

BILL

No. 61 of 1927.

An Act to License and Regulate Public Vehicles
and Highways.

(Assented to _____, 1927.)

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

1. This Act may be cited as "*The Public Vehicles Act, 1927.*"

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

- (a) "Freight vehicle" shall mean any motor vehicle operated by or on behalf of any person for gain for the purpose of transporting any goods, merchandise or livestock over, upon or along any public highway;
- (b) "Minister" shall mean the Minister of Public Works;
- (c) "Public highway" shall mean every highway, road, road allowance, trail, thoroughfare, lane and alley over which there is a public right of vehicular travel;
- (d) "Public vehicle" shall mean any motor vehicle operated by or on behalf of any person as a public conveyance in the way of business for the purpose of transporting as a public carrier over, upon or along any public highway passengers, or passengers and express freight which might be carried in a passenger vehicle, and which is not hired exclusively to one passenger or to one party of passengers.

3. No person shall operate upon a public highway outside of the limits of any city, town or village any public vehicle or any freight vehicle without first obtaining from the Minister a license so to do.

4.—(1) The Lieutenant Governor in Council may from time to time—

- (a) Classify public vehicles and freight vehicles according to the weight thereof;
- (b) Classify any public vehicles and freight vehicles of similar weight according to the nature of the tyres thereof;

- (c) Classify public highways;
- (d) Fix the maximum weight both gross and tare of any public vehicle or freight vehicle which may be operated on any public highway;
- (e) Prohibit the operation of any class or classes of public vehicles or freight vehicles upon any class of roads;
- (f) Prescribe the form of the license and fix the fee to be paid for a license for all or for any class of public vehicle or freight vehicle;
- (g) Fix the maximum number of passengers or the maximum weight of express freight, or both, which each public vehicle may carry, and the maximum weight which each freight vehicle may carry;
- (h) Grant by permit to one or more persons the exclusive right to operate a public vehicle or a freight vehicle upon any public highway or highways which may be by him specified and described, and fix the fee to be paid for every such permit;
- (i) Make rules and regulations as to the operation of any public vehicle or freight vehicle on any public highway.

(2) The fees to be paid in respect of any license may be based upon either a percentage of the estimated receipts during the period for which the license or permit is granted, or the passenger-carrying capacity in passengers and express freight and the estimated mileage of any public vehicle during such period, or the carrying capacity and estimated mileage of any freight vehicle during such period, or upon any other basis which may be deemed advisable, and the fees in respect of any vehicle of the same class may be variously fixed, having regard to the class of roads or different classes of roads over which the same is licensed to be operated.

(3) Every license or permit issued pursuant to the provisions of this Act shall be for such period as the Minister may in each case determine, but shall expire on the thirty-first day of December next following the date of its issue.

5. There shall be supplied with every license issued by the Minister two number plates, which shall be attached to the vehicle in respect of which the license is issued in such positions as the Minister may from time to time designate by order.

6.—(1) Before any license or permit is issued in respect of any public vehicle under this Act, the applicant shall file with the Minister a statement giving such particulars as the Minister may require—

- (a) of the vehicles it is proposed to use;
- (b) of the route over which it is proposed to operate such vehicles;

- (c) of the dates between which it is proposed to operate such vehicles;
- (d) of the schedule of days and hours upon which such vehicles are to be operated; and times of departure and arrival, both at terminal and intermediate points;
- (e) of the tolls which it is proposed to charge between terminal and all intermediate points.

(2) The Minister shall submit the statement of the proposed tolls to the Board of Public Utility Commissioners, who shall upon notice to the Minister and to the applicant proceed to enquire into the matter and either to approve the same or to alter and amend and then to approve the same as so altered and amended.

(3) No toll shall be charged by the operator of a public vehicle other than is provided in the list of tolls approved by the Board of Public Utility Commissioners.

(4) The Board of Public Utility Commissioners may from time to time revise and alter any list of tolls.

(5) Every license or permit shall limit the licensee or permit-holder, as the case may be, to the vehicles in respect of which the same is issued.

7. No permit or license issued under this Act shall be transferred without the consent of the Minister in writing first had and obtained.

8. Every public vehicle and freight vehicle shall, at all times, be kept in a safe and sanitary condition, and any peace officer shall have the power to inspect the same at all times.

9. No person shall operate any public vehicle as a driver who is not licensed by the Minister so to do, and every such license shall be in the discretion of the Minister, and may be at any time cancelled by him.

