

BILL

No. 23 of 1924.

An Act respecting Vehicles and Highway Traffic.

(Assented to _____, 1924.)

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

SHORT TITLE.

1. This Act may be cited as "*The Vehicles and Highway Traffic Act, 1924.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—

- (a) "Chauffeur" shall include any person who, as an employee paid for that purpose, drives a motor vehicle of another person, or who drives any motor vehicle for hire by another person;
- (b) "Dealer" shall include any person who buys or sells motor vehicles as a business, either as principal or agent;
- (c) "Garage" shall include every place of business which has accommodation for the housing or storage of five or more motor vehicles, and the owner of which receives compensation for such housing or storage;
- (d) "Highway" shall include every road, street, lane, alley, park, parkway and public place;
- (e) "Liveryman" shall mean a person who keeps motor vehicles for hire;
- (f) "Minister" shall mean the Provincial Secretary;
- (g) "Motor vehicle" shall include every vehicle propelled by any power other than muscular power, except traction engines and such motor vehicles as run only upon rails or tracks;
- (h) "Municipality" shall mean a city, town, village or municipal district;
- (i) "Owner" shall include any person renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of more than thirty days;
- (j) "Peace officer" shall include a mayor, reeve, sheriff, deputy sheriff, sheriff's officer, justice of

the peace, gaoler or keeper of a prison, police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process;

- (k) "Vehicle" shall not include cars of electric or steam railways running only upon rails.

PART I.

LICENSES, CERTIFICATES OF REGISTRATION, AND PERMITS.

Drivers' Licenses, Permits, and Registration of Vehicles.

3. No person shall drive a motor vehicle on a highway unless he is in possession of a subsisting driver's, dealer's or chauffeur's license granted under the provisions of this Act.

4. The Minister may refuse to issue a driver's or chauffeur's license to any person unless he is satisfied of the physical and other competency of the applicant to drive a motor vehicle without endangering the safety of the general public.

5. Subject to the other provisions of this Act, no person shall in any year drive a motor vehicle on a highway unless such motor vehicle is registered for that year under the provisions of this Act.

6. Applications for a driver's license or for registration shall be made to the Minister in such form and giving such particulars as may be prescribed by him.

7.—(1) Upon receipt of an application for a driver's license or for registration the Minister may issue a license or a certificate of registration, as the case may be, in such form and upon being paid such fees as may be prescribed by regulations made by the Lieutenant Governor in Council.

(2) No driver's license shall be issued to any person under the age of sixteen years; nor to any person over the age of sixteen years and under the age of eighteen years, unless the latter has passed an examination of a like nature to that required in the case of chauffeurs under the provisions of this Act.

8. Every owner upon registering his motor vehicle shall be entitled to a driver's license, free of charge, upon satisfying the Minister that he is competent to drive and control the same.

9. Subject to the provisions of this Act as to revocation, all licenses and certificates of registration issued under the provisions of this Act shall be good only until the first day of January of the year following the year for which they were issued.

10.—(1) Upon the sale or other transfer of ownership of a registered motor vehicle, the transferor shall within fourteen days notify the Minister of the name and address of the new owner and shall return the certificate of registration for cancellation, together with the number plates.

(2) The number plates may be re-issued to either the new or the old owner, but shall not be issued to the new owner without the consent of the old owner.

11. Notwithstanding any other provisions of this Act, any person who can show to the satisfaction of the Minister that he,—

- (a) is habitually resident outside the Province; and
- (b) has complied with the laws of his place of residence as to the licensing of drivers and the registration of motor vehicles—

may be granted a permit to use his motor vehicle within the Province, for a period of, or for periods together amounting to, three months in any year, and during the subsistence of such permit he shall not be required to have a driver's license or to register his motor vehicle.

12.—(1) Subject to the provisions of subsection (2) of this section, no motor vehicle, the manufacturer's serial number or similar identifying mark of which has been obliterated, shall be registered.

(2) Any person who has in his possession any motor vehicle in the condition described in subsection (1) hereof may forthwith file with the Minister satisfactory proof of the ownership of the vehicle and the Minister shall thereupon grant permission to cut, impress, emboss or attach permanently to such vehicle a special identifying number or mark, which thereafter shall be deemed sufficient for the purpose of registration of such vehicle.

