

1969 Bill 103

---

---

Second Session, 16th Legislature, 18 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 103**

**An Act respecting Snow Vehicles**

---

---

THE MINISTER OF HIGHWAYS

---

---

First Reading .....

Second Reading .....

Third Reading .....

---

---

Printed by L. S. Wall, Queen's Printer, Edmonton

# BILL 103

1969

An Act respecting Snow Vehicles

(Assented to \_\_\_\_\_, 1969)

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

1. This Act may be cited as *The Snow Vehicles Act*.

2. (1) In this Act,

- (a) "owner" includes any person renting a snow vehicle or having the exclusive use thereof under a lease or otherwise for a period of more than 30 days;
- (b) "snow vehicle" means a motor vehicle designed or intended to be driven exclusively or chiefly upon snow or ice or both;
- (c) "highway", "Minister", "parking lane", "Registrar" and "roadway" have the same meaning as they respectively have in *The Highway Traffic Act*.

(2) *The Highway Traffic Act*, except sections 200 (2), 201 and 206, does not apply to any matter relating to snow vehicles to which this Act applies.

3. (1) Subject to subsection (2), no person who is the owner of a snow vehicle shall operate or suffer or permit any other person to operate the snow vehicle in respect of which there is not for the time being a subsisting certificate of registration issued pursuant to this Act in respect of that snow vehicle.

(2) A person does not contravene subsection (1) where he operates an unregistered snow vehicle

- (a) on his own land, or
- (b) on land owned by some other person if that other person has expressly or impliedly consented to such operation thereon.

## **Explanatory Notes**

**1.** This Bill establishes a system governing the identification, registration and operation of snow vehicles.

**2.** Definitions—Applicability of Highway Traffic Act.

**3.** Registration required—offence—exceptions.

(3) Where the owner of a snow vehicle is resident outside of Alberta he shall not be deemed to be in contravention of this section if

- (a) the snow vehicle is registered in some other jurisdiction in accordance with the laws thereof,
- (b) his snow vehicle, while it is in Alberta, has attached thereto the identification plate, licence plate or other similar plate issued in the other jurisdiction in connection with the registration of the snow vehicle therein, and
- (c) he does not keep the snow vehicle in Alberta for more than 10 consecutive days.

(4) A person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and in default of payment, to imprisonment for not more than 15 days.

**4.** (1) Every operator of a snow vehicle shall produce the certificate of registration of the snow vehicle upon demand by any peace officer.

(2) Upon every change of his address or change of name, or both, the person to whom a certificate of registration is issued shall, in the manner prescribed by regulation, forthwith in writing notify the Registrar of the change.

(3) A peace officer shall give a person a reasonable time to produce a certificate of registration.

(4) A person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$5.

**5.** (1) An application for the registration of a snow vehicle shall be made to the Registrar in such form and giving such particulars as the Registrar prescribes.

(2) No liability attaches to the Crown for any loss caused by incorrect information contained in an application for registration of a snow vehicle, notwithstanding that the information may have been entered on the application form by some person other than the applicant.

**6.** (1) Upon receipt of an application for the registration of a snow vehicle and upon payment of the registration fee prescribed by the regulations, the Registrar may issue or cause to be issued

- (a) a certificate of registration as applied for and in the form prescribed by the regulations, and
- (b) an identification number plate in the form prescribed by the regulations.

**4. Producing certificate—change of address—penalty.**

**5. Registration application.**

**6. Issue of certificate—duration.**

(2) Subject to this Act, a certificate of registration issued pursuant to this section is valid for the period prescribed by the regulations of the Lieutenant Governor in Council.

7. (1) Except as provided by subsection (2), a snow vehicle of which the manufacturer's serial number or similar identifying mark has been removed or obliterated shall not be registered.

(2) A person who has in his possession a snow vehicle that is

(a) in the condition described in subsection (1), or

(b) made without any serial number or similar identifying mark,

may file with the Registrar satisfactory proof of the ownership of the snow vehicle and the Registrar may thereupon grant permission to cut, impress, or attach permanently to the vehicle a special identifying number or mark, which thereafter shall be deemed sufficient for the purpose of registration of the snow vehicle.

8. (1) Where the ownership of a registered snow vehicle passes from the registered owner to another person, whether by act of the owner or by operation of law, the registration of the snow vehicle expires forthwith and the registered owner shall remove the identification number plate from the snow vehicle and retain it in his possession.

(2) Notwithstanding anything in this Act a person to whom an identification number plate has been issued may apply to the Registrar to use the identification number plate on another snow vehicle to be registered in his name and if the application is made within 14 days after acquiring ownership of another vehicle that person may

(a) display the identification number plate on, and

(b) operate or permit another person to operate, the snow vehicle during the balance of that 14 day period.

