

Bill No. 114 of 1941.

A BILL TO AMEND AND CONSOLIDATE THE
VEHICLES AND HIGHWAY TRAFFIC ACT

NOTE.

This Bill amends and consolidates *The Vehicles and Highway Traffic Act*.

The majority of the amendments are of a minor nature for the purpose of clarifying the wording and intention of the Act. The material contained in it has been reorganized into several parts.

Part I deals with licenses for drivers and chauffeurs and certificates of registration for vehicles.

Part II sets out the requirements for vehicles in so far as equipment is concerned. It deals with a variety of things, such as number plates, head lamps, reflectors, brakes, mirrors, and so forth.

Part III deals with rate of speed.

Part IV sets out the rules of the road which must be observed by all drivers of vehicles.

Part V deals with pedestrians.

Part VI deals with prohibitions.

Provisions for the administration of the Act are set out in Part VII. Appointment of officers and the making of regulations is covered in the first few sections. Sections 79 to 87 in this Part set out the powers of enforcement officers. The remaining sections in the Part require certain reports from dealers in motor vehicles.

Part VIII deals with procedure and evidence in the courts.

Part IX sets out the offences and the penalties for the commission of such offences against this Act.

Part X gives municipalities certain rights to a moiety of fines and penalties recovered in connection with convictions made under this Act.

Part XI sets out requirements as to financial responsibility of owners and drivers.

More particularly, the relatively important changes in this Act as compared with the one presently existing are as follows:

Section 23 which corresponds to section 21 of the former Act is designed to get around the difficulty enforcement officers have experienced with evasion of the provisions of this section. Dealers in motor vehicles are frequently dealers in farm implements, fuel oil and other things of that nature, and use trucks equipped with dealers' plates for the delivery of such commodities rather than taking out a trucker's license as they should do.

Section 27 which corresponds to the former section 30 exempts public service vehicles and commercial vehicles, as the Highway Traffic Board under *The Public Service Vehicles Act* is required to issue license plates to such vehicles.

Sections 31, 32 and 33 dealing with head lamps and other lights have been enlarged somewhat to keep pace with improvements in this connection. Paragraphs (d) and (e) of section 33 are now applied to all highways rather than just main or secondary highways.

In section 41 reference has been omitted to the words "recklessly or negligently", and the section is now confined to an unreasonable rate of speed. The Dominion has occupied the field of legislation with regard to reckless and negligent driving by amendments to the Code, so it was necessary that references be omitted to this both here and in section 122.

Section 52 is designed to make it clear that vehicles on through or arterial streets have the right-of-way and that vehicles entering on such through streets or highways from private roads, lanes or stop streets, must remain stopped until they can enter the main highway with safety.

Part V dealing with pedestrians sets out their rights and duties. They are required to walk on sidewalks where they are provided. When pedestrians are crossing at intersections in accordance with the direction of traffic control signals or traffic officers, vehicles turning on such intersections are required to yield the right-of-way to the pedestrians. Pedestrians walking or remaining on the travelled portion of any highway are required to keep to the left hand edge of such highway.

Sections 71, 72 and 73 prohibit persons from using licenses other than their own.

Section 81 enables enforcement officers to stop and inspect the equipment of vehicles, and if it is not in accordance with the requirements of this Act, to have the driver conform to the provisions set out.

Section 83 enables an enforcement officer to take abandoned vehicles or vehicles with improper registration plates into his custody.

Section 102 sets out the period of limitation of actions. Civil proceedings may be commenced at any time within a

year. Prosecutions must be taken or instituted within a month. This last mentioned limitation was deemed necessary because there are instances of prosecutions being taken against persons after they have forgotten the details, and sometimes even the occurrence of the minor traffic violation involved. In some jurisdictions the limitation for prosecution is as little as fourteen days.

References to driving recklessly or negligently or to driving a motor vehicle whilst intoxicated have been deleted from several sections in Part IX of the Act dealing with offences, as this field is now occupied by Dominion Legislation.

Section 112 enables a court to order the impounding of a bicycle the second time its owner has been convicted of using the same without proper lights. This is a very prolific cause of accidents and the fine of one dollar which is usually imposed for this offence in the juvenile courts is not a sufficient deterrent either to the boy or his parents.

Section 122 which corresponds to section 93 of the present Act has been changed to delete references to reckless or negligent driving. Doubt as to whether this Act referred to amendments to *The Criminal Code* passed subsequently to the passing of this Act is removed by a slight amendment to paragraph (f) referring to amendments.

The Minister is also given a discretionary power in cases where suspension or cancellation of a license would create undue hardship or injustice to reinstate the license or issue a temporary license.

The majority of the other alterations and changes have been necessitated by changes in the numbering of the sections and are of a minor nature.

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. 114 of 1941.

An Act to Amend and Consolidate The Vehicles and
Highway Traffic 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:

SHORT TITLE.

1. This Act may be cited as "*The Vehicles and Highway
Traffic Act, 1941.*"

INTERPRETATION.

2. In this Act, unless the context otherwise requires,—
- (a) "Chauffeur" means any person who drives or operates a motor vehicle which is driven or operated for hire, or who is hired or engaged as an employee solely or in part for the purpose of driving or operating a motor vehicle of another person, and who drives or operates such motor vehicle;
 - (b) "Dealer" means any person who buys or sells motor vehicles as a business, either as principal or agent;
 - (c) "Garage" means every place of business which has accommodation for the housing or storage of five or more motor vehicles, and the owner of which receives compensation for such housing or storage;
 - (d) "Highway" means every road, street, lane, alley, park, parkway and public place;
 - (e) "Highway Traffic Board" means the Highway Traffic Board appointed under *The Public Service Vehicles Act*, being chapter 91 of the Statutes of Alberta, 1936;
 - (f) "Liveryman" shall mean a person who keeps motor vehicles for hire;
 - (g) "Minister" means the Provincial Secretary;
 - (h) "Motor vehicle" means every vehicle propelled by any power other than muscular power, except traction engines and such motor vehicles as run only upon rails or tracks;
 - (i) "Municipality" means a city, town, village or municipal district;

- (j) "Owner" includes any person renting a motor vehicle or having the exclusive use thereof, under a lease or otherwise, for a period of more than thirty days;
- (k) "Peace officer" means a mayor, reeve, sheriff, deputy sheriff, sheriff's officer, justice of the peace, gaoler or keeper of a prison, police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process;
- (l) "Pedestrian" means any person making use of public highways for foot passage;
- (m) "Regulation" means any regulation made by the Lieutenant Governor in Council pursuant to this Act;
- (n) "Vehicle" means a motor vehicle, trailer, traction engine and any vehicle drawn, propelled, or driven by any kind of power, including muscular power; but does not include the cars of electric or steam railways running only upon rails, or trolley buses.

PART I

LICENSES AND CERTIFICATES OF REGISTRATION

GENERAL.

3.—(1) No person shall drive any motor vehicle on any highway unless such person is licensed so to do pursuant to the provisions of this Act.

(2) No person shall drive any motor vehicle on any highway at any time unless such motor vehicle is registered pursuant to this Act.

4. Application for a driver's or chauffeur's license or for registration of a motor vehicle shall be made to the Minister in such form and giving such particulars as the Minister may from time to time prescribe.

5. Upon receipt of an application for a driver's or chauffeur's license or for registration of a motor vehicle, the Minister may issue a license or a certificate of registration, as the case may be, in such form, and upon being paid such fees as may be prescribed by regulations made by the Lieutenant Governor in Council.

6. The address of every person to whom any license, certificate or permit is issued shall be given in every such document, and the person to whom it is issued shall, upon changing his address, at once notify the Minister of such change.

7. The Minister may suspend or cancel any license, certificate or permit issued under the provisions of this Act for misconduct or non-compliance or infraction of any of the provisions of this Act or of the Regulations, or of *The Fuel Oil Licensing Act*, or of *The Fuel Oil Tax Act*, or of *The Criminal Code*, or upon being satisfied of the unfitness, physically or otherwise, of the holder of such license, certificate or permit, or for any other reason appearing to him to be sufficient.

8. Subject to the provisions of this Act as to suspension and cancellation, the period of registration for any motor vehicle registered and the period of any license issued to any person licensed as a driver or chauffeur pursuant to Part I of this Act, shall be from the first day of April until the ensuing thirty-first day of March, both days inclusive.

REGISTRATION OF VEHICLES.

9. Subject to the other provisions of this Act,—

- (a) no person who is the owner of any motor vehicle shall operate or suffer or permit any other person to operate such motor vehicle on a highway, at any time at which he is not the holder of a subsisting certificate of registration of such motor vehicle issued pursuant to this Act; and
- (b) no person shall operate on a highway any motor vehicle in respect of which there is not for the time being a subsisting certificate of registration issued pursuant to this Act.

10.—(1) Every person who sells a motor vehicle to any other person and every person who becomes in any manner the owner of any motor vehicle, shall forthwith notify the Minister in writing that he has sold or become the owner of the motor vehicle, as the case may be, in such form and giving such information as the Minister may require.

