

1970 Bill 84

Third Session, 16th Legislature, 1969-1970

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 84

**An Act to amend
The Highway Traffic Act (No. 2)**

THE MINISTER OF HIGHWAYS AND TRANSPORT

First Reading

Second Reading

Third Reading

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An Act to amend The Highway Traffic Act (No. 2)

(Assented to _____, 1970)

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 3 is amended by striking out subsection (1) and by substituting the following:
 3. (1) No person shall drive a motor vehicle on a highway unless he is the holder of a subsisting operator's licence.
3. Section 11 is amended by adding the following subsection:
 - (3) An optometrist may, without acquiring any liability thereby, report to the Registrar any defect in vision of any person which the optometrist believes may interfere with the safe operation of a motor vehicle by that person.
4. Section 14 is amended by striking out subsections (2) and (3) and by substituting the following:
 - (2) Where the operator's licence of any person is suspended by or under this Act by an order or judgment made under this Act that person may still operate industrial equipment designed primarily for construction, maintenance, land clearing, ditching or other related tasks and that is not required to be licensed under this Act or *The Public Service Vehicles Act*.
 - (3) Notwithstanding subsection (2), where a person is prohibited under this Act from driving a motor vehicle on medical grounds he may also be prohibited from driving industrial equipment as outlined in subsection (2).
5. Section 28 is amended by adding the following subsections after subsection (2):

Explanatory Notes

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

2. Section 3 (1) presently reads:

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. Right of optometrists to report vision defects.

4. Section 14 (2) and (3) presently read:

(2) Where the operator's licence of any person is suspended by or under this Act by an order or judgment made under this Act that person may still operate road maintenance equipment not required to be licensed under this Act.

(3) Notwithstanding subsection (2) where a person is prohibited under this Act from driving a motor vehicle on medical grounds he may also be prohibited from driving road maintenance equipment, tractors and self-propelled implements of husbandry on the highway.

5. Registration in the name of a non-existing corporation.

(2a) No person shall apply for or procure or attempt to procure the registration of a vehicle in the name of a non-existent corporation.

(2b) Where a vehicle is registered in the name of a non-existent corporation the person who signed the application for registration shall, for the purposes of this Act and *The Public Service Vehicles Act*, be deemed to be the owner of the vehicle.

6. Section 32, subsection (3) is amended by striking out the words “referred to in subsection (2)”.

7. Section 37 is amended by adding the following subsection after subsection (3) :

(3a) Where a licence plate is lost, destroyed or defaced, the owner of the vehicle for which it was issued,

(a) upon application to the Minister for a replacement, accompanied by the prescribed fee, and

(b) upon returning to the Minister the remaining plate, if any, and in the case of a defacement, the defaced plate,

shall be issued a new set of licence plates, or licence plate, as the case requires.

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

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

(a) that is not kept for sale by a manufacturer or dealer, or

(b) that is not used in the promotion of sales by a manufacturer or dealer or any employee or agent of either of them, or

(c) that is not for the time being in custody and control of a manufacturer or dealer or any employee or agent of either of them for the purposes of testing or servicing.

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

(a) that is kept for hire, or

(b) that is carrying freight.

(3) No person shall use or operate on a highway a motor vehicle to which a licence plate is attached contrary to this section.

(4) In this section “freight” means anything that may be conveyed in or on a motor vehicle excepting passengers.

6. Section 32, subsections (2) and (3) read:

(2) Where the ownership of a registered vehicle passes from the registered owner to any other person, whether by act of the owner or by operation of law, the registration of the vehicle expires forthwith and the registered owner shall remove the licence plates from the vehicle and retain them in his possession.

(3) At any time during the registration year for which the licence plates referred to in subsection (2) are issued, the person to whom they are issued may apply to the Minister to use the plates on another vehicle to be registered in his name, if the application is made within 14 days after acquiring ownership of another vehicle and, notwithstanding sections 27 and 42 that person may display the plates on the newly acquired vehicle and operate or permit another person to operate the vehicle on a highway during that 14 day period.

7. Replacement of lost, destroyed or defaced licence plates.

8. 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).

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

9. The following section is added after section 61:

61a. No vehicle other than a school bus shall be equipped with alternate flashing red lights visible from the front or the rear of the vehicle.

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

(4) Every self-propelled implement of husbandry when operated on a highway shall carry a mirror securely attached to it and placed in a position that will afford the driver a clear view of the roadway to the rear and of any vehicle approaching from the rear.

