

1979 BILL 69

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First Session, 19th Legislature, 28 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 69**

**THE MOTOR TRANSPORT AMENDMENT ACT, 1979**

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THE MINISTER OF TRANSPORTATION

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

*Bill 69*

## **BILL 69**

1979

### **THE MOTOR TRANSPORT AMENDMENT ACT, 1979**

*(Assented to , 1979)*

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

*1 The Motor Transport Act is amended by this Act.*

*2 Section 1(1) is amended*

*(a) in clause (g) by striking out “, and for the transport of which compensation is payable”, and*

*(b) by repealing clause (i) and substituting the following:*

*(i) “livery” means a motor vehicle that*

*(i) has a seating capacity of no more than 12 persons, not including the operator, and*

*(ii) is used to transport passengers and their baggage to a requested destination*

*but does not include a motor vehicle that is operated outside a city or town*

*(iii) at regular intervals,*

*(iv) in accordance with a set time schedule, or*

*(v) over a specified route;*

*3 Section 9(5) is amended*

*(a) by adding “in writing” after “delegate”, and*

*(b) by adding “or the Board” after “Transportation”.*

*4 Section 14 is amended*

## **Explanatory Notes**

**1** This Bill will amend chapter 80 of the Statutes of Alberta, 1977.

**2** Section 1(1) presently reads in part:

*1(1) In this Act,*

*(g) "goods" means any thing that is or may be carried by means of a vehicle, and for the transport of which compensation is payable;*

*(i) "livery" means a motor vehicle*

*(i) that has a seating capacity of not more than 12 persons, exclusive of the operator,*

*(ii) that is hired for one specific trip,*

*(iii) that is used for the transportation exclusively of a passenger or passengers, and*

*(iv) for which one fare or charge is collected or made with respect to a trip;*

**3** Section 9(5) presently reads:

*(5) The Board may delegate any of its administrative functions under the Act to one or more officers or employees of the Department of Transportation.*

**4** Section 14 presently reads:

*(a) in subsection (1)*

*(i) by adding “in writing” after “order”,*

*(ii) by striking out “or improvement district” and substituting “, improvement district, city, town or village”, and*

*(iii) by striking out “or rural road” wherever it occurs and substituting “, rural road or street”, and*

*(b) by adding the following after subsection (3):*

**(4) An order, regulation or by-law made by a council, a committee of council or the Minister of Municipal Affairs pursuant to this section is effective to the extent that it is not inconsistent with this Act and the orders and regulations made under this Act.**

*5 Section 17 is amended by renumbering it as section 17(1) and by adding the following:*

**(2) Notwithstanding subsection (1)(b), in the case of an application for a certificate for the operation of a public vehicle in other than a local undertaking, as defined in the *Motor Vehicle Transport Act* (Canada), the Board may accept a written statement from an insurer not authorized to carry on the business of automobile insurance in Alberta if**

**(a) the applicant is a resident of or has its head office in a jurisdiction that is**

**(i) other than Alberta, and**

**(ii) the same jurisdiction as that of the insurer’s head office,**

**(b) the insurer’s head office is in a jurisdiction that accepts a motor vehicle liability policy on a motor vehicle from an insurer authorized to carry on the business of automobile insurance in Alberta, for the purpose of authorizing a motor vehicle to operate on a route or routes in that jurisdiction, and**

*14(1) The Minister may by order authorize the council of a municipal district or county, or the Minister of Municipal Affairs in the case of a special area or improvement district, to*

*(a) prohibit the use of a secondary road or rural road by a traction engine or public vehicle, or by a class or classes thereof, for such period or periods as the council or the Minister of Municipal Affairs may determine,*

*(b) limit or restrict the speed of a traction engine or public vehicle, or of a class or classes thereof, using a secondary road or rural road, for such period or periods as the council or the Minister of Municipal Affairs may determine, and*

*(c) increase, limit or restrict the maximum gross weight that may be borne by a tire, an axle or an axle group, or any of them, or the maximum gross weight that may be borne by a vehicle or combination of vehicles on a secondary road or rural road, for such period or periods as the council or the Minister of Municipal Affairs may determine,*

*where the council or the Minister of Municipal Affairs is of the opinion that the prohibition, limitation or restriction is necessary for the preservation of the secondary road or rural road.*

*(2) The council or the Minister of Municipal Affairs shall cause signs to be erected along the secondary road or rural road, as the council or the Minister of Municipal Affairs considers necessary to notify persons using the road of the prohibition, limitation, increase or restriction imposed.*

*(3) The power which a council is authorized to exercise under this section may be delegated by the council to a committee of the council.*

## **5 Section 17 presently reads in part:**

*17 No certificate may be issued unless the applicant has filed with the Board*

*(b) a written statement from an insurer authorized to carry on the business of automobile insurance in Alberta that the insurer has issued to or for the benefit of the person named a motor vehicle liability policy that at the date of the statement is in full force and effect and that designates therein by adequate reference all motor vehicles to which the policy applies, in respect of all motor vehicle liability policies required by the Board*