13. The address of every person to whom any license, certificate or permit is issued shall be given in every such document, and the person to whom it is issued shall, upon changing his address, at once notify the Minister of such change.

14. Every person who is convicted of any offence against the provisions of this Act shall produce his driver's or chauffeur's license, as the case may be, to the convicting magistrate or judge, who shall thereupon endorse thereon the particulars of the said conviction.

15. The Minister may suspend or cancel any license, certificate or permit issued under the provisions of this Act for misconduct or non-compliance or infraction of any of the provisions of this Act or of the regulations made thereunder, or upon being satisfied of the unfitness, physical or other, of the holder of such license, certificate, or permit or for any other reason appearing to him to be sufficient.

Chauffeurs' Licenses.

16.—(1) Any person desiring to drive a motor vehicle as a chauffeur may apply to the Minister for a chauffeur's license.

(2) Such application shall be accompanied by photographs of the applicant of such size as the Minister may prescribe, taken within thirty days prior to the date of the application.

(3) Upon receipt of an application for a chauffeur's license the Minister may issue the same upon—

- (a) being satisfied by examination that the applicant is a fit person to receive a chauffeur's license and being satisfied that he is of good moral character, physically fit, and able to drive;
- (b) being paid a fee of three dollars or such other fee as may be prescribed by Order in Council.

(4) One of the photographs hereinbefore provided for shall be affixed to the license prior to its issue to the applicant, and such license shall cease to be valid upon the removal of such photograph therefrom.

(5) Every person receiving a license under the provisions of this section shall write his usual signature upon the margin of the same in the space provided for that purpose, and until the license has been so signed it shall not be valid.

(6) At the time of the issue of a chauffeur's license the Minister shall issue to the chauffeur a metal badge of such pattern as may be prescribed by regulation made under the provisions of this Act.

(7) Every person whilst engaged in work as a chauffeur shall wear his metal badge in such a position as to be conspicuously visible.

(8) No chauffeur shall permit any other person to possess or use his license or badge, nor shall any person use or possess—

- (a) a chauffeur's badge or license belonging to another person;
- (b) a chauffeur's badge or license issued or renewed in respect of any year other than the current year;
- (c) a fictitious chauffeur's badge or license.

17. Every chauffeur must produce his license when asked so to do by any peace officer.

18. No chauffeur's license shall be issued to any person under the age of eighteen years.

19. No chauffeur's license shall be issued to a firm or corporation, or in the name of more than one person.

20. The Lieutenant Governor in Council may at any time direct that chauffeurs' licenses shall only be good for such period less than a year as may seem to him proper.

Liveryman's License.

21. No person shall carry on the business of a liveryman until he has applied to the Minister for and received from him a liveryman's license, which may be issued upon payment of such fees and compliance with such other conditions as may be prescribed by the Minister.

Garage License.

22. No person shall store motor vehicles or conduct a garage business until he has applied to the Minister for and received from him a garage license, which may be issued upon payment of such fees and compliance with such other conditions as may be prescribed by the Minister.

Dealers.

23.—(1) No person shall engage in the business of a manufacturer of motor vehicles or a dealer therein until he has applied to the Minister for a dealer's license and received the same.

(2) Upon receipt of an application for a dealer's license the Minister may issue the same upon being paid such fee as may be prescribed by Order in Council.

(3) The Minister shall issue with every dealer's license six sets of number plates, which shall bear a word, letter or other device sufficient to distinguish the same from number plates issued to others than manufacturers or dealers.

(4) No license or number plates issued under the provisions of this section shall be valid in respect of more than one place of business.

24.—(1) No person shall use any number plate issued under the provisions of the preceding section on any vehicle, except a vehicle which is—

- (a) kept by him exclusively for sale, and not for hire or any other purpose; or
- (b) used in his business as a service car or otherwise and not as a private car.

(2) No person shall use any number plate issued under the provisions of the preceding section upon any motor vehicle not specially adapted for use as a service car or for some other special use in his business during a trip which is neither a trip undertaken solely for the purpose of taking into or having in the vehicle some definite person, with a view to demonstrating to him the qualities of the vehicle, or a trip necessitated by having taken the first mentioned trip.

(3) No person shall be required to register any motor vehicle as long as it is used solely in accordance with the provisions of this section.

(4) No person shall be granted a renewal of a license granted under the provisions of this section until he has made a statutory declaration that he has not used any number plates issued under the provisions of this section otherwise than in accordance with the said provisions.

