

1977 BILL 98

Third Session, 18th Legislature, 26 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 98

THE MOTOR VEHICLE ADMINISTRATION
AMENDMENT ACT, 1977 (NO.2)

MR. APPLEBY

First Reading

Second Reading

Third Reading

Bill 98
Mr. Appleby

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THE MOTOR VEHICLE ADMINISTRATION AMENDMENT ACT, 1977 (NO. 2)

(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 amended by this Act.

2 Section 1 is amended

(a) by repealing clause 1 and substituting the following:

1 "bicycle" includes any cycle propelled by human
power upon which a person may ride regardless of the
number of wheels it may have;

*(b) in clause 10 by adding "or power bicycle" after
"bicycle",*

*(c) in clause 11 by striking out "motor assisted bicycle" and
by substituting "moped",*

*(d) in clause 12 by adding "or power bicycle" after "bi-
cycle", and*

(e) by adding the following after clause 17:

17.1 "power bicycle" means 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 oper-
able to propel it,

(iii) weighs not more than 75 pounds,

Explanatory Notes

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

2 Amendments to definitions. The new category of “power bicycle” is taken from the definition of bicycle and defined separately.

(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 centimeters,

(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 enable it to attain a speed greater than 35 kilometres per hour on level ground within a distance of 2 kilometres from a standing start;

3 Section 17 is amended by adding the following after subsection (2):

(2.1) Notwithstanding the suspension of a person's operator's licence or his disqualification from holding an operator's licence, a person may operate a vehicle, on any terms or conditions the Minister may prescribe, while engaged in any measure or course of remedial education or treatment pursuant to section 21.

4 Section 19 is amended by striking out "at the time the notice is delivered to that address" and substituting "on the 5th day following the day on which the notice was so mailed".

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

(2.1) A person having the care and control of a motor vehicle shall produce his operator's licence for inspection upon demand by any peace officer.

(2.2) If the owner of a motor vehicle possesses an operator's licence, he shall produce the operator's licence for inspection upon demand by any peace officer.

3 Driving while disqualified or while operator's licence is suspended.

4 Section 19 presently reads:

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 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.

5 These amendments will allow peace officers to inspect operator's licences of owners or persons having care and control of a motor vehicle.

6 *Section 39 is amended*

(a) *in subsection (1) by striking out “obliterated” and substituting “removed, defaced, covered, altered or destroyed or has become illegible or lost”, and*

(b) *by repealing subsections (2) and (3) and substituting the following:*

(2) A person who has in his possession any motor vehicle in the condition described in subsection (1) shall file with the Minister satisfactory proof of the ownership of the vehicle and the Minister may direct a peace officer to physically inspect the motor vehicle to determine its proper identity prior to registration.

(3) The Minister may, on any terms and conditions he considers proper, authorize a peace officer to issue and attach to a motor vehicle to which this section applies an assigned identification number which shall be

(a) the manufacturer’s serial number if it is determinable, or

(b) a number assigned by the Minister, if the manufacturer’s serial number is not determinable,

and that assigned identification number is thereafter sufficient identification for the purpose of registration of the vehicle.

(4) A person who has in his possession any serially numbered part of a motor vehicle of which the manufacturer’s serial number has been removed, defaced, covered, altered, destroyed or become illegible, may file with the Minister satisfactory proof of the ownership of the part and the Minister may, on any terms and conditions he considers proper, authorize a peace officer to issue and attach to a part of a motor vehicle to which this section applies an assigned identification number which shall be

(a) the manufacturer’s serial number if it is determinable, or

(b) a number assigned by the Minister, if the manufacturer’s serial number is not determinable.

7 *Section 42(a) is amended by striking out “permit issued under this Act issued under this Act” and substituting “permit issued under this Act”.*

6 This amendment will permit a physical inspection of a vehicle with a deficient or no visible serial number. It will also permit identity numbers or marks to be assigned to motor vehicle parts where the serial number is not legible. Section 39 presently reads:

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.

7 This amendment will correct a drafting error.

8 Section 43(1) is amended by adding “, owner or person having the care and control” after “driver”.

9 Section 59(2) is amended by adding after clause (g) the following:

(h) prescribing terms and conditions governing the operation and use of bicycles, power bicycles or mopeds;

(i) governing, restricting or prohibiting the operation and use of bicycles, power bicycles or mopeds on highways;

(j) prescribing the manner in which assigned identification numbers are to be attached to vehicles or serially numbered parts;

(k) governing records to be kept pursuant to section 90.

10 Section 62(2) is amended by adding “, or” at the end of clause (b) and by adding after clause (b) the following:

(c) at least \$100 000, exclusive of interest and costs, where the judgment arises out of a motor vehicle accident occurring on or after July 1, 1978.

11 Section 65(1) is amended

(a) by adding after clause (a) the following:

(a.1) finds a person guilty of an offence to which section 107, 109, 110, 111 or 112 applies, or

and

(b) by adding after clause (b) the following:

(b.1) adjudges a child to have committed a delinquency in respect of an offence to which section 107, 109, 110, 111 or 112 applies, or

8 This amendment will extend to owners or persons having the care and control of motor vehicles the requirement to produce the certificate of registration for the motor vehicle to a peace officer. Section 43(1) presently reads:

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.

9 This amendment will extend the Minister's power to make orders.

10 This amendment conforms to proposed amendments in Bill 72, The Alberta Insurance Amendment Act, 1977. Section 62(2) presently reads:

(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.

11 This amendment will extend the reporting requirement to other offences related to the application of this Act. Section 65(1) presently reads:

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.