*(i) to provide for any loss or damage*

*(A) resulting from bodily injury to or the death of a person being carried in or upon, or entering or getting onto, or alighting from, a motor vehicle, having regard to the number of passengers, and*

*(B) to personal property of passengers carried in or upon the motor vehicle,*

*(ii) to provide for loss or damage resulting from bodily injury to or the death of a person other than a person mentioned in subclause (i), or*

*(iii) to provide for loss or damage to property other than that mentioned in subclauses (i) and (ii),*

*if the statement covers the motor vehicle to be licensed under a certificate in the*

(c) the insurer complies with section 68 of *The Motor Vehicle Administration Act*.

6 *Section 19 is amended by adding “and specify conditions to which it is subject,” after “a permit”.*

7 *Section 20 is amended by adding “, and specify the conditions to which it is subject,” after “the special permit”.*

8 *Section 21(1) is amended by adding “in whole or in part” after “transferred”.*

9 *Section 26(1) is amended by striking out “or cancels” and substituting “, cancels or revokes”.*

10 *Section 35(2) is amended by striking out “of the Board under” and substituting “made pursuant to”.*

*name of the applicant and the statement certifies that the motor vehicle liability policy mentioned will not be cancelled or expire except upon 15 days' prior written notice to the Board, and that until that notice is given the statement is valid and sufficient to cover the term of any renewal by the insurer of the motor vehicle liability policy mentioned in the statement and of any renewal by the Board of the term of the applicant's certificate.*

Subsection (2) provides for acceptance of insurance of extra-provincial non-resident carriers.

**6** Section 19 presently reads:

*19 The Board may issue a permit to the non-resident owner of a public vehicle who*

*(a) has complied with the law of his place of residence as to the registration of motor vehicles, and*

*(b) desires to operate the public vehicle for a single conveyance of goods or passengers,*

*and the permit is authority for that operation of the public vehicle, notwithstanding any provision of The Motor Vehicle Administration Act.*

**7** Section 20 presently reads:

*20 The Board may issue a special permit authorizing the operation of a public vehicle in any instance where the operation of a public vehicle is otherwise prohibited under this Act or any order under this Act, and may specify the duration of the special permit.*

**8** Section 21(1) presently reads:

*21(1) No certificate, right or privilege granted under this Act may be capitalized, sold, assigned, leased or transferred except with the prior written approval of the Board.*

**9** Section 26(1) presently reads:

*26(1) Where the Board suspends or cancels a certificate, the holder shall surrender to the Board or its agent any vehicle licence issued under The Motor Vehicle Administration Act respecting any vehicle to which the certificate applies and the certificate.*

**10** Section 35(2) presently reads:

*(2) The Regulations Act does not apply to an order of the Board under subsection (1)(q).*

*11 Section 36 is amended*

- (a) in clause (a) by adding “or permit” after “certificate”,*
- (b) in clause (b) by adding “, a permit issued pursuant to section 19” after “Act”, and*
- (c) in clause (c) by adding “or any permit” after “certificate”.*

*12 Section 46 is amended*

- (a) in subsection (1)*
  - (i) by adding “or transporting passengers” after “receiving goods”, and*
  - (ii) by adding “or passengers” after “to the goods”,*
- (b) in subsection (2) by adding “or any document pertaining to the passengers being transported” after “transported”, and*
- (c) by adding the following after subsection (3):*
  - (4) The holder of an operating authority certificate issued under this Act shall not operate a public vehicle to which it applies if the certificate or a copy of it is not in the motor vehicle.*

*13 Section 59 is amended*

- (a) by striking out “that may be borne on the highway”, and*
- (b) by striking out “on that highway” and substituting “on a bridge”.*

*14 Section 61 is repealed.*



**11 Section 36 presently reads:**

*36 No person may operate a public vehicle on a highway for the purpose of transporting goods or passengers unless*

*(a) the operation is carried out pursuant to the authority of an operating authority certificate or an exemption has been obtained under this Act with respect to the particular operation,*

*(b) the vehicle is the object of a subsisting certificate of registration under The Motor Vehicle Administration Act or a certificate issued pursuant to a reciprocal agreement under section 12 or 13, and*

*(c) the operation is carried out in accordance with the terms and conditions of the operating authority certificate and with the provisions of this Act and the regulations.*

**12 Section 46 presently reads:**

*46(1) A shipper, depot operator, consignee or holder of a certificate shipping or receiving goods by a public vehicle shall permit inspection during normal business hours by the Board or an agent of the Board or a peace officer, of his books, accounts and other records pertaining to the shipping and to the goods transported.*

