by substituting the figures "244".

41. *The Provincial Parks Act, 1964* being chapter 71 of the Statutes of Alberta, 1964 is amended as to section 7 by striking out clause (e).

42. (1) This Act, except section 34 comes into force on July 1, 1969.

(2) Section 34 comes into force on the day upon which this Act is assented to.

**38. Consequential of proposed new Act relating to snow vehicles.
Section 227 (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 individual identification thereof and the display thereon of evidence of identification,
- (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.

39. Section 235 (1) presently reads:

234. (1) With the approval of the Lieutenant Governor in Council, the Minister, in the interests of safety,

- (a) may establish and operate facilities for the inspection and testing of motor vehicles, or
- (b) may authorize any municipalities or persons to conduct the inspection and testing of vehicles,

in accordance with the regulations.

40. Cross-reference corrected.

41. Consequential of changes in sections 94 and 220 of The Highway Traffic Act.