9. No person shall operate a snow vehicle unless the identification number plate issued in respect of that snow vehicle is firmly attached to the front of the snow vehicle in such a position as to be clearly visible and readable and unobscured by any part of the snow vehicle or any attachment or load or otherwise.

10. (1) The Registrar may issue identification number plates to manufacturers of, dealers in, and persons who repair or service, snow vehicles.

(2) An identification number plate issued under this section shall be in the form prescribed by the regulations.

**7.** Where serial number missing.

**8.** Change of ownership—effect on registration.

**9.** Attaching plate.

**10.** Dealer's plate.

(3) Identification number plates issued pursuant to this section are valid for only one place of business but where the person to whom any plates are issued has more than one place of business in the same municipality, all those places shall, for the purpose of this subsection, be considered one place of business.

(4) No person shall attach an identification number plate issued pursuant to this section to any vehicle,

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

(b) except a snow vehicle used by a manufacturer or dealer for the promotion of sales of snow vehicles.

(5) No person shall use or operate a snow vehicle to which an identification number plate is attached contrary to subsection (4).

**11.** (1) Every identification number plate issued under this Act remains the property of the Crown and the person in possession thereof shall return it to the Minister whenever he so requires.

(2) Where the ownership of a registered snow vehicle passes from the registered owner, either by act of the owner or by the operation of law, to a person engaged in the business of dealing in snow vehicles, whether new or otherwise, or engaged in the business of vehicle wreckage, that person, if the identification number plate issued to the registered owner comes into his possession, shall return the plate forthwith to the Minister.

**12.** (1) No person shall engage in the business of renting out snow vehicles for use by others unless he first obtains from the Registrar a drive-yourself rental certificate authorizing him to engage in the business of renting snow vehicles.

(2) An application for a drive-yourself rental certificate shall be made to the Registrar in such form and giving such particulars as the Registrar prescribes.

(3) Upon receipt of an application for a drive-yourself rental certificate and upon payment of the fee prescribed by the regulations, the Registrar may issue a drive-yourself rental certificate if he is satisfied that each snow vehicle to which the certificate relates is covered by a policy of insurance in conformity with and insuring such persons or classes of persons for such amounts as the regulations of the Lieutenant Governor in Council may prescribe.

(4) The Registrar may issue an identification number plate to any person in respect of each snow vehicle used in a rental business and where he does so



**11.** Disposition of plates.

**12.** Rental certificate—plates.

- (a) the identification number plate shall be in the form prescribed by the regulations, and
- (b) the person engaged in the rental business shall pay the fee which the regulations may prescribe therefor.

**13.** No person shall

- (a) deface or alter any certificate or identification number plate issued under this Act, or
- (b) use or permit the use of any defaced or altered certificate or identification number plate issued under this Act, or
- (c) except as provided in this Act, use or permit the the use of any identification number plate upon a snow vehicle or class thereof other than the snow vehicle or class thereof for which the identification number plate was issued.

**14.** (1) No person shall operate a snow vehicle

- (a) on the roadway, parking lane or sidewalk portions of a highway, or
- (b) on any portion of a highway between the time of sunset one day and the time of sunrise the next day.

(2) Notwithstanding subsection (1),

- (a) the Minister may by regulation authorize persons to operate snow vehicles along any portion of any highway or class thereof under his direction, control and management,
- (b) the council of a municipality may by by-law, or in the case of an improvement district or special area the Minister of Municipal Affairs may by order, with respect to highways under its or his direction, control and management, as the case may be, authorize persons to operate snow vehicles on any portion of any such highway or class thereof and may restrict the hours during which such operation may take place, and
- (c) the operator of a snow vehicle may cross any highway, including the roadway, parking lane or sidewalk portion thereof, as the case may require, if
  - (i) the operator stops the snow vehicle before entering onto the highway or portion thereof to be crossed,
  - (ii) all passengers disembark from the snow vehicle and any vehicle or thing attached thereto before he commences to cross,

**13.** Prohibition—penalties.

**14.** Where snow vehicles may be operated.

- (iii) the operator yields the right of way to all other vehicles and persons on the highway, and
- (iv) the operator crosses over the highway or portion thereof to be crossed, by the most direct and shortest route of travel available to him.

(3) A by-law, order or regulation made under this section may, in respect of snow vehicles and subject to the maximum rates of speed prescribed for such highways under *The Highway Traffic Act*, prescribe maximum and minimum rates of speed therefor.

