

1976 Bill 54

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Second Session, 18th Legislature, 25 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 54**

**THE MOTOR VEHICLE ADMINISTRATION  
AMENDMENT ACT, 1976**

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THE SOLICITOR GENERAL

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 54

1976

## THE MOTOR VEHICLE ADMINISTRATION AMENDMENT ACT, 1976

(Assented to \_\_\_\_\_, 1976)

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

1. *The Motor Vehicle Administration Act is hereby amended.*

2. *Section 1 is amended*

- (a) *as to clause 3 by striking out the words "a vehicle" and by substituting therefor the words "or is in actual physical control of a vehicle",*
- (b) *as to clause 7 by adding after subclause (i) the following subclause:*
  - (i.1) *has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under Part 4, or*
- (c) *by striking out clause 10 and by substituting therefor the following clause:*
  - 10. "motor assisted bicycle" means a two wheeled vehicle propelled primarily by muscular force which is also capable of being propelled by a motor and having mechanical and operating capabilities as provided in the regulations;
- (d) *as to clause 11 by adding after the words "motor cycles or scooters" the words "and motor cycles modified to have three wheels", and*
- (e) *as to clause 17 by striking out the words ", special constable or a member of the patrol division of the Department of the Solicitor General" and by substituting therefor the words "or a special constable".*

3. *Section 8 is amended*

- (a) *as to subsection (1) by striking out the word "form prescribed by the regulations," and by sut*

## Explanatory Notes

1. This Bill will amend chapter 68 of the Statutes of Alberta, 1975 (Second Session).

2. Amendments to definitions.

3. These amendments will bring the sections in line with the Minister's powers contained in section 59, subsection (2) of the Act. They permit the Minister to prescribe the form and duration of operator's licences.

*stituting therefor the words "form prescribed by the Minister,"*

- (b) as to subsection (2) by adding after the words "the Minister" the words "or the licence issuer",*
- (c) as to subsection (4) by striking out the word "regulations" and by substituting therefor the word "Minister", and*
- (d) by adding after subsection (5) the following subsection:*

*(6) For the purposes of this Act, an operator's licence is issued*

- (a) when the licence is signed by the applicant, if the applicant is not required to be photographed pursuant to subsection (2), clause (b), or*
- (b) if the applicant is required to be photographed pursuant to subsection (2), clause (b), when the licence is signed by the applicant and the applicant's photograph forms part of the licence.*

*4. Section 9 is amended*

- (a) as to subsection (3) by striking out the words "prescribed by the regulations" and by substituting therefor the words "prescribed by the Minister", and*
- (b) as to subsection (4) by striking out the words "renewed or a further operator's licence of the same category issued" and by substituting therefor the word "reclassified".*

*5. Section 17, subsection (4) is amended by striking out the words "to suspensions" and by substituting therefor the words "to, but is not limited to, suspension by or pursuant to section 107, 109 or 111, or".*

*6. Section 19 is amended by striking out the words "sent by registered mail or certified mail to that person at his last recorded address as shown by the records of the Registrar" and by substituting therefor the words "made by mailing the notice to the person to be served by registered mail or certified mail to his last recorded address as shown by the records of the Registrar and service shall be deemed to be effected at the time the notice is delivered to that address."*

4. This amendment will also bring the section in accordance with section 59, subsection (2) of the Act. The Minister has the authority under that section to specify any conditions which he considers necessary for the operation of motor cycles, scooters or motor-assisted bicycles by persons holding operator's licences.

5. This amendment will make the subsection read as it did previously under section 14, subsection (5) of the old Highway Traffic Act.

6. This amendment governs the service of notices of suspension, cancellation or disqualification.

7. Section 20, subsection (4) is amended by striking out the word "regulation" and by substituting therefor the word "regulations".

8. Section 31 is amended by adding after subsection (2) the following subsection:

(3) For the purposes of this section "operator's licence" means any licence to operate a motor vehicle, regardless of its place of issue.

