

1975 Bill 58  
(Second Session)

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First Session, 18th Legislature, 24 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 58**

THE MOTOR VEHICLE ADMINISTRATION ACT

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THE SOLICITOR GENERAL

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First Reading .....

Second Reading .....

Third Reading .....

# BILL 58

1975

(Second Session)

## THE MOTOR VEHICLE ADMINISTRATION ACT

(Assented to \_\_\_\_\_, 1975)

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

**1.** In this Act,

**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 Motor Transport Board is exempted from being classified as a commercial vehicle,

and

(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 commodities to a purchaser or consignee thereof;

**2.** "dealer" means any person who buys or sells motor vehicles as a business, either as principal or agent;

**3.** "driver" or "operator" means a person who drives a vehicle;

**4.** "financial responsibility card" means a card issued pursuant to Part 4 of this Act or Part 7 of *The Alberta Insurance Act*;

**5.** "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane,

## **Explanatory Notes**

### **1. Definitions.**

alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permitted to use for the passage or parking of vehicles, and

(i) includes

(A) a sidewalk (including a boulevard portion thereof),

(B) where a ditch lies adjacent to and parallel with the roadway, the ditch, and

(C) where a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but

(ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway;

6. "implement of husbandry" means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations;
7. "insured motor vehicle" means a motor vehicle, the owner of which
  - (i) is insured pursuant to Part 7 of *The Alberta Insurance Act* in respect of public liability, property damage and accident benefits, or
  - (ii) is a corporation that has complied with section 67, in respect of that motor vehicle;
8. "judge" means a judge or justice of the peace;
9. "Minister" means the Solicitor General;
10. "motor assisted bicycle" means a two wheeled vehicle propelled by muscular force which is also capable of being propelled entirely or partially by a motor having a piston displacement of less than 50 cubic centimeters;
11. "motor cycle" means a motor vehicle mounted on two wheels and includes those motor vehicles known to the trade as motor cycles or scooters but does not include an off-highway vehicle as defined in *The Off-highway Vehicle Act* or a motor assisted bicycle;
12. "motor vehicle" means every vehicle propelled by any power, other than muscular power, except air-



craft, tractors, whether equipped with rubber tires or not, implements of husbandry, and such motor vehicles as run only upon rails;

13. "municipality" means a city, town, village, county or municipal district;
14. "operator's licence" means a licence to operate a motor vehicle issued pursuant to this Act;
15. "owner" includes any person renting a motor vehicle or having the exclusive use thereof under a lease or otherwise for a period of more than 30 days;
16. "park", when prohibited, means allow a vehicle (whether occupied or not) to remain standing in one place, except
  - (i) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
  - (ii) when standing in obedience to a peace officer or traffic control device;
17. "peace officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force, special constable or a member of the patrol division of the Department of the Solicitor General;
18. "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;
19. "Registrar" means the Registrar of the Motor Vehicle Branch of the Department of the Solicitor General and, for the purposes of signing a certificate as required in section 238, subsection (4) of the *Criminal Code*, a deputy Registrar;
20. "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 machinery or equipment used in the construction or maintenance of highways;

21. "urban area" means a city, town or village;
22. "vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a highway.

#### **Administration**

**2.** In accordance with *The Public Service Act* there may be appointed a Registrar of the Motor Vehicle Branch, one or more deputy Registrars and such other officers and employees as may be required for the administration of this Act.

**3.** 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.

**4.** The Minister may delegate all or any of the powers conferred upon him by this Act to such person or persons as he considers advisable.



**2. Registrar, etc.**

**3. Microfilming of documents.**

**4. Delegation of powers.**

**PART 1**

**OPERATORS' LICENCES**

**Requirement of Licence**

**5.** (1) No person shall drive a motor vehicle on a highway unless he is the holder of a subsisting operator's licence.

(2) Subsection (1) does not apply to a person who is undergoing a driver's examination conducted by an authorized driver examiner.

(3) Subsection (1) does not apply to a person resident outside Alberta

(a) if he does not remain in Alberta for more than six months in any year, and

(b) if he is authorized by the laws of his place of residence to operate a motor vehicle of the type or class being operated by him.

(4) Subsection (1) does not apply to a person, not being resident in Canada, who

(a) holds an international driver's licence issued outside Canada, and

(b) does not remain in Alberta for more than 12 consecutive months.

(5) Subsection (1) does not apply to a student as defined in the regulations if the student is authorized by the laws of his place of residence to operate a motor vehicle of the type or class being operated by him.

(6) Any person who contravenes subsection (1) is guilty of an offence.

(7) In a prosecution for a contravention of subsection (6), the onus is on the accused to show that he holds a subsisting operator's licence.

**Issue of Licence**

**6.** (1) An application for an operator's licence shall be made to the Minister in the form and containing those particulars prescribed by the Minister.

(2) Every person to whom an operator's licence has been issued shall, in his application for a subsequent licence, state that he has been so licensed.

**7.** (1) No person who is the holder of a subsisting operator's licence shall apply for or obtain another operator's licence except

(a) for the purpose of obtaining a duplicate of a subsisting licence that has been lost or destroyed or become worn out, or

**5. Licence required.**

**6. Application for licence.**

**7. Prohibitions.**

(b) for the purpose of obtaining a replacement for an operator's licence that is about to expire.

(2) No person shall apply for or procure or attempt to procure the issuance of an operator's licence to himself

(a) during a period when his licence is cancelled or suspended, whether or not the period for which the licence was issued has expired, or

(b) during a period when he is disqualified from holding a licence.

8. (1) Subject to the restrictions contained in this Act, the Minister may, in his discretion, upon receiving an application for an operator's licence and the licence fee prescribed by the regulations, issue or cause to be issued through a licence issuer an operator's licence as applied for and in the form prescribed by the regulations.

(2) Before issuing an operator's licence to an applicant, the Minister

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

(b) may require the applicant to be photographed by equipment provided by the Registrar,

and that photograph shall form a part of the licence being issued.

(3) Notwithstanding subsection (2), clause (b), the Minister may accept any photograph of an applicant if he is satisfied as to the size and quality thereof, in lieu of the person being photographed pursuant to that clause.

(4) Subject to the provisions of this Act as to suspension and cancellation, an operator's licence issued pursuant to this Part is valid for the period prescribed by the regulations.

(5) No liability attaches to the Crown for any loss caused by incorrect information contained in an application for an operator's licence, notwithstanding that the information may have been entered on the application form by some person other than the applicant.

9. (1) Notwithstanding section 11, subsection (1), a person of the age of 14 years or over who is not the holder of a subsisting operator's licence may apply to the Minister for an operator's licence in respect of the operation of any type of motor vehicle specified other than a motor assisted bicycle, motor cycle or scooter and

(a) upon payment of the prescribed fee, and

**8. Issue of licence.**

**9. Learner's licence.**

(b) upon the applicant passing such examination as the Minister may require,  
the applicant may be issued an operator's licence of a learner's category.

(2) An operator's licence of a learner's category shall be stated to entitle and entitles the licensee to drive a motor vehicle of the type specified while the licensee is accompanied by a person who is at least 18 years of age

- (a) who holds an operator's licence, valid for the operation of the vehicle being used, and
- (b) who is sitting immediately beside him and engaged in teaching the licensee to drive or engaged in conducting a driver's examination of the licensee.

(3) An operator's licence of a learner's category may be issued for the purpose of operating a motor cycle, scooter or motor assisted bicycle under such terms and conditions as may be prescribed by the regulations.

(4) Notwithstanding section 11, subsection (1) a person who has attained the age of 14 years but has not attained the age of 16 years and who is, at the commencement of this Act, the holder of a subsisting operator's licence of a learner's category entitling him to operate a motor assisted bicycle, motor cycle or scooter is not, by reason of age only, ineligible to have the licence renewed or a further operator's licence of the same category issued.

**10. (1) The Minister may**

- (a) refuse to allow the issue of an operator's licence to a person unless he is satisfied by examination or otherwise as to the physical and other competency of the applicant to drive a motor vehicle without endangering the safety of the general public;
- (b) cause special conditions or restrictions, or both, to be stated upon an operator's licence;
- (c) classify operators' licences into categories for the purpose of controlling the use of licences according to the qualifications of the driver;
- (d) require the holder of an operator's licence or an applicant for a licence to submit himself for a physical examination to such persons as the Minister may designate;
- (e) require the holder of an operator's licence or an applicant for a licence to submit himself for an examination as to his competency as a driver to a person designated by the Minister as an examiner;
- (f) from time to time by order prescribe as to the cases in which an examination as to competency as a

**10. Examination of applicants for licence.**

driver may be dispensed with and the cases in which it may not be dispensed with.

(2) The Minister may pay any fee which he considers proper for any medical examinations required by him pursuant to subsection (1), clause (d).

(3) By agreement with The Board of Directors of the Alberta Medical Association (C.M.A.-Alberta Division), the Minister may establish a medical review board

- (a) to act as an advisory board to the Minister with respect to all matters of health of persons bearing upon the operation of motor vehicles and physical conditions that constitute a hazard to the general public,
- (b) to advise the Minister as to qualified medical practitioners available for physical and mental examination of drivers and applicants for licences, and
- (c) to act in such other capacity as may be required by the agreement with The Board of Directors of the Alberta Medical Association (C.M.A.-Alberta Division).

**11.** (1) An operator's licence shall not be issued to any person under the age of 16 years.

(2) An operator's licence shall not be issued to any person under the age of 18 years

- (a) unless the application is also signed by a parent or guardian of the applicant, or
- (b) where the person is self-supporting and is unable to obtain the signature of a parent or guardian, unless he proves to the satisfaction of the Minister that he is self-supporting and unable to obtain such consent, or
- (c) unless he proves to the satisfaction of the Minister that he is a married person.

(3) Where a person who is under the age of 18 years has obtained an operator's licence as authorized pursuant to subsection (2)

- (a) if the parent or guardian, in writing, withdraws the consent, or
- (b) if proof is produced, satisfactory to the Minister, that the person was not self-supporting or was not married,

the Minister shall suspend or cancel the operator's licence and shall not reinstate it or issue a new licence to that person until the person attains the age of 18 years or until a new application complying with subsection (2) is made.



**11. Minimum age.**

**12.** A person to whom an operator's licence is issued shall write his usual signature in the space provided for that purpose, and until the licence has been so signed it is not valid.

**13.** Upon every change of his address or change of name or both, the person to whom an operator's licence is issued shall, in the manner prescribed by the regulations, forthwith notify the Minister in writing of the change.

**14.** (1) Any person who

(a) holds an operator's licence, or

(b) is making application for an operator's licence shall disclose to the Registrar forthwith any disease or disability which may be expected to interfere with the safe operation of a motor vehicle.

(2) A duly qualified medical practitioner may, without acquiring any liability thereby, report to the Registrar any medical information relative to the health of a person holding or applying for an operator's licence where the practitioner believes that the condition in relation to which the information is given may adversely affect that person's operation of a motor vehicle.

(3) An optometrist may, without acquiring any liability thereby, report to the Registrar any defect in vision of any person which the optometrist believes may interfere with the safe operation of a motor vehicle by that person.

(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 physician, 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 10, the Minister may

(a) issue a licence under those conditions and for any period that he considers advisable, and

(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 180 days prior to the date of filing.