(2) Whenever the ownership of a registered motor vehicle passes from the registered owner to any other person, whether by the act of the owner or by the operation of law, the registration of the motor vehicle shall expire upon the fourteenth day after the day upon which the ownership thereof so passes, and the registered owner or his legal representative shall not later than the fourteenth day after the ownership so passes, deliver up to the Department the certificate of registration of the motor vehicle, together with the number plates issued for the same to the Minister or to any person authorized by him to receive the same.

(3) Upon the passing of the ownership of any registered motor vehicle from the registered owner thereof, either by the act of the owner or by the operation of law, to a person

engaged in the business of selling or dealing in motor vehicles whether new or otherwise or engaged in the business of automobile wreckage, if the number plates issued to such registered owner come into the possession of such person, that person shall forthwith return the plates to the Minister.

(4) Upon the passing of the ownership of a registered motor vehicle from the registered owner to any other person, the number plates issued upon such registration may, upon compliance with the regulations and the payment of the prescribed fee, be re-issued to such registered owner or to the person to whom such ownership passes, provided always that such number plates shall not be issued to the person last mentioned without the consent of the registered owner.

11.—(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 have force from the date of its publication therein or any later date fixed for that purpose.

12—(1) Where the owner of a motor vehicle, resident without the Province, has complied with the laws of his place of residence with respect to the registration and licensing of the motor vehicle, and where the motor vehicle carrying displayed thereon the registration number plates for the current year assigned under those laws for that motor vehicle, is brought into the Province for temporary use therein for the purpose of touring for pleasure for a period not exceeding six months, then, at the earliest opportunity available, and not in any event later than seventy-two hours after commencing to operate the motor vehicle upon any highway within the Province, the owner

shall cause the motor vehicle to be registered with the Minister by delivering to any officer or constable of the Royal Canadian Mounted Police or of the police force of any city or town or to any other person authorized by the Minister to receive the same, a notice in the prescribed form;

Provided that where the owner of the motor vehicle so brought into the Province is resident at a place in the United States of America, and where at the time of the entry into the Dominion of the motor vehicle a customs permit was duly obtained in respect thereof, then if the customs permit so obtained is carried in the motor vehicle at all times while it is on any highway in the Province, and is exhibited upon the request of any police officer or constable, the obtaining of the customs permit shall be deemed to be a sufficient compliance with this section in lieu of the registration of the motor vehicle otherwise required.

(2) Upon receipt of the notice in the form prescribed, and upon being satisfied of the truth of the facts stated in the notice, the Minister shall cause to be issued to the owner a wind-shield sticker of a design approved by him; and the motor vehicle with such sticker conspicuously displayed on the lower part of its wind-shield while being used by the owner within the Province for the purposes of touring for pleasure, during the period named in the certificate, shall be deemed sufficiently registered and licensed for the purposes of this Act.

13.—(1) The Lieutenant Governor in Council may make or authorize to be made a reciprocal arrangement or agreement with the Government of any other Province of the Dominion exempting any class or classes of owners of motor vehicles who are ordinarily resident in that other Province from the application of the provisions of this Act as to the registration and licensing of motor vehicles and the carrying and displaying upon motor vehicles of licenses and number plates as required by this Act, and providing for the granting by that other Province of similar exemptions and privileges with respect to the owners of motor vehicles who are ordinarily resident in this Province.

(2) Every arrangement or agreement so made and the exemptions thereunder shall be subject to the condition that no person shall be entitled to any exemption or privilege thereunder in respect of a motor vehicle in this Province unless the owner of the motor vehicle has complied with the law of his place of residence as to the registration and licensing of motor vehicles and carries or causes to be carried on the motor vehicle the certificate or license and the number plates prescribed by the law of that place; and shall also be subject to all further conditions and restrictions set out in the arrangement or agreement, and to cancellation by the Lieutenant Governor in Council.

14.—(1) Subject to the provisions of subsection (2) of this section, no motor vehicle, the manufacturer's serial number or similar identifying mark of which has been obliterated, shall be registered.

(2) Any person who has in his possession any motor vehicle in the condition described in subsection (1) hereof may forthwith file with the Minister satisfactory proof of the ownership of the vehicle and the Minister shall thereupon grant permission to cut, impress, emboss or attach permanently to such vehicle a special identifying number or mark, which thereafter shall be deemed sufficient for the purpose of registration of such vehicle.

DRIVERS' AND CHAUFFEURS' LICENSES.

15.—(1) No person except a person temporarily within the Province who is permitted to drive by the law of the country of which he is a resident, shall drive a motor vehicle on any highway at any time during which he is not the holder of a subsisting driver's or chauffeur's license issued pursuant to this Act.

(2) No driver's license shall be issued to any person under the age of sixteen years.

(3) A person over the age of fifteen years shall not be deemed to act in contravention of this section if while driving a motor vehicle he is accompanied by a person sitting beside him, who is the holder of a driver's license, and is engaged in teaching the first named to drive.

(4) The application for a driver's license from any person of the full age of sixteen years and under the age of eighteen years, shall be signed by the applicant and by the parent or guardian of such applicant.

16. The Minister may,—

- (a) refuse to issue a driver's or chauffeur's license to any person unless he is satisfied by examination or otherwise of the physical and other competency of the applicant to drive a motor vehicle without endangering the safety of the general public;
- (b) require any applicant to submit himself to examination as to his competency as a driver to a person designated by the Minister as an examiner; and
- (c) from time to time by order under his hand prescribe as to the cases in which an examination as to competency as a driver may be dispensed with and the cases in which it may not be dispensed with.

17. Every person driving a motor vehicle shall carry his license with him at all times during which he is in charge of a motor vehicle, and shall produce it when demanded by any peace officer or any inspector appointed under this Act.

18.—(1) Every person who is the holder of a driver's or chauffeur's license shall, upon being convicted of any offence under this Act or the regulations or the provisions of section 285 of *The Criminal Code* as amended, forthwith deliver the same to the judge, police magistrate or justice of the peace making the conviction, who shall thereupon endorse thereon the particulars of the said conviction.

(2) Any judge, police magistrate or justice of the peace who convicts any person of an offence under this Act, who is the holder of a driver's or chauffeur's license, may upon making the conviction suspend for such time as he thinks fit or cancel such license, and shall thereupon transmit the suspended or cancelled license to the Minister together with a report setting out the nature of the conviction and the circumstances of the offence; and every such suspension or cancellation shall remain in force unless and until the Minister in his discretion makes an order shortening the term of suspension or annulling the cancellation.

19. Every person to whom a driver's or chauffeur's license has been issued shall in his application for a subsequent license state that he has been so licensed; and no person who is the holder of a valid and subsisting driver's or chauffeur's license shall apply for or obtain another driver's or chauffeur's license, save and except only for the purpose of obtaining a duplicate of a valid and subsisting license which has been lost, or destroyed, or become worn out.

20.—(1) Any person of the full age of eighteen years or more desiring to drive a motor vehicle as a chauffeur may apply to the Minister for a chauffeur's license.

(2) such application shall be accompanied by photographs of the applicant of such size as the Minister 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 Minister 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.

(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 Minister 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) 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 12, and for the period specified in that section.

21. The Lieutenant Governor in Council may at any time direct that chauffeurs' licenses shall only be good for such period less than a year as may seem to him proper.

DEALERS' LICENSES.

22.—(1) Every person who engages in the business of a manufacturer of motor vehicles or a dealer in motor vehicles, whether new or second-hand, shall comply with the regulations governing the registration and operation of such motor vehicles.

(2) The number plates issued to manufacturers and dealers shall bear a word, letter or other device sufficient to distinguish the same from number plates issued to other persons.

(3) The fee required by the Minister on the issue of such number plates may be of a fixed amount or may vary with the number of number plates issued to the manufacturer or dealer.

(4) The number plates issued pursuant to the provisions of this section shall only be valid in respect of one place of business, provided, however, that where a dealer has more than one place of business in the same municipality, such places shall, for the purposes of this section, be reckoned as one place of business.

23. No person shall attach to any motor vehicle any number plate issued pursuant to the provisions of the preceding section, nor shall any person use or operate any motor vehicle to which any number plate so issued is attached, except a vehicle which is,—

- (a) kept by him exclusively for sale and not for hire;
- (b) used exclusively in his business of a manufacturer of motor vehicles or a dealer therein for the promotion of sales of such motor vehicles, or as a service motor vehicle in connection with such sales and not as a public service vehicle or commercial vehicle.

PART II

EQUIPMENT OF VEHICLES
NUMBER PLATES.

24.—(1) At the time of the issue of a certificate of registration the Minister shall issue to the owner of the registered vehicle a set of two number plates or one number plate if the vehicle is a motorcycle, bearing the registration number of such motor vehicle, together with the name of the Province either at length or in an abbreviated form, and the year of the issue.

(2) The Minister shall charge such fees for each set of number plates issued by him as may from time to time be set out in the regulations.

25.—(1) In the case of a motor vehicle other than a motorcycle one of the number plates shall be firmly attached to the front of the motor vehicle and one to the back thereof.

(2) In the case of a motor vehicle other than a motor cycle the number plate on the back shall be placed on the motor vehicle so that the lower edge thereof shall not be lower than the axle.