9. Section 36 is amended by striking out subsections (3) and (4) and by substituting therefor the following subsections:

(3) No person may apply for, procure, or attempt to procure the registration of a motor vehicle or trailer in the name of

- (a) an applicant that purports to be a corporation if no such corporation exists, or
- (b) a corporation incorporated otherwise than under the laws of Alberta that is required to be but is not or has ceased to be
  - (i) registered under *The Companies Act*, or
  - (ii) registered under *The Trust Companies Act*, or
  - (iii) licensed under *The Alberta Insurance Act*, or
  - (iv) registered under *The Co-operative Association Act*.

(3.1) No person may make use of any certificate of registration issued in the name of a corporation which does not exist at the time the certificate of registration is used.

(4) Where a motor vehicle or trailer is registered in contravention of subsection (3) the person who signed the application for registration shall, for the purposes of this Act, *The Highway Traffic Act, 1975* or *The Public Service Vehicles Act*, be deemed to be the owner of the motor vehicle or trailer so registered.

10. Section 38, subsection (2) is amended by adding to the end of clause (c) the word "or" and by adding the following clause, after clause (c):

- (d) proof by the applicant, satisfactory to the Registrar, that the applicant is the person named in the application.

7. This amendment corrects a typographical error.

8. This amendment provides for the production of operator's licence by persons holding non-Alberta licences.

9. This amendment prohibits any person from using the registration of a vehicle in the name of a non-existing corporation. Section 36(3) now reads as follows:

- (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.

10. Section 38, subsection (2) presently reads:

- (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.

11. Section 46 is amended

- (a) as to subsection (1) by striking out the word "specified by the regulations" and by substituting the words "determined by the Minister", and
- (b) as to subsection (5) by striking out the words "may issue" and by substituting therefor the words "may be issued by the Minister".

12. Section 47 is struck out and the following section is substituted therefor:

**47.** The Minister may by order authorize the use of a licence plate for more than one year if validated by a validating tab, marker or other sign and in such case 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 authorized by the order

13. Section 48 is amended

- (a) as to subsection (1) by striking out the words "kept for sale by manufacturers and dealers", and
- (b) as to subsection (2) by striking out the words "kept for sale by manufacturers or dealers" and by substituting therefor the words "pursuant to this section".

14. Section 56 is amended by adding after the words "have been determined" the words "or, if an information is laid, until the final disposition of the case".

15. Section 57 is amended

- (a) as to subsection (3) by striking out the words "Part 3, 4 or 9 of *The Highway Traffic Act, 1975*," and by substituting therefor the words "Part 3 or 4 of *The Highway Traffic Act, 1975* or Part 6 or section 86 or 87 of this Act," and
- (b) as to subsection (4), clause (a) by striking out the words "Part 3, 4 or 9 of *The Highway Traffic Act, 1975*," and by substituting therefor the words "Part 3 or 4 of *The Highway Traffic Act, 1975* or Part 6 or section 86 or 87 of this Act,".

16. Section 59 is amended

- (a) as to subsection (1), clause (a),
  - (i) by striking out subclause (i),
  - (ii) by striking out subclauses (ii) and (iii) and by substituting therefor the following subclauses:



**11.** The first amendment will permit the Minister to determine the number and design of licence plates. The second amendment corrects a typographical error.

**12.** Section 47 presently reads:

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.

**13.** Section 48, subsections (1) and (2) presently read:

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.

**14.** This amendment will permit the retention of seized licence plates until the conclusion of a case if a charge is laid.

**15.** This amendment corrects internal references.

**16.** These amendments will vary the powers of the Lieutenant Governor in Council. Section 59, subsection (1), clause (a) presently reads:

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,
  - (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;

(ii) prescribing the period of registration of a motor vehicle,

(iii) prescribing the manner in which licence plates are to be attached to vehicles,

and

(iii) by striking out subclauses (iv) and (v),  
and

(b) as to subsection (2) by adding after clause (b) the following clause:

(b.1) classifying operator's licences into categories and prescribing the terms and conditions under which operators' licences may be issued;

17. Section 66, subsection (5) is amended by striking out the figure "10" and by substituting therefor the figure "11".

18. Section 68, subsection (1), clause (a) is amended by striking out the words "a duplicate thereof," and by substituting therefor the words "on request by him a copy thereof,".