**12. Licence to be signed.**

**13. Change of address or name.**

**14. Changes in health.**

**15.** (1) Where a person has obtained a duplicate of a valid and subsisting operator's licence and subsequently again comes into possession of the operator's licence believed to have been lost or destroyed, he shall return the duplicate as soon as possible to the Minister, and no person shall have in his possession both an operator's licence and a duplicate thereof issued under this Act.

(2) Where a person has obtained a duplicate operator's licence replacing a supposedly lost or destroyed duplicate operator's licence and subsequently again comes into possession of the duplicate operator's licence believed to have been lost or destroyed, he shall return one of the duplicates as soon as possible to the Minister, and no person shall have in his possession more than one duplicate of an operator's licence.

#### **Suspension of Licences**

**16.** (1) Where, pursuant to this Act,

- (a) the Minister refuses to issue an operator's licence to a person, or
- (b) a person is convicted of operating a motor vehicle without a subsisting operator's licence,

the Minister may at any time thereafter issue an order for any period and subject to any conditions specified in the order declaring that person to be disqualified from obtaining an operator's licence or driving a motor vehicle or any other specified class of vehicle on a highway.

(2) A person in respect of whom an order has been made under subsection (1) who drives a motor vehicle or other vehicle on a highway in contravention of that order is guilty of an offence.

**17.** (1) Where by or under this Act or by any order or judgment made under this or any other Act

- (a) the operator's licence of a person is suspended, or
- (b) a person is disqualified from holding an operator's licence,

then, notwithstanding that the period of suspension or disqualification has expired, the licence remains suspended or the disqualification remains in effect, as the case may be, until such time as the person satisfies the Minister, by examination or otherwise, of his physical or other competency to drive a motor vehicle without endangering the safety of the general public.

(2) Where the operator's licence of any person is suspended by or under this Act or by an order or judgment made under this Act, that person may nevertheless operate implements of husbandry or industrial equipment designed

**15. Duplicate licence.**

**16. Disqualification from holding licence.**

**17. Duration of suspension or disqualification.**

primarily for construction, maintenance, land clearing, ditching or other related tasks and that is not required to be licensed under this Act or *The Public Service Vehicles Act*.

(3) Where a person is prohibited under this Act from driving a motor vehicle on medical grounds he may also be prohibited from driving implements of husbandry or industrial equipment of the kind mentioned in subsection (2).

(4) This section applies to suspensions by accumulation of demerit points, notwithstanding that the term of any such suspension has expired.

**18.** (1) Where, under this Act, the operator's licence of a person is suspended or cancelled, the suspension or cancellation continues in full effect notwithstanding the expiration of the licence during the period of the suspension or cancellation.

(2) Where, under this Act, an operator's licence is suspended or cancelled, the suspension or cancellation operates to suspend or cancel any operator's licence held by that person during the period of suspension, whether so stated or not.

(3) The holder of any operator's licence which is suspended or cancelled shall forthwith return the operator's licence to the Registrar.

**19.** 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, or

(c) the suspension or cancellation of a certificate of registration or permit issued under this Act,

is 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.

**20.** (1) The Driver Control Board heretofore established under *The Highway Traffic Act* is continued under this Act, consisting of a chairman and such number of other members as may be appointed by the Lieutenant Governor in Council.

**18.** Suspension continues when licence expires.

**19.** Service of notice.

**20.** Driver Control Board.

(2) One member of the Board constitutes a quorum.

(3) The members of the Board shall be paid remuneration in an amount determined by the Lieutenant Governor in Council.

(4) The Lieutenant Governor in Council may make regulation governing the procedures and operation of the Board, the conduct of its hearings and generally respecting the duties and functions of the Board and any matter incidental thereto.

**21.** (1) At any time he considers an inquiry should be made into whether any person should be permitted to hold an operator's licence,

(a) the Minister, or

(b) a judge, or

(c) the Registrar,

may report the person to the Driver Control Board and the Board, after due inquiry and in the interest of public safety, may

(d) suspend the operator's licence of the person for a definite or indefinite period of time,

(e) prescribe any measure or course of remedial education or treatment as a condition of possession of an operator's licence, and

(f) prescribe terms and conditions for the possession of an operator's licence.

(2) The Board shall not suspend or restrict an operator's licence of a person without giving him at least 10 days' notice in writing and giving him an opportunity to be heard in person or by counsel.

(3) In making a decision the Board may take into consideration the person's accident record, conviction record, driver attitude, driving skill and knowledge, driving disabilities and any other factors it considers relevant.

**22.** (1) The attendance of a licensee or witness before the Board may be enforced by a notice issued by a member of the Board requiring the licensee or witness to attend and stating the time and place at which attendance is required.

(2) Any member of the Board may administer an oath to any person who is to give evidence before it.

(3) A person

(a) who fails to attend before the Board in obedience to a notice to attend, or

(b) who, being a witness, refuses to be sworn or to answer any question directed to be answered by the person presiding at a hearing of the Board,



**21. Functions of Driver Control Board.**

**22. Summoning person before Board.**

is liable to attachment upon application to a judge of the Supreme Court and may be proceeded against as for a civil contempt of that court.

(4) Subject to the regulations, testimony may be adduced before the Board in such manner as the Board considers proper and the Board is not bound by the rules of law concerning evidence applicable to judicial proceedings.

**23.** (1) Where the Board has suspended the operator's licence of a person for an indefinite period or for a period in excess of six months, the person may apply to the Board for a review of the suspension and the Board shall, within 30 days, give him an opportunity to be heard.

(2) No person may apply for a review under subsection (1) more often than once every six months.

(3) On a review under subsection (1), the Board may confirm, modify or set aside any earlier decision by it.

(4) Any person who considers himself aggrieved by a decision of the Board may, within 30 days after the decision of the Board is sent to his latest address as recorded with the Board, appeal the decision of the Board to a judge of the District Court.

(5) The judge may confirm, modify or set aside the decision of the Board.

#### **Use of Licences**

**24.** (1) No person shall use or be in possession of

- (a) an operator's licence belonging to any other person,  
or
- (b) an operator's licence that has been cancelled or suspended, or
- (c) any fictitious document purporting to be an operator's licence.

(2) No person who holds an operator's licence shall permit any other person to use or be in possession of his licence.

(3) No person shall have in his possession more than one operator's licence.

**25.** No person shall

- (a) mutilate, deface or alter an operator's licence, or
- (b) possess an illegible, mutilated, altered or defaced operator's licence.

**23. Review and appeal.**

**24. Possession of licence.**

**25. Misuse of licence.**

**26. A person who operates a motor vehicle**

- (a) of a type that he is not authorized to operate under the class of operator's licence that he holds, or
- (b) contrary to a restriction or condition on his licence, is guilty of an offence.

**27. (1)** No person shall permit anyone who is not the holder of an operator's licence to drive a motor vehicle.

(2) No person shall permit anyone to drive a motor vehicle other than one of the type that his licence permits him to drive.

**28.** No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under the provisions of this Act to drive the motor vehicle.

**29.** Subject to section 9, 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.

**30. (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 9.

(2) A person who is engaged in teaching another person 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.

**31. (1)** Every driver of a motor vehicle shall carry his operator's licence with him at all times during which he is driving a motor vehicle and shall produce it for inspection upon demand by any peace officer.

(2) Every person while engaged in instructing a student driver shall carry his operator's licence with him and shall produce it for inspection upon demand by any peace officer.

**32.** Where a person produces to a peace officer an operator's licence that is illegible, mutilated, defaced or altered, the peace officer shall require that person to produce a properly issued duplicate licence within a reasonable time.

**33. A person who on the demand of a peace officer**

- (a) fails to produce his operator's licence as required by section 31, or
  - (b) fails to produce a duplicate licence as required by section 32,
- is guilty of an offence.

**26.** Offence of contravening conditions.

**27.** Drivers to be disqualified.

**28.** Renting to unqualified driver.

**29.** Learner to be accompanied.

**30.** Use of learner's licence.

**31.** Production of licence.

**32.** Production of replacement licence.

**33.** Failure to produce licence.

## PART 2

### REGISTRATION OF MOTOR VEHICLES AND TRAILERS

#### Requirement of Registration

34. (1) Subject to this Act,

- (a) no person who is the owner of a motor vehicle or trailer shall operate or suffer or permit any other person to operate the motor vehicle or trailer on a highway at any time during which that owner is not the holder of a subsisting certificate of registration issued pursuant to this Act for the motor vehicle or trailer, and
- (b) no person shall operate on a highway any motor vehicle or trailer in respect of which there is not for the time being a subsisting certificate of registration issued pursuant to this Act.

(2) The Lieutenant Governor in Council may exempt any vehicle or class of vehicles from registration under this Act.

(3) Where a person who is the owner of a vehicle other than a commercial vehicle or public service vehicle and who is resident outside Alberta has complied with the laws of his place of residence with respect to the registration and licensing of the vehicle then, if the vehicle is carrying displayed thereon the registration number plates assigned under those laws to that vehicle, it may be brought into Alberta for temporary use within the Province for the shorter of

- (a) a period not exceeding six months, or
- (b) the period during which the registration and licensing of the vehicle under the laws of his place of residence subsists,

and during that period the vehicle shall be deemed to be registered pursuant to this Act.

(4) A person who operates a motor vehicle or trailer upon a highway without a subsisting certificate of registration for that motor vehicle or trailer is guilty of an offence.

(5) A person who knowingly operates a motor vehicle on a highway

- (a) while the certificate of registration of the motor vehicle is cancelled, or
- (b) while the certificate of registration of the motor vehicle is under suspension,

is guilty of an offence.

**34. Registration.**

**35.** (1) The Lieutenant Governor in Council may make or authorize to be made with the government of any other province or territory a reciprocal arrangement or agreement

- (a) exempting any class or classes of motor vehicle owners ordinarily resident in that other province from the application of this Act as to
  - (i) the registration and licensing of motor vehicles, and
  - (ii) the carrying and displaying upon motor vehicles of licences and number plates, and
- (b) providing for the granting by that other province of similar exemptions and privileges with respect to the motor vehicle owners ordinarily resident in Alberta.

(2) Every arrangement or agreement and the exemptions thereunder made under subsection (1) shall be

- (a) subject to the condition that no person shall be entitled to any exemption or privilege in respect of a motor vehicle in Alberta unless the owner of the motor vehicle has complied with the law of his place of residence as to the registration and licensing of motor vehicles and carries or causes to be carried on the motor vehicle the certificate or licence and the number plates prescribed by the law of that place, and
- (b) subject to all further conditions and restrictions set out in the arrangement or agreement and to cancellation by the Lieutenant Governor in Council.

#### **Issue of Certificates of Registration**

**36.** (1) An application for the registration of a motor vehicle or trailer shall be made to the Minister in the form and giving those particulars which the Minister prescribes.

(2) No person shall

- (a) apply for, or
- (b) procure, or
- (c) attempt to procure,

the registration of a motor vehicle during a period when the registration of the motor vehicle or the certificate of registration issued therefor is suspended or cancelled.

(3) No person shall

- (a) apply for, or
- (b) procure, or
- (c) attempt to procure,

the registration of a vehicle in the name of a non-existent corporation.



**35. Reciprocal agreements re licensing.**

**36. Application for registration.**

(4) Where a vehicle is registered in the name of a non-existent corporation the person who signed the application for registration shall, for the purposes of this Act and *The Public Service Vehicles Act*, be deemed to be the owner of the vehicle.

(5) No liability attaches to the Crown for any loss caused by incorrect information contained in an application for registration of a motor vehicle or trailer, notwithstanding that the information may have been entered on the application form by some person other than the applicant.