(3) In the case of a motor cycle, the number plate shall be firmly attached to the rear mudguard in such a position as to be clearly visible.

(4) 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 axle.

(5) The said plates shall at all times be carried, attached and placed in the manner prescribed by this section.

26. The number plates shall be of a distinctly different colour or shade for each year and there shall be a marked contrast between the colour of the number plate and that of the numerals or letters thereon.

27. Subject to the provisions of this Act as to the motor vehicles of a non-resident, no number plate other than that issued by the Minister shall be exposed on any part of a motor vehicle other than a public service vehicle or a commercial vehicle.

28. No number plate shall be attached to or used upon any motor vehicle other than the one in respect of which it was issued.

29. Every number plate shall at all times be kept in a legible condition and unobscured by any part of the vehicle or its attachments or load, or otherwise howsoever, and shall be kept firmly fastened.

30. Every number plate issued under the provisions of this Act shall be and remain the property of the Crown and shall be returned to the Minister whenever he so requires.

HEADLAMPS AND OTHER LIGHTS.

31.—(1) Every motor vehicle other than a motor cycle shall at all times whilst in operation on a highway be equipped,—

- (a) with at least two headlamps at the front and on opposite sides of the vehicle, each of which shall be capable of projecting light for a distance of three hundred feet ahead of the vehicle under normal atmospheric conditions;
- (b) with a tail lamp 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) Every motor cycle shall carry one headlamp at the front and one lamp at the back, and the lamps shall conform in every respect to those required to be carried by other motor vehicles.

(3) 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 headlamp 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.

(4) No part of the direct beam of reflected or refracted light projected from any headlamp 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.

(5) The use upon any motor vehicle of any headlamp which emits a direct beam of reflected or refracted light in contravention of this provision is prohibited.

(6) On approaching another vehicle proceeding in an opposite direction, and when within not less than two hundred yards of the same, any person in charge of a motor vehicle equipped with electric headlamps shall dim or drop such headlamps.

(7) Any police constable or officer or inspector appointed for carrying out the provisions of this Act or of *The Public Services Vehicles Act*, may stop approaching vehicles when such vehicles have failed to dim or drop their headlights as herein required, and the driver of any such vehicle shall be guilty of an offence and liable on summary conviction to the penalties prescribed under section 103 of this Act.

32.—(1) Any motor vehicle may be equipped with fixed or movable auxiliary driving lamps or fog lamps not exceeding three in number mounted upon the front below the level of the centres of the headlamps and at a height not less than sixteen inches above the level on which the vehicle stands. The term “auxiliary lamp” or “fog lamp” shall denote any combination of reflector, lens and lamp bulb so designed to illuminate the roadway close to and forward or forward and to the sides of the motor vehicle and otherwise meeting the requirements of this section. Not more than two auxiliary lamps or fog lamps, mounted on opposite sides of the vehicle may be used in connection with but not in substitution for headlamps, except under conditions of fog or rain rendering disadvantageous the use of headlamps. In no event shall the number of auxiliary and fog lights upon a motor vehicle exceed a combined total of three and in no event shall more than two of the said lamps be lighted for use with lighted headlamps.

(2) Every auxiliary lamp and every fog lamp used upon a motor vehicle shall be so adjusted and aimed that the top of the main substantial portion of the beam will strike the road at approximately seventy-five feet in advance of the vehicle and will not project a glaring or dazzling light into the eyes of approaching drivers.

33.—(1) At any time during the period between one hour after sunset and 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 headlamps 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 motor cycle or bicycle 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 lamp with which it is required to be equipped is alight;
 - (d) no motor vehicle shall be stationary on any highway outside the corporate limits of any city, town or village unless it has either a lit tail lamp 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, motor cycle or bicycle shall be upon any 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.
- (2) Any city, town or village may by by-law define an area or areas within which any motor vehicle or other vehicle while stationary upon a highway, shall between the hours of one hour after sunset and one hour before sunrise, have a lighted lamp thereon or a lighted lamp or lamps to the front, and either a red lighted lamp or a reflector of a type approved by the regulations, to the rear.

34. In the case of a motor vehicle belonging to a municipal fire department, the lamps may cast a red light only, or such other coloured light as may be designated by by-law of the council.

35.—(1) No motor vehicle shall carry what is known to the trade as a search light.

(2) A spot light may be carried upon any motor vehicle and when the vehicle is in motion the ray of light therefrom shall be directed to the extreme right of the travelled portion of the highway in such a manner that the beam of light shall strike the extreme right of the travelled portion of the highway within seventy-five feet of the said vehicle.

36. Every vehicle carrying a load which overhangs the rear of the vehicle to the extent of five feet or more shall display upon such overhanging load, at the extreme rear end thereof, during the period from one hour after sunset to one hour before sunrise, a red light, and at all other times a red flag, sufficient to indicate the projection of such load.

BRAKES.

37.—(1) Every motor vehicle shall be equipped with adequate brakes.

(2) Every person driving or operating a motor vehicle on any highway shall upon request of any police constable or of any officer appointed for the carrying out of the provisions of this Act or of *The Public Service Vehicles Act*, permit the constable or officer to inspect and test the brakes with which the motor vehicle is equipped, and for that purpose to operate the motor vehicle, or at the option of the constable or officer the person for the time being operating the vehicle shall operate the motor vehicle as directed by him for the purpose of the inspection and testing of the brakes, and the constable or officer shall, if such brakes are not adequate notify the person operating the vehicle thereof, and thereupon the operator shall forthwith proceed to have such brakes made adequate.

(3) The service brakes upon any motor vehicle which is equipped with two-wheel brakes shall be deemed to be not adequate unless the same are capable of bringing such vehicle to a standstill when the brakes are applied when the vehicle is moving at a speed of twenty miles an hour within a distance of forty feet from the point at which the brakes are applied, when loaded to its full capacity on a level surface consisting of dry paving of asphalt or concrete which is free from loose material.

(4) The service brakes upon any other motor vehicle or combination of vehicles shall be deemed to be not adequate unless the same are capable of bringing such vehicle or combination of vehicles to a standstill when the brakes are applied when the vehicle or combination of vehicles are moving at a speed of twenty miles an hour within a distance of thirty feet from the point at which the brakes are first applied, when loaded to its full capacity on a level surface consisting of dry asphalt or concrete paving free from loose material.

(5) The hand brake upon any motor vehicle or combination of motor vehicles shall be deemed to be not adequate unless the same is capable of bringing such vehicle or combination of vehicles to a standstill when the brake is applied when the vehicle or combination of vehicles are moving at a speed of twenty miles an hour within a distance of fifty-five feet from the point at which the brake is first applied, when loaded to its full capacity on a level surface consisting of dry asphalt or concrete paving free

from loose material; and shall be capable of holding the vehicle or combination of vehicles at a standstill upon any grade upon which the same is operated.

(6) All brakes shall at all times be maintained in good working order and shall be so adjusted that the brake pressure upon the wheels on each side of the vehicle is as nearly as possible equal.

GENERAL.

38.—(1) Every motor vehicle, motor cycle and bicycle shall be equipped with an adequate horn, gong or bell and the same shall be kept in good working order and shall be sounded whenever it shall be reasonably necessary to warn persons on or approaching the highway in the vicinity of the vehicle or motor cycle or bicycle.

(2) No person having the control of any motor vehicle, motor cycle or bicycle shall use the horn, gong, bell or other signalling device thereon except for the purpose of giving notice to persons on or approaching the highway in the vicinity of the motor vehicle, motor cycle or bicycle of the approach of such vehicle, and in so doing shall not make any more noise than is reasonably necessary for the purpose of giving such warning.

39.—(1) Every motor vehicle using gasoline or other fluid of a like nature shall be equipped with a muffler of such kind and description as to prevent any unreasonable noise in the operation of the engine of such vehicle.

(2) No person operating, or having under his control, or in his charge any motor vehicle on any highway in any city, town or village, shall cut out the muffler, or open the cut-out of the said vehicle, whilst the engine thereof is in operation.

40.—(1) Every motor vehicle shall carry a mirror securely attached to it and placed in such a position as to afford the driver a clear view of the roadway in the rear, and of any vehicle approaching from the rear.

(2) In any case where the view afforded by any such mirror is obstructed or interfered with by a trailer attached to such motor vehicle or otherwise, a side rear vision mirror or other mirror shall be attached to the motor vehicle and placed in such a position as to afford the driver a clear view of the roadway in the rear and of any vehicle approaching from the rear.

PART III

RATE OF SPEED.

41.—(1) No person shall drive a motor vehicle on a highway at any rate of speed which is unreasonable having

regard to all the circumstances of the case, including the nature, condition and use of the highway, and the amount of traffic which then is, or might reasonably be expected to be, on the highway.

(2) Any person driving any motor vehicle within any city, town or village at a greater rate of speed than twenty-five miles per hour, or at a greater rate of speed than ten miles per hour in turning a corner, or at a greater rate of speed than forty miles per hour upon any highway outside of a city, town or village, shall *prima facie* be deemed to be driving at an unreasonable rate of speed.

