

Bill No. 66 of 1934.

A BILL TO AMEND THE VEHICLES AND HIGHWAY
TRAFFIC ACT, 1924.

NOTE.

By section 2 of this Bill the Lieutenant Governor in Council is empowered to require the registration of trailers.

Section 3 makes provision for the carrying of the number plate on the rear of a trailer.

Section 4 is a revision of the sections dealing with the lighting equipment of motor vehicles.

Section 5 prescribes where lights are to be used by vehicles on a highway whilst in motion and stationary, and requires all vehicles on a main or secondary highway, whether in motion or stationary, to carry a light or reflectors, and makes provision for a reflector on trailers.

Section 6 places on the operator the duty of complying with the requirements as to the equipment of a motor vehicle.

Section 7 restricts the use of trucks for the carriage of passengers: prohibits the sale of tickets for transportation by motor vehicle except where the motor vehicle is a licensed public vehicle; and prohibits the operation of travel bureaus and ticket offices for the sale of transportation by motor vehicle by persons other than owners and operators of public vehicles and their agents.

Section 8 deprives a gratuitous passenger in a private motor vehicle of the right to recover damages on account of the negligent operation thereof by the driver.

R. ANDREW SMITH,
Legislative Counsel.

(This note does not form any part of the Bill and is offered merely as a partial explanation of some of its provisions.)

BILL

No. 66 of 1934.

An Act to amend The Vehicles and Highway Traffic Act, 1924.

(Assented to _____, 1934.)

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 Vehicles and Highway Traffic Act, 1924, Amendment Act, 1934.*"

2. *The Vehicles and Highway Traffic Act, 1924*, being chapter 31 of the Statutes of Alberta, 1924, is hereby amended by inserting therein, immediately after section 7 thereof, the following new section:

"**7a.**—(1) The Lieutenant Governor in Council may from time to time—

"(a) require the registration of vehicles drawn upon any highway by motor vehicles, commonly called trailers, and for that purpose may classify trailers into such classes as may be deemed convenient having regard to carrying capacity, construction, use or any other circumstance, and may fix the fee payable on registration of all or any class thereof and may fix different fees in respect of different classes at such amounts as may be deemed proper;

"(b) make regulations as to the operation upon any highway of trailers, the lighting or other equipment to be installed thereon, the issuance, form and notice of registration plates, the display of such plates on the trailer, and the lighting or other devices to be used thereon at times when the lamps on the motor vehicle which is drawing a trailer are required to be lit.

"(2) Every order and regulation made pursuant to this section shall be published in *The Alberta Gazette* and shall be laid upon the table of the Legislature within fifteen days after the opening of the Session which is held next after the making thereof.

"(3) Every such order and regulation shall have force from the date of publication or any later date fixed for that purpose unless and until the same is disapproved by a resolution of the Legislature passed at the Session on which the same is tabled or is repealed by the Lieutenant Governor in Council, as the case may be."

3. The said Act is further amended as to section 28 thereof—

- (a) by striking out subsection (1) thereof and by substituting therefor the following:

“(1) In the case of a motor vehicle, one of the number plates shall be firmly attached to the front of the motor vehicle and one to the back thereof”;

- (b) by inserting therein, immediately after subsection (3) thereof, the following new subsection:

“(3a) In the case of a trailer the number plate shall be placed on the back thereof in such a position that the lower edge of the plate shall not be lower than the axel.”

4. The said Act is further amended by striking out section 36 thereof and by substituting therefor the following:

“**36.**—(1) Every motor vehicle other than a motorcycle shall at all times whilst in operation be equipped—

- “(a) with at least two headlights so constructed as to be capable of projecting light for a distance of two hundred feet ahead of the vehicle under normal atmospheric night conditions;

- “(b) with a tail light consisting of a lamp of a capacity of not less than three spherical candle power so constructed as to show a red light plainly visible for a distance of at least two hundred feet from the rear of the vehicle under normal atmospheric night conditions and to illuminate with a white light the number plate fixed on the back of the vehicle so that every letter and figure thereon may be plainly seen at a distance of not less than sixty feet from the rear of the vehicle under normal atmospheric night conditions.

“(2) Each headlamp shall be constructed, arranged and adjusted in such a manner that no portion of the direct beam of reflected or refracted light issuing therefrom shall rise more than forty-two inches above the plane surface upon which the vehicle stands at a distance of seventy-five feet, and no headlight shall be placed on the vehicle less than twenty-four inches nor more than fifty inches above the level place upon which the vehicle stands.

“(3) No part of the direct beam of reflected or refracted light projected from any headlight shall rise more than forty-two inches above the level plane upon which the vehicle stands at a distance of seventy-five feet from the vehicle.

“(4) The use of any headlamp which emits a direct beam of reflected or refracted light in contravention of this provision is prohibited.”

