

Bill No. 20 of 1935.

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

NOTE.

The amendments made by sections 2 and 3 of this Bill are consequential upon the requirements of the Act as to drivers' licenses.

Section 4 requires cycles to carry lighted lamps at night.

Section 5 extends the special provisions of the Act at present applicable only to fire brigades and police cars to ambulances and to doctors' cars on emergency calls.

Section 6 of the Bill introduces a new provision requiring vehicles to be kept as far as possible to the right of the centre line of the highway.

Section 7 of the Bill is a revision and amendment of the present requirements as to the operation of vehicles at intersections. It places upon persons operating vehicles on or in the neighbourhood of an intersection the duty to operate their vehicles so as to avoid accidents and prohibits the exercise of any right of way given by the section unless it is reasonable in the circumstances so to do.

The remaining provisions of this section are substantially the same as in the repealed section.

Section 8 requires school vans to come to a stop at a level railway crossing.

The amendment made by section 9 is intended to make it clear that the driver of an automobile is not deprived of the benefit of the defence of contributory negligence in cases where the loss or damage did not entirely or solely arise out of the act of the driver of the automobile.

Section 10 empowers the Lieutenant Governor in Council to regulate the transportation of gasoline and explosives over highways.

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. 20 of 1935.

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

(Assented to _____, 1935.)

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, 1935.*"

2. *The Vehicles and Highway Traffic Act*, being chapter 31 of the Statutes of Alberta, 1924, is hereby amended as to section 2*a* thereof by striking out the word "dealer's", where the same occurs in subsection (1) thereof.

3. The said Act is further amended as to section 2*d* thereof by striking out the words "driver's license", where the same occur therein, and by substituting therefor the words "driver's license or a chauffeur's license".

4. The said Act is further amended as to section 36*a* thereof by adding at the end thereof the following new subsections:

"(2) At any time between one hour after sunset and one hour before sunrise no cycle shall be in motion on any highway unless there is carried thereon a lighted lamp showing a white light in the direction in which the cycle is proceeding and also a red lighted lamp or a red reflector so placed as to be clearly visible to drivers of vehicles approaching it from the rear.

"(3) Any city or town may by by-law define an area or areas within which every vehicle whilst stationary shall, between the hours of one hour after sunset and one hour before sunrise, have lighted lamps to the front and either a red lighted lamp or a reflector of a type approved by the Lieutenant Governor in Council to the rear."

5. The said Act is further amended as to section 43 thereof by striking out subsection (2) thereof and by substituting therefor the following:

"(2) Any motor vehicle—

"(a) which is being used for the transportation of any member of a fire brigade or any policeman or any fire-fighting equipment to a fire; or

- “(b) which is being used for the transportation of any policeman for the purpose of detecting or preventing crime or making arrests; or
- “(c) which is an ambulance and is being used in response to an emergency call; or
- “(d) which is being used for the transportation of a duly registered medical practitioner responding to an emergency call—

“may whilst being so used be operated at such speed as is reasonable and proper having regard to the traffic ordinarily upon and the use of the highway and the fact that it is being so used.”

6. The said Act is further amended by inserting therein, immediately after section 46 thereof, the following new section:

“**46a.** Every person in charge of any vehicle on any highway shall at all times keep his vehicle to the right of the centre line of the highway except in any or some or all of the occasions following:

- “(a) When passing another vehicle travelling in the same direction; and
- “(b) Where by reason of the condition of the road it is not practicable so to do; and
- “(c) Where for the purpose of avoiding an accident or in other circumstances of emergency it is necessary to drive a vehicle to the left of the highway.”

7. The said Act is further amended by striking out section 49 thereof and by substituting therefor the following:

“**49.**—(1) It shall be the duty of every person in charge of any vehicle who is approaching or in the vicinity of or upon any cross-road or intersection to so operate his vehicle as to avoid causing damage or injury to any person or any other vehicle, and no person shall exercise any right of way under this section unless it is reasonable in the circumstances so to do.

“(2) Whenever any vehicle is turning from any 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 the first mentioned vehicle shall have the right of way over any vehicles approaching the intersection on his left.

“(3) No person operating a motor vehicle shall overtake or pass at an intersection of highways any motor or other vehicle travelling in the same direction.

“(4) When two vehicles approach or enter an intersection of highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

“(5) The driver of a vehicle approaching but not having entered an intersection shall yield the right of way to a vehicle within such intersection.

“(6) The driver of a vehicle entering a highway from a private road or drive shall give the right of way to all vehicles upon such highway.