(3) Any person driving a motor vehicle, when approaching or at a street corner or curve where the driver of the vehicle has not a clear view of the approaching traffic, at a greater rate of speed than ten miles per hour in a city, town or village, or twelve miles per hour outside a city, town or village, shall *prima facie* be deemed to be driving at an unreasonable rate of speed.

42. Any motor vehicle equipped with a siren,—

- (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,—

may whilst being so used and whilst the siren is being continuously sounded 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.

43.—(1) The council of a municipality or other authority having jurisdiction over a highway, may make regulations limiting the rate of speed of any vehicle passing over a bridge, and may therein fix a penalty not exceeding twenty dollars for the breach thereof, and notice of the limit of speed fixed by such regulation shall be posted up in a conspicuous place at each end of the bridge.

(2) Such notice shall be in the following form:

“NOTICE.

“Any person riding or driving over this bridge at a faster rate than miles an hour shall, on conviction thereof, be subject to a fine of dollars.”

PART IV

RULES OF THE ROAD.

44. Outside the limits of cities, towns and villages, any person operating a motor vehicle, upon approaching a graded portion of any highway where, on account of the manner of the construction of such grade, it is impossible or dangerous for such motor vehicle and another motor vehicle or a horse or horses, being driven in an opposite direction to pass each other, shall, before entering upon or along such graded portion of the highway, stop the said motor vehicle, and if any other motor vehicle or horse or horses being driven as aforesaid, is or are upon such graded portion, cause the said motor vehicle, horse or horses to pass first along the said grade and past the said motor vehicle before such motor vehicle proceeds.

45. No person driving a motor vehicle shall pass or attempt to pass any other motor vehicle proceeding in the same direction on any hill, curve or bridge or any of the approaches thereto.

46.—(1) Any person acting as the driver of a vehicle shall keep his vehicle at all times to the right of the centre line of the highway except as hereinafter provided for.

(2) If any person acting as the driver of a vehicle desires to pass another vehicle or horseman travelling upon a highway in the same direction, he shall in passing keep his vehicle to the left of the other vehicle or horseman or to the left side of the centre line of the highway.

(3) Any person acting as the driver of a vehicle shall not drive to the left side of the centre line of a highway in overtaking and passing another vehicle or horseman unless the left side of the highway is free of approaching traffic for a sufficient distance ahead to permit such person to overtake and pass the other vehicle or horseman in safety.

(4) If any horseman or person acting as the driver of a vehicle is overtaken upon a highway by a vehicle travelling in the same direction, he shall allow such vehicle to pass and shall keep to the right of the centre line of the highway so as to allow the free passage of the road by the overtaking vehicle.

(5) If any driver of a vehicle cannot for any reason keep to the right or the left of the centre line of the highway so as to allow the immediate free passage of the road by another vehicle, as directed by this section, he shall stop and, if necessary, aid the driver of the other vehicle to pass in any manner practicable.

47.—(1) No person shall drive a motor vehicle to which a siren is attached other than a motor vehicle which is used,—

(a) for the transportation of any member of a fire brigade or of any fire fighting equipment; or

(b) for the transportation of any policeman; or

(c) for an ambulance,—

unless the Minister has specifically authorized him so to do.

(2) Any person driving a motor vehicle and meeting or being overtaken by a motor vehicle on which a siren is being sounded, shall, having regard to all the circumstances of the case, bring the vehicle he is driving to a stop at the extreme right hand side of the highway as soon as is reasonably possible, and shall remain stopped until the vehicle sounding its siren has passed.

48.—(1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the travelled portion of a highway outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended upon such highway unless a clear and unobstructed width opposite such vehicle shall be left for free passage of other vehicles thereon, and unless a clear view of such parked or standing vehicle may be obtained for a distance of two hundred feet in each direction.

(2) No vehicle shall remain at a standstill on any highway for longer than one minute at any place which is within thirty feet of the point of intersection of that highway with any other highway.

49. The driver of every vehicle shall, before turning the vehicle to right or left or stopping the same, give such signals of his intention so to do in such manner as may be prescribed by regulations made under this Act.

50. Any person driving a vehicle on a highway shall, at the intersection of the highways, keep to the right of the intersection of the centre lines of such highways when turning to the right, and pass over to the right of such intersection when turning to the left.

51.—(1) Whenever any vehicle is turning from one 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 such first mentioned vehicle shall have the right of way over any vehicles approaching the intersection of the highways on his left.

(2) The driver of a vehicle approaching an intersection of highways or a cross-road shall yield the right of way to a vehicle which has entered the intersection.

(3) When two vehicles enter upon an intersection at the same time, that vehicle shall have the right of way which entered the intersection from the right of the driver of the other vehicle.

52.—(1) Every vehicle being about to enter upon any main or secondary Provincial highway as defined in *The Public Highways Act, 1929*, or upon any other highway, which, at the request of the local governing body has been designated and marked as a highway at which vehicles are required to stop, or upon any intersection at which it is required to stop by any by-law of any city, town or village, shall be brought to a stop at a point not less than ten feet nor more than fifty feet from such highway, and shall not enter upon such highway either for the purpose of crossing the same or of proceeding along the same until the conditions of traffic on such highway are such that the vehicle can enter upon such highway with safety.

(2) The driver of a vehicle entering a highway from a private road or drive or from an alleyway or lane or from a street or highway on which he is required to stop before entering such highway, shall yield the right of way to all vehicles upon such highway.

53. No person shall drive any vehicle on any street or highway within any city, town or village in such a manner that the same crosses from one side of such street or highway to the other side thereon between intersecting streets or highways.

54. Notwithstanding any other provision of this Act, every person whilst engaged upon the work of maintenance of a highway shall be entitled to drive or operate any vehicle required for such work, upon any portion of the highway, as may be requisite for the necessary, regular or convenient discharge of his duties.

55. When a street railway car or a van operated by a school district for the transportation of school children, which bears a sign both in the front and rear thereof with the words "School Van" thereon, has stopped to receive or discharge passengers, no vehicle shall overtake and pass such car or van until all persons who are about to enter or leave the same are safely clear of the path of the vehicle;

Provided, however, that nothing in this section shall be deemed to prevent any vehicle from passing a stationary street railway car at an intersection where a safety zone has been provided for passengers.

56. An operator of any vehicle, when transporting gasoline otherwise than in the tank or container of a motor vehicle, shall, before proceeding over any legal railway crossing, whether or not a train can be seen or heard

approaching the crossing, bring the vehicle to a dead stop and shall not proceed until satisfied that it is safe to do so.

57.—(1) If an accident occurs to any person whether on foot or horseback or in a vehicle, or to any horse or vehicle in charge of any person owing to the presence of any motor vehicle on any public highway, the person in charge of such motor vehicle shall return to the scene of the accident, render all reasonable assistance, and give to any person sustaining loss or injury or to any peace officer or to a witness, his name and address, and also the name and address of the owner of such motor vehicle, and the registration number of the said motor vehicle, together with such other information as may be requested.

(2) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding twenty-five dollars, report the accident forthwith to the nearest police officer or constable, and furnish him with a written statement concerning the accident on such forms as may be prescribed by the Minister.

(3) Where such person is physically incapable of making a report, and there is another occupant of the motor vehicle, such other occupant shall make the report.

(4) Every police officer or constable receiving a report of an accident shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident to the Minister.

(5) Every officer or constable of the Royal Canadian Mounted Police, and every chief of police, municipal clerk, or officer or constable of municipal police who receives or completes any report made pursuant to this section shall, within twenty-four hours after the receipt or completion of such report, mail or deliver a copy of the same to the Minister on such forms as may be prescribed by the Minister.

(6) Every insurance company which receives a claim, under a motor vehicle liability policy, in respect of personal injuries, or damage to property exceeding twenty-five dollars, shall forthwith give notice thereof to the Minister and shall furnish such other information as the Minister may require.

PART V

RIGHTS AND DUTIES OF PEDESTRIANS.

58.—(1) At intersections of highways where traffic is controlled by traffic control signals, pedestrians shall cross the highway only in the direction in which vehicles are permitted to move, and drivers of vehicles when turning, shall yield the right of way to pedestrians when so crossing.

(2) The operator of a vehicle or street railway car shall yield the right of way to a pedestrian crossing the roadway within any crossing at an intersection except at intersections where the movement of traffic is regulated by a Police Officer or traffic control signal, or at any point where a pedestrian tunnel or overhead crossing has been provided. This provision shall not relieve the pedestrian from the duty of exercising due care for his safety.

(3) Whenever any vehicle is stopped at a marked crossing or at any intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

(4) Every pedestrian crossing a roadway at any point other than within a marked or unmarked crossing shall yield the right of way to vehicles and street railway cars upon the roadway, provided that this provision shall not relieve the driver of a vehicle or street railway car from the duty of exercising due care for the safety of pedestrians.

(5) At intersections where traffic is controlled by traffic control signals or by a Police Officer, operators of vehicles and street railway cars shall yield the right of way to pedestrians crossing or those who have started to cross the roadway on a green or "go" signal, and in all other cases, pedestrians shall yield the right of way to vehicles and street railway cars lawfully proceeding directly ahead on a green or "go" signal.

