

1972 Bill 63

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First Session, 17th Legislature, 21 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

## **BILL 63**

**The Department of Highways and Transport Amendment Act, 1972**

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THE MINISTER OF HIGHWAYS AND TRANSPORT

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First Reading . . . . .

Second Reading . . . . .

Third Reading . . . . .

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# BILL 63

1972

## THE DEPARTMENT OF HIGHWAYS AND TRANSPORT AMENDMENT ACT, 1972

(Assented to \_\_\_\_\_, 1972)

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

*1. The Department of Highways and Transport Act is hereby amended.*

*2. Section 6, subsection (1) is amended by striking out the words "jurisdiction that is no longer required for a public work" and by substituting the following words "administration and no longer required for a highway or for purposes incidental thereto".*

*3. Section 8 is amended*

- (a) as to subsection (3) by striking out the figure "15" and by substituting the figure "18", and*
- (b) as to subsection (4) by striking out clause (a) and by substituting the following:*
  - (a) in excess of the net amount of \$1,000,000 for the purchase of land in any one year, or*

*4. The following sections are added after section 13:*

**14. (1)** In this section, "employee" means

- (a) the employee in charge of the Investigation Section established pursuant to section 12, and*
  - (b) any person authorized in writing by the employee in charge of the Investigation Section to act on his behalf.*
- (2)** Where any motor vehicle is directly or indirectly involved in an accident, the employee may
- (a) request a peace officer to remove or cause to be removed the motor vehicle from the place where the accident occurred, and*

## **Explanatory Notes**

**1.** This Bill will amend chapter 98 of the Revised Statutes of Alberta 1970.

**2.** Section 6, subsection (1) presently reads:

6. (1) The Minister, in his discretion, may sell, lease or otherwise dispose of any public land under his jurisdiction that is no longer required for a public work.

**3.** Section 8, subsections (3) and (4) presently read:

(3) The net amount of the advances at any time shall not exceed 15 million dollars.

(4) The Provincial Treasurer shall not make advances to the stock advance fund

(a) in excess of one million dollars for the purchase of land in any one year, or

(b) in excess of \$200,000 for the purchase of any one parcel of land, but the net amount of advances for land purchases shall not at any time exceed three million dollars.

**4.** The new section 14 gives powers to take, test and inspect motor vehicles involved in an accident and section 15 provides for surveys to be conducted.

(b) specify to the peace officer the place to which he requires the motor vehicle to be taken,  
for the purpose of testing and inspecting the motor vehicle.

(3) Where a motor vehicle has been directly or indirectly involved in an accident but has been driven, towed or in any other manner removed from the scene of the accident, the employee may

(a) request a peace officer to remove or cause to be removed the motor vehicle from the place to which it was driven, towed or taken, and

(b) specify to the peace officer the place to which he requires the motor vehicle to be taken,

for the purpose of testing and inspecting the motor vehicle.

(4) Where

(a) a motor vehicle is towed and stored at a place agreed upon by both the owner and the employee, the owner shall pay the costs of towing and storage;

(b) a motor vehicle is towed and stored at a place not agreed to by both the owner and the employee, the Crown shall pay the costs of towing and storage;

(c) a motor vehicle is towed without the consent of the owner but stored at a place to which he consents, the Crown shall pay the costs of towing and the owner shall pay the costs of storage;

(d) a motor vehicle is towed with the consent of the owner, but is stored at a place without his consent, the owner shall pay the costs of towing and the Crown shall pay the costs of storage.

(5) Upon completion of the inspection and testing, if the owner of the motor vehicle wishes to have repairs carried out at a place other than a place at which the motor vehicle was inspected and tested, the Crown shall pay the reasonable costs of towing to the place specified by the owner.

(6) The employee is entitled to retain the motor vehicle he tests and inspects for 21 days from the date of the accident, but after 21 days he shall upon request of the owner release it to him.

(7) The Minister shall compensate a person who does not have the use of his motor vehicle as a result of the investigation and testing in such amount as he considers just, unless the motor vehicle is irreparable.

(8) Notwithstanding that a motor vehicle has been taken for testing and inspection, the owner or any person authorized by him may enter the premises where it is kept during normal working hours and inspect the motor vehicle.



**15.** The Minister may authorize persons to conduct surveys on any highway under his direction, control and management and during the course of conducting such a survey the person so authorized may stop motor vehicles for the purpose of questioning the occupants with respect to the survey.

*5. This Act comes into force on the day upon which it is assented to.*