PART II.

INSPECTION AND REPORTS.

25. All persons who buy, sell, wreck or otherwise deal in second hand motor vehicles shall forward to the Minister a record of the same in such form, with such particularity and at such times as he may prescribe.

26.—(1) If a motor vehicle, the manufacturer's serial number or other identifying mark of which has been obliterated or is illegible, is offered for sale to any dealer in motor vehicles, he shall forthwith report the matter to the nearest police officer and shall not buy, sell, wreck or otherwise deal with any such vehicle until he has received convincing proof of the right of the person offering the car for sale to sell the same.

(2) Every dealer buying any such motor vehicle shall keep a record of the purchase and of the facts convincing him of the right of the person offering the car for sale to sell the same.

27. Every person who buys, sells, wrecks or stores motor vehicles shall, if a motor vehicle remains in his possession without good reason or under suspicious circumstances, forthwith report the matter to the Minister.

28.—(1) Every dealer shall, prior to the sixth day of each month, forward to the Minister a record of all motor vehicles sold and delivered by him in Alberta during the preceding month.

(2) The dealer shall give in such record the name and address of the purchaser of each vehicle comprised in the record and such further particulars as the Minister may require, and shall send therewith a statutory declaration as to the truth of the statements therein contained.

29. The Minister may from time to time appoint motor vehicle inspectors, who shall have such duties as may be assigned to them by him, and any motor vehicle inspector so appointed by the Minister or any police officer or constable shall have the right and power, without further authority, in the day time, *i.e.*, in the interval between six o'clock in the forenoon and nine o'clock in the afternoon of the same day to enter the business premises of any dealer in motor vehicles, or person or persons conducting a motor vehicle livery, or other place where motor vehicles are kept for hire or sale, for the purpose of ascertaining whether or not the provisions of this Act are being complied with in respect to the motor vehicles in any of such places and by the several employees therein.

PART III.

EQUIPMENT OF MOTOR VEHICLES.

Number Plates.

30.—(1) At the time of the issue of a certificate of registration the Minister shall issue to the owner of the registered vehicle a set of two number plates, bearing the registration number of such motor vehicle, together with the name of the Province either at length or in an abbreviated form, and the year of the issue.

(2) The Minister may charge a fee of one dollar for each set of number plates issued by him.

31.—(1) One of the number plates shall be firmly attached to the front of the motor vehicle and one to the back thereof.

(2) In the case of a motor vehicle other than a motor cycle the number plate on the back shall be placed on the motor vehicle so that the lower edge thereof shall not be lower than the axle.

(3) In the case of a motor cycle, the number plate on the front shall show the number on both sides, shall be fixed on the front mudguard and so that the number is plainly visible from either side of the motor cycle.

32. The number plates shall be of a distinctly different colour or shade for each year and there shall be a marked contrast between the colour of the number plate and that of the numerals or letters thereon.

33. Subject to the provisions of this Act as to the motor vehicles of a non-resident, no number plate other than that issued by the Minister shall be exposed on any part of a motor vehicle.

34. No number plate shall be attached to or used upon any motor vehicle other than the one in respect of which it was issued.

35. Every number plate shall at all times be kept in a legible condition and unobscured by any part of the vehicle or its attachments or load, or otherwise howsoever, and shall be kept firmly fastened.

36. No person shall—

- (a) deface or alter any number plate issued under the provisions of this Act; or
- (b) use or permit the use of any defaced or altered number plate; or
- (c) permit any number plate issued to him to be used in contravention of the provisions of this Act.

37. Every number plate issued under the provisions of this Act shall be and remain the property of the Crown and shall be returned to the Minister whenever he so requires.

38. Any peace officer who has reason to believe that a motor vehicle is carrying number plates which were not issued for it, or which although issued for it were obtained by false pretences, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined.

Lights.

39. Every motor vehicle, other than a motor cycle, shall, while in operation on a highway, during the period from one hour after sunset to one hour before sunrise—

- (a) carry on the front at least two lighted lamps, showing lights of a white, yellow or amber tint, visible at least two hundred feet in the direction towards which the vehicle is proceeding;
- (b) carry at the rear one lighted lamp, exhibiting a red light, plainly visible for a distance of at least two hundred feet towards the rear, and so contrived as to illuminate every letter and figure on the number plate fixed at the back of the motor

vehicle, so as to be plainly distinguishable at a distance of not less than sixty feet towards the rear.

