

1974 Bill 25

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Third Session, 17th Legislature, 23 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 25**

**The Highway Traffic Amendment Act, 1974**

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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 25

1974

## THE HIGHWAY TRAFFIC AMENDMENT ACT, 1974

(Assented to \_\_\_\_\_, 1974)

**H**ER 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, clause 10.1 is amended by striking out sub-clause (i) and by substituting the following:*

(i) is insured pursuant to Part 7 of the Alberta Insurance Act in respect of public liability, property damage and accident benefits, or

3. *Section 5 is amended by adding the following subsection after subsection (1):*

(1.1) Before issuing an operator's licence to an applicant, the Registrar or the licence issuer may

(a) require the applicant to satisfactorily identify himself as being the person named in the application, and

(b) require the applicant to be photographed by equipment provided by the Registrar, and such photograph shall become a part of the licence being issued.

4. *Section 29 is amended by adding the following subsection after subsection (1):*

(1.1) Before issuing a certificate of registration to an applicant, the Registrar or the licence issuer may require the applicant to satisfactorily identify himself as being the person named in the application.

## **Explanatory Notes**

**1.** This Bill will amend chapter 169 of the Revised Statutes of Alberta 1970.

**2.** Section 2, clause 10.1 (i) presently reads:

10.1 "insured motor vehicle" means a motor vehicle, the owner of which  
(i) is insured pursuant to Part 7 of The Alberta Insurance Act,  
or

**3.** Conditions for the issuance of an operator's licence.

**4.** Conditions for the issuance of a certificate of registration of a motor vehicle.

5. *Section 37 is struck out and the following substituted:*

**37.** (1) At the time of issue of a certificate of registration the Minister shall issue to the owner of the registered vehicle a licence plate, or a set of two licence plates, bearing the licence number of the vehicle, together with the name of the Province either at length or in an abbreviated form, and the year of issue.

(2) The Minister shall charge such fees for each licence plate or set of two licence plates issued by him as may be set out in the regulations.

(3) Licence plates shall be of such type and colour as may be prescribed by the Minister.

(4) Every licence plate issued under this Act remains the property of the Crown and the person in possession of it shall return it to the Minister whenever he so requires.

(5) 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 replacement licence plate or set of licence plates, as the case requires.

6. *Section 38 is struck out and the following is substituted:*

**38.** Where the regulations authorize the use of a licence plate for more than one year if validated by a validating tab, marker or other sign, every reference in this Act to a licence plate shall, with all necessary changes, be deemed to include a reference to a validating tab, marker or other sign unless the regulations have made other provisions in that regard.

7. *Section 43 is struck out and the following is substituted:*

**43.** No person shall operate or park a motor vehicle or trailer upon a highway unless

(a) the licence plate is, or

(b) where two licence plates are required, the licence plates are,

attached to the vehicle in a location or locations and in a manner prescribed by the regulations.

**5. Section 37 presently reads:**

37. (1) At the time of the issue of a certificate of registration the Minister shall issue to the owner of the registered vehicle a set of two licence plates, or one licence plate if the vehicle is a motor cycle or trailer, bearing the licence number of the vehicle, together with the name of the Province either at length or in an abbreviated form, and the year of issue.

(2) The Minister shall charge such fees for each set of licence plates issued by him as may be set out in the regulations.

(3) The licence plates shall be of such type, colour or shade as may be prescribed by the Minister.

(4) Every licence plate issued under this Act remains the property of the Crown and the person in possession of them shall return them to the Minister whenever he so requires.

(5) 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.

**6. Section 38 presently reads:**

38. (1) Notwithstanding any of the requirements of this Act as to licence plates, the Minister, if he considers it expedient or necessary to do so, may issue one marker or licence plate at the time of the issue of a certificate of registration instead of the prescribed licence plate or plates.

(2) The display in the manner set out in the regulations of the marker or licence plate so issued is a sufficient compliance for all purposes with the provisions of this Act requiring or relating to the display of licence plates.

(3) Every reference in this Act to a licence plate or to licence plates shall mutatis mutandis be deemed to include a reference to a marker or licence plate issued by the Minister pursuant to this section.

**7. Section 43 presently reads:**

43. (1) No person shall park or 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.

(2) No person shall operate a motor cycle upon a highway unless the licence plate is firmly attached to the rear mudguard or rear fender in such a position as to be clearly visible.

(3) No person shall operate a trailer upon a highway unless the licence plate is firmly attached on the back thereof in such a position that the lower edge of the plate is not lower than the axle.

8. *Section 158 is amended by adding the following subsection after subsection (2):*

(3) Notwithstanding subsection (2), a city, town or village may, by by-law, permit the display or sale of goods upon a sidewalk.

9. *Section 167 is amended by adding the following subsection after subsection (1):*

(1.1) Subsections (1) and (2) do not apply to the operator or passengers of a motor cycle which is manufactured with a cab that encloses and protects the operator and passengers.

10. *Section 191 is amended by adding the following clause after clause (l):*

(m) section 155, subsection (1) relating to possession of a motor vehicle that does not display a serial number or other authorized identifying number or mark in the space provided for such identification by the manufacturer.

11. *Section 192, subsection (1) is amended by adding after the words "section 191" the words "or 253".*

12. *Section 204, subsection (1), clause (a) is amended by striking out the figure "106" and by substituting the figures "105, 106, 107".*

13. *Section 220 is amended by adding the following subsections after subsection (4):*

(5) Where an operator's licence or a certificate of registration or permit issued under this Act is suspended or cancelled pursuant to subsection (1), clause (a), the person to whom it was issued shall return

- (a) the operator's licence, or
- (b) the certificate of registration and licence plates, or
- (c) the permit,

as the case may be, to the Minister forthwith.

