

1977 BILL 36

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Third Session, 18th Legislature, 26 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 36**

**THE HIGHWAY TRAFFIC AMENDMENT ACT, 1977**

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MR. FLUKER

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First Reading .....

Second Reading .....

Third Reading .....

*Bill 36*  
*Mr. Fluker*

## **BILL 36**

1977

### **THE HIGHWAY TRAFFIC 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 Highway Traffic Act, 1975 is hereby amended.*
  
2. *Section 1 is amended*
  - (a) *by striking out clause 3 and by substituting the following clause:*
  
3. "bicycle" means, except in Parts 2 and 5, 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,
  - (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 that transfers power to the driven wheel, and
  - (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;

## Explanatory Notes

1. This Bill will amend chapter 56 of the Statutes of Alberta, 1975 (Second Session).

2. Definitions. Section 1, clauses 3, 13, 17 and 18 presently read:

3. *“bicycle” includes any cycle propelled by human power upon which a person may ride, regardless of the number of wheels it may have;*
13. *“implement of husbandry” means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations;*
17. *“motor cycle” means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motor cycles, scooters and power bicycles but does not include an off-highway vehicle as defined in The Off-highway Vehicle Act;*
18. *“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;*

(b) *as to clause 13 by striking out the word “exclusively” and by substituting the word “primarily”;*

(c) *by adding the following clause after clause 15:*

15.1 “median” means a physical barrier or area that separates traffic travelling in one direction from traffic travelling in the opposite direction on a highway;

(d) *by adding the following clause after clause 16:*

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

- (i) may be propelled by muscular or mechanical power,
- (ii) is fitted with pedals that are continually operable to propel it,
- (iii) weighs more than 75 pounds but less 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 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;

(e) *as to clause 17 by striking out the words “, scooters and power bicycles” and by substituting the words “and scooters”;*

(f) *by striking out clause 18 and by substituting the following clause:*

18. “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;

(g) *by adding the following clause after clause 30:*

30.1 “service road” means a road that runs parallel to a main road and is separated from the main road by a boulevard or curb;

3. *Section 8 is amended*

(a) *as to clause 2 by adding after the word “design” the word “, colour”, and*

(b) *by adding after clause 2 the following clauses:*

2.1 *prescribing the classes of vehicles that may be equipped with flashing or rotating lights and the colour of those lights;*

2.2 *prohibiting the use of flashing or rotating lights by vehicles other than those prescribed under clause 2.1;*

4. *Section 11, subsection (2) is amended by striking out the words “this Act” and by substituting the words “The Motor Vehicle Administration Act”.*

5. *Section 14, subsection (1), clause 3 is amended by striking out the words “, or where there are none, to the municipal manager, or if none, to the municipal clerk, or if none, to the secretary-treasurer” and by substituting the words “or any municipal official or employee named in the by-law”.*

**3. Section 8, clause 2 presently reads:**

*8. The Lieutenant Governor in Council may make regulations:*

*2. prescribing the design and position of lights and reflectors to be used upon vehicles;*

The addition of clauses 2.1 and 2.2 will allow flashing and rotating lights on vehicles to be governed by regulation.

**4. Section 11, subsection (2) presently reads as follows:**

*(2) The owner of every motor vehicle registered under this Act shall submit the vehicle to such periodic inspections and tests as are required by the regulations.*

**5. Section 14, subsection (1), clause 3 presently reads:**

*14. (1) With respect to highways under its direction, control and management, the council of a municipality may make by-laws, not inconsistent with this Act and on matters for which no provision is made in this Act, for the regulation and control of vehicle, animal and pedestrian traffic and, without restricting the generality of the foregoing, may make by-laws*

*3. delegating to the municipal commissioners, or where there are none, to the municipal manager, or if none, to the municipal clerk, or if none, to the secretary-treasurer, the power to prescribe where traffic control devices are to be located, including traffic control devices restricting the speed of vehicles, providing that traffic control devices located by such persons pursuant to a delegation made under this clause shall be deemed to have been made by by-law of the municipality and providing for a record of all such locations to be kept which shall be open to public inspection during normal business hours,*

6. *Section 16 is amended by renumbering the section as subsection (1) and by adding the following subsection:*

(2) In this Part,

- (a) “bicycle” means any cycle propelled by human power upon which a person may ride, regardless of the number of wheels it has;
- (b) “power bicycle” means a vehicle that
  - (i) may be propelled by a muscular or 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 that transfers power to the driven wheel, and
  - (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;

7. *(1) The words “or moped” are added after the words “motor cycle” wherever they appear in the following provisions:*

section 17, subsection (1);

section 37, subsection (1);

section 42, subsection (1);

section 93, subsection (2);

section 155.