(4) Every person who contravenes this section or a by-law, order or regulation made under this section is guilty of an offence and liable on summary conviction

- (a) for a first offence to a fine of not more than \$50 and in default of payment to imprisonment for a term of not more than 30 days, and
- (b) for a second or subsequent offence to a fine of not more than \$100 and in default of payment to imprisonment for a term of not more than 60 days.

**15.** (1) Notwithstanding anything in this Act, a snow vehicle operator shall at all times yield the right of way to the operators of other motor vehicles.

(2) Where a snow vehicle is on or approaching a highway, the operator shall obey all traffic control devices regulating traffic on, approaching or leaving the highway.

**16.** (1) When an accident occurs the operator or other person in charge of a snow vehicle that was directly or indirectly involved in the accident

- (a) shall remain at or immediately return to the scene of the accident, and
- (b) shall render all reasonable assistance, and
- (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 name and address of the registered owner of the snow vehicle, and
  - (iii) the registration number of the snow vehicle, or such of that information as is requested.

(2) The driver of a snow vehicle that collides with an unattended vehicle shall stop and

- (a) shall locate and notify the person in charge or owner of the unattended vehicle of the name and address of the driver and the registration number of the snow vehicle striking the unattended vehicle, or

**15.** Snow vehicle to yield—Traffic control devices.

**16.** Duty where accident.

(b) shall leave in a conspicuous place in or upon the vehicle collided with a written notice giving the name and address of the operator and the registration number of the snow vehicle striking the unattended vehicle.

(3) The driver of a snow vehicle involved in an accident resulting in damage to any property other than that referred to in subsections (1) and (2), shall take reasonable steps to locate and notify the owner or person in charge of the property of such fact and of the name and address of the driver and the registration number of the snow vehicle.

**17.** (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 operator or person in charge of a snow vehicle involved in the accident shall forthwith make a written report in the form prescribed by the Minister and containing such information as may be required thereby, to a peace officer having jurisdiction where the accident occurred.

(2) Where the operator is incapable of making the report required by subsection (1) and there is another occupant of the snow vehicle capable of making the report, the occupant shall make the report required to be made by the operator.

(3) Where no report has been made under subsection (1) or (2) and neither the operator nor any passenger is the owner of the snow vehicle, the owner shall forthwith after learning of the accident make the report.

(4) Where the operator is alone, is the owner and is incapable of making the report required by subsection (1), he shall make the report forthwith after becoming capable of making it.

**18.** A peace officer who has witnessed or has investigated an accident shall forthwith forward to the Minister a written report in the form provided by the Minister setting forth full particulars of the accident including the names and addresses of the persons involved and the extent of the personal injuries or property damage.

**19.** No person shall knowingly make a false statement in any application required or made under this Act or the regulations.

**20.** Every person who operates a snow vehicle

- (a) without due care and attention, or
- (b) without reasonable consideration for other persons or property,

**17. Idem.**

**18. Report.**

**19. False statement prohibited.**

**20. Careless snowmobiling.**

is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000 and in default of payment thereof to imprisonment for a term of not more than six months or for a term of not more than six months without the option of a fine.

**21.** Every person who contravenes any provision of this Act or the regulations is guilty of an offence.

**22.** 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 \$100 and in default of payment to imprisonment for a term not exceeding 30 days.

**23.** The Lieutenant Governor in Council may exempt any snow vehicle or class of snow vehicles from this Act or the regulations or any portion of either.

**24.** 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 for use under this Act,
- (b) prescribing the form of any certificate or class of identification number plate issued under this Act,
- (c) requiring or prohibiting the use of any equipment in connection with snow vehicles or things that may be attached to snow vehicles,
- (d) prescribing fees for any thing required to be done under this Act,
- (e) prescribing terms and conditions governing the registration, use and operation of snow vehicles,
- (f) prescribing the amount and type of insurance coverage that shall be supplied in respect of snow vehicles that are rented out, by the owner of the renting business,
- (g) requiring and regulating the registration of snow vehicles
  - (i) kept for sale by manufacturers or dealers of snow vehicles, and
  - (ii) kept for hire by any person engaged in the business of renting out snow vehicles,



**21. Offence—general.**

**22. Penalty—general.**

**23. Exemptions.**

**24. Regulations.**

- (h) permitting any person to inspect or take copies of or extracts from, any writing, paper or document filed with or kept by the Department pursuant to this Act or the regulations, and requiring the payment of and setting the amount of fees therefor,
- (i) requiring the owner of every snow vehicle to affix to the snow vehicle a number tag in such form and on such part of the snow vehicle as the regulations may prescribe, and
- (j) prescribing generally as to any other matter or thing that is deemed necessary for the better carrying out of the intent of this Act and the doing of which is permitted by this Act.

**25.** This Act comes into force on July 1, 1969.

