

Bill No. 81 of 1941.

A BILL TO AMEND THE PUBLIC SERVICE
VEHICLES ACT

NOTE.

This Bill amends *The Public Service Vehicles Act*.

Most of the amendments are of a minor nature and are being made for the purpose of clarifying existing sections with very little variation of their original intention.

The change in paragraph (*j*) of section 8 enables the Board to license and supervise depots as well as make regulations with regard to their maintenance and location. Many shippers have been complaining that the management of existing depots use rather slipshod methods with regard to the delivery of shipments left in their charge, and frequently do not produce satisfactory evidence of the ultimate delivery of such shipments, particularly those which go C.O.D. This will be remedied by licensing and by proper supervision.

A proviso has been added to section 34 to enable the Board to exempt truckers carrying certain commodities such as grain, fodder, cord wood, brick, sand or gravel or other commodities which are not as a rule subject to damage by fire.

The amendment to section 37 is to enable the Board to grant permits to owners of public service vehicles to operate the same without spare tire equipment.

The addition of the new subsection (3) to section 64 is a general clause creating a liability on the owner of any public service or commercial vehicle for any violation of the Act or the regulations in connection with the operation of such vehicle.

W. S. GRAY,
Acting Legislative Counsel.

(This note does not form any part of the Bill but is offered in explanation of its provisions.)

BILL

No. 81 of 1941.

An Act to amend The Public Service Vehicles Act.

(Assented to _____, 1941.)

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, 1941.*"

2. *The Public Service Vehicles Act*, being chapter 91 of the Statutes of Alberta, 1936, is hereby amended as to section 3 by striking out the words "upon a public highway", where the same occur in subsection (1) thereof, and by adding at the end of said subsection (1) the following proviso:

"Provided, however, that the provisions of this subsection shall not apply to the operation of a motor vehicle by the owner, his agent or employee, upon property privately owned or leased by the owner of such motor vehicle."

3. The said Act is further amended as to section 8 thereof by striking out paragraph (j), where the same occurs in subsection (1), and by substituting therefor the following:

"(j) The licensing, supervision and maintenance of depots and the location thereof."

4. The said Act is further amended as to section 34 by adding at the end thereof the following proviso:

"Provided, however, that the Board may by regulation exempt from the operation of this section any public service vehicle which is used exclusively for transportation of a commodity or commodities specified in such regulation."

5. The said Act is further amended as to section 37 by striking out the words "Every public service vehicle", where the same occur therein, and by substituting therefor the following: "Unless the owner or operator is exempted in writing by the Board, every public service vehicle".

6. The said Act is further amended as to section 51 by striking out subsection (3) thereof and by substituting therefor the following:

“(3) The Board may, on the request of the Minister when such action is desirable for the protection of any highway,—

“(a) close any part of the highway to any class or classes of traffic;

“(b) limit or restrict the load to be transported over any part of the highway; and

“(c) limit or restrict the speed of any class or classes of motor vehicles on any part of the highway.”

7. The said Act is further amended as to section 59 by striking out the same and by substituting therefor the following:

“59.—(1) Any inspector, traffic officer, peace officer or constable may, without warrant, seize any motor vehicle, trailer or semi-trailer which, in his opinion, is being operated in violation of this Act or the regulations or orders made thereunder, and may retain the same in his custody until the proper fees and charges are paid, or in case any information is laid within seven days of the date of the seizure, until the case is judicially disposed of.

“(2) Any person who by himself, or by an agent or employee, operates a motor vehicle for compensation without having a certificate issued by the Board authorizing him so to do, shall be guilty of an offence and liable on summary conviction for a first offence to a penalty of not less than ten dollars and costs; for a second offence to a penalty of not less than twenty-five dollars and costs; and for a third offence to a penalty of not less than fifty dollars and costs in addition to the impounding of such vehicle for a period of not less than ninety days.”

8. The said Act is further amended as to section 64 by adding thereto the following subsection:

“(3) The owner of a public service vehicle or a commercial vehicle for which a certificate has been issued under the provisions of this Act, shall be liable for a violation of any of the provisions thereof or of the regulations made hereunder in connection with the operation of such public service vehicle or commercial 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 public service vehicle or commercial vehicle was not being driven by him nor by any other person with his consent, express or implied.”

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

FIRST SESSION
NINTH LEGISLATURE
5 GEORGE VI
1941

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
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