

1971 Bill 53

Fourth Session, 16th Legislature, 20 ~~Elizabeth II~~

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 53

An Act to amend The Highway Traffic Act (No. 1)

THE MINISTER OF HIGHWAYS AND TRANSPORT

First Reading

Second Reading

Third Reading

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BILL 53

1971

AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT (NO. 1)

(Assented to _____, 1971)

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

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

2. *Section 2 is amended*

(a) *by striking out clauses 1 and 2 and by substituting the following:*

1. "air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reactions against the earth's surface resulting from the expulsion of air from the vehicle;
2. "alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;

(b) *by adding the following clause after clause 3:*

- 3.1 "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;

(c) *by adding the following clause after clause 4:*

- 4.1 "commercial vehicle"
 - (i) means a truck, trailer or semi-trailer, except
 - (A) a truck, trailer or semi-trailer that is a public service vehicle, or
 - (B) a truck, trailer or semi-trailer or any class of vehicle that by the regulations or by an order of the Highway Traffic Board is exempted from being classified as a commercial vehicle,
- and

Explanatory Notes

1. This Bill amends chapter 169 of the Revised Statutes of Alberta 1970.

2. Additions and amendments to the definition section

- (a) definition of air cushion vehicle is new
- (c) definition of commercial vehicle included to eliminate reference to The Public Service Vehicles Act
- (d) snow vehicles with wheel attachments excluded from the scope of the definition of a motor cycle,
- (e) definition of public service vehicle included to eliminate reference to The Public Service Vehicles Act.

(ii) includes

(A) a motor vehicle from which sales are made of goods, wares, merchandise or commodity, and

(B) a motor vehicle by means of which delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee thereof;

(d) *as to clause 14 by adding after the words “power bicycles” the words “but does not include a snow vehicle as defined in The Snow Vehicles Act or a vehicle of like nature where wheels have been attached thereto”,*

(e) *by adding the following clause after clause 24:*

24.1 “public service vehicle”

(i) means a motor vehicle, trailer or semi-trailer operated on a highway by or on behalf of a person, firm, association or corporation for compensation, whether such operation is regular or only occasional or for a single trip, and

(ii) includes a motor vehicle kept by a person, firm or corporation for the purpose, subject to the regulations, of being rented without a driver, but

(iii) does not include a motor vehicle used solely as an ambulance or hearse or for the transportation of the Royal Mail;

3. Section 6, subsection (1) is amended by adding after clause (b) the following clause:

(b.1) classify operators’ licences into categories for the purpose of controlling the use of licences according to the qualifications of the driver,

4. Section 18 is amended as to clause (c) by adding after the word “illegible” the word “, altered”.

5. Section 27, subsection (3) is amended by striking out the words “(as defined in The Public Service Vehicles Act)”.

6. Section 31 is amended by striking out subsection (1) and by substituting the following:

31. (1) This section applies only to the registration of commercial vehicles and public service vehicles.

3. Classified operators' licences authorized.

4. Section 18 (c) presently reads:

18. No person shall

(c) use an illegible or defaced operator's licence.

5. Consequential to amendments to section 2.

6. Reference to The Public Service Vehicles Act deleted due to amendments to section 2.

7. Section 43, subsection (1) is amended by adding after the words "No person shall" the words "park or".

8. Section 57 is amended as to clause (b) by adding after the words "red flag" the words "which shall be not less than 12 inches square".

9. Section 62 is amended

- (a) as to subsection (1) by striking out the words "new motor vehicle" and by substituting the words "motor vehicle or trailer",
- (b) by striking out subsection (2) and by substituting the following:

(2) No person shall

(a) operate a motor vehicle, or

(b) pull a trailer,

equipped with lamps or mechanical signal devices to indicate an intention to turn the vehicle or trailer unless the lamps or device show to the front and rear of the vehicle and to the rear of the trailer and otherwise comply with the requirements of this section.

