

1972 Bill 60

First Session, 17th Legislature, 21 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 60

The Highway Traffic Amendment Act, 1972

THE MINISTER OF HIGHWAYS AND TRANSPORT

First Reading

Second Reading

Third Reading

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BILL 60

1972

THE HIGHWAY TRAFFIC AMENDMENT ACT, 1972

(Assented to _____, 1972)

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 clause 22 and by substituting therefor the following:*

22. "peace officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force or a member of the Enforcement Division of the Motor Vehicle Branch of the Department of Highways and Transport;

(b) *as to clause 32 by striking out the words "road building machinery" and by substituting therefor the words "machinery or equipment used in the construction or maintenance of highways".*

3. *Section 11 is amended by adding after subsection (3) the following subsections:*

(4) A person of the age of 69 years or over who applies for an operator's licence or renews an operator's licence shall

(a) file a medical examination certificate in the form provided by the Registrar, completed and signed by a duly qualified medical practitioner, and

(b) submit to a vision screening examination by a driver examiner.

(5) Based on the result of the medical report and the vision screening report, and subject to section 6, the Minister may

(a) issue a licence under such conditions and for such period he considers advisable, and

Explanatory Notes

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

2. The first amendment is to reflect a change in name and relates to the definition of "peace officer". The second amendment excludes maintenance as well as construction equipment from the definition of "trailer" from clause 32 which presently reads:

32. "trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle or tractor and intended to transport property or persons and includes any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily, but does not include road building machinery;

3. Conditions for the issue or renewal of operator's licences to elderly persons.

(b) require ensuing medical reports and visual screening reports at such intervals as he considers necessary.

(6) A medical examination certificate filed under subsection (4), must have been completed within 90 days prior to the date of filing.

4. Section 22 is amended by striking out the words “, subsection (2)”.

5. Section 23, subsection (1) is amended by striking out the words “, subsection (2)”.

6. Section 55 is struck out.

7. Section 82 is amended by adding after subsection (3) the following subsections:

(4) When a motor vehicle which has been involved in an accident is damaged to the extent that it cannot be moved under its own power, the registered owner or the operator of the motor vehicle, after having complied with subsections (1), (2) and (3), shall forthwith make arrangements for the motor vehicle to be removed from the highway.

(5) Where the registered owner or the operator of the motor vehicle fails to make or is incapable of making arrangements to move the vehicle as provided in subsection (4), a peace officer may make the arrangements on his behalf and the registered owner shall be notified of the disposition of the motor vehicle by the peace officer.

(6) Where arrangements have been made by a peace officer pursuant to subsection (5), the motor vehicle shall be deemed to be an abandoned motor vehicle and shall be then subject to the provisions of section 189.

8. Section 88, subsection (1) is amended by inserting after the words “No person shall commence the repairs” the words “or direct or require the repairs to be commenced”.

9. Section 94 is amended by adding after subsection (2) the following subsection:

(2.1) Where the council of an urban area has prescribed a maximum rate of speed of less than 30 miles an hour pursuant to section 221, subsection (1) and where that rate is designated by signs erected along the highway, no person shall drive at a rate of speed greater than that so prescribed.

4. The specific reference to subsection (2) is deleted to make the reference applicable to subsection (3) of section 8 as well. Section 22 presently reads:

22. No person shall permit any person who is the holder of an operator's licence of a learner's category to operate a motor vehicle contrary to section 8, subsection (2).

5. The specific reference to subsection (2) is deleted to make the reference applicable to subsection (3) of section 8 as well. Section 23 presently reads:

23. (1) No person who is the holder of an operator's licence of a learner's category shall operate a motor vehicle contrary to section 8, subsection (2).

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

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

(b) who is not at least 18 years of age,
is guilty of an offence and liable on summary conviction to a fine of not more than \$100 and in default of payment to a term of imprisonment not exceeding 30 days.

6. Consequential amendment arising from section 15 of this Bill. Section 55 reads:

55. Every bicycle while in operation on a highway at night shall be equipped with one headlamp at the front and one reflector at the rear of the bicycle.

7. Self-explanatory.

8. This amendment extends the liability for unauthorized repairs. Section 88(1) presently reads:

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

(a) unless a notice in the form prescribed by the regulations has been affixed to the motor vehicle by the local police authority, or

(b) if no notice is affixed to the motor vehicle, until he has been authorized in writing by the local police authority to do so.