5. The said Act is further amended by striking out section 36a thereof and by substituting therefor the following:

“**36a.** At any time during the period between one hour after sunset or one hour before sunrise or at any other time when the atmospheric conditions are such that objects on the highway are not plainly visible at a distance of three hundred feet—

- “(a) no motor vehicle shall be in motion on any highway unless both headlights are alight and are providing sufficient light to make clearly visible objects on the highway at a distance of three hundred feet ahead of the vehicle;
- “(b) no motorcycle shall be in motion upon any highway unless the lamp with which it is required to be equipped is alight;
- “(c) no motor vehicle shall be in motion upon any highway unless the tail light with which it is required to be equipped is alight;
- “(d) no motor vehicle shall be stationary on any main or secondary highway at any time during which there are not two lit lamps on the front thereof visible at a distance of at least one hundred feet and either a lit tail light or a reflector affixed to the left of the rear end thereof of any type approved by the Lieutenant Governor in Council, so fixed as to reflect the lights of any motor vehicle approaching the stationary vehicle from the rear;
- “(e) no vehicle other than a motor vehicle or a motorcycle shall be upon any main or secondary highway, whether in motion or stationary, unless there is displayed thereon at least one light visible at a distance of at least one hundred feet from the front of and behind that vehicle, or in the alternative, there are affixed thereon one reflector towards the front and one reflector at the rear thereof of a type approved by the Lieutenant Governor in Council so fixed as to reflect the lights of any motor vehicle approaching from the front and the other so fixed as to reflect the lights of any motor vehicle approaching from the rear;
- “(f) no vehicle drawn by or attached to a motor vehicle, commonly known as a trailer, shall be upon any highway unless it has affixed at the rear thereof a reflector of a type approved by the Lieutenant Governor in Council so fixed as to reflect the lights of any motor vehicle approaching from the rear.”

6. The said Act is further amended by inserting therein, immediately after section 52 thereof, the following new section:

“52a.—(1) No motor vehicle, trailer or other vehicle shall be operated on any highway unless all the requirements of Part III as to the equipment thereof are at all times complied with.

“(2) Every person who operates any motor vehicle, or other vehicle on any highway in contravention of this section and every person by whose permission any motor vehicle is so operated shall be guilty of an offence in respect of each and every requirement which is not complied with.”

7. The said Act is further amended by inserting therein, immediately after section 57 thereof, the following new sections:

"57a. No person shall carry any passenger in a truck except employees of the owner of the truck who are necessary to assist in loading or unloading the same and are carried for that purpose, and except members of the family of the owner, and except the owner or employee of the owner of any live stock being transported by means of the truck.

"58.—(1) No person shall in respect of any motor vehicle other than a motor vehicle duly licensed under *The Public Vehicles Act, 1927*, sell or offer to sell tickets for the transportation of passengers or property by means of a motor vehicle in any case where that transportation involves the travel by motor vehicle over any highway or part of a highway outside the corporate limits of any city, town or village.

"(2) No person shall in respect of any motor vehicle other than a public vehicle duly licensed under *The Public Vehicles Act, 1927*, or a motor vehicle licensed for the purposes of the business of a liveryman, by advertising or otherwise solicit the transportation of passengers or property by means of a motor vehicle in any case where that transportation involves the travel by motor vehicle over any highway or part of a highway outside the corporate limits of any city, town or village.

"(3) No person not being the owner or operator of a public vehicle or the authorized agent of such owner or operator shall operate a travel bureau or place for soliciting or advertising, or for the sale of tickets for the transportation of persons on highways outside of a city, town or village by motor vehicle.

"(4) Any person violating any of the provisions of this section shall be guilty of an offence and shall on summary conviction therefor be liable to a penalty of not less than fifty dollars nor more than two hundred dollars together with costs and in default of payment to imprisonment for a term of not more than ninety days."

8. The said Act is further amended by inserting therein, immediately after section 71a thereof, the following new section:

"71b. Except only in the case of motor vehicles which are ordinarily used for the carrying of passengers for hire or gain, no action shall lie against either the owner or the driver of a motor vehicle by a person who is carried gratuitously as a passenger in that motor vehicle or by the personal representative or next-of-kin of any such person for any injury, loss or damage sustained by that person by reason of the negligent operation of that motor vehicle on a highway by the driver thereof."

9. This Act shall come into force on the first day of May, 1934.

No. 66.

FOURTH SESSION
SEVENTH LEGISLATURE
24 GEORGE V
1934

BILL

An Act to amend The Vehicles and
Highway Traffic Act, 1924.

Received and read the

First time

Second time.....

Third time.....

HON. MR. MCPHERSON.

EDMONTON:
W. D. McLEAN, KING'S PRINTER
1934