11. Section 79 is amended by adding the following subsection:

(3) Notwithstanding subsections (1) and (2), a television set may be located and operated in a motor coach or a holiday camper or a self-propelled mobile home if the driver of the motor vehicle cannot by any means see the screen of the television set while the vehicle is in motion.

12. Section 83, subsection (1) is amended by striking out the figure "\$100" and by substituting the figure "\$200".

13. Section 88 is amended by striking out subsection (2) and by substituting the following:

(2) A person who contravenes this section is guilty of an offence and liable on summary conviction to a fine of not less than \$100 and not more than \$500.

14. Section 102 is amended

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

(2) Before driving from one traffic lane into another or from a curb lane or a parking lane into a traffic lane, a driver

(a) shall signal his intention to do so in the manner prescribed by the regulations, and

(b) shall give the signal in sufficient time to provide a reasonable warning to other persons of his intentions.

(b) by striking out subsection (4) and by substituting the following:

(4) Notwithstanding anything in this section, a driver shall not

9. Alternate flashing red lights restricted to school buses.

10. Rear view mirror.

11. Section 79 presently reads:

79. (1) No person shall drive upon a highway any motor vehicle that is equipped with a television set.

(2) No person shall operate a television set in a motor vehicle while the vehicle is upon a highway.

12. 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 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.

13. Section 88 (2) presently reads:

(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.

14. Section 102 (2) and (4) presently read:

(2) Before driving from one traffic lane into another, a driver

(a) shall signal his intention to do so in the manner prescribed by the regulations, and

(b) shall give the signal in sufficient time to provide a reasonable warning to other persons of his intentions.

(4) Notwithstanding anything in this section, a driver shall not

(a) drive from one traffic lane to another, or

(b) cross a solid or broken line

when the movement cannot be made in safety.

- (a) drive from one traffic lane to another, or
- (b) cross a solid or broken line, or
- (c) drive from a curb lane into a traffic lane, or
- (d) drive from a parking lane into a traffic lane when the movement cannot be made in safety.

(5) Where a highway has been divided into lanes by clearly visible lines marked on the road surface, the driver of a vehicle shall drive his vehicle as closely as practical in the centre of the lane so marked.

(6) No person shall drive a vehicle in such a manner as to occupy space in two lanes except during the act of passing another vehicle or changing lanes or unless road conditions make the use of a single lane impractical.

15. Section 129, subsection (1), clause (c) is amended by striking out the words “, if turning left or right,”.

16. Section 131 is amended by adding the following subsection after subsection (1) :

(1a) Where a red light above is shown by a traffic control signal at the intersection of two one-way streets, the driver of a vehicle approaching the intersection facing the red light and intending to make a left turn onto the other one-way street

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
- (b) shall not proceed until a traffic control signal instructs him that he is permitted to do so,

except that, unless a traffic control device prohibits a left turn to be made on the red light, he may turn and proceed left at the intersection, but only after stopping and after yielding the right of way to all pedestrians in the intersection and all vehicles in or approaching the intersection.

17. Section 188 is amended

- (a) as to clause (b) by striking out the words “or obstructs any private driveway”,
- (b) by adding the word “or” at the end of clause (d) and by adding the following clauses after clause (d) :
 - (e) is parked on a highway or on private property so as to obstruct any private driveway, or

15. Section 129 (1) (c) presently reads:

129. (1) When a green light alone is shown at an intersection by a traffic control signal the driver of a vehicle facing the green light

(c) shall, if turning left or right, yield the right of way to other vehicles lawfully within the intersection at the time the green light is shown.

16. Turning left onto one-way street at red light.

17. Section 188 (b) and (d) read:

188. When a vehicle

(b) is illegally parked on any highway or obstructs any private driveway, or

(d) is without valid and subsisting licence plates or permit, a peace officer may cause the vehicle to be removed from the highway and taken to and stored in a suitable place, and all costs for the removal and storage are a lien upon the vehicle which may be enforced in the manner provided by The Possessory Liens Act.

- (f) is left unattended upon a highway and, in the opinion of a peace officer, the vehicle, its contents or any part thereof is liable to be stolen or tampered with,

18. Section 189 is amended

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

(2) All reasonable costs incidental to the removal of a vehicle pursuant to subsection (1) and the storage thereof, for a period not exceeding six months, constitute a debt owing to the Crown by the registered owner of the vehicle or any subsequent purchaser.

- (b) by adding the following subsection after subsection (6):

(7) In this section "vehicle" includes a wrecked or partially dismantled vehicle or any part of a vehicle.

