

1974 Bill 68

Third Session, 17th Legislature, 23 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 68

THE HIGHWAY TRAFFIC AMENDMENT ACT, 1974 (NO. 2)

MR. COOKSON

First Reading

Second Reading

Third Reading

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THE HIGHWAY TRAFFIC AMENDMENT ACT, 1974 (NO. 2)

(Assented to , 1974)

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 16 is struck out and the following is substituted therefor:

16. A notice of

- (a) the suspension or cancellation of the operator's licence of any person, or
- (b) the disqualification of any person from holding an operator's licence, pursuant to this Act, or
- (c) the suspension or cancellation of a certificate of registration or permit issued under this Act,

shall be deemed to be sufficiently served on a person if it is sent by registered mail or certified mail to that person at his last recorded address as shown by the records of the Registrar.

3. Section 30 is amended

- (a) *as to subsection (1) by striking out the words "subsection (2)" and by substituting the words "this section", and*
- (b) *by adding the following subsection after subsection (2):*

(3) The Minister may, on such terms and conditions as he considers proper, authorize the members of any municipal police force or of the Royal Canadian Mounted Police to issue and attach to a motor vehicle a special identifying number or mark which shall thereafter be deemed sufficient for the purpose of the registration of the vehicle.

Explanatory Notes

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

2. Section 16 presently reads:

16. A notice of suspension of the operator's licence of any person or the disqualification of any person from holding an operator's licence pursuant to this Act shall be deemed to be sufficiently served on a person if it is sent by registered mail to that person at his last recorded address as shown by the records of the Registrar.

The amendment is proposed to include provision for the use of certified mail which is now used by the post office. The section is also being amended to apply, where necessary, to certificates of registration and permits.

3. Section 30 presently reads:

30. (1) Except as provided by subsection (2), a motor vehicle of which the manufacturer's serial number or similar identifying mark has been obliterated shall not be registered.

(2) A person who has in his possession any motor vehicle in the condition described in subsection (1) may forthwith file with the Minister satisfactory proof of the ownership of the vehicle and the Minister may thereupon grant permission to cut, impress, emboss or attach permanently to the vehicle a special identifying number or mark, which thereafter shall be deemed sufficient for the purpose of registration of the vehicle.

The amendment contemplates a proposed arrangement with the R.C.M.P. and other police forces under which unidentified vehicles would be checked against stolen vehicle records prior to registration.

4. Section 37, subsection (1) is amended by striking out the words “, and the year of issue”.

5. Section 40 is amended by striking out subsection (4) and by substituting the following subsection:

(4) In this section “freight” means anything that may be conveyed in or on a motor vehicle but does not include passengers or anything that is the property of the owner of the vehicle or his employee or agent and that is intended for personal use by any one or more of them.

6. Section 83 is amended by striking out subsection (1) and substituting therefor the following:

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 \$200 or more, the driver shall forthwith make a written report in the form supplied by the Minister and containing such information as may be required by that form to

- (a) a peace officer having jurisdiction where the accident occurred, or
- (b) a person employed by the police force having jurisdiction where the accident occurred.

7. Section 155 is amended as to subsection (1) by adding at the end thereof the words “or in such other place as may be specified by a member of a municipal police force or of the Royal Canadian Mounted Police pursuant to section 30, subsection (3)”.

8. Section 187 is amended by striking out subsection (1) and substituting the following:

187. (1) A peace officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached thereto, to examination and tests

- (a) to ensure that the motor vehicle, its equipment and trailer, if any, is fit and safe for transportation, or
- (b) in the case of an accident, to determine whether or not the condition of the motor vehicle, its equipment or trailer, if any, contributed in any way to the accident.

4. Section 37, subsection (1) presently reads:

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.

The amendment is made to accommodate the proposed multi-year licence plate program under which a licence will be issued for five years and revalidated annually by tabs.

5. Section 40, subsection (4) presently reads:

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

This amendment relates to subsection (2) of section 40 which contains a prohibition against carrying freight in vehicles bearing dealer's plates. The amendment broadens the exception to what is freight.

6. Section 83, subsection (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 \$200 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.

The new clause (b) will allow civilian personnel to receive traffic reports.