(2) All lamps carried on the front of a motor vehicle shall be so arranged that no portion of the direct beam of reflected or refracted light issuing therefrom shall, when measured seventy-five feet ahead of such lamps, rise above forty-two inches from the level surface on which the motor vehicle stands.

(3) Any device for the elimination of glare approved by the Minister shall be held to be in conformity with the next preceding subsection.

(4) Every motor or other cycle shall, while in operation on a highway during the period from one hour after sunset to one hour before sunrise, carry a lamp showing a white light in the direction in which the vehicle is proceeding and shall also carry on the back thereof a red lighted lamp or red reflector, so placed as to be clearly visible to drivers of vehicles approaching from the rear.

(5) Any city or town may by by-law define an area or areas within which every motor vehicle, when stationary shall during the period mentioned in subsection (1) hereof, show lights in front and rear thereof, and in every such area during the period aforesaid every motor vehicle when stationary shall show lights in front and rear thereof.

40. In the case of a motor vehicle belonging to a municipal fire department, the lamps shall cast a red light only, or such other coloured light as may be designated by by-law of the council.

41.—(1) No motor vehicle shall carry what is known to the trade as a search light.

(2) A spot light may be carried upon any motor vehicle and when the vehicle is in motion the ray of light therefrom shall be directed to the extreme right of the travelled portion of the highway in such a manner that the beam of light shall strike the extreme right of the travelled portion of the highway within seventy-five feet of the said vehicle.

42. Every vehicle carrying a load which overhangs the rear of the vehicle to the extent of five feet or more shall display upon such overhanging load, at the extreme rear end thereof during the period from one hour after sunset to one hour before sunrise, a red light, and at all other times a red flag, sufficient to indicate the projection of such load.

Brakes, Bells, etc.

43. Every motor vehicle or bicycle or tricycle shall be equipped with brakes in such a condition as to be sufficient to control it at all times and any police constable or officer appointed for carrying out the provisions of this Act may at any time inspect or cause an inspection to be made of the brakes of any motor vehicle on the highway, and may, if such brakes are not in good working order, require the driver of such motor vehicle to proceed forthwith to put or have such brakes put in good working order; and also with a suitable bell, horn or other sufficient means of giving warning of its approach.

44.—(1) Every motor vehicle using gasoline or other fluid of a like nature shall be equipped with a muffler that will prevent any unreasonable noise in the operation of the engine of such vehicle.

(2) No person operating, or having under his control, or in his charge any motor vehicle on any highway in any city, town or village, shall cut out the muffler, or open the cut-out of the said vehicle, whilst the engine thereof is in operation, and no contrivance for releasing such muffler shall be attached to the motor vehicle if it can be operated from any seat in the vehicle.

45. Every motor vehicle used for commercial purposes shall carry a mirror securely attached to it and placed in such a position as to afford the driver a clear view of the roadway in the rear and of any vehicle approaching from the rear.

46. Every person travelling upon a highway with a sleigh or sled drawn by a horse or other animal shall have at least two bells attached to the harness or to the sleigh or sled in such a manner as to give ample warning sound.

PART IV.

RATE OF SPEED.

47.—(1) No person shall drive a motor vehicle on a highway recklessly or negligently, or at any rate of speed which is unreasonable having regard to all the circumstances of the case, including the nature, condition and use of the highway, and the amount of traffic which then is, or might reasonably be expected to be on the highway.

(2) Any fire engine or motor vehicle used for bringing any member of a fire brigade or policeman or any fire appliance to a fire may, when proceeding to the scene of the fire, be operated at such speed as is reasonable and proper,

having regard to the traffic ordinarily upon and the use made of such highway, and to the fact that it is so proceeding.

(3) Any person driving any motor vehicle within any city, town or village at a greater rate of speed than twenty miles per hour, or at a greater rate of speed than ten miles per hour in turning a corner, or at a greater rate of speed than thirty miles per hour upon any highway outside of a city, town or village, shall *prima facie* be deemed to be driving at an unreasonable rate of speed.

(4) Any person driving a motor vehicle at a street corner or curve where the driver of the vehicle has not a clear view of the approaching traffic, at a greater rate of speed than ten miles per hour in a city, town or village, or twelve miles per hour outside a city, town or village, shall *prima facie* be deemed to be driving at an unreasonable rate of speed.