19. Section 202 is amended by adding after the word "section" the figure "140,".

20. Section 204 is amended

- (a) as to subsection (6) by striking out clause (b),
- (b) by adding the following subsection:

(7) Where a judge convicts a person of an offence under section 225, subsection (3) of the *Criminal Code* of driving while under suspension or under a prohibition, the convicted person thereupon becomes disqualified from holding an operator's licence for a period of six months to run consecutively with any other suspension or prohibition which may be in effect at the time of the conviction.

21. The following section is added after section 206b:

206c. (1) Where a person

- (a) is convicted under section 225, subsection (3) of the *Criminal Code*, and
- (b) has, at any time before, been convicted under section 225, subsection (3) of the *Criminal Code* anywhere in Canada,

the convicting judge may order that the certificate of registration of the motor vehicle being driven at the time of the latest offence be suspended for a period of 30 days in accordance with this section.

18. Section 189, subsections (1) and (2) presently read:

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.

19. Section 202 presently reads:

202. When a person has been convicted of operating a motor cycle in contravention of section 141, 143 or 167 or of any provision of Part 5, the judge making the conviction may order that the motor cycle driven by the person convicted at the time of the commission of the offence be seized, impounded and taken into custody of the law for a period of not more than three months if the motor cycle was at that time owned by or registered in the name of that person or his parent or guardian.

Section 140 provides a penalty for careless driving.

20. Section 204 (6) presently reads:

(6) Where

(a) the judge has suspended the licence, the suspension remains in force until the Driver Control Board in its 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.

21. Motor vehicle registration to be suspended for 30 days after second conviction under section 225 (3) of the Criminal Code.

(2) Where an order is made under subsection (1), the registered owner shall deliver the certificate of registration and the licence plates of the vehicle to the Registrar and the period of suspension commences

- (a) in the case of personal delivery, from the date the certificate of registration and the licence plates are delivered to the Registrar, or
- (b) in the case of delivery by mail, from the date on the postmark of the post office of origin.

(3) A registered owner who does not within 14 days from the date of the order deliver both the certificate of registration and licence plates to the Registrar in accordance with subsection (2) is guilty of an offence and liable on summary conviction to a fine of not less than \$10 or more than \$20 for each day thereafter until he delivers both the certificate of registration and the licence plates.

(4) Subject to section 245, the certificate of registration and licence plates shall be returned by the Registrar to the registered owner upon the expiry of the suspension period.

(5) Notwithstanding anything in this section, if the convicted person was not the registered owner of the motor vehicle at the time the offence was committed

- (a) the registered owner may apply to the Registrar for the provisions of subsection (1) to be waived, and
- (b) the Registrar, if he is of the opinion that the registered owner's application is a proper case for relief, may waive the provisions of subsection (1).

(6) The owner of a motor vehicle for which the registration has been suspended pursuant to this section shall not

- (a) re-register or attempt to re-register the motor vehicle, or
- (b) register or attempt to register any other motor vehicle in his name,

before the period of suspension prescribed by this section has expired.

(7) Any person who contravenes subsection (6) is guilty of an offence and liable on summary conviction to a fine of not less than \$50 or more than \$200 or to imprisonment for a term not exceeding 90 days or to both such fine and imprisonment.

22. Section 220, subsection (1) is amended by adding the word “and” at the end of clause (b) and by adding the following clause:

- (c) prescribe a minimum speed for all or any part of any highway designated in the by-law or prescribe different minimum speeds
 - (i) for daytime and nighttime;
 - (ii) for different periods of the year;
 - (iii) for different traffic lanes on the same highway.

23. Section 222 is amended by adding the following clause:

- (z) delegating to the chief constable or municipal commissioners or municipal manager the power to engage members of the Canadian Corps of Commissioners to issue and place on vehicles parked in contravention of this Act or a by-law passed under this section the parking tags authorized under clause (y).

24. The following new section is added after section 222:

222a. The council of an urban area may, by by-law, establish a commission, to be known as a parking authority, and give it power

- (a) to operate all or any off-street parking areas, structures or facilities owned by the municipality or established on land to which the municipality has title, and
- (b) to enter into agreements with any person for the construction, operation or management of off-street parking areas, structures or facilities, whether or not the municipality owns the land or has an interest therein.

25. Section 230 is amended by striking out the words “the Council of the Alberta College of Physicians and Surgeons” where they occur and by substituting the words “The Board of Directors of the Alberta Medical Association (C.M.A. - Alberta Division)”.

