

1977 BILL 26

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Third Session, 18th Legislature, 26 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 26

THE MOTOR VEHICLE ADMINISTRATION  
AMENDMENT ACT, 1977

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THE SOLICITOR GENERAL

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First Reading .....

Second Reading .....

Third Reading .....

## BILL 26

1977

### THE MOTOR VEHICLE ADMINISTRATION AMENDMENT ACT, 1977

(Assented to \_\_\_\_\_, 1977)

HER 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) *by renumbering clause 1 as clause 1.1 and by adding the following clause before renumbered clause 1.1:*

1. "bicycle" means a cycle propelled by human power upon which a person can ride, regardless of the number of wheels it has, and includes a vehicle that
  - (i) may be propelled by muscular or mechanical power or partly by muscular power and partly by mechanical power,
  - (ii) is fitted with pedals that are continually operable to propel it,
  - (iii) weighs not more than 75 pounds,
  - (iv) has a motor that produces not more than one horsepower and that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres,
  - (v) has no hand-operated or foot-operated clutch or gearbox driven by the motor and transferring power to the driven wheel, and

## Explanatory Notes

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

2. Definitions. Section 1, clauses 10 and 12 presently read as follows:

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;*
12. *“motor vehicle” means every vehicle propelled by any power, other than muscular power, except aircraft, tractors, whether equipped with rubber tires or not, implements of husbandry, and such motor vehicles as run only upon rails;*

- (vi) does not have sufficient power to enable it to attain a speed greater than 22 miles per hour on level ground within a distance of one mile from a standing start;

(b) *by striking out clause 10 and by substituting the following clause:*

10. “moped” means a vehicle, regardless of the number of wheels it has, that

- (i) may be propelled by muscular or mechanical power or partly by muscular power and partly by mechanical power,
- (ii) is fitted with pedals that are continually operable to propel it,
- (iii) weighs more than 75 pounds but not more than 121 pounds,
- (iv) has a motor that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres,
- (v) has no hand-operated or foot-operated clutch or gearbox driven by the motor and transferring power to the driven wheel, and
- (vi) does not have sufficient power to attain a speed greater than 31 miles per hour on level ground within a distance of one mile from a standing start,

but does not include a bicycle;

(c) *by striking out clause 12 and by substituting the following clause:*

12. “motor vehicle” means

- (i) a vehicle propelled by any power other than muscular power, or
- (ii) a moped,

but does not include a bicycle, an aircraft, a tractor, whether equipped with rubber tires or not, an implement of husbandry or a motor vehicle that runs only upon rails;



3. *Section 2 is amended by renumbering the section as subsection (1) and by adding the following subsection:*

(2) Where the Registrar is given any power or duty under this Act or the regulations or under any other Act or regulation, he may authorize one or more persons to exercise or perform that power or duty upon such conditions as the Registrar prescribes and thereupon that power or duty may be exercised or performed by the person or persons so authorized in addition to the Registrar.

4. *Section 9 is amended*

(a) *as to subsection (1) by striking out the words “motor assisted bicycle”, and*

(b) *as to subsections (3) and (4) by striking out the words “motor assisted bicycle” and by substituting the word “moped”.*

5. (1) *The words “or permit” are added after the words “certificate of registration” wherever they appear in the following provisions:*

section 34, subsection (1);

section 38, subsections (2) and (3).

(2) *The words “or permit issued under this Act” are added after the words “certificate of registration” wherever they appear in the following provisions:*

section 34, subsections (4) and (5);

section 36, subsections (2) and (3.1);

section 38, subsection (1);

section 40, subsection (4);

section 42;

section 43, subsections (1), (2) and (3);

section 44;

section 45.

**3. Section 2 presently reads as follows:**

*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.*

**4. Section 9, subsection (1) presently reads as follows:**

*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*

*(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.*

**5. This amendment will extend the provisions relating to certificates of registration to permits.**

6. Section 49 is amended by adding the following subsection after subsection (1):

(1.1) For the purpose of subsection (1), “used in the promotion of sales by a manufacturer or dealer or any employee or agent of either of them” includes personal use of the vehicle by a manufacturer or dealer or any employee or agent or either of them.