(6) Where a person fails to return an operator's licence, licence plate, certificate of registration or permit as required by subsection (5), a peace officer at the request of the Registrar or his deputy may secure possession thereof and return the suspended article or articles to the office of the Minister.

**8. Section 158(2) presently reads:**

- (2) No person shall
  - (a) display any goods for sale, or
  - (b) offer any goods for sale, or
  - (c) sell any goodsupon a highway.

**9. Section 167(1) and (2) presently read:**

167. (1) No person shall operate a motor cycle, scooter or power bicycle unless he is wearing a safety helmet securely attached on his head.

(2) No person shall ride as a passenger on a motor cycle, scooter or power bicycle unless he is wearing a safety helmet securely attached on his head.

**10. Section 191, clause (1) presently reads:**

191. Every peace officer who on reasonable and probable grounds believes that any person has committed an offence against any of the provisions of the sections hereinafter enumerated, whether the offence has been committed or not, may arrest such person without warrant and whether such person is guilty or not:

- (1) section 153 relating to the tampering with a motor vehicle.

**11. Section 192(1) presently reads:**

192. (1) Every peace officer who on reasonable and probable grounds believes that any of the offences enumerated in section 191 has been committed may seize and detain any motor vehicle in respect of which the offence has been committed until the final disposition of any proceedings that may be taken under this Act.

The offence in section 253 relates to registering and operating an uninsured motor vehicle.

**12. Section 204(1)(a) presently reads:**

204. (1) When a person who is the holder of an operator's licence is convicted of an offence

- (a) for contravening section 82, 83, 93, 94, 95, 96, 99, 100, 101, 102, 103, 104, 106, 108, 109, 110, 111, 112, 113, 115, 117 or 118, or section 120, subsection (1), or section 121, 122 or 123, or section 125, subsection (1) or (2), or section 127, subsection (4), or section 128, or section 132, subsection (1), (2) or (3), or section 142, 143 or, in the case of a driver, of section 144, or section 148, subsection (3) or section 184, or

Section 105 refers to following too closely and section 107 refers to passing on the left side of the center line when it is not safe to do so.

**13. Section 220(1)(a) presently reads:**

220. (1) The Minister may suspend or cancel an operator's licence or a certificate of registration or permit issued under this Act

- (a) for misconduct or non-compliance or infraction of this Act or of the regulations, or of The Fuel Oil Licencing Act, or of The Fuel Oil Tax Act, or of The Public Service Vehicles Act or the regulations thereunder, or of the Criminal Code, or

(7) A person

- (a) who fails to return an operator's licence, licence plate, certificate of registration or permit as required by subsection (5), or
- (b) who fails to deliver an operator's licence, licence plate, certificate of registration or permit to a peace officer acting under subsection (6),

is guilty of an offence and liable on summary conviction to a fine of not more than \$100 for each offence.

*14. Section 223, subsection (1) is amended by striking out clause 19 and by substituting the following:*

- 19. closing or restricting the use, either temporarily or permanently, of any highway, subway, bridge or overpass within the municipality either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians, and providing for the proper enforcement of any such closing either by way of the erection of barricades or by the adoption of such other means as the council considers necessary or expedient,

*15. Section 227 is amended*

*(a) by striking out clause 4 and by substituting the following:*

- 4. with respect to licence plates,
  - (i) authorizing the issue of two licence plates with respect to all classes of vehicles or one licence plate with respect to all classes of vehicles or authorizing the issue of two licence plates to any class or classes of vehicles and one licence plate for any other class or classes of vehicle,
  - (ii) authorizing the use of a licence plate for more than one year if validated for each such year by a validating tab, marker or other sign issued by the Minister,
  - (iii) prescribing the form and design of licence plates, where they are to be attached to vehicles, and the manner of display,
  - (iv) prescribing the form and design of validating tabs, where they are to be attached to licence plates, and the manner of display,



**14. Section 223(1), clause 19 presently reads:**

223. (1) 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

19. closing or restricting the use of any highway, subway, bridge or overpass or part of any highway, subway, bridge or overpass within the municipality either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians, and providing for the proper enforcement of any such closing either by way of the erection of barricades or by the adoption of such other means as the council considers necessary or expedient,

**15. Section 227, clause 4 presently reads:**

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:

4. prescribing the form, design and manner of display of any marker or licence plate issued by the Minister instead of the prescribed licence plate or plates, and making any incidental provisions that may be necessitated by the substitution of the marker or licence plate for the prescribed licence plate or plates;

(v) prescribing any requirements and prohibitions necessitated by the use of one or two licence plates and by the use of validating tabs, markers or other signs in conjunction with licence plates;

(b) *by adding the following new clause after clause 11:*

11.1 prescribing for the use of a photograph on an operator's licence and prescribing such terms and conditions as may be required for the attachment of a photograph to an operator's licence;

*16. Section 247, subsections (4) and (5) are amended by striking out the words "a certified" wherever they occur and by substituting the word "an".*

*17. Section 253, subsection (1) is amended*

(a) *by striking out the word "or" at the end of clause (b),*

(b) *by striking out clause (c).*

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

**16. Section 247 (4) and (5) presently read:**

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

**17. Section 253(1)(b) and (c) presently read:**

253. (1) A person who

(b) obtains the registration of a motor vehicle when it is not an insured motor vehicle, or

(c) fails to maintain his vehicle as an insured motor vehicle is guilty of an offence.