(6) In any case where a sidewalk or path is located beside any highway, pedestrians shall at all times when reasonable and practicable to do so, use such sidewalk or path and shall not walk or remain on the highway. Provided, however, that this provision shall not relieve the driver of a vehicle from the duty of exercising due care for the safety of pedestrians.

(7) No person shall walk or remain on the paved or travelled portion of a highway otherwise than close to his left hand edge of that portion and any driver approaching and passing a pedestrian so walking on a highway shall drive as near to the centre of the road as he may safely do, and shall pass on the right hand side of such person.

PART VI

PROHIBITIONS.

59. No person shall use, interfere or tamper with any motor vehicle or any of its accessories, or anything placed therein or thereon, without the consent of the owner.

60. No person shall,—

- (a) deface or alter any number plate issued under the provisions of this Act; or
- (b) use or permit the use of any defaced or altered number plate; or
- (c) permit any number plate issued to him to be used in contravention of the provisions of this Act.

61. No vehicle shall be operated on any highway unless all the requirements of Part II as to the equipment thereof are at all times complied with.

62.—(1) No person shall throw or place upon a highway any glass, nails, scraps of metal or other material injurious to the tires of a motor vehicle.

(2) No person shall unless authorized so to do by the highway authority, deposit ashes, sand, soil, or any other matter upon a snow-covered highway.

63.—(1) No person who owns, controls or is in possession of any live stock shall permit any such live stock to stray or remain upon any highway, both sides of which are abutting on property which is separated from the highway by a fence, wall, hedge, sidewalk, curb, lawn or building, unless such stock is in the charge and control of some competent person or persons.

(2) Between the hours of sunset and sunrise, no person shall drive any live stock upon, over or across any highway without keeping a sufficient number of herders on duty to open the road and permit the passage of vehicles at any time.

64.—(1) No person shall employ for hire anyone who is not the holder of a chauffeur's license, to drive a motor vehicle.

(2) Except as otherwise provided herein, no person shall permit anyone who is not the holder of a driver's or chauffeur's license to drive his motor vehicle.

65. No person shall hire or let for hire a motor vehicle unless the person by whom such motor vehicle is to be driven is authorized under the provisions of this Act to drive such motor vehicle.

66. No person shall drive a motor vehicle upon a highway in a race, or on a bet or wager.

67.—(1) No person shall in respect of any motor vehicle other than a motor vehicle duly licensed under *The*

Public Service Vehicles Act, 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 service vehicle duly licensed under *The Public Service Vehicles Act*, 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 service 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.

68. Every person who is driving a vehicle shall, immediately he is signalled or requested to stop by a constable or police officer in uniform, bring his vehicle to a dead stop and furnish such information respecting the said vehicle as the constable or police officer may require and shall not start the motor vehicle until such time as he is permitted so to do by such constable or police officer.

69.—(1) No person other than the highway authority or a person authorized so to do by the highway authority, shall erect or display on or in the vicinity of any highway any sign or notice giving any warning or direction as to the use of any highway by any person on a highway.

(2) No person shall throw down, deface or otherwise injure any sign lawfully erected by or under the direction of the highway authority for the purpose of guiding or warning motorists or other travellers.

70.—(1) No person shall sell or offer for sale or expose for sale any portion of a motor vehicle or of the engine thereof or any accessory therefor which has been serially numbered by the manufacturer or maker, if the serial number has been removed, obliterated or effaced or if the serial number is not clearly visible.

(2) This section shall not apply to the sale of tires which are sold as seconds.

71. No person shall use or be in possession of a driver's or chauffeur's license belonging to any other person or of a driver's or chauffeur's license which is fictitious or which has been cancelled or suspended, nor shall any person who holds a driver's or chauffeur's license permit any other person to use or be in possession of such license.

72. No person shall apply for or procure or attempt to procure the issuance of a new driver's or chauffeur's

license to himself during a period when his license is cancelled or suspended or during a period when he is disqualified from holding a license, notwithstanding that the year for which the license was issued has expired.

73. No person shall apply for or procure or attempt to procure the registration of a motor vehicle during a period when the registration of the motor vehicle or the certificate of registration issued therefor is suspended or cancelled.

74. No chauffeur shall permit any other person to possess or use his badge, nor shall any person use or possess,—

- (a) a chauffeur's badge belonging to another person;
- (b) a chauffeur's badge issued or renewed in respect of any year other than the current year;
- (c) a fictitious chauffeur's badge.

PART VII

ADMINISTRATION.

GENERAL.

75. The Lieutenant Governor in Council may on the recommendation of the Minister appoint such persons or officers as may be deemed necessary for enforcing and carrying out the provisions of this Act.

76. All members of the Royal Canadian Mounted Police and all police constables and officers and all other peace officers, shall be *ex officio* officers for the purpose of carrying out and enforcing the provisions of this Act.

77. The Lieutenant Governor in Council may on the recommendation of the Minister, make such regulations as are necessary to carry out the provisions of this Act according to their obvious intent or to meet cases which arise and for which no provision is made by this Act, and without in any way restricting the generality of the foregoing, may make regulations,—

- (a) prescribing forms and fixing the times at which and the persons to whom returns shall be made;
- (b) prescribing the design and position of lights and reflectors to be used upon vehicles;
- (c) prescribing the requirements as to brakes on motor vehicles and requiring the periodic inspection, testing and adjustment thereof;
- (d) prescribing any equipment required and the types and uses thereof on motor vehicles;

- (e) requiring the periodic inspection, testing, and adjustment of any mechanical equipment of any motor vehicle;
- (f) prescribing and requiring the use of devices and other means to prevent accidents or thefts of motor vehicles;
- (g) prescribing fees for licenses, permits and certificates required pursuant to this Act;
- (h) prescribing terms and conditions governing the registration, use and operation of motor vehicles whether new or second-hand, which are owned, kept or used by any manufacturer or dealer;
- (i) prescribing generally as to any other matter or thing deemed necessary for the better carrying out of the intention and the provisions of this Act, the doing of which is permitted by this Act.

78.—(1) The Minister may from time to time appoint such persons as he may think fit as motor vehicle inspectors who shall have such duties as may be assigned to them by him.

(2) The Minister may delegate all powers conferred upon him by this Act to such person or persons as he may deem advisable.

POWERS OF OFFICERS.

79. Any motor vehicle inspector appointed by the Minister or any police officer or constable shall have the right and power without further authority in the daytime, that is to say, in the interval between six o'clock in the forenoon and nine o'clock in the afternoon of the same day, to enter the business premises of any dealer in motor vehicles, or person or persons conducting a motor vehicle livery, or other place where motor vehicles are kept for hire or sale, for the purpose of ascertaining whether or not the provisions of this Act are being complied with in respect to the motor vehicles in any of such places and by the several employees therein.

80. Every driver of a motor vehicle shall produce his license for inspection when requested to do so by any inspector or peace officer.

81. Any inspector or peace officer may at any time stop and inspect or cause to be inspected any equipment on a vehicle on a highway and may, if such equipment or any part thereof, does not conform with the provisions of this Act or the regulations, require that the driver or owner thereof have, and the driver or owner thereof shall forthwith proceed to have, the equipment made to comply therewith.

82. Any inspector or peace officer who has reason to believe that a motor vehicle is carrying number plates which were not issued for it, or which although issued for it were obtained by false pretences, may take possession

of such number plates and retain them until the facts as to the carrying of such number plates have been determined.

83. Every inspector or peace officer upon the discovery of any motor vehicle apparently abandoned on or near a highway or of any motor vehicle without proper registration plates, may take such motor vehicle into his custody and may cause the same to be taken to and stored in a suitable place and all costs and charges for removal care or storage thereof, shall be a lien upon such motor vehicle and the same may be enforced in the manner provided by *The Possessory Lien Act*.

84. Every inspector or peace officer who on reasonable and probable grounds believes that any person has committed an offence against any of the provisions of the sections hereinafter enumerated, whether it has been committed or not, may arrest such person without warrant, whether such person is guilty or not.

- (a) Section 60 relating to the defacing of number plates;
- (b) Section 28 relating to the exposing of numbers other than those upon the number plates in compliance with the provisions of this Act;
- (c) Section 41, relating to rate of speed of motor vehicles;
- (d) Section 66, relating to the driving of motor vehicles in a race, or on a bet or wager;
- (e) Section 29, relating to the defacement of signs.

85. Every person called upon by an inspector or peace officer to assist such inspector or peace officer in the arrest of a person suspected of having committed any of the offences mentioned in the last preceding section, is justified in so doing if he knows that the person calling on him for assistance is an inspector or peace officer, and does not know that there are no reasonable grounds for his suspicion.

86.—(1) Every inspector or peace officer who on reasonable and probable grounds, believes that any of the offences enumerated in section 84 has been committed, may seize and detain any motor vehicle in respect of which such offence has been committed until the final disposition of any proceedings which may be taken under the provisions of this Act, and whilst so detained, may make such examinations and tests thereof as he deems proper.

(2) Any motor vehicle so seized may be released on security not exceeding one hundred dollars, being given to the satisfaction of such inspector, peace officer, or justice of the peace or police magistrate, as the case may be.

