

Bill No. 29 of 1938.

**A BILL TO AMEND THE PUBLIC SERVICE VEHICLES
ACT.**

NOTE.

Section 2 of the Bill strikes out the definition section of the Act and substitutes a new section including new definitions of "Minister", "Semi-trailer" and "Truck", and amends certain of the other definitions.

By section 3 additional powers are conferred upon the Board to make regulations providing for a uniform bill of lading; the issue of numbered tickets by owners of passenger carrying public service vehicles; classifying live stock, goods, merchandise and other material; respecting the nature of goods which may be carried as express freight; respecting the nature of containers which may be used in freight shipments; prescribing the form of certificates and permits to be used by the Board and the period in respect of which any certificate or permit is issued and the fees therefor; the restriction as to use of public service and commercial vehicles; the speed and equipment of public service and commercial vehicles; safety rules; and the operation of motor vehicles owned or operated by clubs, societies or in partnership.

Section 4 inserts a new provision in the Act empowering the Board with the approval of the Lieutenant Governor in Council, to prohibit the operation of any public service vehicle along any specified highway by any person who is not the holder of a special permit; to prohibit the operation of any public service vehicle in any specified area of unsurveyed lands by any person who is not the holder of a special permit; and to provide for the issuance of special permits, the person or persons to whom the same are to be issued, the duration thereof and the fees payable in respect thereof. It further provides that the tolls to be charged by the holder of any special permit in respect of the operation of a public service vehicle over any designated highway or in any specified area shall be such tolls as may be approved from time to time by the Highway Traffic Board. It is further provided that any person who operates any public service vehicle in contravention of any of the provisions of this section is guilty of an offence and liable to a penalty and to the cancellation of his permit.

Section 5 inserts a new provision into the Act giving the Highway Traffic Board, with the approval of the Lieutenant

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Governor in Council, the power to make regulations limiting or restricting weight, speed, width of wheels and the use of cleats, in respect of any or all traction engines or public service vehicles or commercial vehicles upon highways, and relating to the maximum weight and load, the size and nature of tires to be used on such vehicles and the dimensions of any vehicles or combination of vehicles.

Section 6 amends section 17 of the Act, which provides for the public hearing by the Board of all applications for public service vehicle certificates.

Section 7 substitutes the first day of February for the first day of December as the date upon which applications are made for the renewal of public service vehicle certificates and further provides for the issuance of renewal certificates without a public hearing.

Section 8 of the Bill makes new provision for the carriage on trucks of persons other than the owner or his employees. The prohibition is limited to public service vehicles and commercial vehicles and prohibits the carrying of any passengers thereon save and except the employees of the owner of the truck whose services are required for the loading or unloading thereof and members of the family of the owner and the owners or employees of the owner of any live stock being transported thereby.

Section 9 provides for the issuance for public service vehicles of a plate designating the gross carrying capacity of such vehicle and requiring the plate to be displayed upon the vehicle.

Section 10 amends section 55 of the Act and makes special provision for public service vehicles used solely in the hauling of coal, clay, gravel and other materials specified by the Board within the limits of a city, town or village, or within those limits and a radius of five miles therefrom and provides that such vehicles are exempt from the provisions of section 27 as to the tolls and rates to be charged in respect of the operation of the vehicle.

Section 11 amends subsection (2) of section 64 to include orders as well as regulations.

Section 12 inserts in the Act provisions for licensing chauffeurs and livery men which are substantially the same as those which have heretofore been enacted by *The Vehicles and Highway Traffic Act*, substituting The Highway Traffic Board for the Provincial Secretary as the licensing authority.

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. 29 of 1938

An Act to amend The Public Service Vehicles Act.

(Assented to _____, 1938.)

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 Service Vehicles Act Amendment Act, 1938.*"

2. *The Public Service Vehicles Act*, being chapter 91 of the Statutes of Alberta, 1936, is hereby amended by striking out section 2 and by substituting therefor the following:

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

"(a) 'Board' means the Highway Traffic Board herein-after mentioned.

"(b) 'Certificate' means a document issued by the Highway Traffic Board granting authority to operate a public service or commercial vehicle;

"(c) 'Commercial Vehicle' means any truck or trailer not a public service vehicle except,—

"(i) a truck or trailer owned and operated by a government, municipality or school board;

"(ii) a truck or trailer operated solely within the limits of a city or town or within those limits and a radius of five miles therefrom;

"(iii) a truck or trailer owned by a farmer and used solely in connection with his farming operations;

"(iv) a truck or trailer which the Highway Traffic Board, after an examination of the circumstances, certifies in any year is not to be regulated as a commercial vehicle in that year;

"(d) 'Compensation' means remuneration in specie or otherwise or any other recompense whatsoever obtained for transporting passengers, live stock, liquids, goods, merchandise, gravel, sand or other material;

"(e) 'Live stock' means poultry and domestic animals including horses, cattle, sheep and pigs;

"(f) 'Minister' means the Minister of Public Works;