26. Section 245 is amended

- (a) by striking out subsection (6) and by substituting the following:
 - (6) Notwithstanding anything in this section, where a licence is suspended or is liable to suspension for failure to provide proof of financial responsibility,

22. Section 220 (1) (b) reads:

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

.....

- (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).

23. Section 222, clause (y) 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

.....

- (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 Lieutenant 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.

24. Municipal parking authorities.

25. Section 230 presently reads:

230. By agreement with the Council of the Alberta College of Physicians and Surgeons, the Minister may establish a medical review board

- (a) to act as an advisory board to the Minister with respect to all matters of health of persons bearing upon the operation of motor vehicles and physical conditions that constitute a hazard to the general public,
- (b) to advise the Minister as to qualified medical practitioners available for physical and mental examination of drivers and applicants for licences, and
- (c) to act in such other capacity as may be required by the agreement with the Council of the Alberta College of Physicians and Surgeons.

26. Section 245 provides for suspension of operators' licences after conviction for certain offences when there was property damage in excess of \$200. Subsection (6) presently reads:

(6) Notwithstanding anything in this section, where a licence is suspended or cancelled for failure to provide proof of financial responsibility,

- (a) if the suspension or cancellation creates undue hardship or injustice, or
- (b) if the Minister otherwise deems it a proper case for relief, the Minister in his discretion may issue a temporary licence or may reinstate any licence upon such terms and conditions as he may deem just.

- (a) if the suspension creates undue hardship or injustice, or
- (b) if the Minister otherwise considers it a proper case for relief,

the Minister in his discretion may issue a temporary licence or may reinstate any licence upon such terms and conditions as he considers just.

- (b) by adding the following subsection after subsection (7) :

(8) For the purposes of this section unless proof is produced to the contrary the estimate of damages contained in the traffic ticket complaint as completed by the investigating peace officer shall be accepted as proof of the amount of property damage occurring in the accident under which the charge arose.

27. Section 246 is amended by adding the following subsection:

(3) The Minister may require proof of financial responsibility from a person whose operating record is such that, in the Minister's opinion, it is advisable to do so and the Minister may suspend the operator's licence of that person until proof of financial responsibility has been given.

28. Section 251 is struck out and the following is substituted:

251. Notwithstanding anything in this Part,

- (a) where an operator's licence is suspended for failure to provide proof of financial responsibility as required by this Part, and
- (b) where the operator concerned does not have any motor vehicle registered in his name and requires the operator's licence solely for the purpose of operating an insured motor vehicle owned by another person,

the Minister may authorize the issuance of a licence restricting the driver to the operation of that insured motor vehicle and thereby waive the requirement to file proof of financial responsibility for the period the restricted licence is valid and that period shall count as filing time as required by this Part.

29. Section 255 is amended

- (a) as to subsection (1) by striking out the words "five-year" and by substituting the words "two-year",

27. Section 246 (1) reads:

246. (1) The Minister may require proof of financial responsibility before issue of the registration of a motor vehicle or operator's licence.

28. Section 251 presently reads:

251. (1) If the Minister finds that any driver to whom this Part applies was at the time of the offence for which he was convicted employed by the owner of the motor vehicle involved therein as chauffeur or motor vehicle operator, whether or not so designated, or is a member of the family or household of the owner, and that there was no motor vehicle registered in Alberta in the name of that driver as an owner, then if the owner of the motor vehicle submits to the Minister, who is hereby authorized to accept it, proof of his financial responsibility as provided by this Part, the chauffeur, operator, or other person shall be relieved of the requirement of giving proof of financial responsibility on his own behalf.

(2) Where a person is relieved from the requirement of filing proof of financial responsibility on his own behalf under subsection (1), his operator's licence is thereupon restricted to the vehicles referred to in the proof of financial responsibility filed on his behalf, as advised in writing to the Minister from time to time by the person filing the proof, and any licence issued as a result thereof shall be stated to be so restricted.

(3) Subsection (2) does not apply to the filing of proof of financial responsibility on behalf of a spouse.

29. Section 255 (1) presently reads:

255. (1) Upon request, the Minister may, in his discretion, furnish to an insurer or surety a certified abstract of the driving record of any person covering the five-year period immediately preceding the request or such greater period as the Minister, in his discretion allows.

(b) by adding the following subsection:

(5) Upon request, the Minister may, in his discretion, furnish to a parent or guardian of any person requiring the signature of a parent or guardian on his licence application as provided in section 7, a certified abstract of the driving record of that person covering the two-year period immediately preceding the request or such greater period as the Minister, in his discretion, allows.

30. This Act comes into force on July 1, 1970.