**37.** (1) The Lieutenant Governor in Council may

- (a) for the purpose of registration, classify trailers into such classes as he considers convenient having regard to carrying capacity, construction, use or any other circumstances;
- (b) fix the fee payable on registration of all or any class of trailers;
- (c) fix different fees in respect of different classes of trailers at such amounts as he considers proper;
- (d) exempt any class of trailer from the requirement of registration;
- (e) make regulations as to the issuance, form and notice of registration plates and the display of such plates on the trailer.

**38.** (1) Upon receipt of an application for the registration of a motor vehicle or trailer and upon payment of the registration fee prescribed by the regulations, the Minister

- (a) in his discretion, but
  - (b) subject to the restrictions in this Act,
- may issue the certificate of registration applied for.

(2) Before issuing a certificate of registration to an applicant, the Registrar or a licence issuer may require

- (a) proof of ownership by the person named in the application, or
- (b) production of a financial responsibility card issued in respect of the motor vehicle for which registration is sought, or
- (c) production of a certificate of inspection approval in respect of the motor vehicle for which registration is sought.

(3) Subject to the provisions of this Act as to suspension, cancellation and expiry, a certificate of registration issued pursuant to this Part is valid for the period prescribed by the regulations.

**37. Regulations re trailers.**

**38. Certificate of registration.**

**39.** (1) Except as provided by this section, 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 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 sufficient for the purpose of registration of the vehicle.

(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 sufficient for the purpose of the registration of the vehicle.

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

(2) When the ownership of a registered commercial vehicle passes from the registered owner to any other person, whether by an act of the owner or by the operation of law, the registration of the vehicle expires upon the 14th day after the day upon which the ownership passes.

(3) When the ownership of a registered public service vehicle passes from the registered owner to any other person, whether by an act of the owner or by the operation of law, the registration of the vehicle expires at the time the ownership passes.

(4) The registered owner of the vehicle or his legal representative shall, not later than the 14th day after the ownership so passes, deliver to the Minister the certificate of registration of the vehicle.

(5) The new owner of the vehicle or his legal representative may, not later than the 14th day after the ownership passes, apply to the Minister for

- (a) the registration of the vehicle in the name of the new owner or his legal representative, and
- (b) the transfer of the licence plates accordingly.

(6) When the ownership of a registered vehicle passes from the registered owner to any other person, the licence plates issued upon registration may, not later than 14 days after the passing of ownership, be reissued to the registered owner for use upon another vehicle owned by him, upon

- (a) compliance with the regulations,
- (b) production of satisfactory proof of ownership of the other vehicle, and
- (c) payment of the prescribed fee.

**39. Serial number.**

**40. Transfer of registration of commercial and public service vehicles.**

(7) Where the ownership of a registered vehicle passes from the registered owner, either by an act of the owner or by the operation of law, to a person engaged in the business of selling or dealing in vehicles, whether new or otherwise, or engaged in the business of automobile wreckage, that person, if the licence plates issued to the registered owner come into his possession, shall return the plates forthwith to the Minister.

(8) Where the ownership of a commercial vehicle passes from one person to another and the new owner intends to apply for the registration of the vehicle in his name, and

(a) to have transferred to him the licence plates issued to the registered owner of that vehicle, or

(b) to have reissued to him for use on that vehicle licence plates issued to him upon the registration of another motor vehicle,

then, notwithstanding sections 34 and 51, the new owner may display those licence plates on the vehicle and operate or permit another person to operate the motor vehicle on a highway for not more than 14 days after the ownership passes to him.

**41.** (1) This section applies to the registration of vehicles other than commercial vehicles or public service vehicles to which section 40 applies.

(2) Where the ownership of a registered vehicle passes from the registered owner to any other person, whether by an act of the owner or by operation of law, the registration of the vehicle expires forthwith and the registered owner shall remove the licence plates from the vehicle and retain them in his possession.

(3) At any time during the registration year for which the licence plates are issued, the person to whom they are issued may apply to the Minister to use the plates on another vehicle to be registered in his name, if the application is made within 14 days after acquiring ownership of the other vehicle and, notwithstanding sections 34 and 51 that person may display the plates on the newly acquired vehicle and operate or permit another person to operate the vehicle on a highway during that 14 day period.

(4) Where an application is made under subsection (3), the Minister may request from the applicant payment of the fees prescribed by the regulations.

(5) Where the ownership of a registered vehicle passes from the registered owner, either by an act of the owner or by the operation of law, to another person that other person, if the licence plates issued to the registered owner come into his possession, shall return the plates forthwith to the Minister.

**41. Transfer of registration of other vehicles.**

(6) Notwithstanding subsections (2) and (3), where a vehicle is registered under the names of both a lessor and lessee, and the lessee ceases to have an interest in the vehicle, the lessor shall retain the licence plates in his possession and may apply within 14 days after having leased the vehicle to a new lessee to have the registration include the new lessee of the vehicle.

(7) Notwithstanding anything in this section, where the ownership of a registered vehicle passes by reason of the death of the registered owner, the registration of the vehicle for that registration year does not expire and the following persons may during the remainder of that registration year continue to operate the vehicle under the registration of the deceased registered owner:

- (a) the spouse of the deceased registered owner if normally residing in the same dwelling premises at the time of his death,
- (b) any person having proper temporary custody of the vehicle until grant of probate or administration to the personal representative of the deceased registered owner, and
- (c) the personal representative of the deceased registered owner.

#### **Use of Certificates of Registration**

**42.** No person shall

- (a) mutilate, deface or alter a certificate of registration issued under this Act, or
- (b) possess or permit the possession by another person of an illegible, mutilated, altered or defaced certificate of registration.

**43.** (1) Every driver of a motor vehicle shall produce the certificate of registration of the vehicle for inspection upon demand by any peace officer.

(2) Where the vehicle is being operated

- (a) with licence plates issued pursuant to section 48, or
- (b) by an appraiser who has custody of the vehicle for the purpose of appraisal, or
- (c) by a mechanic who has custody of the vehicle for the purpose of repairs,

the peace officer shall give the driver of the vehicle reasonable time within which to produce the certificate of registration of the vehicle.



**42. Misuse of certificate of registration.**

**43. Production of certificate of registration.**

(3) Where a person produces to a peace officer a certificate of registration that is illegible, mutilated, defaced or altered, the peace officer shall require that person to produce a properly issued replacement certificate of registration within a reasonable time.

**44.** A person who on the demand of a peace officer

- (a) fails to produce a certificate of registration as required by section 43, subsection (1) or (2), or
- (b) fails to produce a replacement certificate of registration as required by section 43, subsection (3),

is guilty of an offence.

**45.** Upon every change of his address or change of name, the person to whom a certificate of registration is issued shall, in the manner prescribed by regulation, forthwith in writing notify the Minister of the change.

#### **Licence Plates**

**46.** (1) At the time of the issue of a certificate of registration the Minister shall issue to the owner of the registered vehicle licence plates in the number and of the design specified by the regulations.

(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,

may issue a replacement licence plate or set of licence plates, as the case requires.

**47.** 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 modifications, be deemed to include a reference to a validating tab, marker or other sign unless the regulations have made other provisions in that regard.

**44. Offence for failure to produce a certificate of registration.**

**45. Change of address or name.**

**46. Issue of licence plates.**

**47. Validation of licence plates.**

**48.** (1) Licence plates may be issued pursuant to this section to manufacturers of and dealers in motor vehicles and to persons engaged in the business of servicing motor vehicles kept for sale by manufacturers and dealers.

(2) The licence plates issued for use on motor vehicles kept for sale by manufacturers or dealers shall bear a word, letter or other device sufficient to distinguish them from licence plates issued for other motor vehicles.

(3) Licence plates issued pursuant to this section are valid for only one place of business but where the person to whom any plates are issued has more than one place of business in the same municipality, all those places shall, for the purpose of this subsection, be considered one place of business.

(4) The fee required by the Minister on the issue of licence plates under this section may be of a fixed amount or may vary with the number of licence plates issued to the person.

**49.** (1) No person shall attach a licence plate issued pursuant to section 48 to any vehicle

- (a) that is not kept for sale by a manufacturer or dealer, or
- (b) that is not used in the promotion of sales by a manufacturer or dealer or any employee or agent of either of them, or
- (c) that is not for the time being in custody and control of a manufacturer or dealer or any employee or agent of either of them for the purposes of testing or servicing.

(2) No person shall attach a licence plate issued pursuant to section 48 to any vehicle

- (a) that is kept for hire, or
- (b) that is carrying freight.

(3) No person shall use or operate on a highway a motor vehicle to which a licence plate is attached contrary to this section.

(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.

**50.** Where a dealer in motor vehicles takes possession of a motor vehicle for the purpose of selling it on behalf of the owner and current licence plates have been issued for the motor vehicle

**48. Dealers' licence plates on other vehicle.**

**49. Use of dealers' licence plates.**

**50. Removal of licence plates on sale of vehicle.**

- (a) the owner of the motor vehicle shall remove the licence plates and retain them in his possession, and
- (b) the dealer shall not accept the motor vehicle until the licence plates have been removed from it.

**51.** No person shall

- (a) attach to a motor vehicle or trailer, or
- (b) operate a motor vehicle or trailer to which is attached,

a licence plate other than a licence plate authorized for use on that motor vehicle or trailer.

**52.** No person shall operate or park a motor vehicle or trailer upon a highway unless each licence plate required is attached to the vehicle in the location and in the manner prescribed by the regulations.

**53.** (1) The operator of a motor vehicle or trailer shall at all times keep any licence plate required to be attached to the vehicle secured in a manner and maintained in a condition so as to be clearly visible and readable and unobscured by any part of the vehicle or its attachments or load or otherwise.

(2) No person shall be considered to contravene subsection (1) by reason only that a trailer is attached to the rear of a motor vehicle that he owns or operates.

**54.** No person shall operate a motor vehicle or trailer on a highway with an expired licence plate displayed thereon.

**55.** No person shall

- (a) deface or alter any licence plate issued under this Act, or
- (b) use or permit the use of any defaced or altered licence plate, or
- (c) permit any licence plate issued to him to be used in contravention of this Act.

**56.** Any peace officer who has reason to believe that a motor vehicle is carrying licence plates

- (a) that were not issued for that motor vehicle, or
- (b) that, although issued for that motor vehicle, were obtained by false pretences,

may take possession of those licence plates and retain them until the facts concerning the issue of those licence plates have been determined.

**51.** Display of licence plates.

**52.** Licence plate to be attached.

**53.** Legibility of licence plates.

**54.** Expired licence plates.

**55.** Misuse of licence plates.

**56.** Seizure of licence plates.

### PART 3

#### MISCELLANEOUS

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

- (a) for a contravention of this Act or of the regulations, or of *The Highway Traffic Act, 1975* or the regulations thereunder, or of *The Fuel Oil Licensing Act*, or of *The Fuel Oil Tax Act*, or of *The Public Service Vehicles Act* or the regulations thereunder, or
- (b) where he is unsatisfied as to the physical or other competency of the holder of the licence, certificate or permit, or
- (c) for any other reason appearing to the Minister to be sufficient.

(2) Any person who knowingly makes any false statement of fact in any application, declaration or other document required by this Act or by the regulations or by the Minister in order to procure the issue of an operator's licence or a certificate of registration or permit is guilty of an offence.