87. Every inspector or peace officer who arrests without a warrant any person pursuant to section 84, shall take the person so arrested without delay before a justice of the peace or a police magistrate and proceed with the trial of such person or obtain a warrant for his arrest.

DEALERS' REPORTS.

88. Every person who buys, sells, wrecks or otherwise deals in second-hand motor vehicles shall forward to the Minister a record of the same in such form, with such particulars and at such times as the Minister may from time to time prescribe.

89.—(1) If a motor vehicle, the manufacturer's serial number or other identifying mark of which has been obliterated or is illegible, is offered for sale to any dealer in motor vehicles, he shall forthwith report the matter to the nearest police officer and shall not buy, sell, wreck or otherwise deal with any such vehicle until he has received convincing proof of the right of the person offering the car for sale to sell the same.

(2) Every dealer buying any such motor vehicle shall keep a record of the purchase and of the facts convincing him of the right of the person offering the car for sale to sell the same.

90. Every person who buys, sells, wrecks or stores motor vehicles shall, if a motor vehicle remains in his possession without good reason or under suspicious circumstances, forthwith report the matter to the Minister.

91.—(1) Every dealer shall, prior to the sixth day of each month, forward to the Minister a record of all motor vehicles sold and delivered by him in Alberta during the preceding month.

(2) The dealer shall give in such record the name and address of the purchaser of each vehicle comprised in the record and such further particulars as the Minister may require, and shall send therewith a statutory declaration as to the truth of the statements therein contained.

PART VIII

PROCEDURE AND EVIDENCE.

92.—(1) When any loss or damage is sustained or incurred by any person by reason of a motor vehicle in motion, the onus of proof that such loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver of the motor vehicle

(2) This section shall not apply in the case of a collision between motor vehicles upon a highway.

93. Where a motor vehicle is operated upon a highway in contravention of any provision of this Act, and loss or damage is sustained by any person thereby, the onus of proof that such loss or damage did not arise by reason of the contravention of this Act shall be upon the owner or driver thereof.

94. The owner of a motor vehicle for which a certificate of registration has been issued under the provisions of this Act shall be liable for any violation of any of the provisions thereof in connection with the operation of such motor 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 motor vehicle was not being driven by him or by any other person with his consent, express or implied:

Provided that if the owner was not at the time of the offence driving the motor vehicle, he shall not in any event be liable to imprisonment.

95. Upon any person being charged with an offence under any of the provisions of this Act, if the justice of the peace or police magistrate trying the case be of opinion that the offence was committed wholly by accident or misadventure, and without negligence, and could not by the exercise of reasonable care or precaution have been avoided, such justice of the peace or police magistrate may dismiss the case.

96. The proceedings upon information for an offence against any of the provisions of this Act where a previous conviction is charged shall be as follows:

- (a) The justices or police magistrate shall in the first instance inquire concerning such subsequent offence only, and if the accused be found guilty thereof he shall then and not before be asked whether he was so previously convicted as alleged in the information and if he answers that he was so previously convicted, he shall be sentenced accordingly; but if he denies that he was so previously convicted, or does not answer such question, the police magistrate or justices of the peace shall then inquire concerning such previous conviction or convictions;
- (b) For the purpose of a second, third or subsequent conviction under the provisions of this Act, a copy of the certificate of a prior conviction made by the convicting police magistrate or one of the convicting justices of the peace, or the certificate of the Minister, shall be *prima facie* evidence of such prior

conviction without proof of the signature or official character of the person signing such certificate and without proof of the identity of the person charged with the person named in the certificate;

- (c) In the event of any conviction for any second or subsequent offence becoming void or defective after the making thereof, by reason of any previous conviction being set aside, quashed or otherwise rendered void, the justices or police magistrate by whom such second or subsequent conviction was made shall summon the person convicted to appear at a time and place to be named and shall thereupon, upon proof of the due service of such summons, if such person fails to appear or on his appearance, amend such second or subsequent conviction and adjudge such penalty or punishment as might have been adjudged had such previous conviction never existed; and such amended conviction shall thereupon be held valid to all intents and purposes as if it had been made in the first instance.

97. When proof of ownership of any motor vehicle or of the suspension or revocation of any license issued under the provisions of this Act is required, the production of a certificate purporting to be under the hand of the Minister or his deputy, to the effect that the person named therein is the registered owner of such vehicle, or that the license of the person named therein has been suspended or revoked, shall be *prima facie* evidence thereof, without proof of signature or official character.

98.—(1) In any case where any person who is the holder of a driver's or chauffeur's license or in whose name a vehicle is registered, is convicted of an offence against the provisions of this Act, the judge, police magistrate, or justice of the peace before whom such person was convicted, shall forward to the Minister with the conviction, a summary outlining the facts and circumstances surrounding the accident and setting forth the name, address and description of the person so convicted, the number of the motor vehicle, the number of the section of the Act contravened, and the time the offence was committed.

(2) If the offence was committed by a licensed chauffeur the convicting magistrate shall also set forth the number of his license and the name, address and description of his employer.

99. Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute an action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator of any motor vehicle or from the negligence of any agent or employee of the owner.

100. In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle upon a highway, every person driving such motor vehicle who is living with and as a member of the family of the owner thereof and every person driving such motor vehicle who has acquired possession of it with the consent, express or implied, of the owner thereof shall be deemed to be the agent or servant of the owner of such motor vehicle and to be employed as such, and shall be deemed to be driving such motor vehicle in the course of his employment, but nothing in this section shall relieve any person deemed to be the agent or servant of the owner and to be driving such motor vehicle in the course of his employment from the liability for such damages.

101.—(1) No action shall be brought against a person for the recovery of damages occasioned by a motor vehicle after the expiration of twelve months from the time when the damages were sustained.

(2) Notwithstanding subsection (1) of this section, when an action is brought within the time limited by this Act for the recovery of damages occasioned by a motor vehicle and a counterclaim is made or third party proceedings are instituted by a defendant in respect of damages occasioned in the same accident, the lapse of time limited by this Act shall be no bar to the counterclaim or third party proceedings.

(3) Any prosecution or proceedings taken or instituted to enforce the provisions of this Act or the regulations, shall be commenced within one month of the time when the offence was committed and not afterwards.

102.—(1) No person transported by the owner or driver of a motor vehicle as his guest without payment for such transportation, shall have a cause of action for damages against the owner or driver for injury, death or loss, in case of accident, unless the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle, and unless the gross negligence or wilful and wanton misconduct contributed to the injury, death or loss for which the action is brought.

(2) The provisions of this section shall not relieve any person transporting passengers for hire or gain or any owner or operator of a motor vehicle while the motor vehicle is being demonstrated to a prospective purchaser, of responsibility for any injury sustained by a passenger being transported for hire or gain or by any such prospective purchaser.

PART IX

OFFENCES AND PENALTIES.

103. Except as otherwise provided herein, any person violating any of the provisions of this Act or the regulations shall be guilty of an offence and liable on summary conviction,—

- (a) for a first offence to a penalty of not more than twenty dollars and costs;
- (b) for a second offence to a penalty of not more than fifty dollars and costs;
- (c) for a third or subsequent offence to a penalty of not more than one hundred dollars and costs.

104. Any person failing to produce his driver's or chauffeur's license when demanded by any police officer or inspector, shall be guilty of an offence and liable upon summary conviction to a penalty of not more than five dollars and costs.

105. Any person who fails to forward to the Minister any record as required by the provisions of Part VII, shall be guilty of an offence and liable on summary conviction to a penalty not exceeding ten dollars for every day during which the default continues.

106. Every person who operates any vehicle on any highway without complying with the requirements of Part II as to equipment, and every person by whose permission any vehicle is so operated, shall be guilty of an offence in respect of each and every requirement which is not complied with.

107. Any person who obstructs, molests or interferes with any inspector, police officer or constable in the performance of duties imposed upon him by this Act, shall be guilty of an offence and liable on summary conviction,—

- (a) for a first offence to a penalty of not more than one hundred dollars and costs;
- (b) for a second offence, to a penalty of not more than three hundred dollars and costs;
- (c) for a third or subsequent offence, to a penalty of not more than five hundred dollars, or to imprisonment for a term not exceeding six months, or to both penalty and imprisonment.

108. Any person who knowingly makes any false statement of fact in any application, declaration or other document required by this Act or by the regulations made hereunder, or by the Minister, in order to procure the issue to him of a license or certificate of registration, shall be guilty

of an offence and liable on summary conviction in addition to any other penalty or punishment to which he may be liable,—

- (a) for a first offence to a penalty of not more than one hundred dollars and costs;
- (b) for any subsequent offence to a penalty of not more than two hundred dollars and costs, or to imprisonment for any term not exceeding one month, or to both penalty and imprisonment.

109.—(1) Any person who operates a motor vehicle without a subsisting certificate of registration thereof, or without a subsisting driver's or chauffeur's license, as the case may be, shall be guilty of an offence and liable upon summary conviction,—

- (a) for a first offence to a penalty of not more than one hundred dollars and costs, and shall also be liable to imprisonment for a term not exceeding thirty days; and
- (b) for any subsequent offence to a penalty of not more than five hundred dollars and costs, and shall also be liable to imprisonment for a term not exceeding six months.