9. Urban councils may fix maximum rates of speed of less than 30 miles per hour.

10. Section 102, subsection (5) is amended by inserting after the words "the driver of a vehicle" the words "other than a bicycle".

11. Section 148, subsection (2) is amended by adding the word "or" at the end of clause (e) and by adding after clause (e) the following clause:

- (f) on a municipal maintenance or municipal service vehicle upon which a special seat or stand has been affixed providing for the safety of the person so riding.

12. The following section is added after section 167:

167.1 (1) Every bicycle operated on any highway at any time during the night time hours shall be equipped with

- (a) at least one headlamp but not more than two headlamps,
- (b) at least one red tail lamp, and
- (c) at least one red reflector mounted on the rear.

(2) No bicycle shall be operated upon a highway unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(3) A peace officer may require the operator of a bicycle to submit the bicycle to examination and tests to ensure that the bicycle is fit and safe for transportation.

(4) If in the opinion of a peace officer a bicycle is unfit or unsafe for transportation or dangerous to the public, the peace officer

- (a) may require the operator of the bicycle to have the bicycle rendered fit and safe for transportation, and
- (b) may order the bicycle removed from the highway until the bicycle has been rendered fit and safe for transportation.

(5) A bicycle operator who fails to comply with a requirement or order of a peace officer under subsection (3) or (4) is guilty of an offence.

13. The following section is added after section 183:

183.1 Notwithstanding anything contained in this Part, a pedestrian who is

- (a) an Alberta Land Surveyor or who is in the employ of an Alberta Land Surveyor, or

10. Section 102(5) presently reads:

(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.

Bicycles are encouraged to keep to the right.

11. Section 148 presently reads:

148. (1) No person shall ride or permit any other person to ride on the outside of a motor vehicle.

(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, or

(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.

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

The amendment relates to other municipal employees such as garbage collectors.

12. Equipment required for bicycles.

13. Protection for employees of governments or public utilities acting in the course of their duties.

(b) who is in the employ of a municipal corporation, the Government of Alberta or of Canada or of the owner of a public utility, and who, while in the conduct of his duties, is required to use the roadways or other portions of the highway contrary to the provisions of this Part or of a municipal by-law passed under the authority of this Act, is not in contravention of this Part if adequate advance warning is given of his presence on the highway by means of signs, barriers or the use of a flagman.

14. Section 188 is struck out and the following section is substituted therefor:

188. When a vehicle

- (a) is left unattended upon a highway in such a manner as to obstruct the normal movement of traffic, or
- (b) is illegally parked on any highway, or
- (c) is parked on a highway so as to prevent access by fire-fighting equipment to a fire hydrant, or
- (d) is without valid and subsisting licence plates or a permit, or
- (e) is parked on private property without the consent of the owner of the property or on a highway so as to obstruct any private driveway, or
- (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,

a peace officer may cause the vehicle to be removed 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 section 189.

15. Section 189, subsection (1) is amended by inserting after the words "Where a peace officer" the words "has seized a vehicle under section 188 or 192, or where a peace officer".

16. Section 192, subsection (3) is amended by striking out the words "The Possessory Liens Act" and by substituting therefor the words "section 189".

17. The following section is added after section 201 and before the heading "Additional Penalties"

14. Section 188 presently reads:

188. When a vehicle

- (a) is left unattended upon a highway in such a manner as to obstruct the normal movement of traffic, or
- (b) is illegally parked on any highway, or
- (c) is parked so as to prevent access by fire fighting equipment to a fire hydrant, or
- (d) is without valid and subsisting licence plates or permit, or
- (e) is parked on a highway or on private property so as to obstruct any private driveway, or
- (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,

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.

The section is extended to unauthorized parking on private property. It also makes applicable the section dealing with abandoned vehicles.

15. This section extended to certain seizures. Section 189(1) presently reads:

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.

16. The procedure under section 189 extended to seizures for offences enumerated in section 191.

17. Engineer's certificate as to painted distances on roads is prima facie proof.

201.1 Where lines for the purpose of indicating distances are painted on the highway, a certificate purporting to be signed by an engineer employed by the Department of Highways and Transport and certifying the measured distance between such lines shall be admitted in evidence as prima facie proof of the facts stated therein without proof of the signature or official character of the person signing the certificate.