(3) Where a person who is not a resident of Alberta is convicted of contravening any provision of Part 3, 4 or 9 of *The Highway Traffic Act, 1975*, the Minister

- (a) may by order prohibit that person from driving in Alberta until the fine imposed on the conviction has been satisfied, and
- (b) may notify the proper authorities of the jurisdiction where the person resides of the conviction and of the non-satisfaction of the fine imposed.

(4) Where a resident of Alberta

- (a) is convicted in any other jurisdiction in Canada of contravening a provision similar to a provision in Part 3, 4 or 9 of *The Highway Traffic Act, 1975*, and
- (b) fails to satisfy the fine imposed upon the conviction, the Minister may suspend the operator's licence of the person until such time as he satisfies the fine so imposed.

(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 immediately 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.



**57. Suspension by Minister.**

(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 acting at the request of the Minister shall secure possession thereof and return the suspended article or articles to the office of the Registrar.

(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.

**58.** Any fine or penalty imposed under this Act

- (a) on a conviction for an offence occurring in a city, town or village enures to the benefit of the city, town or village,
- (b) on a conviction for an offence occurring in a county or municipal district, elsewhere than on a primary highway, enures to the benefit of the county or municipal district, and
- (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 meanings, assigned to them in the *Indian Act* (Canada),

but in all other cases the fines and penalties belong to the Province.

**59.** (1) The Lieutenant Governor in Council may make regulations

- (a) with respect to licence plates,
  - (i) authorizing the number of licence plates to be issued,
  - (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,

**58.** Disposition of fines and penalties.



**59.** Regulations.

- (iv) prescribing the form and design of validating tabs, where they are to be attached to licence plates, and the manner of display,
  - (v) prescribing any requirements and prohibitions necessitated by the use of any number of licence plates authorized under this clause and by the use of validating tabs, markers or other signs in conjunction with licence plates, and
  - (vi) prescribing the terms and conditions under which licence plates may be sold by an agent on behalf of the Minister;
- (b) prescribing fees for licences, permits and certificates required pursuant to this Act or the regulations;
  - (c) prescribing fees for supplying information relating to the licensing of persons and vehicles, and for supplying copies of or extracts from driving records and accident reports;
  - (d) 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 an operator's licence.
- (2) The Minister may make orders
- (a) prescribing forms;
  - (b) fixing the times at which and the persons to whom returns are to be made;
  - (c) governing the use of a photograph on an operator's licence and prescribing terms and conditions that may be required for the attachment of a photograph to an operator's licence;
  - (d) prescribing terms and conditions governing the registration of motor vehicles;
  - (e) governing, restricting or prohibiting the registering and licensing of motor vehicles in the name of a person under any specified age;
  - (f) governing the registration and operation of motor vehicles kept for sale by manufacturers of motor vehicles and dealers in motor vehicles;
  - (g) requiring and governing the marking on any class of motor vehicles of the displacement or horsepower of the motors thereof.



## PART 4

### FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS

#### 60. In this Part

- (a) "insurer" means a person licensed to carry on the business of automobile insurance in Alberta;
- (b) "state of the United States of America" includes the District of Columbia;
- (c) "policy" means an owner's or non-owner's motor vehicle liability policy in conformity with Part 7 of *The Alberta Insurance Act*.

61. Nothing in this Part shall be construed in such a way as to affect, diminish or derogate from any right of action, remedy or security that any person may have either at law or equity.

#### 62. (1) Where

- (a) a judgment for damages arising out of a motor vehicle accident is rendered against a person by a court in Alberta or in any other province or territory of Canada, and
- (b) that person fails, within 15 days from the date upon which the judgment became final, to satisfy the judgment,

the Minister, subject to sections 63 and 64 may suspend the operator's licence of that person and may suspend the registration of any or every motor vehicle registered in the name of that person.

(2) Where an operator's licence and registration are suspended under subsection (1), the licence and registration remain suspended and shall not at any time thereafter be renewed, nor shall any new operator's licence be issued to, or new registration be permitted to be made by the person liable, until the judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of

- (a) at least \$35,000, exclusive of interest and costs, where the judgment arises out of a motor vehicle accident occurring before January 1, 1974, or
- (b) at least \$50,000, exclusive of interest and costs, where the judgment arises out of a motor vehicle accident occurring on or after January 1, 1974.

(3) Upon the Minister being satisfied that any state of the United States of America has enacted legislation similar in effect to subsection (1) and that the legislation extends

**60.** Definitions.

**61.** Saving of rights.

**62.** Failure to satisfy judgment.

and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Alberta, the Minister may, by order, extend and apply the provisions of subsection (1) or (2) to judgments rendered and become final against residents of Alberta by any court of competent jurisdiction in the state.

(4) If, after complying with subsection (2), any other judgment against the same person for any accident that occurred before subsection (2) was complied with, is reported to the Minister, the operator's licence and every registration of a motor vehicle of the person shall again be suspended and shall remain suspended until the judgment is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent set out in subsection (2).

(5) If any person to whom subsection (1) applies is not resident in Alberta,

(a) the privilege of operating a motor vehicle in Alberta, and

(b) the privilege of operating in Alberta any motor vehicle registered in his name,

is suspended and withdrawn forthwith by virtue of the judgment until he has complied with this section.

(6) Where an operator's licence or a certificate of registration of a motor vehicle has been suspended as a result of a judgment obtained against a person who was not driving the vehicle involved in the accident, the Minister in his absolute discretion may reinstate the licence or certificate of registration or both, notwithstanding any other provision of this section.

**63.** (1) A judgment debtor to whom this Part applies may on due notice to the judgment creditor apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments.

(2) Where the Provincial Treasurer has made a payment with respect to a judgment pursuant to *The Motor Vehicle Accident Claims Act* or *The Motor Vehicle Accident Indemnity Act*, the judgment debtor

(a) may apply to the Minister for the privilege of paying the judgment to the Provincial Treasurer in instalments, in which case the Minister may cause an agreement to be entered into with the debtor for payment by instalments, or

(b) may apply to the court pursuant to subsection (1) for the privilege of paying the judgment to the Provincial Treasurer, in which case the debtor shall give due notice of the application to the Adminis-



**63. Payment of judgment by instalments.**

trator of *The Motor Vehicle Accident Claims Act* who may appear personally or by counsel and be heard on the application.

(3) Except in a case to which subsection (2) is applicable, a judgment debtor and the judgment creditor may enter into an agreement for the payment of the judgment in instalments.

(4) While the judgment debtor is not in default in payment of the instalments, he shall be deemed not in default for the purposes of this Part in payment of the judgment, and the Minister in his absolute discretion may restore the operator's licence and registration of the judgment debtor but the operator's licence and registration shall again be suspended and remain suspended as provided in section 62 if the Minister is satisfied of default made by the judgment debtor in compliance with the terms of the court order or of the agreement.

**64.** (1) Where a person becomes liable to suspension of his operator's licence or motor vehicle registration because of a final judgment being rendered against him outside Alberta for damages arising out of a motor vehicle accident, he may make an application for relief to a judge of the Supreme Court of Alberta.

(2) Where an application for relief is made to a judge of the Supreme Court,

- (a) if the operator's licence of the applicant or the registration of motor vehicles registered in the name of the applicant has not then been suspended by the Minister, the judge, if the circumstances so warrant, may direct that the operation of section 62 subsection (1) be suspended, in respect of the suspension of licence or registration or both, upon such terms and conditions as to the judge seem proper, or
- (b) if the operator's licence of the applicant or the registration of motor vehicles registered in the name of the applicant has been suspended by the Minister, the judge if the circumstances so warrant, may direct that the Minister remove the suspension of the licence or registration, or both, upon such terms and conditions as to the judge seem proper.

**65.** (1) The clerk or registrar of the Supreme Court or, where there is no clerk or registrar, the judge of the Court in which any final order, judgment or conviction to which this Part applies is rendered shall forward to the Minister immediately a certified copy of the order, judgment or conviction or a certificate thereof in a form prescribed by the Minister.

**64.** Application for relief.

**65.** Report by clerk of court.

(2) The certified copy or certificate is prima facie proof of the order, judgment or conviction.

(3) The clerk or other official charged with the duty of reporting to the Minister is entitled to collect and receive a fee of \$1 for each copy or certificate hereby required.

(4) If the defendant is not resident in Alberta, the Minister shall transmit to the Registrar or other officer or officers, if any, in charge of the registration of motor vehicles and the licensing of operators in the province or state in which the defendant resides, a certificate of the order, judgment or conviction.

**66.** (1) Upon the written request of any person the Minister may, in his discretion, furnish to an insurer or surety an abstract of the driving record of any person covering the three year period immediately preceding the request or such greater period as the Minister, in his discretion allows.

(2) The Minister, upon written request, shall furnish any person who may have been injured in person or property by any motor vehicle, with all information of record in his office pertaining to the proof of financial responsibility furnished pursuant to this Part of any owner or driver of any motor vehicle.

(3) Upon the written request of any person, the Minister may, in his discretion, issue an abstract of the driver's record of that person to the person's employer or a prospective employer.

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

(5) Upon written 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 10, 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.

**67.** (1) Where the owner of a motor vehicle is a corporation and produces to the Registrar a certificate issued by the Superintendent of Insurance showing that

(a) the corporation maintains a separate insurance fund for the purpose of satisfying therefrom liabilities it may incur resulting from bodily injury to or the death of any person, or damage to property, occasioned by or arising out of the ownership, maintenance, operation or use of the motor vehicle by the corporation, and

**66.** Abstract of driving record.

**67.** Issue of financial responsibility cards.

- (b) in the opinion of the Superintendent, the insurance fund is adequate to satisfy all liabilities that the corporation is likely to incur, subject, in the case of each motor vehicle registered in the name of the corporation, to the limits as to amount and the accident insurance benefits specified in Part 7 of *The Alberta Insurance Act*,

the Registrar shall issue and deliver to the corporation a financial responsibility card, and shall, on request of the corporation, issue and deliver to it a copy of the card issued to the corporation for each motor vehicle registered in the name of the corporation.

(2) In the case of an owner of 10 or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount not less than \$100,000, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part.

(3) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance.

(4) Where the owner of a motor vehicle to whom the Registrar has issued a financial responsibility card ceases to maintain, as required by this Part, the financial responsibility in respect of which the card was issued, he shall forthwith deliver to the Registrar for cancellation the card and all copies of the card issued to him.

**68.** (1) Every insurer that issues an owner's policy shall

- (a) at the time of issue thereof also issue and deliver to the insured named in the policy a financial responsibility card and a duplicate thereof, and
- (b) on request by the insured, issue and deliver to him one copy of the financial responsibility card delivered to the insured for each person who commonly drives the motor vehicle to which the card refers, or for each motor vehicle of which the policy is issued.

(2) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance.

(3) Except where it issues an owner's policy outside Alberta, an insurer may print and prepare the financial responsibility card for issue and delivery to its insured if the financial responsibility card is in a form approved by the Superintendent of Insurance.