7. Section 65 is amended

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

**65.** (1) Notwithstanding anything in *The Juvenile Court Act*, where a court

- (a) finds a person guilty of an offence under this Act or the regulations, or
- (b) adjudges a child to have committed a delinquency in respect of an offence under this Act or the regulations, or
- (c) makes a judgment for damages arising out of a motor vehicle accident, or
- (d) makes any other order under this Act or the regulations,

the clerk or registrar of the court, or where there is no clerk or registrar, the judge of the court, shall immediately forward to the Minister a certified copy of the order, judgment, conviction, absolute or conditional discharge or finding of juvenile delinquency or a transcript or certificate thereof in a form prescribed by the Minister.

(b) as to subsection (2) by striking out the words “or conviction” and by substituting the words “, conviction, absolute or conditional discharge or finding of juvenile delinquency”.



**6. Section 49, subsection (1) presently reads as follows:**

*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.*

**7. Section 65, subsections (1) and (2) presently read as follows:**

*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.*

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

8. Section 66, subsection (1) is amended by adding at the end thereof the words “, if the abstract of the driving record is required for the purposes of assessing an applicant for motor vehicle insurance or a person whose motor vehicle is insured by that insurer or surety”.

9. Section 71, subsection (3) is amended by adding after the words “registered owner” the words “or owner”.

10. Section 78 is amended by striking out the words “one powered by muscular power” and by substituting the words “a bicycle”.

11. Section 83 is amended

(a) by renumbering subsection (1) as subsection (1.1) and by adding the following subsection before renumbered subsection (1.1):

**83.** (1) In this section “former Act” means *The Highway Traffic Act*, being chapter 169 of the Revised Statutes of Alberta 1970.

(b) by striking out the words “*The Highway Traffic Act*” wherever they appear and by substituting the words “the former Act”.

12. Section 107 is amended by striking out subsection (4) and by substituting the following subsections:

(4) The Driver Control Board may make an order

(a) reducing, with or without conditions, the term of a suspension or disqualification, or

(b) cancelling the disqualification or terminating the suspension,

imposed pursuant to subsection (1) or (2).

**8. Section 66, subsection (1) presently reads as follows:**

*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.*

**9. Section 71, subsection (3) presently reads as follows:**

*(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.*

**10. Section 78 presently reads as follows:**

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

**11. Changes references to The Highway Traffic Act to references to the former Act.**

**12. Section 107, subsection (4) presently reads as follows:**

*(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.*

(4.1) For the purposes of this section, two members of the Driver Control Board constitute a quorum.

*13. Section 109 is amended*

*(a) as to subsection (1),*

*(i) by striking out the words “section 234” and by substituting the words “section 234, 234.1”, and*

*(ii) as to clause (a) by striking out the words “section 235” and by substituting the words “section 234.1 or 235”,*

*(b) as to subsections (4), (5) and (6) by striking out the words “section 234” wherever they appear and by substituting the words “section 234, 234.1”.*

*14. The Metric Conversion Statutes Amendment Act, 1976 is amended as to Schedule A by adding the following:*

**13.** Section 109, subsections (1), (4), (5) and (6) presently read as follows:

*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.*

*(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*

*(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.*

**14.** Amends chapter 73 of the Statutes of Alberta, 1976.

THE MOTOR VEHICLE ADMINISTRATION ACT  
(S.A. 1975(2), c.68)

Section 1, clause 1, subclause (vi):

*The words “22 miles per hour on level ground within a distance of one mile” are struck out and the words “35 kilometres per hour on level ground within a distance of two kilometres” are substituted.*

Section 1, clause 10, subclause (vi):

*The words “31 miles per hour on level ground within a distance of one mile” are struck out and the words “50 kilometres per hour on level ground within a distance of two kilometres” are substituted.*

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

