

1998 BILL 215

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Second Session, 24th Legislature, 46 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# BILL 215

HIGHWAY TRAFFIC  
AMENDMENT ACT, 1998

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MR. BRODA

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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*Bill 215*  
*Mr. Broda*

## **BILL 215**

1998

### **HIGHWAY TRAFFIC AMENDMENT ACT, 1998**

*(Assented to \_\_\_\_\_, 1998)*

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

Amends RSA  
1980 cH-7

**1 The *Highway Traffic Act* is amended by this Act.**

**2 Section 1 is amended by adding the following after clause (q.1):**

(q.2) "red light traffic enforcement device" means a device installed or erected at an intersection with a traffic control signal that is capable of photographing a vehicle and recording data related to the vehicle and the traffic control signal;

**3 Section 2(2)(a) is amended by adding ", of red light traffic enforcement devices" after "tuning forks".**

## Explanatory Notes

**1** Amends chapter H-7 of the Revised Statutes of Alberta, 1980.

**2** Insertion of definition of red light traffic enforcement device.

**3** Section 2(2) presently reads:

*2(2) The Minister may*

*(a) appoint one or more qualified persons as testers of speedometers on motor vehicles, of tuning forks and of other devices, and*

*(b) may prescribe forms required for the recording and reporting of the tests.*

**4 Section 8 is amended by adding the following after clause (s):**

- (t) respecting the requirements and use of red light traffic enforcement devices.

4 Section 8 presently reads:

8 *The Lieutenant Governor in Council may make regulations*

- (a) *prescribing forms and fixing the times at which and the persons to whom returns are to be made;*
- (b) *prescribing the design, colour and position of lights and reflectors to be used on vehicles;*
- (c) *prescribing the classes of vehicles that may be equipped with flashing or rotating lights and the colour of those lights;*
- (d) *prohibiting the use of flashing or rotating lights by vehicles other than those prescribed under clause (c);*
- (e) *respecting the requirements and use of alternately flashing lights on vehicles bearing the sign "school bus";*
- (f) *prescribing the requirements as to brakes on motor vehicles and requiring the periodic inspection, testing and adjustment of them;*
- (g) *prescribing any equipment required and the types and uses for it on vehicles or by drivers and passengers of vehicles;*
- (h) *requiring the periodic inspection, testing and adjustment of any mechanical equipment of any motor vehicle;*
- (i) *governing, restricting or prohibiting the use on any highway or highways of any vehicle or class of vehicles that, in the opinion of the Minister, may be a hazard to other users of the highway by reason of unusual or novel size, weight or operating characteristics or by reason of any alteration or modification from its original construction by the manufacturer;*
- (j) *governing, restricting or prohibiting the use on vehicles of any decoration or device that in the opinion of the Minister constitutes a hazard to the public or other users of the highway;*
- (k) *prescribing and requiring the use of devices and other means to prevent accidents or thefts of motor vehicles;*
- (l) *prescribing fees for licences, permits and certificates required by this Act or the regulations;*
- (m) *prescribing terms and conditions governing the use and*

**5 Section 173(1) is amended**

**(a) in clause (a) by striking out “or” at the end of subclause (ii), by adding “or” at the end of subclause (iii) and by adding the following after subclause (iii):**

(iv) a red light traffic enforcement device,

**(b) in clause (b) by striking out “or” at the end of subclause (i), by adding “or” at the end of subclause (ii) and by adding the following after subclause (ii):**

(ii) in the case of a red light traffic enforcement device, 30 days before or after the date of the offence charged,

*operation of motor vehicles;*

- (n) prescribing warning signals or devices that may be used and the manner of their use;*
- (o) prescribing the shape, colours, patterns and other qualities required of traffic control devices to be placed, erected or marked pursuant to this Act;*
- (p) requiring that any traffic control device marked or erected under the authority of this Act conform
  - (i) to the design standards prescribed by the Minister, or*
  - (ii) in the absence of a design standard prescribed by the Minister, to the design standards prescribed by the Manual of Uniform Traffic Control Devices for Canada;**
- (q) prohibiting specified alterations of used motor vehicles or any part thereof and requiring disclosure of specified alterations not prohibited;*
- (r) prescribing rules of conduct by users of campsites owned by the Crown and operated by the Minister, including the period of occupation permitted by persons or vehicles during any prescribed period;*
- (s) restricting the use of a highway in whole or in part to a particular class of vehicle.*

**5** Section 173(1) presently reads:

*173(1) In any prosecution under this Act or the regulations or under the Motor Transport Act or the regulations under that Act or under a municipal by-law, a certificate*

- (a) stating the result of a test of
  - (i) the speedometer of a motor vehicle identified in the certificate,*
  - (ii) a tuning fork identified in the certificate and used for determining the accuracy of a radar set, or*
  - (iii) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles,**

**6 This Act comes into force on Proclamation.**



- (b) *bearing a date on it not more than,*
  - (i) *in the case of a tuning fork, one year before or after the date of the offence charged, or*
  - (ii) *in the case of a speedometer or other device used for or in connection with establishing the speed of vehicles, 30 days before or after the date of the offence charged,*

*and*

- (c) *purporting to be signed by a tester appointed under this Act to test devices of the type stated to have been tested,*

*shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or appointment as a tester of the person signing the certificate.*

**6** Coming into force.