48. The council of a municipality or other authority having jurisdiction over a highway, may make regulations limiting the rate of speed of any vehicle passing over a bridge, and may therein fix a penalty not exceeding twenty dollars for the breach thereof, and notice of the limit of speed fixed by such regulation shall be posted up in a conspicuous place at each end of the bridge.

(2) Such notice shall be in the following form:

“NOTICE.

“Any person riding or driving over this bridge at a faster rate than.....miles an hour shall, on conviction thereof, be subject to a fine of.....dollars.”

49. No person shall drive a motor vehicle upon a highway in a race, or on a bet or wager.

PART V.

RULES OF THE ROAD.

50. Outside the limits of cities, towns and villages, any person operating a motor vehicle, upon approaching a graded portion of any highway where, on account of the manner of the construction of such grade, it is impossible or dangerous for such motor vehicle and another motor vehicle or a horse or horses, being driven in an opposite direction to pass each other, shall, before entering upon or along such graded portion of the highway, stop the said motor vehicle, and if any other motor vehicle or horse or horses being driven as aforesaid, is or are upon such graded portion, cause the said motor vehicle to remain stationary and allow the said motor vehicle, horse or horses to pass first along the said grade and past the said motor vehicle before such motor vehicle proceeds.

51.—(1) If any person acting as the driver of a vehicle meets another motor vehicle upon a highway, he shall keep his vehicle to the right of the centre line of the highway so as to allow the free passage of the highway by the other vehicle.

(2) If any person acting as the driver of a vehicle desires to pass another vehicle or horseman travelling upon a highway in the same direction, he shall in passing keep his vehicle to the left side of the centre line of the highway.

(3) If any horseman or person acting as the driver of a vehicle is overtaken upon a highway by a vehicle travelling at a greater speed, the person overtaken shall keep to the right of the centre line of the highway so as to allow the free passage of the road by the overtaking vehicle.

(4) If any driver of a vehicle cannot for any reason keep to the right or the left of the centre line of the highway so as to allow the immediate free passage of the road by another vehicle, as directed by this section, he shall stop and, if necessary, aid the driver of the other vehicle to pass in any manner practicable.

52. Any person driving a vehicle on a highway shall, at the intersection of the highways, keep to the right of the intersection of the centre lines of such highways when turning to the right, and pass over to the right of such intersection when turning to the left.

53. Whenever any vehicle is turning from one highway into another the driver of any other vehicle approaching the intersection of the highways to the right of such vehicle shall have the right of way, and similarly, the driver of such first mentioned vehicle shall have the right of way over any vehicles approaching the intersection of the highways on his left.

54. Any person driving a vehicle on any street or highway within any city, town, or village shall drive such vehicle in such manner that the same shall not cross over from one side of such street or highway to the other side thereof between intersecting streets or highways.

55. When a street railway car has stopped to receive or discharge passengers, or the driver or conductor of such car has given a signal that he is about so to stop, no vehicle shall pass the place of ingress or egress for passengers until all passengers who are about to enter or leave the car are safely clear of the path of the vehicle:

Provided, however, that the Lieutenant Governor may by Order in Council suspend the operation of this section for the whole or any part or parts of the Province, and pass such rules and regulations in lieu thereof and dealing with the same subject matter as he may deem just, and

the provisions of any such order shall, upon publication thereof in *The Alberta Gazette*, have the same force and effect as if enacted as part of this Act.

56.—(1) If an accident occurs to any person whether on foot or horseback or in a vehicle, or to any horse or vehicle in charge of any person owing to the presence of any motor vehicle on any public highway, the person in charge of such motor vehicle shall return to the scene of the accident and give to any person sustaining loss or injury his name and address, and also the name and address of the owner of such motor vehicle, and the registration number of the said motor vehicle.

(2) In case such person is unconscious or seriously injured, the person in charge of the motor vehicle shall, as soon as possible, report the accident to a police officer or constable.

PART VI.

PROHIBITIONS.

57. No person shall use, interfere or tamper with any motor vehicle or any of its accessories, or anything placed therein or thereon, without the consent of the owner.

58. No person shall throw or place upon a highway any glass, nails, scraps of metal or other material injurious to the tires of a motor vehicle.