*(2) The words “, moped and power bicycle” are added after the words “motor cycle” wherever they appear in the following provisions:*

section 21;

section 23, subsection (2);

section 26, subsection (1), clause (a).



**6. Section 16 presently reads:**

*16. Every person who*

*(a) operates a vehicle, or*

*(b) permits another person to operate a vehicle,*

*on a highway without complying with any requirements of this Part as to equipment is guilty of an offence.*

**7. Consequential.**

*(3) The words “, moped or power bicycle“ are added after the words “motor cycle” wherever they appear in section 33.*

*(4) The words “, moped, power bicycle” are added after the words “motor cycle” wherever they appear in section 35.*

*8. Section 28 is struck out.*

**8.** Consequential amendment to section 3 of this Bill. Section 28 presently reads as follows:

*28. (1) No motor vehicle other than a vehicle used*

- (a) for the transportation of any member of a fire brigade or of any firefighting equipment, or*
- (b) for the transportation of any peace officer, or*
- (c) as an ambulance,*

*shall be equipped with any red light or flashing light visible from the front of the vehicle.*

*(2) Subsection (1) does not apply to:*

- (a) signal lights for indicating an intention to turn as required by section 29;*
- (b) alternate flashing red lights displayed by a school bus;*
- (c) flashing lights of such colour other than red as is provided in this Act or the regulations and displayed by
  - (i) a snowplow, or*
  - (ii) a vehicle transporting explosives, or*
  - (iii) a tow truck while towing or pushing a disabled vehicle, or*
  - (iv) a vehicle engaged in highway inspection, highway construction or highway maintenance, or*
  - (v) a vehicle engaged in the transportation of or towing of a building, or*
  - (vi) a vehicle owned and operated by Alberta Government Telephones while engaged in the construction, maintenance or repair of communication systems, or*
  - (vii) a vehicle leading a funeral procession, or*
  - (viii) a vehicle that has become immobile or inoperative;**
- (d) simultaneously flashing turn signal lights displayed at a railway crossing by a vehicle required to stop at railway crossings;*
- (e) simultaneously flashing turn signal lights displayed by a vehicle that has become immobile or inoperative;*

9. Section 39, subsection (3) is amended by striking out the words “In addition to the mirrors required under” and by substituting the word “Notwithstanding”.

10. Section 50, subsection (4) is amended by striking out the words “upon such portions of a highway as may be requisite for the” and by substituting the words “upon any portion of a highway in the course of”.

11. Section 54, subsection (6) is amended by striking out the words “section 91” and by substituting the words “section 90”.

12. Section 79, subsection (2), clause (a) is amended by adding after the word “road,” the words “service road,”.

13. Section 85, subsection (2) is amended

(a) as to clause (a) by striking out the words “to the right of the roadway,” and by substituting the words “to either the right or the left of the roadway, whichever is nearer”, and

(b) by striking out the words “has stopped” and by substituting the words “has passed”.

14. Section 96 is amended by adding the following clause after clause (l):

*(f) flashing lights or coloured lights as prescribed by the regulations displayed by a vehicle of a class authorized by the regulations to display those lights.*

*(3) Any motor vehicle belonging to a municipal fire department may be equipped with such red lights or other coloured lights as may be designated by by-law of the council.*

*(4) No vehicle other than a school bus shall be equipped with alternate flashing red lights visible from the front or the rear of the vehicle.*

**9. Section 39, subsection (3) presently reads:**

*(3) In addition to any mirrors required under subsections (1) and (2), every new motor vehicle sold shall carry a side rear vision mirror attached to the left side of the motor vehicle in such a position as to afford the driver a clear view of the roadway to the rear left side of the vehicle.*