(4) An insurer that issues owner's policies outside Alberta may issue financial responsibility cards in respect of such policies, but

**68.** Issue of financial responsibility cards.

- (a) in the case of an insurer that is licensed to carry on in Alberta the business of automobile insurance, every card issued by it shall show that the policy thereon mentioned complies with Part 7 of *The Alberta Insurance Act*, and
  - (b) in the case of an insurer that is not so licensed, the insurer shall file with the Superintendent of Insurance, in a form prescribed by him,
    - (i) a power of attorney authorizing the Superintendent of Insurance to accept service of any notice or process for itself in any action or proceeding against it arising out of a motor vehicle accident in Alberta, and
    - (ii) an undertaking
      - (A) to appear in any action or proceeding against it or its insured arising out of a motor vehicle accident in Alberta, and of which it has knowledge,
      - (B) that upon receipt from the Superintendent of Insurance of any notice or process served upon him in respect of its insured, or in respect of its insured and another or others and sent by the Superintendent of Insurance to it as hereinafter provided, it will forthwith cause the notice or process to be personally served upon its insured, and
      - (C) not to set up to any claim, action or proceeding under a motor vehicle liability policy issued by it any defence that might not be set up if such policy had been issued in Alberta in accordance with the law of Alberta relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy and, in any event to an amount not less than the limits of liability fixed in Part 7 of *The Alberta Insurance Act*, any judgment rendered against it or its insured by a court in Alberta which has become final in any such action or proceeding.
- (5) Where an insurer to which subsection (4) refers is not authorized to carry on in Alberta the business of automobile insurance, notice or process in any action or proceeding in Alberta against it or its insured arising out of a motor vehicle accident in Alberta may be effectually served upon the insurer or the insured, or upon both of them, by leaving three copies of the notice or process with the Superintendent of Insurance, but if the insurer is not a party to the action or proceeding the person who leaves with the Superintendent the copies of the notice or process shall at





the same time leave with him a written statement signed by the person who issued or caused to be issued the notice or process and stating the full name and address of the insurer against whose insured the action or proceeding is taken.

(6) Upon receipt of notice or process under subsection (5) the Superintendent of Insurance shall forthwith mail two copies thereof, by registered mail, to the insurer at its address last known to him.

(7) In any action or proceeding against an insurer who has given to the Superintendent of Insurance an undertaking under subsection (4), clause (b), subclause (ii), the plaintiff may give evidence of the undertaking, and the undertaking shall, for all purposes of the action or proceeding, be deemed to be a covenant for valuable consideration made by the insurer with the plaintiff.

(8) If an insurer that has filed the documents described in subsection (4) defaults thereunder, certificates of the insurer shall not thereafter be accepted as proof of financial responsibility so long as such default continues, and the Registrar shall forthwith notify the Superintendent of Insurance and the proper officers in charge of the registration of motor vehicles and the licensing of drivers in all provinces of Canada and in all states, territories or districts in the United States, where the certificates of the insurer are accepted as proof of financial responsibility, of such default.

**69.** (1) Where a person is insured under a policy of the type commonly known as "a garage and sales agency policy" whereby he is insured against liability, to no lesser limits and matters as specified in Part 7 of *The Alberta Insurance Act*, the insurer who issues the policy shall

- (a) at the time of issue thereof, issue and deliver to the named insured a financial responsibility card and duplicate thereof, and
- (b) on request by the insured, issue and deliver to him one additional card, which shall be a copy of the financial responsibility card delivered to the insured, for any person who is authorized to drive the motor vehicle owned by the insured or in his charge.

(2) A financial responsibility card issued under this section shall be in a form approved by the Superintendent of Insurance and shall be signed in handwriting and in ink, with his normal signature, by the person for whose use the card or additional card is issued, and the card shall bear the number of the operator's licence held by him as at the date on which the card is issued.

**69. Garage and sales agency policies.**

### Offences and Penalties

**70.** (1) The operator of a motor vehicle shall, upon the request of a peace officer, produce a financial responsibility card for that vehicle.

(2) Where the motor vehicle is being operated

- (a) with licence plates issued pursuant to section 48,  
or
- (b) by an appraiser who has custody of the vehicle for the purpose of appraisal, or
- (c) by a mechanic who has custody of the vehicle for the purpose of repairs, or
- (d) by the proprietor of or an employee of a service station who has, on behalf of the service station, the custody of a motor vehicle in the course of service station business duties relating to the vehicle,

the peace officer shall give the operator of the vehicle reasonable time within which to produce the financial responsibility card.

(3) Where a newly acquired motor vehicle is being operated with licence plates issued to another motor vehicle pursuant to section 41, subsection (3), and if the operator of the vehicle produces

- (a) proof of the purchase, within the immediately preceding 14 days of the newly acquired vehicle, and
- (b) a financial responsibility card for the vehicle to which the licence plates are issued,

the peace officer shall give the operator of the vehicle reasonable time within which to produce a financial responsibility card for the newly acquired vehicle.

(4) The operator of a motor vehicle who fails to produce a financial responsibility card as required by subsection (1), (2) or (3) is guilty of an offence and is liable on summary conviction to a fine of not more than \$5.

(5) The operator of a motor vehicle who, when requested to produce a financial responsibility card as required by this section,

- (a) produces a false financial responsibility card, or
- (b) produces a financial responsibility card relating to an insurance policy which is invalid at the time of production

is guilty of an offence.

(6) This section does not apply with respect to a motor vehicle that is registered in a country, state, territory or province other than Alberta or to a motor vehicle owned by the Crown or to a motor vehicle registered only as an antique motor vehicle.

**70. Production of financial responsibility card.**

**71. (1) A person who**

- (a) applies for the registration of a motor vehicle when it is not an insured motor vehicle, or
- (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.

**(2) A person who**

- (a) operates a motor vehicle that is not an insured motor vehicle on a highway, or
- (b) has on a highway a motor vehicle that is not an insured motor vehicle

is guilty of an offence.

**(3) A registered owner of a motor vehicle that is not an insured motor vehicle who**

- (a) permits any other person to operate that motor vehicle on a highway, or
- (b) permits any other person to have that motor vehicle on a highway

is guilty of an offence.

(4) Where the registration of a motor vehicle is suspended under this Act it is still a registered motor vehicle for the purposes of this section.

**72. A person who**

- (a) fails to deliver to the Registrar for cancellation as required by section 67, subsection (4) a financial responsibility card or any additional card issued to him, or
- (b) gives or loans to a person not entitled to have the same a financial responsibility card or additional card

is guilty of an offence.

**71. Offences.**

**72. Offence.**

## PART 5

### CIVIL RIGHTS AND REMEDIES

**73.** Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute an action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator of any motor vehicle or from the negligence of any agent or employee of the owner.

**74.** Where a person sustains loss or damage arising out of the operation of a vehicle upon a highway and where that vehicle is operated in contravention of any provision of this Act, the onus of proof in any civil proceeding that the loss or damage did not arise by reason of the contravention of this Act is upon the owner or driver thereof.

**75. (1)** When any loss or damage is sustained or incurred by any person by reason of a motor vehicle in motion, the onus of proof that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is upon the owner or driver of the motor vehicle.

(2) This section does not apply in the case of a collision between motor vehicles upon a highway.

(3) In this section motor vehicle includes a tractor and a self-propelled implement of husbandry.

**76.** In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle upon a highway,

(a) a person driving the motor vehicle and living with and as a member of the family of the owner thereof, or

(b) a person who is driving the motor vehicle and who is in possession of it with the consent, express or implied, of the owner thereof,

shall be deemed to be the agent or servant of the owner of the motor vehicle and to be employed as such, and shall be deemed to be driving the motor vehicle in the course of his employment, but nothing in this section relieves any person deemed to be the agent or servant of the owner and to be driving the motor vehicle in the course of his employment from the liability for the damages.



**73.** Action for negligence not affected.

**74.** Onus where Act contravened.

**75.** Onus on owner or driver.

**76.** When driver deemed agent of owner.

**77. (1) No person transported by the owner or driver of a motor vehicle as his guest without payment for the transportation has any cause of action for damages against the owner or driver for injury, death or loss, in case of accident, unless**

**(a) the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle, and**

**(b) the gross negligence or wilful and wanton misconduct contributed to the injury, death or loss for which the action is brought.**

**(2) This section does not relieve**

**(a) any person transporting passengers for hire or gain, or**

**(b) any owner or operator of a motor vehicle that is being demonstrated to a prospective purchaser, of responsibility for any injury sustained by a passenger being transported for hire or gain or sustained by any such prospective purchaser.**

**(3) Where the owner of a motor vehicle is being driven in his own motor vehicle by another person, subsection (1) applies as if the owner were the guest of the driver.**

**77. Action by gratuitous passenger.**

## PART 6

### ACCIDENT REPORTS

**78.** In this Part, "vehicle" means a vehicle other than one powered by muscular power.

**79.** (1) When an accident occurs on a highway, the driver or other person in charge of a vehicle that was directly or indirectly involved in the accident

- (a) shall remain at or immediately return to the scene of the accident,
- (b) shall render all reasonable assistance, and
- (c) shall produce in writing to any one sustaining loss or injury, to any peace officer and to a witness
  - (i) his name and address,
  - (ii) the number of his operator's licence,
  - (iii) the name and address of the registered owner of the vehicle,
  - (iv) the registration number of the motor vehicle, and
  - (v) a financial responsibility card in respect of that vehicle, issued pursuant to Part 4 of this Act or Part 7 of *The Alberta Insurance Act*,or such of that information as is requested.

(2) The driver of a vehicle that collides with an unattended vehicle shall stop and

- (a) shall locate and notify the person in charge or owner of the unattended vehicle of the name and address of the driver, the number of his operator's licence and the registration number of the vehicle striking the unattended vehicle, or
- (b) shall leave in a conspicuous place in or upon the vehicle collided with a written notice giving the name and address of the driver, the number of his operator's licence and the registration number of the vehicle striking the unattended vehicle.

(3) The driver of a vehicle involved in an accident resulting in damage to property upon or adjacent to a highway, other than a vehicle under subsection (2), shall take reasonable steps to locate and notify the owner or person in charge of the property of such fact and of the name and address of the driver, the number of his operator's licence and the registration number of the vehicle.

(4) Where the driver is incapable of providing the information required by subsection (1), (2) or (3) and there

**78. Definition.**

**79. Duty of driver at accident.**

is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(5) Where no information has been provided under subsection (1), (2), (3) or (4) and the driver or occupant is not the owner of the vehicle, the owner shall forthwith after learning of the accident provide the information.

(6) Where the driver is alone, is the owner and is incapable of providing the information required by subsection (1), (2) or (3), he shall provide the information forthwith after becoming capable to do so.

(7) 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.

(8) 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.

(9) Where arrangements have been made by a peace officer pursuant to subsection (8), the motor vehicle shall be deemed to be an abandoned motor vehicle and shall be then subject to the provisions of section 89.

**80.** (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 \$350 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.

(2) Where the driver is incapable of making the report required by subsection (1) and there is another occupant of the vehicle capable of making the report, the occupant shall make the report required to be made by the driver.

(3) Where no report has been made under subsection (1) or (2) and the driver or occupant is not the owner of the vehicle, the owner shall forthwith after learning of the accident make the report.

(4) Where the driver is alone, is the owner and is incapable of making the report required by subsection (1), he shall make the report forthwith after becoming capable of making it.

**30. Written report of accident.**



**81.** A peace officer who has witnessed or investigated an accident shall forthwith forward to the Registrar a written report, in the form prescribed by the Minister, setting forth full particulars of the accident including the names and addresses of the persons involved and the extent of the personal injuries or property damage.

**82.** Where a report has been made under section 79, 80 or 81 the Registrar may require the driver involved or a peace officer or person having knowledge of the accident to furnish additional information or to make a supplementary report.