59. No person shall deposit ashes or other refuse upon a snow-covered highway.

60.—(1) No person shall employ anyone who is not the holder of a chauffeur's license to drive a motor vehicle.

(2) No person shall permit anyone who is not the holder of a driver's or chauffeur's license to drive a motor vehicle.

61. No person shall hire or let for hire a motor vehicle unless the person by whom such motor vehicle is to be driven is authorized under the provisions of this Act to drive such motor vehicle.

62. No person shall drive a motor vehicle whilst intoxicated.

63. No person shall throw down, deface or otherwise injure any sign lawfully erected for the purpose of guiding or warning motorists or other travellers.

64. No person shall sell or expose for sale, or have in his possession, any part of an automobile, tractor, steam or gas engine, or any accessory thereto which has been serially numbered by the manufacturer or maker, with the serial number removed or effaced or not clearly visible.

PART VII.

ARRESTS.

65.—(1) Every peace officer who on reasonable and probable grounds believes that an offence against any of the provisions of any of the sections referred to in subsection (2) hereof has been committed, whether it has been committed or not, and who, on reasonable and probable grounds believes that any person has committed that offence, is justified in arresting that person without warrant, whether such person is guilty or not.

(2) The sections hereinbefore referred to are as follows:

- (a) Section 13, relating to giving notice of change of address;
- (b) Section 31 and Section 35, relating to the carrying of number plates and their position;
- (c) Section 36, relating to the defacing of number plates;
- (d) Section 34, relating to the exposing of numbers other than those upon the number plates issued in compliance with the provisions of this Act;
- (e) Section 47, relating to rate of speed of motor vehicles;
- (f) Section 49, relating to the driving of motor vehicles in a race, or on a bet or wager;
- (g) Section 63, relating to the defacement of signs.

(3) Every person may arrest without warrant any person whom he finds committing any contravention of the sections referred to in the preceding subsection.

66. Every one called upon to assist a peace officer in the arrest of a person suspected of having committed such offence as last aforesaid is justified in assisting, if he knows that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion.

67. Such peace officer or the person making the arrest without warrant as above provided may detain any motor vehicle in respect of which such offence has been committed until the final disposition of any proceedings which may be taken under the provisions of this Act:

Provided that such motor vehicle may be released on security not exceeding one hundred dollars being given to the satisfaction of such peace officer, or of a justice of the peace or a police magistrate, as the case may be.

68. Such peace officer or other person making an arrest shall with reasonable diligence take any person so arrested without warrant before a justice of the peace or police magistrate for a warrant or trial.

PART VIII.

PROCEDURE AND EVIDENCE.

69.—(1) When any loss or damage is sustained or incurred by any person by reason of a motor vehicle, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of the motor vehicle.

(2) This section shall not apply in the case of a collision between motor vehicles upon a highway.

70. The owner of a motor vehicle for which a certificate of registration has been issued under the provisions of this Act shall be liable for violation of any of the provisions thereof in connection with the operation of such motor vehicle, unless such owner shall prove to the satisfaction of the justice of the peace or police magistrate trying the case that at the time of the offence such motor vehicle was not being driven by him, nor by any other person with his consent, express or implied:

Provided that if the owner was not at the time of the offence driving the motor vehicle he shall not in any event be liable to imprisonment.

71. Upon any person being charged with an offence under any of the provisions of this Act, if the justice of the peace or magistrate trying the case be of opinion that the offence was committed wholly by accident or misadventure, and without negligence, and could not by the exercise of reasonable care or precaution have been avoided, such justice of the peace or magistrate may dismiss the case.

72. The proceedings upon information for an offence against any of the provisions of this Act where a previous conviction is charged shall be as follows:

1. The justices or police magistrate shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then and not before be asked whether he was so previously convicted as alleged in the information and if he answers that he was so previously convicted, he shall be sentenced accordingly; but if he denies that he was so previously convicted, or does not answer such question, the police magistrate or justices of the peace shall then inquire concerning such previous conviction or convictions.
2. In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof, by reason of any previous conviction being set aside, quashed or otherwise rendered void, the justices or police magistrate by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named and shall thereupon, upon proof of the due service of such summons, if such person fails to appear or on his appearance, amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

73. When proof of ownership of any motor vehicle or of the suspension or revocation of any license issued under the provisions of this Act is required, the production of a certificate purporting to be under the hand of the Minister or his deputy, to the effect that the person named therein is the registered owner of such vehicle, or that the license of the person named therein has been suspended or revoked, shall be *prima facie* evidence thereof, without proof of signature or official character.