**10. Section 50, subsection (4) presently reads:**

*(4) Vehicles used in highway maintenance or highway construction work or by employees in the Safety Branch may be operated upon such portions of a highway as may be requisite for the highway maintenance, highway construction or other work in which it is engaged.*

**11. Corrects a cross-reference**

**12. Section 79, subsection (2), clause (a) presently reads:**

*(2) A driver about to enter upon*

*(a) a primary highway or street from a road, alley or driveway, or*

**13. Section 85, subsection (2) presently reads:**

*(2) On a one-way highway where there are more than two traffic lanes a driver meeting or being overtaken or being approached from the right or left by a vehicle on which a siren is being sounded, shall*

*(a) drive his vehicle as close as practicable to the right of the roadway,*

*(b) bring his vehicle to a stop, and*

*(c) remain stopped,*

*until the vehicle sounding its siren has stopped.*

**14. Prohibition against parking at site of emergency.**

(m) at or near the site of any fire, explosion, accident or other incident, where stopping or parking would obstruct traffic or hinder police officers, firemen, ambulance drivers or assistants or rescue officers or volunteers.

15. Section 104, subsection (1) is amended by adding after the word "pedestrian" the word ", passenger".

16. Section 118 is amended by adding after the words "No person shall" the word "wilfully".

17. The following section is added after section 120:

**120.1.** (1) In this section "conversion unit" means a mechanical device consisting of one or more axles designed to convert a semi-trailer to a full trailer.

(2) No dealer shall sell or offer to sell a new motor vehicle, trailer or conversion unit manufactured after the day upon which this section comes into force that does not conform to the standards required by the *Canadian Motor Vehicle Safety Act* and the regulations thereto or that does not bear the national safety marks referred to in that Act.

18. Section 148 is amended by adding the following subsection after subsection (7):

(7.1) A person who is guilty of an offence under section 118 is liable on summary conviction to a fine of not less than \$250 and not more than \$1000.

19. Section 121 is amended by striking out subsection (2) and by substituting the following subsection:

(2) In this Part,

(a) "bicycle" means any cycle propelled by human power upon which a person may ride, regardless of the number of wheels it has;

(b) "cycle" means a bicycle, a motor cycle or a moped;

**15.** Section 104, subsection (1) presently reads:

*104. (1) No person, whether as a pedestrian or driver and whether or not with the use or aid of any animal, vehicle or other thing, shall perform or engage in any stunt or other activity upon a highway that is likely to distract, startle or interfere with other users of the highway.*

**16.** Section 118 presently reads:

*118. No person shall remove, throw down, deface or alter, injure or destroy a traffic control device placed, marked or erected upon a highway.*

**17.** Prohibition against selling new vehicles that do not meet the safety requirements in the Canadian Motor Vehicle Safety Act.

**18.** Punishment for offence under section 118.

**19.** Section 121, subsection (2) presently reads:

*(2) In this Part "cycle" means a bicycle or a motor cycle.*

- (c) “power bicycle” means a vehicle that
- (i) may be propelled by muscular or 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 that transfers power to the driven wheel, and
  - (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;

20. Section 122, subsection (1) is amended by striking out the words “or power bicycle”.

21. The words “, a moped” are added after the word “scooter” wherever it appears in the following provisions:

section 122, subsection (2);

section 126, subsections (1), (2) and (4).

22. The Metric Conversion Statutes Amendment Act, 1976 is amended as to Schedule A by adding in the appropriate places under the heading “THE HIGHWAY TRAFFIC ACT, 1975 (S.A. 1975(2), c. 56)” the following:

Section 1, clause 3, 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.*



**20.** Consequential. Section 122, subsection (1) presently reads:

*122. (1) No person under the age of 16 years shall operate a scooter or power bicycle with a motor having a displacement or horsepower greater than that prescribed by the regulations.*

**21.** Consequential.

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

Section 1, clause 16.1, 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.*

Section 16, subsection (2), clause (b), 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 121, subsection (2), clause (c), 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.*

23. *This Act comes into force on July 1, 1977.*