(2) Any person who operates a motor vehicle after the cancellation or suspension of the certificate of registration thereof, or of his driver's or chauffeur's license, as the case may be, shall be guilty of an offence and liable on summary conviction to the penalties provided in subsection (1).

110.—(1) Any person violating the provisions of Part III of this Act shall be guilty of an offence and liable on summary conviction,—

- (a) for a first offence to a penalty of not more than fifty dollars and costs;
- (b) for a second offence to a penalty of not more than one hundred dollars and costs;
- (c) for a third or subsequent offence, to a penalty of not more than two hundred dollars and costs, or to imprisonment for a term of not less than two weeks nor more than one month, or to both penalty and imprisonment.

(2) The license of any person committing any offence against the provisions of Part III subsequent to a conviction for a second offence under that part, shall *ipso facto* become forfeited, cancelled and void.

111. Whenever any person who is the holder of any license or permit issued pursuant to this Act is convicted of an offence against any of the provisions of this Act, the convicting judge, police magistrate, or justice of the peace, shall endorse on such license or permit the particulars of the conviction, and may suspend or cancel the said license or permit.

112. Any person who has a bicycle on any highway in contravention of paragraph (b) of subsection (1) of section 33, shall be guilty of an offence and liable on summary conviction,—

- (a) for a first offence to a penalty of not more than ten dollars and costs;
- (b) for a second or subsequent offence, to have the bicycle impounded for a period of not less than seven days, and to a fine of not more than twenty dollars and costs.

113.—(1) Where any person has been convicted of any offence against the provisions of section 41 or section 66 of this Act committed in a city, and is within a period of one year thereafter convicted of a similar offence in any city, the magistrate, justice of the peace or justices of the peace making such conviction may by such conviction or by a subsequent order direct that the said motor vehicle in which the offence was committed, if the person convicted is the owner thereof, or has any beneficial interest therein, shall be impounded and kept by the police at the cost and risk of the person so convicted, for not more than fourteen days.

(2) When any person after having been convicted of any offence which may lead to the impounding of his motor vehicle is subsequently convicted of any offence against the provisions of section 41 or section 66 of this Act within a city, the vehicle in which the offence was committed may

be impounded under the same conditions as are set out in subsection (1) hereof, save that the impounding may be for a period of not more than six months.

(3) The proper cost of keeping and storing any motor vehicle so impounded shall be paid by the person so convicted upon his conviction and if not so paid shall be deemed to form a lien upon the said motor vehicle, and shall moreover be recoverable by distress in the same manner as any fine imposed under this Act.

114. Any person violating any of the provisions of section 67 shall be guilty of an offence and liable on summary conviction to a penalty of not more than two hundred dollars and costs, and in default of payment to imprisonment for a term of not more than ninety days.

115. Every person who,—

- (a) brings any motor vehicle into the Province for temporary use for the purpose of touring for pleasure, and fails in contravention of section 12, to give the notice required by section 12; or
- (b) makes in any notice given by him for the purposes of section 12 any false statement; or
- (c) being in possession of a motor vehicle in respect of which a wind-shield sticker has been issued under section 12, and being requested by any police officer or constable to display the sticker, refuses or fails to display the sticker; or
- (d) being in possession of a motor vehicle in respect of the entry of which into the Dominion a customs permit has been obtained, and being requested by any police officer or constable to exhibit the customs permit, refuses or fails to exhibit the same,—

shall be guilty of an offence and liable on summary conviction to a penalty of not more than three hundred dollars.

PART X

RIGHTS OF MUNICIPALITIES.

116.—(1) A moiety of all fines and penalties imposed by this Act shall enure to the benefit of the municipalities within which convictions shall be made, in all cases in which prosecutions have been instituted by or under municipal authority, or by officers appointed by them, and the other moiety thereof shall belong to the Province and form part of the general revenue fund thereof.

(2) In all other cases such fines and penalties shall enure to the benefit of the Province and shall form part of the general revenue fund thereof.

(3) Any moiety payable to a municipality shall be transmitted and forwarded by the convicting magistrate, justice or justices of the peace to the treasurer of such municipality, and the other moiety, or all of the fine in case it belongs to the Province, to the Attorney General, forthwith after conviction.

117. Except when an Act specifically enacts to a contrary effect, no municipality shall have the power to pass, enforce or maintain any by-law requiring from any owner of a motor vehicle or chauffeur, any tax, fee, license or permit for the use of the public highways, or excluding any of such persons from the free use of such public highways, except upon such driveway, speedway or road as has been or may be expressly set apart by by-law for the exclusive use of horses and light carriages, or which shall in any way affect the registration or numbering of motor vehicles or authorizing a greater rate of speed than is herein permitted, or forbidding the use of the public highways, contrary to or inconsistent with the provisions of this Act; and all such by-laws now in force are hereby declared to be of no validity or effect;

Provided that nothing in this section shall be deemed to derogate from the power of any city, town or village to pass a by-law requiring that all vehicles shall be brought to a stand-still before entering upon any highway or highways specified in the by-law.

PART XI

FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS.

118. In this Part,—

- (a) "Authorized insurer" means any person authorized to carry on the business of automobile insurance in the Province of Alberta;
- (b) "Driver's license" means an operator's license and a chauffeur's license issued pursuant to the provisions of this Act;
- (c) "Motor vehicle" includes "Trailer" as defined in this Act;
- (d) "Proof of financial responsibility" means a certificate of insurance, a bond, or a deposit of money or securities given or made pursuant to the provisions of this Part;
- (e) "State" means one of the United States of America, or the District of Columbia;
- (f) "Superintendent of Insurance" means the Superintendent of Insurance appointed pursuant to *The Alberta Insurance Act, 1926*.

119.—Nothing in this Part shall be construed in such a way as to affect, diminish or derogate from any right of action, remedy or security which any person may have either at law or equity.

120.—(1) A motor vehicle liability policy referred to in this Part shall be a driver's or owner's policy in conformity to the provisions of Part VII of *The Alberta Insurance Act, 1926*.

(2) Any insurer which has issued a motor vehicle liability policy shall, as and when the insured requests, deliver to him for filing, or file direct with the Minister, a certificate for the purposes of this Part.

(3) Such a certificate filed with the Minister shall be a conclusive admission by the insurer that a policy has been duly issued and is in accordance with the terms of the certificate.

(4) Every insurer shall notify the Minister of the cancellation or expiry of any motor vehicle liability policy for which a certificate has been issued at least ten days before the date of such cancellation or expiry, and, in the absence of such notice, such policy shall remain in full force and effect.

(5) Where a person who is not a resident of the Province is a party to an action for damages arising out of a motor vehicle accident in the Province, for which indemnity is provided by a motor vehicle liability policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under such policy is admitted, notify the Minister in writing, specifying the date and place of the accident and the names and addresses of the parties to the action and of the insurer, which notification shall be open to inspection by parties to the action.

(6) The Minister may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with the provisions of the preceding subsection.

121.—(1) Subject to the provisions of section 130, the Minister shall suspend the license of a driver or chauffeur and the registration of every motor vehicle registered in

the name of a person who fails to satisfy a judgment rendered against him, by any court in Alberta, or in any other Province of Canada, which has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property in excess of one hundred dollars, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, upon receiving a certificate of such final judgment from the court in which the same is rendered, and every such license and registration shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license be issued to, or new registration be permitted to be made by the person so liable until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent of at least five thousand dollars (exclusive of interest and costs) for injury to, or death of any one person, and, subject to that limit for each person so injured or killed, to the extent of at least ten thousand dollars (exclusive of interest and costs), for bodily injury to, or death, of two or more persons in any one accident, and to the extent of at least one thousand dollars (exclusive of interest and costs), for damage to property of others not being properly carried in the motor vehicle which occasioned the accident resulting from any one accident, and until such person gives proof of his financial responsibility.

(2) The Lieutenant Governor in Council, upon the report of the Minister that any other Province of Canada or any state has enacted legislation similar in effect to subsection (1), and that such legislation extends and applies to judgments rendered and become final against residents of that other province or state by any court of competent jurisdiction in the Province of Alberta may, by proclamation, declare that the provisions of subsection (1) of this section shall extend and apply to judgments rendered and become final against residents of the Province by any court of competent jurisdiction in such province or state.

(3) If, after such proof of financial responsibility has been given, any other judgment against such person for any accident which occurred before such proof was furnished, and after the coming into force of this Part, is reported to the Minister, the driver's license and every registration of a motor vehicle of such person shall again be, and remain, suspended until such judgment is satisfied and discharged (otherwise than by a discharge in bankruptcy) to the extent set out in the next preceding subsection.

(4) If any person to whom subsection (1) applies is not resident in the Province of Alberta, the privilege of operating any motor vehicle in the Province of Alberta, and the privilege of operation in the Province of Alberta of any motor vehicle registered in his name shall be and

is suspended and withdrawn forthwith by virtue of such judgment until he has complied with the provisions of this section.