**83.** (1) Subject to subsection (2), a written report or statement made or furnished under this Part or Part 4 of *The Highway Traffic Act*

- (a) is not open to public inspection, and
- (b) is not admissible in evidence for any purpose in a trial arising out of the accident except to prove
  - (i) compliance with section 83, 84 or 85 of *The Highway Traffic Act* or section 80, 81 or 82 of this Act, as the case may be, or
  - (ii) falsity in a prosecution for making a false statement in the report or statement, or
  - (iii) the identity of the persons who were driving the vehicles involved in the accident.

(2) Where a person or insurance company has paid or may be liable to pay for damages or recovers or may be entitled to recover damages resulting from an accident in which a motor vehicle is involved, the person and insurance company and any solicitor, agent or other representative of the person or company, may be given by the Minister or a peace officer such information as may appear in any report made under section 83, 84 or 85 of *The Highway Traffic Act* or section 80, 81 or 82 of this Act, as the case may be, in respect of

- (a) the date, time and place of the accident,
- (b) the identification of vehicles involved in the accident,
- (c) the name and address of any parties to, or involved in, the accident,
- (d) the names and addresses of witnesses to the accident,
- (e) the names and addresses of persons or bodies to whom the report was made,
- (f) the name and address of any peace officer who investigated the accident,



**31.** Accident report by peace officer.

**32.** Additional information re accident.

**33.** Inspection of accident report.

- (g) the location of the road upon which the accident occurred, the direction of travel of the vehicles involved, the weather and highway conditions at the time of the accident,
- (h) the estimate of damages sustained by any person involved in the accident,
- (i) the names and addresses of any insurance companies insuring any parties to, or involved in, the accident, and
- (j) any diagram made with respect to the accident and the fact of any visit to the scene of the accident.

**84.** (1) Any person who knowingly makes any statement required by this Part that is false is guilty of an offence.

(2) In a prosecution for failure to make a report required by this Part in respect of an accident, the place of the offence shall be deemed to be the place where the accident occurred.

**85.** (1) No person shall commence the repairs or direct or require the repairs to be commenced on a motor vehicle that shows evidence of having been involved in an accident required to be reported under section 80 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.

(2) A person who contravenes this section is guilty of an offence.

**84. Penalties for false statements.**

**85. Repair of damaged vehicle.**

## **PART 7**

### **DUTIES AND PROHIBITIONS**

**86.** (1) No person shall sell or offer for sale or expose for sale

(a) any portion of a motor vehicle or of the engine of a motor vehicle, or

(b) any accessory for a motor vehicle,

that has been serially numbered by the manufacturer or maker if the serial number has been removed, obliterated or defaced or if the serial number is not clearly visible.

(2) This section does not apply to the sale of retreaded or used tires.

**87.** (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 39,

cut, embossed or otherwise premanently marked or attached thereon in the space provided for such identification by the manufacturer 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 39, subsection (3).

(2) A person destroying or dismantling a motor vehicle in such a manner as to make it inoperative shall not use or allow the serial number plate of that motor vehicle to be used on any other motor vehicle and shall destroy the serial number plate.

**88.** Where a motor vehicle that is stored in or left at a public garage, parking station, parking lot, used car lot, repair shop or on any private property is unclaimed for 30 days or more, the person in charge of the place where the motor vehicle was stored or left shall immediately report the presence of the unclaimed motor vehicle to the police department having jurisdiction in that area, giving the licence plate number and a description of the motor vehicle and such information as he may have relating to the person storing or leaving the vehicle at his place of business.

#### **Duties of Dealers**

**89.** No person shall

(a) sell to, or

(b) purchase for or on behalf of,

**86. Serial numbers on parts.**

**87. Serial number on motor vehicles.**

**88. Report of unclaimed vehicle.**

**89. Restriction on motor cycle sales.**

a person under the age of 16 years a motor cycle having an engine displacement greater than the maximum displacement prescribed by the regulations.

**90.** (1) Every person who buys, sells, wrecks, stores or otherwise deals in motor vehicles shall, if a motor vehicle remains in his possession without good reason or under suspicious circumstances, forthwith report the matter to a peace officer in the vicinity.

(2) Every person engaged in the business of buying, selling, exchanging, wrecking, painting, altering or otherwise dealing in motor vehicles shall keep a record of every motor vehicle bought, sold, exchanged, dismantled, wrecked, painted, altered or broken up by him and shall produce the record for inspection at any time upon the demand of a peace officer.

(3) Where a motor vehicle, the manufacturer's serial number or other identifying mark of which is obliterated or illegible is offered for sale to a dealer in motor vehicles the dealer

(a) shall forthwith report the matter to the nearest peace officer,

(b) shall not buy, sell, wreck or otherwise deal with the vehicle until he has received convincing proof that the person offering the vehicle for sale has the right to sell it, and

(c) shall keep a record of any such vehicles purchased by him and of the facts convincing him of the right of the person offering the vehicle for sale to sell it.

(4) This section does not apply to a dealer

(a) who enters into a contract with or who is approved by a municipality for the operation of a motor vehicle disposal area, and

(b) who receives motor vehicles for disposal without giving consideration.

**90. Reports by dealers and wreckers.**

## PART 8

### POWERS OF PEACE OFFICERS

**91.** Every driver shall, immediately he is signalled or requested to stop by a peace officer in uniform,

- (a) bring his vehicle to a stop,
- (b) furnish any information respecting the driver or the vehicle that the peace officer requires, and
- (c) remain stopped until such time as he is permitted by the peace officer to leave.

**92.** (1) Where a peace officer

- (a) has reasonable grounds to suspect a person of driving or having the care and control of a motor vehicle while under the influence of alcohol, and
- (b) requests the person to submit to the taking of one or more specimens of his breath,

if the person refuses to comply with the request he is guilty of an offence.

(2) Where a person is convicted under subsection (1) he shall forthwith deliver his operator's licence to the convicting judge who shall forward the licence to the Registrar.

(3) Where a person submits to the taking of a specimen of his breath the person testing the specimen shall, as soon as reasonably possible, give him a signed statement of the results of the test.

**93.** Every person who, being in possession of a motor vehicle for which a customs permit has been obtained in respect of its entry into Canada and who being requested by a peace officer to produce the customs permit, refuses or fails to produce the permit within a reasonable time is guilty of an offence.

**94.** (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.



**91. Stopping for peace officer.**

**92. Breathalyzer tests.**

**93. Customs permit.**

**94. Inspection and testing.**

(2) If the vehicle, equipment or trailer is found to be unfit or unsafe for transportation or dangerous to passengers or the public, the peace officer making the examination or test may

- (a) require the operator of the vehicle to have the vehicle, equipment or trailer rendered fit and safe for transportation, and
- (b) order that the vehicle or trailer be removed from the highway until the vehicle, equipment or trailer has been rendered fit and safe for transportation.

(3) An operator

- (a) who fails to comply with a requirement of subsection (1) or (2), or
- (b) who in contravention of an order under subsection (2) operates a vehicle, equipment or trailer on a highway before it has been rendered fit and safe for transportation, or
- (c) who fails to comply with the direction of a peace officer given pursuant to subsection (5),

is guilty of an offence.

(4) Where a motor vehicle or trailer is ordered removed from the highway under subsection (2), a peace officer may seize the licence plates of the motor vehicle or trailer and hold the plates until the motor vehicle, equipment or trailer has been rendered fit and safe for transportation.

(5) For the purpose of examination of the vehicle, equipment or trailer as provided by this section the operator of a vehicle shall on the direction of a peace officer drive the vehicle to and park it at any place designated by the peace officer.

**95.** 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,

**95.** Removal of vehicle from highway.

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 89.

**96.** (1) Where a peace officer has seized a vehicle under section 95 or 99, or where a peace officer, or a person appointed or designated as a district engineer by the Minister of Transportation, on reasonable and probable grounds believes that a vehicle

- (a) has been abandoned in contravention of section 157 of *The Highway Traffic Act* or section 116 of *The Highway Traffic Act, 1975*, 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 removed 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.

(2) All reasonable costs incidental to the removal of a vehicle pursuant to subsection (1) and the storage thereof, for a period not exceeding six months, constitute a debt owing to the Crown by the registered owner of the vehicle or any subsequent purchaser.

(3) The Registrar may, for the purpose of enforcing payment of a debt owed to the Crown pursuant to this section,

- (a) refuse to register any motor vehicle in the name of the debtor, or
- (b) suspend the registration of all vehicles registered in the name of the debtor,

until the debt is paid in full or, where the vehicle is sold pursuant to subsection (4), until the Crown receives the amount of the removal and storage costs out of the sale proceeds.

(4) Where a vehicle stored pursuant to this section

- (a) is not registered in Alberta, or
- (b) is not, within 30 days of its removal, claimed by the registered owner or someone on his behalf in return for full payment of the removal and storage costs actually paid,

the vehicle may, upon the approval in writing of the sheriff of that judicial district, be disposed of by public auction or otherwise as the sheriff shall direct, subject to the giving of written notice of the proposed sale to the holders of encumbrances registered in respect of the vehicle at the Central Registry of the Department of the Attorney General and the proceeds of the sale shall be expended in the following order:

**96.** Abandoned vehicle.

- (c) to pay the debt owing to the Crown under this section;
- (d) to pay the balance owing on any encumbrances referred to in this section, to the rightful persons;
- (e) to pay any remaining portion to the Registrar who shall deposit the amount in the Motor Vehicle Accident Claims Fund established under *The Motor Vehicle Accident Claims Act* whereupon the amount
  - (i) shall be paid by the Registrar to any person who provides proof satisfactory to the Registrar that the person is entitled thereto if the claim is made and proof thereof is established within one year of the removal of the vehicle under subsection (1), or
  - (ii) shall constitute a part of the Motor Vehicle Accident Claims Fund if no claim is made and established as provided in subclause (i).

(5) If the proceeds realized from the sale or auction of the abandoned or stored motor vehicle are not sufficient to cover the costs of removal and storage, the person authorized to remove and store the motor vehicle may apply to the Registrar for payment of the outstanding amount and the Registrar, upon being satisfied that the claim is proper, may order payment to be made from the Motor Vehicle Accident Claims Fund subject to the limitations prescribed in the regulations under *The Motor Vehicle Accident Claims Act*.

(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.

(7) 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 (5) and, in the case of a sale, that person passes good title therefor as against the former owner or anyone claiming through him.

(8) In this section "vehicle" includes a wrecked or partially dismantled vehicle or any part of a vehicle.

**97.** Every person called upon by a peace officer to assist a peace officer in the arrest of a person suspected of having committed any of the offences mentioned in section 98 is justified in so doing if he knows that the person calling on him for assistance is a peace officer.

**97. Assistance to peace officer.**

**98.** 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 may arrest the person without warrant:

- (a) section 6 relating to the operation of a motor vehicle without having a subsisting driver's licence;
- (b) section 34 relating to the operation of a motor vehicle without having a subsisting certificate of registration;
- (c) section 51 relating to the exposing of a licence plate other than one authorized;
- (d) section 55 relating to the defacing of licence plates;
- (e) section 87, 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;
- (f) section 91 relating to the requirement that drivers stop when so requested by a peace officer in uniform.

**99.** (1) Every peace officer who on reasonable and probable grounds believes that any of the offences enumerated in section 98 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.

(2) A peace officer seizing a motor vehicle pursuant to subsection (1) may cause the vehicle to be removed and taken to and stored in a suitable place and cause such tests and examinations thereof to be made as he considers proper.