10. Section 64 is amended by adding after subsection (2) the following subsection:

(3) No person shall use a spot light carried upon a motor vehicle, whether such motor vehicle is in motion or not, in such a manner as to create a hazard to users of the highway.

11. Section 72, subsection (2) is struck out and the following is substituted:

(2) Where the view afforded by the mirror required under subsection (1) is obstructed or interfered with in any manner, a side rear vision mirror shall be attached to each side of the motor vehicle and shall be placed in such a position as to afford the driver a clear view of the roadway to the rear and to each side of the motor vehicle.

12. Section 80 is amended by adding after subsection (3) the following subsection:

(4) No person shall, without the approval of the Minister, sell or offer for sale any device capable of detecting or interfering with radar or such other electronic equipment as may be used from time to time for measuring the speed of vehicles.

7. This amendment makes it illegal to park as well as to drive an unlicensed vehicle on a highway. Section 43 (1) presently reads:

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.

8. This amendment prescribes a minimum size warning flag for over-hanging loads.

9. Turn signals. Trailers added and subsection (1) made applicable to all motor vehicles. Section 62, subsections (1) and (2) presently read:

62. (1) No person shall sell a new motor vehicle unless it is equipped with lamps or mechanical signal devices that comply with the requirements of this section and that show to the front and rear for the purpose of indicating an intention to turn either to the right or left.

(2) No person shall operate a motor vehicle equipped with lamps or mechanical signal devices to indicate an intention to turn the vehicle unless the lamps or device show to the front and rear of the vehicle and otherwise comply with the requirements of this section.

10. Hazardous use of spot lights.

11. The amendment widens the provisions to cover obstructions caused by such things as loads being carried in or on the motor vehicle.

12. Radar detectors. Sale as well as use prohibited.

13. Section 90 is amended

- (a) by striking out the words “and pedestrian” wherever they appear in subsections (2), (3) and (4),
- (b) by striking out the words “or pedestrian” in subsection (5).

14. Section 114 is amended

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

114. (1) On a laned highway when a traffic lane is marked by a traffic control device showing a directional arrow or arrows with or without accompanying words a driver travelling in that lane may make only the movement indicated or permitted by the traffic control device at the intersection or other place to which the traffic control device applies.

- (b) as to subsection (3), clause (a) by striking out the word “and” at the end of the clause and by substituting the word “or”.

15. Section 118 is amended by striking out subsection (2) and by substituting the following:

(2) A driver intending to turn left across the path of any vehicle approaching from the opposite direction, shall not make or attempt to make the left turn, unless the turn can be completed in safety.

16. Section 137 is amended by striking out clause (c) and by substituting the following:

- (c) within an intersection other than immediately next to the curb in a “T” intersection, or

17. Section 148, subsection (3) is amended by adding after the word “skis” the words “,motor cycle, scooter, power bicycle”.

18. The following section is added after section 148:

148.1 No person shall operate an air cushion vehicle on, along or across a highway.

19. Section 150 is amended by adding after subsection (3) the following subsection:

(4) When a person litters a highway from a motor vehicle other than a bus and it cannot be determined which of two or more occupants of the motor vehicle is responsible, the driver of the motor vehicle shall be deemed to be the person littering the highway.

13. Pedestrian rules moved to Part 9.

14. Directional arrows. Section 114(1) 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",

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.

15. Left turns.

16. Parking in "T" intersection permitted.

17. Prohibition against towing certain things. Section 148(3) presently reads:

(3) No person shall draw or tow by a motor vehicle on a highway any person riding a sled, toboggan, skis or bicycle.

18. Air cushion vehicles.

19. Driver presumed to be litterer.

20. Section 164, subsection (4) is amended by striking out clause (b) and by substituting the following:

- (b) shall keep both feet on the footrests provided for the use of the passenger riding on the seat.