19. Section 69, subsection (1), clause (a) is amended by striking out the words "a duplicate thereof," and by substituting therefor the words "on request by him a copy thereof,".

20. Section 70 is amended as to subsection (5) by striking out clause (a) and by substituting the following clause:

(a) produces a document which purports to be a financial responsibility card but which has not been issued pursuant to this Part or Part 7 of *The Alberta Insurance Act*, or

21. Section 71, subsection (1) is amended by striking out the word "or" at the end of clause (b) and by striking out clause (c).

22. Section 79 is amended

(a) as to subsection (8) by striking out the words "subsection (4)" and by substituting therefor the words "subsection (7)", and

(b) as to subsection (9) by striking out the number "89" and by substituting therefor the number "96"

**17.** This amendment corrects an internal cross-reference.

**18.** Section 68, subsection (1) presently reads:

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.

**19.** Similar to previous amendment.

**20.** Section 70, subsection (5) presently reads:

- (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.

**21.** This amendment will remove the offence of failing to maintain a vehicle as an insured motor vehicle.

**22.** These amendments correct internal cross-references.

23. *The following section is added after section 82:*

**82.1** Where the driver of a vehicle or any other person damages or knocks down

- (a) a traffic control device, or
- (b) a railroad sign or signal, or
- (c) a traffic sign of any kind, or
- (d) a parking meter,

he shall forthwith report the damage to the nearest peace officer.

24. *Section 89 is amended by striking out the words "having an engine displacement greater than the maximum displacement prescribed by the regulations".*

25. *Section 92 is amended by adding after subsection (3) the following subsection:*

(4) For the purposes of this section "operator's licence" means a licence to operate a motor vehicle, regardless of its place of issue.

26. *Section 96 is amended*

- (a) *as to subsection (1), clause (a) by striking out the words "section 157 of The Highway Traffic Act or", and*
- (b) *as to subsection (7), clause (b) by striking out the words "subsection (5)" and by substituting therefor the words "subsection (6)".*

27. *Section 98 is amended by adding after clause (f) the following clause:*

- (g) section 79 relating to the duties of a driver at the scene of an accident.

28. *Section 99 is amended*

- (a) *as to subsection (1) by adding after the word "section" the words "71 or", and*
- (b) *by striking out subsections (4) and (5) and by substituting therefor the following subsections:*

(4) If a charge is not laid respecting a contravention of this Act within 10 days after the motor

**23.** Self-explanatory. This section was previously contained in The Highway Traffic Act.

**24.** This amendment will prohibit the sale to a person under 16 or the purchase on behalf of such a person of a motor cycle regardless of the engine displacement.

**25.** Section 92 reads as follows:

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.

**26.** These amendments delete an unnecessary reference and correct a typographical error.

**27.** Section 98 presently reads:

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 5 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.

**28.** The first amendment includes an additional cross-reference. The new amendment will provide for the payment of storage costs.

vehicle is seized and detained pursuant to subsection (1), the motor vehicle shall be forthwith returned to the owner thereof, and the costs referred to in subsection (3) shall be paid

- (a) in any case where the seizure was effected by a member of a municipal police force, by the municipality concerned, or
- (b) in any other case, by the Crown in right of Alberta.

(5) If a charge is laid respecting a contravention of this Act and the accused is acquitted thereof, the court may order that the costs referred to in subsection (3) shall be paid

- (a) in any case where the seizure was effected by a member of a municipal police force, by the municipality concerned, or
- (b) in any other case, by the Crown in right of Alberta.

*29. Section 103 is amended as to subsection (5) by striking out the number "86" and by substituting therefor the number "93".*

*30. Section 103 is amended*

- (a) *as to subsection (8) by striking out the word "\$100 and not more than \$500" and by substituting therefor the words "\$200 and in default of payment to imprisonment for a term not exceeding 60 days",*
- (b) *by adding after subsection (8) the following subsection:*

(8.1) A person who is guilty of an offence under section 112, subsection (3) is liable on summary conviction to a fine of not less than \$10 nor more than \$20 for each day after the expiration of the 14 day period referred to in that subsection until he delivers both the certificate of registration and licence plates to the Registrar.  
*and*

- (c) *as to subsection (9) by adding after the word "section 112" the words ", subsection (6)".*

*31. The following section is added after section 104:*

**104.1** In a prosecution of a contravention of Part 104, the onus is on the accused to prove that his motor vehicle was at all relevant times an insured motor vehicle and where he is required to produce a financial responsibility card, the onus is on the accused to prove that he he

**29.** This amendment corrects a cross-reference.

**30.** Section 103, subsections (8) and (9) presently read:

(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.