- “(g) ‘Motor Vehicle’ includes automobiles, locomobiles, motor-cycles and other self-propelled vehicles excepting cars of electric and steam railways and other motor vehicles running only upon rails or tracks or solely upon railways company property;
- “(h) ‘Owner’ means a person in whose name a vehicle is registered under The Vehicles and Highway Traffic Act, 1924;
- “(i) ‘Public highway’ means every highway, road, street, avenue, lane, alley, park, drive, parkway, driveway, square or place in the Province in respect of which there is a public right of travel;
- “(j) ‘Public service vehicle’ means a motor vehicle or trailer operated on a public highway by or on behalf of any person, firm or corporation for compensation, whether such operation is regular or only occasional or for a single trip; and includes a motor vehicle kept by a person, firm or corporation for the purpose of being rented without a driver but does not include a motor vehicle used solely as an ambulance or hearse or for the transportation of His Majesty’s mail;
- “(k) ‘Semi-trailer’ means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle;
- “(l) ‘Toll’ or ‘rate’ means a fee charged or collected for the carriage of passengers or property by a public service vehicle;
- “(m) ‘Trailer’ means any vehicle which is at any time drawn upon a public highway by a motor vehicle and which is intended for the conveyance of live stock, liquids, goods, merchandise, gravel, sand or other materials, and shall be deemed to be a separate vehicle and not part of the motor vehicle by which it is drawn;
- “(n) ‘Truck’ means a motor vehicle intended for the conveyance of live stock, liquids, goods, merchandise, gravel, sand or other material.”

3. The said Act is further amended as to section 8 thereof,—

- (a) by inserting therein immediately after clause (m) of subsection (1) the following:
 - “(n) providing for a uniform bill of lading;
 - “(o) providing for the issue of numbered tickets by owners of passenger carrying public service vehicles operated on a specified route;
 - “(p) classifying live stock, goods, merchandise and other material;
 - “(q) respecting the nature of goods which may be carried as express freight;

- “(r) respecting the nature of containers which may be used in freight shipments;
- “(s) prescribing the form of certificates and permits to be issued by the Board and the period in respect of which any certificate or permit is issued and the fees to be paid therefor;
- “(t) the restriction as to the use of public service and commercial vehicles;
- “(u) the speed and equipment of public service and commercial vehicles;
- “(v) rules adapted to assure the safety of persons lawfully using the highway and to make rules to ensure the carrying out the intent of this Act;
- “(w) the operation of motor vehicles owned or operated by clubs, societies or in partnership.”; and

(b) by striking out subsection (2).

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

“*8a.*—(1) The Board, with the approval of the Lieutenant Governor in Council, may by order from time to time,—

- “(a) prohibit the operation of any public service vehicle along any highway, highways or parts thereof specified in such order, by any person who is not the holder of a special permit authorizing him so to do;
- “(b) prohibit the operation of any public service vehicle in any area consisting of unsurveyed lands specified in such order by any person who is not the holder of a special permit authorizing him so to do;
- “(c) provide for the issuance of special permits referred to in paragraphs (a) and (b), the person or persons to whom the same are to be issued, the duration thereof and the fees payable upon the issuance of any such permit or any classification thereof.

“(2) The tolls which shall be charged by the holder of any special permit issued under this section in respect of the operation of a public service vehicle over any designated highway or in any specified area as the case may be, shall be such tolls as are from time to time approved by the Highway Traffic Board and not otherwise.

“(3) Every person who,—

- “(a) operates any public service vehicle in contravention of any order made pursuant to this section; or

“(b) being the holder of a special permit issued pursuant to this section makes charges on account of tolls for the operation of a public service vehicle to which the permit relates, other than such tolls as are for the time being approved by the Highway Traffic Board as the tolls to be charged for the operation of such vehicle; or

“(c) by means of any rebate, discount, forbearance or other device, discriminates as between one person and any other person in the charges made in respect of the operation of the public service vehicle to which the permit relates;

“shall in every such case be guilty of an offence and liable upon summary conviction to a fine of not more than two hundred dollars and costs and upon any person being so convicted in addition to any penalty imposed thereon, the Board may in its discretion cancel any special permit issued under this section to the person so convicted.”

5. The said Act is further amended by inserting therein immediately after section 12 the following new section:

“**12a.**—(1) Notwithstanding the provisions of any other Act the Board may make regulations limiting or restricting weight, speed, width of wheels and the use of cleats, in respect of any or all traction engines or public service vehicles or commercial vehicles upon highways; and relating to the maximum weight and load to be carried by any vehicle upon highways, the size and nature of tires to be used upon such vehicles and the dimensions of any vehicles or combination of vehicles upon highways.

“(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.”

6. The said Act is further amended by striking out section 17 and by substituting therefor the following:

“**17.** The Board shall conduct public hearings of all applications for public service vehicle certificates which have not been received and granted previous to the thirty-first day of March, 1938, and shall give such notice of any hearing as the Board deems proper and reasonable, and may appoint or direct any person to make an inquiry and report of any application, complaint or dispute, before the Board or upon any matter or thing over which the Board has jurisdiction.”