21. The following sections are added after section 180:

180.1 Where all or any of the lights of a traffic control signal are not operating properly or are not operating at all, every pedestrian shall use the highway in the vicinity of the traffic control signal with caution.

180.2 (1) Notwithstanding anything in this Part, every pedestrian shall obey the directions of any peace officer directing traffic.

(2) Notwithstanding anything in this Part, when

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

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

22. Section 184 is amended by adding after the words "furnish such information respecting" the words "the driver or".

23. Section 189 is amended by striking out subsection (6) and by substituting the following:

(6) Where the peace officer or district engineer on reasonable and probable grounds believes that the vehicle referred to in subsection (1) is worthless he may cause the vehicle to be moved directly to a nuisance ground for disposal.

(6.1) No liability attaches to a person

- (a) making the sale of a vehicle pursuant to subsection (4), or

(b) disposing of a vehicle pursuant to subsection (6) and that person passes good title therefor as against the former owner or anyone claiming through him.

24. Section 196 is amended by striking out the words "is liable to" and by substituting the words "shall pay" wherever they occur in subsections (2), (3), (4) and (5).

20. Section 164(4) presently reads as follows:

- (4) A person who is riding as a passenger on a cycle
 - (a) shall not ride other than upon a regular seat of the cycle intended for a passenger, and
 - (b) shall keep
 - (i) both hands on the handgrips, and
 - (ii) both feet on the footrests,provided for the use of the passenger riding on the seat.

21. These sections were formerly part of section 90 relating to the application of rules of the road. They have been moved to Part 9 which deals specifically with pedestrians.

22. Peace officer may require information about the driver as well as the vehicle. Section 184 presently reads:

184. Every driver shall, immediately he is signalled or requested to stop by a peace officer in uniform, bring his vehicle to a stop and furnish such information respecting the vehicle as the peace officer requires and shall not start his vehicle until such time as he is permitted to do so by the peace officer.

23. This provision would eliminate the necessity of storing a worthless wreck.

24. This amendment ensures that there is no discretion as to the amount of the fines payable for the various speeding offences.

25. *Section 203 is amended by adding after the words "referred to in section 204, subsection (1)," the words "section 206 or section 208,".*

26. *Section 205 is struck out and the following section is substituted:*

205. When a person who is temporarily within Alberta and licensed to drive by the law of the place at which he is a resident is convicted of an offence under any of the provisions mentioned in section 204, subsection (1), the judge making the conviction may by order prohibit that person from driving in Alberta for any period not exceeding three months, which shall be stated in the order.

27. *Section 206, subsection (5), clause (b) is amended by striking out the words "at any time before" and by substituting the words "at any time within 10 years of the date of the offence for which such conviction was entered".*

28. *Section 215, subsection (3) is amended by striking out the words "Lieutenant Governor in Council" and by substituting the word "Minister".*

29. *The following section is added after section 215 and before the heading preceding section 216:*

215.1 The Minister may authorize the Registrar

- (a) to cause any document, class of documents or copies of documents filed in his office under this Act to be photographed on microfilm, and
- (b) thereafter to destroy the document or documents or copies or dispose of them in accordance with his direction,

and the microfilm for the purposes of this Act shall be the original documents or copies and is admissible in evidence in any court of law in like manner and for all purposes as are the documents so photographed.

30. *Section 216 is amended by striking out the words "within the meaning of The Public Service Vehicles Act".*

31. *Section 225 is amended*

- (a) *by striking out the word "and" at the end of clause (a),*
- (b) *by adding the word "and" at the end of clause (b),*
- (c) *by adding the following clause after clause (b):*

25. This amendment adds convictions for various Criminal Code violations related to motor vehicle operations to those which must be reported to the Minister. Section 203 presently reads:

203. Where a person is convicted of an offence referred to in section 204, subsection (1), the judge before whom the person was convicted shall forward to the Minister with the conviction a summary outlining the facts and circumstances of the offence and setting forth

- (a) the full name, address and birth date and the operator's licence number of the person so convicted,
- (b) the licence number of the motor vehicle,
- (c) the Act or by-law and section thereof contravened, and
- (d) the time the offence was committed.