**31.** Self-explanatory. Re-enacts section 258 of the former Highway Traffic Act.

subsisting insurance at the time he was required to produce the financial responsibility card.

*32. Section 105 is amended*

- (a) as to subsection (1), clause (a) by adding after the words "trailer, or" the words "the holder of an operator's licence, or",
- (b) by adding after subsection (1) the following subsection:

(1.1) A certificate purporting to be signed by the Registrar or his deputy and certifying

- (a) that a notice under section 19 was sent, and
- (b) that according to the records kept by the Registrar the notice was delivered to the address shown on the records of the Registrar as being the address of the person named in the notice,

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.  
*and*

- (c) by adding after subsection (2) the following subsection:

(3) In a prosecution for an offence under Part 6, a certificate purporting to be signed by the Registrar or his deputy that any report required under that Part has or has not been made shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or official character of the person signing the certificate.

*33. Section 107 is amended*

- (a) as to subsection (1)
  - (i) by striking out clause (a) and by substituting therefor the following clauses:
    - (a) under any of sections 51 to 54, 57, 58, 60 to 72, 74, 76 or 77, or section 79, subsection (2), or sections 80 to 82, or section 84, subsection (1) or (2), or section 86, subsection (4) or section 87, or section 91, subsection (1), (2) or (3) or section 100 or 103 of *The Highway Traffic Act, 1971* or
    - (a.1) in the case of a driver, under any of sections 101 or 104 or section 108, subsection (3) of *The Highway Traffic Act, 1975*, or



**32. Section 105(1) presently reads:**

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.

The other amendments are self-explanatory.

**33.** This amendment will correct some cross-references and will provide for a period of disqualification to run consecutively to any suspension or prohibition existing at the time of conviction rather than at the time the offence took place.

*and*

(ii) *as to subsection (1), clause (b) by adding after the word "under" the words "section 79 or 80 of this Act, or",*

*and*

(b) *by striking out subsection (5) and by substituting therefor the following subsection:*

(5) Where a judge convicts a person of an offence under section 238, subsection (3) of the *Criminal Code* or section 110, subsection (7) of this Act,

- (a) the convicted person is thereupon disqualified from holding an operator's licence for a period of six months, and
- (b) if the convicted person is under suspension or under a prohibition at the time of the conviction, the period of disqualification shall run consecutively with that suspension or prohibition.

*34. The following section is added after section 107:*

**107.1** Upon the conviction of a person of a second or subsequent offence under section 70, subsection (5), section 71 or section 72 the Minister may

- (a) suspend the operator's licence of the convicted person, or
- (b) require the licence plates in respect of every motor vehicle owned by the convicted person to be returned to him, or
- (c) require the convicted person to file with him proof of financial responsibility in a form and in an amount satisfactory to him.

*35. Section 108 is amended*

- (a) *by renumbering the section as subsection (1),*
- (b) *as to the renumbered subsection (1) by striking out the figure "101" and by substituting therefor the figure "107", and*
- (c) *by adding after the renumbered subsection (1) the following subsection:*

(2) Where a person is convicted of an offence under section 92, subsection (1) or section 111, subsection (7), the judge making the conviction may by order

- (a) suspend the operator's licence of the convicted person, or

**34. Subsequent offences.**

**35. Suspension and disqualification.**

- (b) disqualify him from holding an operator's licence for a period not exceeding three years.

36. Section 109 is struck out and the following section is substituted therefor:

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

- (a) for a period of three months from the date of the finding of guilt under section 235 of the *Criminal Code*, or
- (b) for a period of six months from the date of the finding of guilt under section 234 or 236 of the *Criminal Code*,

and any operator's licence held by that person thereupon becomes suspended for the same period.