74.—(1) Every police magistrate or justice of the peace who makes a conviction under this Act, if the offence was committed by an owner or driver of a motor vehicle, shall forthwith certify the same to the Minister setting forth the name, address and description of the person so convicted, the number of the motor vehicle, the number of the section of the Act contravened, and the time the offence was committed.

(2) If the offence was committed by a licensed chauffeur the convicting magistrate shall also set forth the number of his license and the name, address and description of his employer.

PART IX.

PENALTIES.

75. Except as herein provided, any person violating any of the provisions of this Act, or of any regulation made thereunder, shall on summary conviction be liable—

- (a) for a first offence to a penalty of not less than five dollars nor more than twenty dollars and costs;
- (b) for a second offence to a penalty of not less than twenty dollars nor more than fifty dollars and costs;
- (c) for a third or subsequent offence to a penalty of not less than fifty dollars nor more than one hundred dollars and costs.

76. Any person who obstructs, molests or interferes with any motor vehicle inspector, police officer or constable in the performance of his duty under the provisions of Part II hereof, shall on summary conviction be liable—

- (a) for a first offence to a penalty of not less than \$25 nor more than \$100, and costs;
- (b) for a second offence, to a penalty of not less than \$100 nor more than \$300, and costs;
- (c) for a third or subsequent offence, to a penalty of not less than \$300 nor more than \$500 and or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment.

77. Any person who knowingly makes any false statement of fact in any application, declaration or other document required by this Act, or by the regulations made hereunder, or by the Minister, in order to procure the issue to him of a license, permit or certificate of registration, shall, in addition to any other penalty or punishment to which he may be liable, be liable on summary conviction—

- (a) for a first offence to a penalty of not less than \$20 nor more than \$100, and costs;
- (b) for any subsequent offence to a penalty of not less than \$50 nor more than \$200 and costs, or to imprisonment for any term not exceeding one month, or to both penalty and imprisonment.

78. Any person acting as chauffeur without a subsisting license, shall be liable on summary conviction—

- (a) for a first offence to a penalty of not less than \$20 nor more than \$100 and costs;

- (b) for any subsequent offence to a penalty of not less than \$50 nor more than \$200 and costs, or to imprisonment for any term not exceeding one month, or to both penalty and imprisonment.

79.—(1) Any person violating the provisions of Part IV of this Act shall be liable on summary conviction—

- (a) for a first offence to a penalty of not less than \$15 nor more than \$50 and costs;
- (b) for a second offence to a penalty of not less than \$30 nor more than \$100 and costs;
- (c) for a third or subsequent offence, to a penalty of not less than \$75 nor more than \$200 and costs, or to imprisonment for a term of not less than two weeks nor more than one month, or to both penalty and imprisonment.

(2) The license of any person committing any offence against the provisions of Part IV subsequent to a conviction for a second offence under that part, shall *ipso facto* become forfeited, cancelled and void.

80.—(1) Whenever any person is convicted of an offence against any provision of this Act and is subsequently convicted of an offence against the same or any other provision of this Act, the convicting justice or magistrate may direct that his license or permit shall be suspended for a period of not more than thirty days.

(2) Whenever, after a conviction for a second offence against any of the provisions of this Act, a person is again convicted of any such offence, the justice or magistrate may direct that the license or permit of the person convicted shall be suspended for a period of not more than sixty days.

81. Upon a third conviction for contravention of section 31 of this Act, for failure to carry number plates, or carrying number plates in the wrong position, or of section 34 for exposing other numbers than those assigned to the motor vehicle, or for contravention of section 47 for reckless driving, or for exceeding the lawful limit of speed, or of section 49, for driving in a race, or on a bet or wager, the driver's license of the person convicted, or if the person convicted was a licensed chauffeur, his chauffeur's license may be cancelled, and the person so convicted shall not be entitled to a driver's or chauffeur's license for a period of two years thereafter.