10. No person owning, controlling, operating or managing any public vehicle shall cause or allow any driver or operator of such vehicle to work as driver for more than a maximum of ten hours in any twenty-four hour period.

11. No driver of any public vehicle for passenger transportation shall refuse to carry any person offering himself at any terminus or regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of said motor vehicle, unless at the time of such offer the seats of said public vehicle are fully occupied; provided that the driver of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or using profane or obscene language.

12.—(1) No driver of any public vehicle shall allow passengers to ride on the running boards, fenders or any part of the vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for whom seats are provided.

(2) No driver of a public vehicle used for passenger traffic shall permit or allow on the front seat of such public vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat.

(3) No passenger shall be allowed to sit on the front seat to the left of the driver of a left-hand drive motor vehicle, or to the right of the driver of a right-hand drive motor vehicle.

(4) No more than one passenger shall occupy the front seat of any motor vehicle with a touring car body operated by a centre control.

(5) Every public vehicle used in the transportation of passengers and having a covered top or top up, shall maintain a light or lights of not less than two candle-power each within the vehicle and so arranged as to light up the whole of the interior of the vehicle, and such light or lights shall be kept constantly lighted between the hours of sunset and sunrise at all times when such vehicle is occupied by passengers.

(6) No driver of any public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty or at any time use intoxicating liquor to excess.

(7) No driver of any public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance in such vehicle during the time he is driving the vehicle.

13. Except only when permitted so to do by the Minister no public vehicle used in the transportation of passengers shall be operated or driven with any trailer or other vehicle attached thereto, except where a vehicle becomes disabled while on a trip, and is unable to run from its own power, when such disabled car may be towed to the nearest point where repair facilities are available.

14. A public vehicle used for the carriage of passengers shall not carry or transport any luggage, baggage, package, trunk, crate or other load which extends beyond the running board of such vehicle.

15. Every public vehicle for the carrying of passengers shall have at least two doors or exits, one of which shall be at or near the rear of the vehicle.

16. Every public vehicle whilst carrying passengers shall upon approaching any level railway crossing be brought to a dead stop and shall not be driven across such crossing until the driver thereof has ascertained that it is safe so to do.

17. Every owner of a public vehicle shall take out and keep in force in respect of each such vehicle in some company authorized to transact the business of motor vehicle insurance or bonding in the Province either a policy or a bond of indemnity in respect of damage to any passenger and express freight in such amounts and in such form as may be from time to time prescribed by the Lieutenant Governor in Council.

18. Nothing in this Act contained shall be deemed to dispense with the compliance with any of the provisions of *The Vehicles and Highways Traffic Act, 1924*.

19. Every person who operates or causes to be operated a public vehicle or a freight vehicle upon any public highway or part of a highway in respect of which the exclusive right to operate such a vehicle is then held by some other person or persons, shall be guilty of an offence, and shall, upon summary conviction, be liable to a penalty of not less than twenty-five dollars nor more than one hundred dollars for each day upon which such vehicle has been operated.

20. Every person who operates a motor vehicle or a freight vehicle without being licensed under this Act so to do shall be guilty of an offence and shall be liable, upon summary conviction, to a fine of not less than ten dollars nor more than twenty-five dollars, and in default of payment to imprisonment for a term of not more than thirty days; for the second offence to a fine of not less than fifty dollars nor more than one hundred dollars, or to imprisonment for a term of not more than sixty days; and for the third offence to a fine of not less than one hundred dollars nor more than two hundred dollars, or in default of payment to imprisonment for a term of not more than ninety days.

21. Every person who contravenes any of the provisions of this Act or any regulations made hereunder, for which no penalty is provided, shall be guilty of an offence and shall incur a penalty for the first offence not exceeding ten dollars; for the second offence not exceeding twenty dollars; for the third offence not exceeding thirty dollars, and for every subsequent offence not exceeding fifty dollars, and every penalty so imposed shall be paid over to the Provincial Treasurer of Alberta, and shall form part of the General Revenue Fund.

22. This Act shall come into force on.....

No. 61.

FIRST SESSION
SIXTH LEGISLATURE
17 GEORGE V
1927

BILL

An Act to License and Regulate Public Vehicles and Highways.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MCPHERSON.

EDMONTON:
W. D. MCLEAN, ACTING KING'S PRINTER
A.D. 1927