(2) Where a person is convicted of an offence under section 92, subsection (1), 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, or
- (b) if an order suspending his operator's licence or disqualifying him from holding an operator's licence is made as a result of the conviction, for the period of the suspension or disqualification,

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

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

- (a) if the person has not, within the preceding five years, been found guilty under section 234 or 236 of the *Criminal Code* anywhere in Canada, and
- (b) if that person produces proof satisfactory to the judge hearing the case 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 being not less than three months that the judge considers appropriate.

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

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

**36.** This amendment will replace the necessity of a conviction with the necessity of a finding of guilt to take into account the possible use of absolute or conditional discharges.

(b) has, in the preceding five years been found guilty of an offence under section 234, 235 or 236 of the *Criminal Code* anywhere in Canada, that person thereupon becomes disqualified to hold an operator's licence for a period of 12 months from the date of the finding of guilt and any operator's licence held by the person thereupon becomes suspended for the same period.

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

(a) is found guilty 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 with respect to which there has been a finding of guilt, been found guilty on two previous occasions under either section 234, 235 or 236 of the *Criminal Code* anywhere in Canada,

that person thereupon becomes disqualified from holding an operator's licence and any operator's licence held by that person becomes suspended for a period of 36 months from the date of the finding of guilt.

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

(7) For the purposes of subsection (5), a finding of guilt for an offence under section 222 or 223 of the *Criminal Code* as it read immediately before December 31, 1969 is deemed to be a finding of guilt for an offence under section 234 of the *Criminal Code* as it read on and after December 31, 1969.

*37. Section 110 is amended by adding after subsection (6) the following subsection:*

(7) Any person who drives a motor vehicle while he is under suspension or disqualification pursuant to this section is guilty of an offence.

*38. Section 111 is struck out and the following section is substituted therefor:*

**111.** (1) Where a person is found guilty anywhere in Canada of an offence under section 233 of the *Criminal Code*, that person thereupon becomes disqualified from holding an operator's licence for a period of six months from the date of the finding of guilt and any operator's licence held by that person thereupon becomes suspended for the same period.

(2) Where a person is found guilty anywhere in Canada of an offence under section 203, 204 or 219 of the *Criminal Code*,

**37.** This amendment will make it an offence to operate a motor vehicle when suspended or disqualified pursuant to the surrender of an operator's licence to a police officer who has requested the surrender because he suspects the driver has consumed alcohol or is under the influence of any other drug or substance.

**38.** See the note to section 36. Subsection (3) is new.

*Code* committed by means of a motor vehicle, that person thereupon become disqualified from holding an operator's licence for a period of six months from the date of the finding of guilt and any operator's licence held by that person thereupon becomes suspended for the same period.

(3) Where a person is convicted of an offence under section 110, subsection (7), the convicted person is thereupon 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 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.

*39. Section 112 is amended*

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

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

(a) is found guilty under section 238, subsection (3) of the *Criminal Code*, and

(b) has, at any time before, been found guilty under section 238, subsection (3) of the *Criminal Code* anywhere in Canada,

the judge hearing the case 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.

*and*

(b) *as to subsection (5) by striking out the words "the convicted person" and by substituting therefor the words "the person who was found guilty".*

*40. The following section is added after section 112:*

**112.1** For the purposes of sections 109, 111 and 112, person who pleads guilty to an offence therein referred to is deemed to have been found guilty of that offence.

*41. The following section is added after section 113:*

**113.1** (1) Where, after conviction,

(a) the operator's licence of a person is suspended, or

(b) a person is disqualified from holding an operator's licence,



**39.** See note to section 36.

**40.** Self-explanatory.

**41.** This amendment provides for operator's licences to be surrendered to the convicting judge.

the convicting judge shall by order require that person to surrender his operator's licence to the court and upon the licence being so surrendered shall cause it to be forwarded to the Registrar.

(2) For the purposes of this Part "operator's licence" means a licence to operate a motor vehicle, regardless of its place of issue.

*42. Section 116, subsection (1) is amended by striking out the word "ou" and by substituting therefor the word "out".*

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

**42. This amendment corrects a typographical error.**