82.—(1) Where any person has been convicted of any offence against the provisions of section 47 or section 49 of this Act committed in a city, and is within a period of one year thereafter convicted of a similar offence in any city, and also when any person is convicted of driving or oper-

ating a motor vehicle while intoxicated, the magistrate, justice of the peace or justices of the peace making such conviction may by such conviction or by a subsequent order direct that the said motor vehicle in which the offence was committed, if the person convicted is the owner thereof, or has any beneficial interest therein, shall be impounded and kept by the police at the cost and risk of the person so convicted, for not more than fourteen days.

(2) When any person after having been convicted of any offence which may lead to the impounding of his motor vehicle is subsequently convicted of any offence against the provisions of section 47 or section 49 of this Act within a city, or of driving or operating a motor vehicle whilst intoxicated, the vehicle in which the offence was committed may be impounded under the same conditions as are set out in subsection (1) hereof, save that the impounding may be for a period of not more than six months.

(3) The proper cost of keeping and storing any motor vehicle so impounded shall be paid by the person so convicted upon his conviction and if not so paid shall be deemed to form a lien upon the said motor vehicle, and shall moreover be recoverable by distress in the same manner as any fine imposed under this Act.

PART X.

RIGHTS OF MUNICIPALITIES.

83.—(1) A moiety of all fines and penalties imposed by this Act shall inure to the benefit of the municipalities within which convictions shall be made in all cases in which prosecutions have been instituted by or under municipal authority, or by officers appointed by them, and other moiety thereof shall belong to the Province and form part of the general revenue fund thereof.

(2) In all other cases such fines and penalties shall enure to the benefit of the Province and shall form part of the general revenue fund thereof.

(3) Any moiety payable to a municipality shall, be transmitted and forwarded by the convicting magistrate, justice or justices of the peace to the treasurer of such municipality, and the other moiety, or all of the fine in case it belongs to the Province, to the Attorney General, forthwith after conviction.

84. No municipality shall have power to pass, enforce or maintain any by-law requiring from any owner of a motor vehicle or chauffeur, or any dealer in motor vehicles, licensed under the provisions of this Act, any tax, fee, license or permit for or on account of the ownership or use of motor vehicles, or excluding any of such persons from the free use of such public highways (except such driveway, speedway or road as has been or may be expressly set apart by by-law for the exclusive use of horses and light carriages), or that shall in any way affect the registration or numbering of motor vehicles, or allowing a greater rate of speed than is herein specified at which such vehicles may be operated, or forbidding the use of the public highways, contrary to or inconsistent with the provisions of this Act, and all such by-laws now in force are hereby declared to be of no validity or effect;

Provided, however, that the powers given to municipal authorities to regulate vehicles offered to the public for hire, and all by-laws which may have been or which may be enacted in pursuance of such powers, shall remain in full force and effect.

PART XI.

GENERAL.

85. Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute an action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator, or his agent, employee or servant, or any motor vehicle, or resulting from the negligent use of the highway by them or any of them.

86.—(1) The Minister of Public Works may make regulations—

(a) relating to the limiting of—

- (1) weight;
 - (2) speed;
 - (3) width of wheels;
 - (4) use of cleats,
- of any or all traction engines upon highways;

(b) relating to—

- (1) limiting of weight and load to be carried by any vehicle upon highways;
- (2) the size and nature of tires to be used upon such vehicles.

(2) Upon such regulations being approved by the Lieutenant Governor in Council they shall be of the same effect as if set out in this Act.

87. The Minister may make regulations calculated to carry out the intention of this Act, and upon such regulations being approved by the Lieutenant Governor in Council they shall be of the same effect as if set out in this Act.

88. The Minister may delegate all powers conferred upon him by this Act to such person or persons as he may deem fit.

89. All regulations made under *The Motor Vehicle Act*, being chapter 6 of the Statutes of Alberta, 1911-12, or under *The Motor Vehicle Act*, being chapter 195 of the Revised Statutes of Alberta, 1922, shall continue in full force and effect until they are superseded by regulations made under the provisions of this Act.

90. *The Motor Vehicle Act*, being chapter 195 of the Revised Statutes of Alberta, 1922, is hereby repealed.

91. This Act shall come into force

No. 23.

FOURTH SESSION
FIFTH LEGISLATURE
14 GEORGE V
1924

BILL

An Act respecting Vehicles and
Highway Traffic.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. BROWNLEE.

EDMONTON:
J. W. JEFFERY, KING'S PRINTER
A.D. 1924