12 Section 68 is amended by adding after subsection (1) the following:

(1.1) Every insurer that cancels an owner's policy shall inform the policy holder in the notice of cancellation that

(a) it is an offence to use or be in possession of a financial responsibility card or a copy of a financial responsibility card relating to an owner's policy that has been cancelled,

(b) it is an offence to operate a motor vehicle that is not an insured motor vehicle, and

(c) he is required by law to destroy the financial responsibility card and every copy of the card issued to him.

(1.2) Every insurer that sends a notice of renewal to an insured shall inform the policy holder in the notice that

(a) it is an offence to use or be in possession of a financial responsibility card or a copy of a financial responsibility card relating to an owner's policy that has been cancelled,

(b) it is an offence to operate a motor vehicle that is not an insured motor vehicle, and

(c) he is required by law to destroy the financial responsibility card and every copy of the card issued to him when he ceases to maintain the financial responsibility in respect of which the card was issued to him.

(1.3) Where the owner of a motor vehicle to whom a financial responsibility card has been issued pursuant to this section ceases to be insured by the owner's policy in respect of which the card was issued, he shall forthwith destroy the card and every copy of the card issued to him.

(1.4) Any insurer that has issued a financial responsibility card shall provide to a peace officer any information requested concerning the cancellation or lapse of the owner's policy with respect to which the financial responsibility card was issued.

12 Self-explanatory.

13 Section 70 is amended

(a) in subsections (1), (2) and (3) by adding “, owner or person having the care and control” after “operator”,

(b) in subsections (4) and (5) by striking out “The operator” and substituting “An operator, owner or person having the care and control”, and

(c) in subsection (5) by adding “not in force or is otherwise” after “an insurance policy which is”.

14 Section 80(1) is amended by striking out “a peace officer having jurisdiction where the accident occurred” and substituting the following:

(a) a peace officer having jurisdiction where the accident occurred, or

(b) an employee of a municipal police force having jurisdiction where the accident occurred who is authorized to receive such reports.

15 Section 87 is repealed and the following is substituted:

87(1) No person shall have in his possession a motor vehicle, or any serially numbered part thereof, that does not have either

(a) the manufacturer’s serial number or similar identifying mark, or

(b) a special identification number or mark authorized under section 39, where the manufacturer’s serial number or identifying mark has been removed, defaced, covered, altered or destroyed or has become illegible.

(2) A person destroying or dismantling a motor vehicle in such a manner as to make it inoperative

(a) shall not use or allow the serial number plate of that motor vehicle to be used on any other motor vehicle,

(b) shall ensure that the manufacturer’s serial number remains legible and attached to the motor vehicle or vehicle hulk until such time as the entire hulk is destroyed, and

13 This amendment will extend to owners and persons having the care and control of a motor vehicle the obligation to produce to a peace officer the financial responsibility card for the vehicle. Section 70(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 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

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

is guilty of an offence.

14 This amendment will permit civilian police employees to receive accident reports. Section 80(1) presently reads:

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.

15 This amendment will expand the provisions to include serially numbered parts. Section 87 presently reads:

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 permanently 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.

(c) after entering the proper records pursuant to section 90, shall destroy the serial number plate.

16 Section 90 is repealed and the following is substituted:

90(1) Every person who buys, sells, wrecks, stores or obtains or otherwise deals in second-hand motor vehicles, or parts thereof which have been serially numbered by the manufacturer or maker, shall, if a motor vehicle or serially numbered part thereof remains in his possession without good reason or under suspicious circumstances, forthwith report the matter to a peace officer having jurisdiction in the vicinity.

(2) Every person engaged in the business of buying, selling, exchanging, wrecking, painting, altering or otherwise dealing in second-hand motor vehicles or serially numbered parts thereof, shall keep a record of every motor vehicle or engine block or transmission or, in the case of trucks, differentials, bought, sold, exchanged, dismantled, wrecked, painted, altered or broken up by him and shall produce the record for inspection at any time upon demand of a peace officer.

(3) Records required by subsection (2) shall be kept in a legible form in accordance with the regulations.

(4) Where a motor vehicle, or any part thereof, whose manufacturer's serial number or other identifying mark has been removed, defaced, covered, altered, destroyed or become illegible, is offered for sale to a dealer in motor vehicles, the dealer

(a) shall forthwith report the matter to a peace officer having jurisdiction in the area,

(b) shall not buy, sell, wreck or otherwise deal with the vehicle until he has received 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.

(5) 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.

16 Section 90 presently reads:

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 brought, 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.

17 *Section 98(e) is repealed and the following is substituted:*

(e) section 87(1) relating to possession of a motor vehicle or serially numbered part that does not display a serial number or other authorized identifying number or mark in the space provided for such identification by the manufacturer or the serial number of which has been removed, altered, covered, defaced, destroyed or become illegible;

18 *The following is added after section 99:*

99.1 Every peace officer who, on reasonable and probable grounds believes that a financial responsibility card relating to any motor vehicle being operated on a highway is one to which section 67(4) or 68(1.3) applies, may seize the licence plate issued for that vehicle.

19 *Section 101(b) is repealed and the following is substituted:*

(b) any other place where motor vehicles or serially numbered parts of motor vehicles are kept for sale, hire, dismantling, destruction or storage, or

20 *Section 112.1 is repealed and the following is substituted:*

112.1 For the purposes of sections 109, 111 and 112,

(a) a person who pleads guilty to, or

(b) a child who is adjudged to have committed a delinquency in respect of,

an offence therein referred to is deemed to have been found guilty of that offence.

21 *This Act comes into force on January 1, 1978.*

17 Section 98 presently reads in part:

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:

(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;

18 Self-explanatory.

19 Section 101 presently reads:

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 vehicles in that place and by the persons employed therein.

20 This amendment will add delinquencies to its scope.