(3) Except where subsection (4) applies, all costs for the removal and storage of the vehicle are a lien upon the vehicle which may be enforced in the manner provided in section 96.

(4) If proceedings are not taken under this Act within 10 days after the motor vehicle is seized and detained pursuant to subsection (1), the motor vehicle shall be forthwith returned to the owner thereof.

(5) Notwithstanding anything in this section, where a motor vehicle is seized pursuant to subsection (1), any judge having jurisdiction in the place within which the offence is suspected of having been committed may, in his discretion, release the motor vehicle pending the disposition of any proceedings that may be taken under this Act, if security is given therefor in a sum not exceeding \$100.



**98. Arrest without warrant.**

**99. Seizure of motor vehicle.**

**100.** When necessary to remove, take or store a motor vehicle as authorized by this Part, a peace officer or his agent may forcibly unlock or open a door of the vehicle and do such other things as are reasonably required to facilitate the removal, taking and storing of the vehicle.

**101.** Any peace officer has the right and power without further authority to enter in the interval between six o'clock in the morning and nine o'clock in the evening of the same day

- (a) the business premises of any dealer in motor vehicles or person conducting a motor vehicle livery, or
- (b) any other place where motor vehicles are kept for hire or sale, or
- (c) any garage or place of business where motor vehicles are repaired,

for the purpose of ascertaining whether or not this Act is being complied with in respect of the motor vehicle in that place and by the persons employed therein.

**100.** Forcible entry of vehicle.

**101.** Right of entry to garages.

## PART 9

### PROSECUTIONS

**102.** Any person who contravenes any provision of this Act or the regulations is guilty of an offence.

**103.** (1) Except as otherwise provided in this Act, a person who is guilty of an offence under this Act or the regulations for which a penalty is not otherwise provided is liable on summary conviction to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding six months or to imprisonment for a term not exceeding six months without the option of a fine.

(2) A person who is guilty of an offence under section 5, subsection (6) or section 34, subsection (4) or (5) is liable on summary conviction

- (a) for a first offence to a fine of not more than \$200 and in default of payment to imprisonment for a term not exceeding 30 days, and
- (b) for any subsequent offence to a fine of not more than \$500 and in default of payment to imprisonment for a term not exceeding 60 days.

(3) A person who is guilty of an offence under section 16, subsection (2) is liable on summary conviction

- (a) for a first offence to a fine of not more than \$1,000 and in default of payment to imprisonment for a term not exceeding six months, and
- (b) for any subsequent offence to a fine of not more than \$1,000 or to imprisonment for a term not exceeding six months, or to both fine and imprisonment.

(4) A person who is guilty of an offence under section 26 or section 30, subsection (2), section 57 or section 84 is liable on summary conviction to a fine of not more than \$200 and in default of payment to imprisonment for a term not exceeding 30 days.

(5) A person who is guilty of an offence under section 33, 44 or 86 is liable on summary conviction to a fine of not more than \$5.

(6) A person other than a corporation who is guilty of an offence under section 70, subsection (5), section 71 or section 72 is liable on summary conviction

- (a) for a first offence to a fine of not less than \$400 and not more than \$2,000, and
- (b) for any subsequent offence to a fine of not less than \$750 and not more than \$2,000,

**102.** Offences.

**103.** Punishment.

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

(7) A corporation that is guilty of an offence under section 71 or 72 is liable on summary conviction

(a) for a first offence to a fine of not less than \$1,000 and not more than \$2,500, and

(b) for any subsequent offence to a fine of not less than \$1,500 and not more than \$3,000.

(8) A person who is guilty of an offence under section 85 is liable on summary conviction to a fine of not less than \$100 and not more than \$500.

(9) A person who is guilty of an offence under section 112 is liable on summary conviction to a fine of not less than \$200 and in default of payment to imprisonment for a term not exceeding 60 days.

(10) A person who contravenes any provision of Part 2 or Part 4 for which no penalty is therein prescribed is guilty of an offence and liable on summary conviction to a fine of not more than \$200 or in default of payment to imprisonment for a term not exceeding 30 days.

**104.** (1) The owner of a motor vehicle which is involved in any contravention of this Act or a municipal by-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the motor vehicle was not being driven or was not parked or left by him or by any other person with his consent, express or implied.

(2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle he is not in any event liable to imprisonment.

#### **Evidence**

**105.** (1) A certificate purporting to be signed by the Registrar or his deputy and certifying

(a) that the person named therein is, or was, at a stated time, the registered owner of a described motor vehicle or trailer, or

(b) that a licence issued under this Act to the person named therein is, or was, at a stated time, suspended, restricted or revoked, or

(c) as to the last recorded address of the person named therein as shown on the records of the Registrar, 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.

**104. Liability of owner.**

**105. Registrar's certificate is evidence.**

(2) When proof of the disqualification of a person from holding a licence under this Act is required, the production of a certificate purporting to be signed by the Registrar or his deputy stating that the person named therein is disqualified from holding a licence under this Act, is prima facie proof that the person so named is disqualified, without proof of the signature or official character of the person signing the certificate.

**106.** Where a person is convicted of an offence referred to in section 107, subsection (1), section 109 or section 111, the judge by 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.

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

- (a) under any of sections 52 to 55, 58 to 73, 75, 77 or 78, or section 80, subsection (2) or section 81, 82 or 83, or section 85, subsection (1) or (2) or section 87, subsection (4), or section 88, or section 92, subsection (1), (2) or (3), or section 103, 104, 158 or 159 of *The Highway Traffic Act, 1975*, or in the case of a driver, under section 102 or 105 or section 109, subsection (3) of *The Highway Traffic Act, 1975*, or
- (b) under section 65, subsection (5) of *The Public Service Vehicles Act*, or
- (c) under any provision of a municipal by-law that fixes a speed limit within the municipality or regulates moving motor vehicles within the municipality, or
- (d) under regulation 17 (4) or 32 or 33 of the National Parks Highway Traffic Regulations (Canada), or
- (e) under the *Juvenile Delinquents Act* (Canada) for contravening any of the provisions listed in clauses (a) to (d),

if authority to suspend the person's operator's licence is not given under any other provision of this Act, the judge, upon making the conviction, may suspend the operator's licence of the convicted person for a period not exceeding three months.



**106. Notice of conviction to Minister.**

**107. Punishment upon conviction.**

(2) Where a judge convicts a person of an offence referred to in subsection (1),

(a) if the convicted person is not, at the date of the conviction, the holder of an operator's licence, and

(b) if the judge is not given authority under any other provision of this Act to disqualify the convicted person from holding an operator's licence,

the judge, upon making the conviction, may order that the convicted person be disqualified from holding an operator's licence for a period not exceeding three months, and the disqualification remains in force for the period specified unless the Driver Control Board in its discretion makes an order shortening the period of, or annulling, the disqualification.

(3) Where a judge

(a) suspends a person's operator's licence, pursuant to subsection (1), or

(b) orders that a person be disqualified from holding an operator's licence, pursuant to subsection (2),

the judge shall forward to the Registrar

(c) a report setting out the nature of the conviction and the circumstances of the offence, and

(d) the operator's licence suspended, if any.

(4) The Driver Control Board may, in its discretion, make an order

(a) shortening the term of a suspension or disqualification, or

(b) setting aside the disqualification.

(5) Where a judge convicts a person of an offence under section 238, subsection (3) of the *Criminal Code* of driving while under suspension or under a prohibition, the convicted person thereupon becomes disqualified from holding an operator's licence for a period of six months to run consecutively with any other suspension or prohibition which may be in effect at the time of the conviction.

**108.** When a person who is

(a) temporarily within Alberta, and

(b) 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 101, subsection (1), the judge making the conviction may by order prohibit that person from driving in Alberta for any period, not exceeding three months, stated in the order.

**103. Prohibition on non-residents.**



**109.** (1) Where a person is convicted under section 234, 235 or 236 of the *Criminal Code* anywhere in Canada, the convicted person thereupon becomes disqualified from holding an operator's licence

- (a) for a period of three months from the date of his conviction under section 235 of the *Criminal Code*, or
- (b) for a period of six months from the date of his conviction under section 234 or 236 of the *Criminal Code*, or
- (c) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(2) Notwithstanding subsection (1), where a person is convicted under section 234 or 236 of the *Criminal Code*,

- (a) if the convicted person has not, within the preceding five years been convicted under section 234 or 236 of the *Criminal Code* anywhere in Canada, and
- (b) if the convicted person produces proof satisfactory to the convicting judge that he was not actually driving the motor vehicle at the time of the offence,

the judge, in his discretion, may make an order reducing the period of disqualification and suspension provided by subsection (1) to any period not exceeding three months that the judge considers appropriate.

(3) Notwithstanding subsection (1) or (2), where a person

- (a) is convicted under section 234, 235 or 236 of the *Criminal Code* anywhere in Canada, and
- (b) has, within the preceding five years been convicted of any offence under section 234, 235 or 236 of the *Criminal Code* anywhere in Canada,

the convicted person thereupon becomes disqualified to hold an operator's licence

- (c) for a period of 12 months from the date of his conviction, or
- (d) if an order prohibiting him from driving a motor vehicle on a highway in Canada is made as a result of the conviction for the period he is so prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

**109. Driving while impaired.**

(4) Notwithstanding anything in this section, where a person

(a) is convicted under section 234, 235 or 236 of the *Criminal Code* anywhere in Canada, and

(b) has, at any time within 10 years of the date of the offence for which such conviction was entered, been convicted on two previous occasions of any offences under either section 234, 235 or 236 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.

(5) Where a person who holds an operator's licence is convicted under section 234, 235 or 236 of the *Criminal Code*, the convicting judge shall forward the operator's licence of that person to the Minister.

(6) For the purposes of subsection (4) a conviction for an offence under section 222 or section 223 of the *Criminal Code* as it read before December 1, 1969 shall be deemed to be a conviction for an offence under section 234 of the *Criminal Code* as it read on and after December 1, 1969.

**110.** (1) Where a peace officer suspects that 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.

(2) The request of a peace officer under subsection (1) suspends any operator's licence belonging to the driver to whom the request is made and the driver shall forthwith surrender any such licence to the peace officer, but the refusal or other failure of the driver to do so does not affect the suspension.

(3) Where a driver who has been required under subsection (1) to surrender his operator's licence is not the holder of an operator's licence, the request disqualifies the driver from holding an operator's licence.

(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.

(5) 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

**110. Surrender of operator's licence.**

- (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 and the suspension or disqualification thereupon terminates.

(6) 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.

**111.** (1) Where a person is convicted anywhere in Canada of an offence under section 233 of the *Criminal Code*, the convicted person thereupon becomes disqualified from holding an operator's licence

- (a) for a period of six months from the date of his conviction, or
- (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.

(2) Where a person is convicted anywhere in Canada of an offence under section 203, 204 or 219 of the *Criminal Code* committed by means of a motor vehicle, the convicted person thereupon becomes disqualified from holding an operator's licence

- (a) for a period of six months from the date of his conviction, or
- (b) if an order prohibiting him from driving a motor vehicle on the highway in Canada is made as a result of the conviction, for the period he is so prohibited,

whichever is the longer period, and any operator's licence held by the convicted person thereupon becomes suspended for the same period.



**111. Licence disqualification.**



**112.** (1) Where a person

- (a) is convicted under section 238, subsection (3) of the *Criminal Code*, and
- (b) has, at any time before, been convicted under section 238, subsection (3) of the *Criminal Code* anywhere in Canada,

the convicting judge may order that the certificate of registration of the motor vehicle being driven at the time of the latest offence be suspended for a period of 30 days in accordance with this section.