7. Consequential to amendment to section 30. Section 155, subsection (1) presently reads:

155. (1) No person shall have in his possession a motor vehicle that does not have

(a) the manufacturer's serial number, or

(b) a special identifying number or mark authorized under section 30, cut, embossed or otherwise permanently marked or attached thereon in the space provided for such identification by the manufacturer.

8. Section 187, subsection (1) presently reads:

187. (1) A peace officer may require the operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached thereto, to examination and tests to ensure that the motor vehicle is fit and safe for transportation.

Clause (b) is new.

9. Section 207 is amended

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

207. (1) Where a peace officer suspects the driver of a motor vehicle has consumed alcohol or otherwise introduced into his body any alcohol, drug or other substance in such quantity as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender his operator's licence to the peace officer.

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

(4) A suspension or disqualification arising pursuant to this section terminates upon the expiration of 24 hours from the time the suspension or disqualification arose.

(4.1) Notwithstanding subsection (4), where the suspension or disqualification involves alcohol and

- (a) the driver voluntarily undergoes a test at a place designated by the peace officer and the test indicates that the proportion of alcohol in the driver's blood does not exceed 80 milligrams in 100 millilitres of blood, or
- (b) the driver produces to the peace officer a certificate signed by a duly qualified medical practitioner stating that the driver's blood, as tested by the medical practitioner after the commencement of the suspension or disqualification, did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,

the peace officer shall thereupon return the driver's licence, if any, to the driver.

- (c) *by striking out subsection (5) and by substituting the following subsection:*

(5) This section does not apply to a case arising out of the circumstances described in subsection (1) where a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the *Criminal Code*, committed any offence involving the actual driving of or care and control of a motor vehicle by the driver and

- (a) the condition of the driver or the amount of alcohol in his blood, as the case may be, resulting from the consumption by him of alcohol, or
- (b) the condition of the driver resulting from the introduction by him into his body of any drug or other substance.

9. Section 207, subsections (1), (4) and (5) presently read:

207. (1) Where a peace officer suspects that the driver of a motor vehicle has consumed alcohol in such quantity as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender his operator's licence to the peace officer.

(4) A suspension or disqualification arising pursuant to this section terminates

(a) upon the expiration of 24 hours from the time the suspension or disqualification arose, or

(b) upon the driver voluntarily undergoing a test at a place designated by the peace officer, which test indicates that the proportion of alcohol in the driver's blood does not exceed 80 milligrams in 100 millilitres of blood, or

(c) upon the production by the driver to the peace officer of a signed certificate of a duly qualified medical practitioner, which certificate states that the driver's blood, as tested by the medical practitioner subsequent to the commencement of the suspension or disqualification, did not contain more than 80 milligrams of alcohol in 100 millilitres of blood,

whichever first occurs, and the peace officer shall thereupon return the driver's licence, if any, to the driver.

(5) This section does not apply to a case where a peace officer decides to lay an information against the driver alleging that the driver has, in contravention of the Criminal Code, committed any offence involving

(a) the actual driving of or care or control of a motor vehicle by the driver, and

(b) the condition of the driver or the amount of alcohol in his blood, as the case may be, resulting from the consumption by him of alcohol.

10. Section 216 is struck out and the following is substituted:

216. The Minister may by order delegate to the Motor Transport Board any of the powers, duties and functions conferred or imposed on him by this Act or the regulations which apply or relate to public service and commercial vehicles.

11. The Public Service Vehicles Act is amended as to section 8, by striking out subsection (1) and by substituting the following subsection:

8. (1) The powers, duties and functions delegated to the Board by the Minister under section 216 of *The Highway Traffic Act* shall be exercised, performed and administered by the Board.

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

10. Section 216 presently reads:

216. All the powers, duties and functions vested in, imposed on, or exercised by the Minister pursuant to this Act in so far as they apply or relate to public service vehicles and commercial vehicles shall, subject to section 8, subsection (1) of The Public Service Vehicles Act, be exercised and administered by him under the provisions of The Public Service Vehicles Act.

This amendment will give the Minister a choice in the delegation of powers, duties and functions under this section.

11. This section will amend chapter 300 of the Revised Statutes of Alberta 1970. Section 8, subsection (1) of The Public Service Vehicles Act presently reads:

8. (1) The powers, duties and functions vested in and imposed on the Minister by section 216 of The Highway Traffic Act shall be exercised, performed and administered by the Board.

This amendment is reciprocal to the amendment to section 216 of The Highway Traffic Act.