“(7) Subsections (4) and (5) of this section shall not apply to any vehicles at an intersection of highways where the traffic is controlled either by a traffic officer, a peace officer or automatic signals.”

8. The said Act is further amended by inserting therein, immediately after section 51 thereof, the following new section:

“**51a.** Every motor vehicle used as a school van when conveying a child or school children to or from school shall upon approaching a 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 to do so.”

9. The said Act is further amended as to section 66 thereof by striking out the words “such loss or damage did not arise”, where the same occur in subsection (1) thereof, and by substituting therefor the words “such loss or damage did not entirely or solely arise”.

10. The said Act is further amended by inserting therein, immediately after section 82 thereof, the following new Part:

“PART Xa.

“**82a.** In this Part, unless the context requires a contrary meaning—

“(a) ‘Explosive’ means gunpowder, blasting powder, nitroglycerine, gun cotton, dynamite, blasting gelatine, gelignite, fulminates of mercury, or other metals, coloured fires, and every other substance whether chemical compound or mechanical mixture, used or manufactured with a view to produce a violent effect by explosion, or a pyrotechnic effect, and includes fire works, fuses, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, fog and other signals, and every other adaption or preparation of an explosive as above defined;

“(b) ‘Gasoline’ means any petroleum product by whatever name known or sold containing any derivative of petroleum or natural gas with a gravity of .8017 or under at a temperature of 60 degrees Fahrenheit, and includes benzol or any benzol mixture;

“(c) ‘Highway’ includes every road, street, lane, alley, park, parkway and public place.

“**82b.** The Lieutenant Governor in Council may from time to time make regulations as to the mode in which explosives and any gasoline, or any of them, may be carried in any vehicle on any highway in the Province and as to the kind and description of vehicles in which the same may be so carried, and without derogating from the generality of the foregoing—

“(a) prescribe standards of construction for any vehicle used for the carriage of explosives or any specified class of explosive, or any specified explosive, or used

for the carriage of gasoline, and prohibit the carriage thereof in any vehicle which does not conform with any standard so prescribed;

- “(b) prescribe rules as to the manner in which any vehicle used for the carriage of any explosive or gasoline shall be operated on any highway;
- “(c) prescribe distinctive marks to be used by day and distinctive lights to be used by night by any vehicle or class of vehicle whilst carrying any explosive or class of explosives on any highway, and prohibit the carriage on any highway of any explosive by any vehicle which does not bear the marks or lights prescribed in respect thereof;
- “(d) prescribe the precautions to be observed and the equipment to be carried on any vehicle which is being used for the carriage on any highway of explosives or any class of explosives or any specified explosive or gasoline for the purpose of preventing fires and explosions, or either of them;
- “(e) prescribe standards of construction for all containers in which any explosive or any specified explosive or any specified class of explosive or any gasoline may be carried in or on any vehicle on any highway, and prohibit the carriage of the same in any container which does not conform to any standard so prescribed;
- “(f) prescribe rules and regulations as to the amount of explosives or of any specified explosives or any specified class of explosives or of any gasoline which may be carried in any specified description of vehicle on any highway, and prohibit the simultaneous carriage in the same vehicle of any specified explosive or specified class of explosives or gasoline and any other explosives or any specified explosive or class of explosives or any other specified substance;
- “(g) prescribe rules and regulations for the handling, loading, unloading and keeping of gasoline and explosives or any specified explosive or any specified class of explosives whilst on or upon any highway or at or upon any place which is in the vicinity of any highway and which does not form part of the premises of a railway or of any other premises to which *The Explosives Act* of the Parliament of Canada applies;
- “(h) prescribe penalties for the contravention of any regulation made pursuant to this section which penalty shall not exceed a fine of five hundred dollars and costs and imprisonment in default of payment for a term of not more than ninety days.

“82c.—(1) Every regulation made pursuant to this Part shall be published in *The Alberta Gazette* and shall take effect upon the publication thereof or at such later date as may be fixed for that purpose.

“(2) A copy of every regulation made pursuant to this Part shall be laid before the Legislative Assembly within fifteen days of the commencement of the next Session thereof held after the publication thereof.

“**82d.** Every person who contravenes any provision of any regulation made pursuant to this Part shall be guilty of an offence and shall be liable on summary conviction to the penalty prescribed by the regulation for the contravention and if there is no penalty so prescribed, to a fine of not more than five hundred dollars and costs and in default of payment to imprisonment for a term of not more than ninety days.”

11. This Act shall come into force on the first day of May, 1935.

No. 20.

FIFTH SESSION
SEVENTH LEGISLATURE
25 GEORGE V
1935

B I L L

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

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MCLELLAN

EDMONTON:
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