(2) Where an order is made under subsection (1), the registered owner shall deliver the certificate of registration and the licence plates of the vehicle to the Registrar and the period of suspension commences

- (a) in the case of personal delivery, from the date the certificate of registration and the licence plates are delivered to the Registrar, or
- (b) in the case of delivery by mail, from the date on the postmark of the post office of origin.

(3) A registered owner who does not within 14 days from the date of the order deliver both the certificate of registration and licence plates to the Registrar in accordance with subsection (2) is guilty of an offence.

(4) Subject to section 64, the certificate of registration and licence plates shall be returned by the Registrar to the registered owner upon the expiry of the suspension period.

(5) Notwithstanding anything in this section, if the convicted person was not the registered owner of the motor vehicle at the time the offence was committed

- (a) the registered owner may apply to the Registrar for the provisions of subsection (1) to be waived, and
- (b) the Registrar, if he is of the opinion that the registered owner's application is a proper case for relief, may waive the provisions of subsection (1).

(6) The owner of a motor vehicle for which the registration has been suspended pursuant to this section who

- (a) re-registers or attempts to re-register the motor vehicle, or
- (b) registers or attempts to register any other motor vehicle in his name,

before the period of suspension prescribed by this section has expired is guilty of an offence.

(7) Notwithstanding that the registration of a motor vehicle is suspended pursuant to this section, the Registrar may re-register the vehicle

**112. Suspension after second conviction.**

(a) upon the application of, and  
(b) in the name of,  
a person who is a member of the family of the owner residing at the same address as the owner.

**113.** 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 or the appeal is abandoned or struck out.

**113. Appeal.**

## PART 10

### TRANSITIONAL AND CONSEQUENTIAL

**114.** Any order, rule, regulation, direction, instrument or document made, issued, registered or otherwise dealt with and every action taken or thing done under *The Highway Traffic Act* that could have been made, issued, registered, dealt with, taken or done under this Act if this Act had been then in force and which is still valid at the commencement of this section shall be deemed to have been made, issued, registered, dealt with, taken or done under this Act.

**115.** *The words "The Highway Traffic Act" are struck out wherever they appear in the following enactments and the words "The Motor Vehicle Administration Act" are substituted therefor:*

The Department of Government Services Act, section 11, subsection (9);

The Farm Implement Act, section 2, clause (b);

The Fuel Oil Tax Act, section 2, clause (j), section 5, subsection (2), clause (b) and section 16, subsection (1);

The Innkeepers Act, section 2, clause (c);

The Alberta Insurance Act, section 283, subsection (3);

The Mobile Equipment Licensing Act, section 2, clause (d), subclause (iii), paragraph (A);

The Motor Vehicle Accident Claims Act, section 2, clauses (f), (g), (h), (i) and (j), section 4, subsection (1), clause (a) and section 7, subsection (1);

The Municipal Government Act, section 225, subsection (1);

The Possessory Liens Act, section 9, subsection (3);

The Public Service Vehicles Act, section 2, clauses 14, 15, 20, subclause (iii) and 22, section 19, subsection (2), section 28, subsection (1), section 34, subsection (4) and section 72.

**116.** (1) *The Public Service Vehicles Act is amended as to section 26, subsection (3) by striking out the words "The Highway Traffic Act" and substituting therefor the words "The Highway Traffic Act, 1975, The Motor Vehicle Administration Act,".*

(2) *The Summary Convictions Act is amended*

(a) *by striking out the words "The Highway Traffic Act" wherever they appear in the following provi-*

**114. Transitional.**

**115. Consequential amendments.**

**116. Consequential amendments.**

sions and by substituting therefor the words "*The Highway Traffic Act, 1975, The Motor Vehicle Administration Act*,":

section 6, subsection (1), subsection (3), clause (c), and subsection (4);

section 7, subsection (6), clause (a), subclause (i),

(b) as to section 6 by striking out subsection (11) and by substituting therefor the following subsection:

(11) Where a justice makes a conviction on a traffic ticket complaint, he shall complete the traffic ticket report of conviction and forward it to the Registrar of the Motor Vehicle Branch of the Department of the Solicitor General, and it shall be deemed to be a certificate of conviction for any of the purposes of *The Motor Vehicle Administration Act, The Public Service Vehicles Act*, or any regulations made under either of those Acts.

and

(c) as to section 6, subsection (13) by striking out the words "any inspector appointed under *The Highway Traffic Act*" and by substituting therefor the words "any member of the patrol division of the Department of the Solicitor General".

**117.** (1) *The Off-highway Vehicle Act* is amended by this section.

(2) Section 1, subsection (1) is amended

(a) by striking out clause (e) and by substituting therefor the following clause:

(e) "Minister" means the Solicitor General;

(b) as to clause (l) by striking out the words "a patrol officer of The Motor Transport Board" and by substituting therefor the words "a member of the patrol division of the Department of the Solicitor General", and

(c) as to clause (m) by striking out the words "the Department of Highways and Transport" and by substituting therefor the words "the Department of the Solicitor General".

(3) Section 13, subsection (2) is amended as to clause (a) by adding after the word "Minister" wherever it appears in the clause, the words "of Transportation".

(4) Section 16, subsection (1) is amended by striking out the figure "\$200" and by substituting therefor the figure "\$350".

(5) Section 23, clause (1) is amended by striking out the words "the Department of Highways and Transport" and by substituting therefor the words "the Department of the Solicitor General".



**117. Consequential amendments.**



**118.** (1) *The Motor Vehicle Accident Claims Act is amended*

- (a) *as to section 17 by striking out the words "section 248 of The Highway Traffic Act" and by substituting therefor the words "section 67 of The Motor Vehicle Administration Act",*
- (b) *as to section 18 by striking out subsection (2) and by substituting therefor the following subsection:*
  - (2) *Subsection (1) does not apply to payments out of the Fund made pursuant to section 96, subsection (5) of The Motor Vehicle Administration Act.*
- and*
- (c) *as to section 27, subsection (2), clause (1) by striking out the words "section 189 of The Highway Traffic Act," and by substituting therefor the words "section 96 of The Motor Vehicle Administration Act,".*

(2) *The Public Service Vehicles Act is amended*

- (a) *as to section 8, subsection (1) by striking out the words "section 216 of The Highway Traffic Act" and by substituting therefor the words "section 3 of The Highway Traffic Act, 1975 or section 4 of The Motor Vehicle Administration Act", and*
- (b) *as to section 27, subsection (4) by striking out the words "section 245 of The Highway Traffic Act," and by substituting therefor the words "section 64 of The Motor Vehicle Administration Act,".*

**119.** *The Chattel Security Registries Act is amended*

- (a) *by striking out section 1,*
- (b) *as to section 2 by*
  - (i) *striking out clause (c), and*
  - (ii) *adding after clause (f) the following clause:*
    - (g) *"Vehicle Registry" means the Vehicle Registry of the Department of the Attorney General.*
- (c) *as to section 3 by striking out the words "Motor Vehicle Branch" and by substituting therefor the words "Vehicle Registry",*
- (d) *as to section 3.1 by striking out the words "Motor Vehicle Branch" wherever they appear in subsections (1) and (2) and by substituting therefor the words "Vehicle Registry",*
- (e) *as to section 3.2 by*
  - (i) *striking out the words "Minister of Highways and Transport" and by substituting therefor*

**118.** Consequential amendments.

**119.** The function of the registration clerk of the Motor Vehicle Branch of the Department of the Solicitor General will be transferred to the Department of the Attorney General and the name will be changed to avoid confusion with the Motor Vehicle Branch which looks after the issuance of operators' licences and vehicle registrations under the Department of the Solicitor General.

*the words "Attorney General", and*

- (ii) striking out the words "Motor Vehicle Branch" wherever they appear in the section and by substituting therefor the words "Vehicle Registry",*
- (f) as to section 11, subsection (1), clause (b) by striking out the words "Motor Vehicle Branch" and by substituting therefor the words "Vehicle Registry",*
- (g) as to section 13 by striking out the words "Motor Vehicle Branch" and by substituting therefor the words "Vehicle Registry",*
- (h) as to section 14, subsection (1) by striking out the words "Motor Vehicle Branch" and by substituting therefor the words "Vehicle Registry", and*
- (i) by adding after section 18 the following section:*

**19.** Upon the commencement of this section every document registered at the Motor Vehicle Branch of the Department of the Solicitor General shall be deemed to have been registered in the Vehicle Registry.

**120.** *The Bills of Sale Act is amended*

- (a) as to section 2*
  - (i) by striking out clause (k),*
  - (ii) as to clause (l), subclause (ii) by striking out the words "Motor Vehicle Branch" and by substituting therefor the words "Vehicle Registry", and*
  - (iii) by adding after clause (p) the following clause:*
    - (q)** "Vehicle Registry" means the Vehicle Registry of the Department of the Attorney General.
- (b) as to section 10, subsection (3) by striking out the words "Motor Vehicle Branch" and by substituting therefor the words "Vehicle Registry",*
- (c) by striking out the words "office of the registration clerk in the Motor Vehicle Branch" wherever they appear in the following provisions and by substituting therefor the words "Vehicle Registry":*
  - section 10, subsection (1);
  - section 12, subsection (4);
  - section 13, subsection (2);

*and*
- (d) as to section 15, subsection (1) by striking out the words "registration clerk of the Motor Vehicle Branch" and by substituting therefor the words "Vehicle Registry".*

**120. Consequential amendments.**

**121.** *The Conditional Sales Act is amended*

- (a) *as to section 2*
  - (i) *by striking out clause (d), and*
  - (ii) *by adding after clause (e) the following clause:*
    - (f) *“Vehicle Registry” means the Vehicle Registry of the Department of the Attorney General.*
- (b) *by striking out the words “office of the registration clerk in the Motor Vehicles Branch” wherever they appear in the following provisions and by substituting therefor the words “Vehicle Registry”:*
  - section 5, subsection (1);
  - section 7, subsections (1) and (3);
  - section 14, subsection (2);
- (c) *as to section 5, subsection (4) by adding after the words “registration clerk” the words “of the Vehicle Registry”,*
- (d) *by striking out the words “registration clerk of the Motor Vehicle Branch” wherever they appear in sections 8 and 9 and by substituting therefor the words “Vehicle Registry”,*
- (e) *as to section 10 by striking out the words “Registrar of Motor Vehicles” and by substituting therefor the words “registration clerk of the Vehicle Registry”, and*
- (f) *by striking out the words “Motor Vehicle Branch” wherever they appear in section 20, subsection (1) and section 21 and by substituting therefor the words “Vehicle Registry”.*

**122.** *The Garagemen’s Lien Act is amended*

- (a) *as to section 2*
  - (i) *by striking out clause (c),*
  - (ii) *as to clause (d) by striking out the words “Motor Vehicle Branch” and by substituting therefor the words “Vehicle Registry”, and*
  - (iii) *by adding after clause (d) the following clause:*
    - (e) *“Vehicle Registry” means the Vehicle Registry of the Department of the Attorney General.*
- and*
- (b) *as to Form C by striking out the words “Motor Vehicle Branch” and by substituting therefor the words “Vehicle Registry”.*

**123.** *This Act comes into force on January 1, 1976.*

**121. Consequential amendments.**

**122. Consequential amendments.**