26. Prohibition against non-residents. Requirement of endorsing the licence is removed.

27. Section 206 (5) reads as follows:

- (5) Notwithstanding anything in this section, where a person
 - (a) is convicted under section 222 or section 224 of the Criminal Code anywhere in Canada, and
 - (b) has, at any time before, been convicted on two previous occasions of any offences under section 222 or section 224 of the Criminal Code anywhere in Canada,

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

The amendment will limit the application of the section to where there have been two previous convictions within 10 years of the date when the current offence was committed.

28. Appointment of testers.

29. Microfilm records.

30. Consequential to the amendments to section 2.

31. Indian bands to receive fines for offences on reserves.

- (c) on a conviction for an offence occurring in an Indian reserve elsewhere than on a primary highway or on a road designated as a secondary road under The Public Highways Development Act, enures to the benefit of the band and for the purposes of this clause the words "reserve" and "band" have the meaning assigned to them in the Indian Act (Canada),

32. Section 226 is amended by adding the following subsection after subsection (1):

(1.1) The Lieutenant Governor in Council may make regulations prescribing standards of performance of vehicles and vehicle components which must be met and maintained.

33. Section 227 is amended

- (a) *as to clause 7 by adding after the words "operating characteristics" the words "or by reason of any alteration or modification from its original construction by the manufacturer",*
- (b) *by striking out clause 20 and by substituting the following:*
 - 20. establishing and implementing a demerit point system for drivers of motor vehicles based on convictions for offences therein specified and providing under the system for the suspension or cancellation of operators' licences;

34. Section 245 is amended

- (a) *as to subsection (1) by striking out clause (d) and by substituting the following:*
 - (d) an offence under section 191, 192, 193 or 207 of the Criminal Code committed by means of a motor vehicle or an offence under section 221, 222, 223, 224 or 225 of the Criminal Code and the offence arose anywhere in Canada;
- (b) *as to subsection (4) by adding after the words "in any other province" the words "or any territory in Canada".*

35. Section 255 is amended

- (a) *as to subsection (1) by striking out the word "two-year" and by substituting the word "three-year",*

32. Standards of performance.

33. Section 227, clauses 7 and 20 presently read:

227. 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:

7. governing, restricting or prohibiting the use on any highway or highways of any vehicle or class of vehicles that, in the opinion of the Minister, may be a hazard to other users of the highway by reason of unusual or novel size, weight or operating characteristics;
20. implementing a demerit point system for drivers of motor vehicles and providing under the system for the suspension or cancellation of operators' licences;

34. Suspension of operator's licence. Section 245 (1) (d) presently reads:

245. (1) The Minister shall suspend the operator's licence of a person, or, if that person is not the holder of an operator's licence, shall not issue that person an operator's licence, if he, by order, judgment or conviction of a judge has been convicted of any one of the following offences or contraventions of law, or if, having been arrested for any such offence or contravention, he has forfeited his bail, namely:

- (d) an offence under the Criminal Code arising anywhere in Canada out of the operation of a motor vehicle;

35. Abstracts of driving record. Section 255, subsections (1), (3), (4) and (5) presently read:

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 two-year period immediately preceding the request or such greater period as the Minister, in his discretion allows.

(3) Upon the receipt of an application from a driver, the Minister may issue an abstract of the driver's record to the driver's employer or a prospective employer.

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

(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.

- (b) *as to subsection (3) by adding after the words "prospective employer" the words "or to a barrister and solicitor on the driver's behalf",*
- (c) *by striking out subsection (4),*
- (d) *as to subsection (5) by striking out the word "two-year" and by substituting the word "three-year".*

36. This Act comes into force on July 1, 1971.