*(2) The operator of a public vehicle shall, on demand of a peace officer or an agent of the Board, produce for inspection the bill of lading, shipping bill, customs permit or any other document pertaining to the goods being transported by the vehicle.*

*(3) A person required by this Act to produce for inspection, or to permit the inspection of, any document shall also, if required by the person inspecting it, make the document available for copying by that person.*

**13 Section 59 presently reads:**

*59 A person who, by himself or by an agent or employee, contravenes any provision of this Act or the regulations or of any order made under this Act in respect of the maximum weight of a vehicle or combination of vehicles that may be borne on a highway is guilty of an offence and liable on summary conviction to a fine of not less than \$100 for each 500 kilograms of the weight borne by the vehicle or combination of vehicles in excess of the maximum allowable weight on that highway.*

**14 Section 61 presently reads:**

*61 A person who contravenes a prohibition, limitation or restriction imposed under section 14(1), and published by signs erected pursuant to section 14(2), is guilty of an offence and liable on summary conviction to a fine of not more than \$200.*

15 *Section 67 is repealed and the following is substituted:*

**67** Every document purporting to be signed by the chairman or any member or by the secretary of the Board or by the Registrar as defined in *The Motor Vehicle Administration Act* or by his deputy or by an official of a jurisdiction other than Alberta who is a registrar of motor vehicles for that jurisdiction or his deputy, shall be admitted in evidence as prima facie proof of the facts stated in it without proof of the signature or official character of the person signing the certificate.

16 *Section 68 is amended*

(a) *by adding the following after subsection (1):*

(1.1) A certificate purportedly signed by a peace officer stating

(a) that he weighed a public vehicle or a combination of public vehicles on a scale, and

(b) either

(i) the gross weight of

(A) a public vehicle, or

(B) a combination of public vehicles

and the load being carried thereby, or

(ii) the gross weight of an axle or axle group transferred to the road through any point or points of contact of the vehicle or combination of vehicles with the road

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 if the scale is inspected under the *Weights and Measures Act* (Canada) and a certificate described in subsection (1) is issued in respect of it.

(b) *in subsection (2)*

(i) *in clause (a) by adding “or other scale” after “scale”, and*

(ii) *in clause (b)(ii) by striking out “gross axle weight” and substituting “gross weight of an axle or axle group”.*

**15** Section 67 presently reads:

*67 Every document purporting to be signed by the chairman or any member or by the secretary of the Board 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.*

**16** Section 68 presently reads:

*68(1) In a prosecution under this Act or any order made under this Act, a certificate purporting to be issued and signed by an inspector under the Weights and Measures Act (Canada) and bearing a date not more than one year either before or after the date of the offence charged, 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.*

*(2) Notwithstanding subsection (1), in a prosecution under this Act or any order made under this Act, a certificate purportedly signed by a peace officer or a person appointed by the Board stating*

*(a) that the weight was measured on a portable scale,*

*(b) either*

*(i) the gross weight of*

*(A) a public vehicle, or*

*(B) a combination of public vehicles*

*and the load being carried thereby, or*

*(ii) the gross axle weight transferred to the road through any point or points of contact of the vehicle or combination of vehicles with the road,*

*and*

*(c) that the operator of the vehicle or combination of vehicles agreed to accept the weight determined as being accurate,*

*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.*

*17 Section 69 is repealed and the following is substituted:*

**69** In a prosecution under this Act or any order made under this Act, a bill of lading, shipping bill, customs permit or any other document pertaining to the goods or passengers being transported by a public vehicle

(a) produced to a peace officer by an operator of a public vehicle or a certified true copy of it made by the peace officer, or

(b) inspected by an agent of the Board or a certified true copy of it made by him under section 46,

shall be admitted in evidence as prima facie proof of the origin and destination of the trip, the description of the goods or passengers transported and the owner, operator or lessee of the public vehicle, without proof of the signature or official character of the person signing or certifying the copies of the bill of lading, shipping bill, customs permit or document pertaining to the goods or passengers being transported.

*18 The following is added after section 69:*

**69.1** A sum of money paid as a fine imposed on conviction for an offence under section 48, 49, 50, 58 or 59 of this Act

(a) occurring in a municipal district, improvement district, special area or county, other than on a primary highway, enures to the benefit of the municipal district, improvement district, special area or county,

(b) occurring in a city, town or village, other than on a primary highway, enures to the benefit of the city, town or village, or

(c) occurring in an Indian reserve, other 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 money paid as a fine belongs to the Province.

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

**17** Section 69 presently reads:

*69 In a prosecution under this Act or any order made under this Act, the bills of lading produced to a peace officer by the operator of a public vehicle, or certified true copies thereof, shall be admitted in evidence as prima facie proof of the origin and destination of the trip and description of the load carried, without proof of the signature or official character of the person signing the bills of lading or certifying the copies.*

**18** Disposition of fines.