18. Section 204, subsection (1), clause (a) is amended by striking out the words "or 143" and by substituting therefor the words ", 143 or, in the case of a driver, of section 144,".

19. The following section is added after section 209:

209.1 If a person whose licence has been suspended enters an appeal against his conviction, the suspension does not apply until the conviction is sustained on appeal.

20. Section 221 is amended

- (a) as to subsection (1), clause (b) by striking out the words "that comes within any class designated under subsection (4)",*
- (b) as to subsection (2) by striking out the words "if the Minister, pursuant to subsection (5), designates the highway or a part thereof for the purposes of this subsection",*
- (c) as to subsection (3) by striking out the words ", subject to subsection (5)," and*
- (d) by striking out subsection (5).*

21. Section 223, subsection (1) is amended

- (a) as to clause 5 by adding after subclause (iii) the following subclause:*
 - (iv) the parking of vehicles or any particular class or classes of vehicles in privately owned trailer parks,*
- (b) by adding after clause 27 the following clauses:*
 - 28.** prescribing speed limits on lanes or other thoroughfares prepared for the use of vehicles in privately owned trailer parks,
 - 29.** restricting the use of a highway in whole or in part to a particular class of vehicle.

18. Stunting added as an offence for which a licence may be suspended.

19. Where a licence has been suspended an appeal will act as a stay of the suspension.

20. This amendment will give the municipalities autonomy in fixing speed limits. Section 221, subsections (1) to (5) read:

221. (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,
- (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), and
- (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 of the same highway.

(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 (5), 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.

(3) A speed authority may, subject to subsection (5), prescribe

- (a) different maximum speeds for different classes of vehicles, and
- (b) different maximum speeds for daytime and nighttime,

but may not increase the maximum speed prescribed by this Act for school zones and playground zones.

(4) In this section "speed authority" means,

- (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, 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.

(5) 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 or other speed authority may not prescribe a maximum speed limit.

21. Municipal by-laws.

22. Section 227 is amended by inserting after clause 21 the following clause:

21.1 prescribing rules of conduct by users of campsites owned by the Crown and operated by the Minister of Highways and Transport including the period of occupation permitted by persons or vehicles during any prescribed period;

23. Section 247, subsection (1) is amended by striking out the words "a certified" and by substituting therefor the word "an".

24. Section 255 is amended by striking out subsections (1) and (2) and by substituting therefor the following subsections:

255. (1) A corporation that is guilty of an offence under section 253 or section 254 is liable on summary conviction

(a) for a first offence, to a fine of not more than \$2500, and

(b) for a second and subsequent offences, to a fine of not more than \$3000.

(2) A person, other than a corporation, who is guilty of an offence under section 252, subsection (5), section 253 or section 254 is liable on summary conviction

(a) for a first offence, to a fine of not more than \$1000, and

(b) for a second and subsequent offences, to a fine of not more than \$1250

and in default of payment to imprisonment for a term not exceeding 90 days.

25. (1) This Act, except sections 1, 19, 24 and this section, comes into force on July 1, 1972.

(2) Sections 1, 19 and 24 and this section come into force on the day upon which this Act is assented to.

22. It has been found that persons are storing their trailers upon Department campsites and thereby excluding tourists from using the facilities.

23. Section 247(1) refers to supplying certified abstracts of driving records. In fact they are not certified.

24. The minimum fine will be removed. Section 255 (1) and (2) read:

255. (1) A corporation that is guilty of an offence under section 253 or section 254 is liable on summary conviction

(a) for a first offence, to a fine of not less than \$1000 and not more than \$2500, and

(b) for a second and subsequent offences, to a fine of not less than \$1500 and not more than \$3000.

(2) A person, other than a corporation, who is guilty of an offence under section 252, subsection (5), section 253 or section 254 is liable on summary conviction

(a) for a first offence, to a fine of not less than \$250 and not more than \$1000, and

(b) for a second and subsequent offences, to a fine of not less than \$500 and not more than \$1250

and in default of payment to imprisonment for a term not exceeding 90 days.