7. The said Act is further amended as to section 24 thereof,—

(a) by striking out the word “December” where the same occurs in subsection (1) thereof and by substituting therefor the word “February”;

- (b) by striking out subsection (2) thereof and by substituting therefor the following:

“(2) The Board may, if satisfied with the service rendered by the applicant, issue a renewal certificate, and such renewal certificate may be granted without the necessity of a public hearing as required under section 17 of this Act; if renewal is refused the applicant shall not operate a public service vehicle after the expiration of the certificate which he then holds.”

8. The said Act is further amended as to section 30 by striking out the same and by substituting therefor the following:

“30. Except with the permission of the Board, no person shall carry or permit to be carried upon any truck which is operated as a public service or commercial vehicle, any passenger save and except only employees of the owner of the truck whose services are required for the loading or unloading thereof, and members of the family of the owner and the owners or employees of the owner of any live stock being transported by means of the truck.”

9. The said Act is further amended as to section 38 by adding thereto the following new subsection:

“(3) Upon the issuance of a license for a public service vehicle, the Board shall issue to the person licensed in respect thereof, one plate designating the gross carrying capacity of such vehicle, and the plate shall at all times be displayed on the left side of the vehicle in such position as may be designated by the Board.”

10. The said Act is further amended as to section 55,—

- (a) by striking out the following words:

“or to the owner of a public service vehicle used solely in the transportation of coal, clay, gravel and such other material as the Board may specify”;

- (b) by adding thereto the following new subsection:

“(2) Section 27 shall not apply to the owner of a public service vehicle used solely in the hauling of coal, clay, gravel and such other material as the Board may specify within the limits of a city, town or village or within those limits and a radius of five miles therefrom.”

11. The said Act is further amended as to section 64 by striking out the words “Every person who violates any of the provisions of this Act or the regulations made thereunder” where the same occur in subsection (2) thereof and by substituting therefor the words “Every person who violates any of the provisions of this Act or the regulations or orders made thereunder”.

12. The said Act is further amended by inserting therein immediately after section 64 the following new sections:

“64a.—(1) Any person desiring to drive a motor vehicle as a chauffeur may apply to the Highway Traffic Board for a chauffeur’s license.

“(2) Such application shall be accompanied by photographs of the applicant of such size as the Board 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 Board 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;

“(c) being satisfied that an applicant who intends to operate a public service or commercial vehicle is in possession of the certificate issued pursuant to section 13 of the rules and regulations made under The Public Service Vehicles Act.

“(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 Board 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.

“(9) A non-resident chauffeur who has complied with the laws of his place of residence as to the licensing of chauffeurs need not be licensed under the provisions of this section whilst driving the motor vehicle of a non-resident exempt from registration under the provisions of section 8 of *The Vehicles and Highway Traffic Act* and for the period specified in that section.

“64b.—(1) No person shall carry on the business of a liveryman until he has applied to the Highway Traffic Board for and received from the Board 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 Board, including a condition that all vehicles used by such liveryman in his business shall be insured by an insurance of such amount and covering such risks as the Board may prescribe.

“(2) The license of any liveryman who fails to keep his vehicles insured as is required by the previous subsection, or to comply with any other conditions prescribed by the Board, may be cancelled or suspended for such time as may seem proper to the Board.

“64c.—(1) No liveryman who carries on business as such in any city or town shall employ any person as a chauffeur of a passenger vehicle unless such person is the holder of a permit in writing authorizing him to act as such chauffeur as aforesaid, issued by the mayor of the city or town, as the case may be; and the issuing of such permit shall be in the uncontrolled discretion of the mayor.

“(2) The mayor may cancel any permit issued by him pursuant to this section at any time.

“(3) Every liveryman who carries on business as such in any city or town shall, not later than the third day of each month, deliver to the mayor of the city or town a list of all chauffeurs employed by him in the driving of his passenger vehicles.

“(4) Every liveryman who carries on business as such in any city or town, who employs any person as the chauffeur of a passenger vehicle who is not the holder of a valid and subsisting permit issued pursuant to this section, or who continues to employ any person as the chauffeur of a passenger vehicle after being notified that such person’s permit has been cancelled, shall be guilty of an offence and liable on summary conviction to a fine of not less than twenty dollars nor more than one hundred dollars and costs, and in default of payment to imprisonment for a period of not more than six months.

“(5) The expression “mayor” as used in this section, includes any person for the time being authorized by the mayor in writing to discharge any of the powers and duties conferred upon the mayor by this section.

“(6) Any person who carries on business as a liveryman without a valid and subsisting liveryman’s license under this Act shall be guilty of an offence and liable on summary conviction to a fine of not less than twenty dollars, nor more

than one hundred dollars and costs, and in default of payment to imprisonment for a period of not more than six months."

13. This Act shall come into force on the day upon which it is assented to.

No. 29.

SIXTH SESSION
EIGHTH LEGISLATURE

1 GEORGE VI
1938

BILL

An Act to amend The Public Service
Vehicles Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. FALLOW.

EDMONTON:
A. Shnitka, King's Printer
1938