122.—(1) The Minister shall suspend the driver's or chauffeur's license and the registration of every motor vehicle, registered in the name of a person, who shall by an order, judgment or conviction of a court, magistrate or justice of the peace in the Province have been convicted of any one of the following offences or violations of law, or who, having been arrested for any such offence or violation, has forfeited his bail, namely:

- (a) Driving a motor vehicle on a highway at an unreasonable rate of speed in contravention to subsection (1) of section 41 of this Act if injury to property in excess of twenty-five dollars or to any person occurs in connection therewith;
- (b) Driving a motor vehicle when approaching or at a street corner or curve in such a manner as to contravene the provisions of subsection (3) of section 41 of this Act if injury to property in excess of twenty-five dollars or to any person occurs in connection therewith;
- (c) Driving a motor vehicle upon a highway in a race or upon a bet or wager contrary to the provisions of section 66 of this Act if injury to property in excess of twenty-five dollars or to any person occurs in connection therewith;
- (d) Upon the occurrence of an accident, failing to return to the scene of the accident or otherwise contravening any of the provisions of section 57 of this Act if injury to property in excess of twenty-five dollars or to any person occurs in connection therewith;
- (e) Driving a motor vehicle on a highway without a driver's or a chauffeur's license in contravention of any of the provisions of this Act if injury to property in excess of twenty-five dollars or to any person occurs in connection therewith; or
- (f) An offence under section 285 of *The Criminal Code* and amendments thereto or manslaughter committed by a person in charge of a motor vehicle,—

and such license and registration shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new license or registration be thereafter issued to or made for such person until he shall have satisfied any penalty imposed by the court in respect of such offence, or his conviction shall have been quashed, and until he shall have given to the Minister proof of his financial responsibility for future motor vehicle accidents in the manner and for the amount required by this Part, but the giving of proof to the Minister of such financial responsibility for future accidents shall not alter or affect in any

way any disqualification to hold a license or the suspension or cancellation of a driver's license or the registration of a motor vehicle under any other provisions of this Act.

(2) In any case where a judge, police magistrate or justice of the peace has suspended any license or registration in any order, judgment or conviction it shall not be necessary for the Minister to do so.

(3) Upon receipt by the Minister of official notice that a driver licensed, or an owner of a motor vehicle registered under this Act has been convicted or forfeited his bail in any other Province or in any State of the United States of America, for an offence which, if committed in this Province would have been a violation of the provisions of the law mentioned in the next preceding subsection of this section, the Minister shall suspend every such license and registration until such person shall have given proof of financial responsibility in the same manner as if the said conviction had been made or the bail forfeited by a court in the Province.

(4) If the person to whom subsection (1) applies is not a resident of the Province, the privilege of driving a motor vehicle in the Province and the privilege of using or having within the Province a motor vehicle owned by him, shall be and become suspended forthwith upon such conviction or forfeiture of bail and shall remain suspended until he has complied with the provisions of subsection (1) by satisfaction of the penalty imposed by the court and furnished proof of financial responsibility for future motor vehicle accidents.

(5) Notwithstanding any of the provisions of this section, in any case where the suspension or cancellation of a license creates undue hardship or injustice, or in any other case, the Minister in his discretion may issue a temporary license or may reinstate any license upon such terms and conditions as he may deem just.

123. The Minister may require proof of financial responsibility before issue of the registration of a motor vehicle or driver's license, or the renewal thereof to any person under the age of twenty-one years or over the age of sixty-five years.

124. The Minister may require proof of financial responsibility from any person who, while operating any motor vehicle shall have been involved in and in the opinion of the Minister is responsible in whole or in part for any motor vehicle accident resulting in the death of or injury to any person or damage to property in excess of one hundred dollars or from the person in whose name such motor vehicle is registered, or from both, and the Minister may suspend the driver's license and the registration of all motor vehicles of that person until such proof of financial responsibility has been given.

125.—(1) Neither the registration of a motor vehicle nor a driver's license, nor in the case of a person not resident in the Province of Alberta, the privilege of operating any motor vehicle in the Province of Alberta, as well as the privilege of operation within the Province of Alberta of any motor vehicle owned by such non-resident, shall be suspended or withdrawn under the provisions of this Part if such owner, driver or non-resident has voluntarily filed or deposited with the Minister, prior to the offence or accident, out of which any conviction, judgment or order arises, proof of financial responsibility which at the date of such conviction, judgment or order is valid and sufficient for the requirements of this Part.

(2) The Minister shall receive and record proof of financial responsibility voluntarily offered, and if any conviction or judgment against such person is thereafter notified to the Minister which, in the absence of such proof of financial responsibility would have caused the suspension of the driver's license or registration of the motor vehicle under this Part, the Minister shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported.

126. Proof of financial responsibility shall be given by every driver, and in the case of an owner, by every owner to whom this Part applies for each motor vehicle registered in his name in the amounts and subject to the limitations, conditions and qualifications prescribed for an owner's and a driver's policy respectively by Part VII of *The Alberta Insurance Act, 1926*.

127.—(1) Proof of financial responsibility may be given in any one of the following forms:

- (a) The written certificate or certificates filed with the Minister of any authorized insurer that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies, which at the date of the certificate or certificates is in full force and effect and which designates therein by explicit description or by other adequate reference all motor vehicles to which the policy applies; any such certificate or certificates shall cover all motor vehicles then registered in the name of the person furnishing such proof; and an additional certificate shall be required as a condition precedent to the registration of any additional motor vehicle in the name of such person; the said certificate or certificates shall certify that the motor vehicle liability policy or policies therein mentioned shall not be cancelled or expire, except upon ten days' prior written notice thereof to the Minister, and until such notice is duly given the said certificate or certificates shall be valid and sufficient to cover the term of any renewal or such motor

vehicle liability policy by the insurer or any renewal or extension of the term of the insured's driver's license or registration of this motor vehicle by the Minister; or

- (b) The bond of a guarantee, insurance or surety company duly licensed in the Province of Alberta pursuant to *The Alberta Insurance Act, 1926*, the said bond shall be in form approved by the Minister and shall be conditional upon the payment of the amounts specified in this Part, and shall not be cancelled or expire except after ten days' written notice to the Minister, but not after the happening of the injury or damage secured by the bond as to such accident, injury or damage, and the said bond shall be filed with the Minister; or
- (c) The certificate of the Minister that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of eleven thousand dollars for each motor vehicle registered in the name of such person; the Minister shall accept any such deposits and issue a certificate therefor, if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the judicial district in which the depositor resides.

(2) The Minister may in his discretion at any time require additional proof of financial responsibility to that filed or deposited by any driver or owner pursuant to this Part and may suspend the driver's license and any registration of a motor vehicle of the person from whom proof is required, pending such additional proof.

(3) In the case of an owner of ten or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount not less than fifty thousand dollars, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part.

(4) Where a person who is not a resident of the Province of Alberta is required to give or volunteers proof of financial responsibility under this Part, the Minister may accept as proof such certificate of an authorized insurer relating to a motor vehicle liability policy issued outside of the Province of Alberta insuring such person against loss from the liability imposed by law arising out of motor vehicle accidents occurring within the Province of Alberta as he may deem proper; and may issue to such person an official non-resident insurance identification card; and may provide for the giving or volunteering of such proof to and the issue of such cards by his representatives at selected points along the provincial border.

128.—(1) The bond filed with the Minister and the money or securities deposited with the Minister shall be

held by him in accordance with the provisions of this Part as security for any judgment against the owner or driver filing the bond or making the deposit in any action arising out of damage caused after such filing or deposit by the operation of any motor vehicle.

(2) Money and securities so deposited with the Minister shall not be subject to any claim or demand, except an execution on a judgment for damages, for personal injuries or death, or injury to property, occurring after such deposit as a result of the operation of a motor vehicle.

(3) If a judgment to which this Part applies is rendered against the principal named in the bond filed with the Minister and such judgment is not satisfied within fifteen days after it has been rendered, the judgment creditor may, for his own use and benefit and at his sole expense, bring an action on said bond in the name of the Minister against the persons executing such bond.

129. If the Minister finds that any driver to whom this Part applies was at the time of the offence for which he was convicted employed by the owner of the motor vehicle involved therein as chauffeur or motor vehicle operator, whether or not so designated or is a member of the family or household of the owner, and that there was no motor vehicle registered in the Province of Alberta in the name of such driver as an owner, then if the owner of such motor vehicle submits to the Minister (who is hereby authorized to accept it) proof of his financial responsibility as provided by this Part, such chauffeur, operator, or other person shall be relieved of the requirement of giving proof of financial responsibility on his own behalf.

130. A judgment debtor to whom this Part applies may on due notice to the judgment creditor apply to the Court in which the trial judgment was obtained for the privilege of paying such judgment in instalments, and the Court may, in its discretion, so order, fixing the amounts and times of payment of such instalments; and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default for the purposes of this Part in payment of the judgment, and upon proof of financial responsibility for future accidents pursuant to this Part, the Minister may restore the driver's license and registration of such judgment debtor but such driver's license and registration shall again be suspended and remain suspended as provided in section 92 if the Minister is satisfied of default made by the judgment debtor in compliance with the terms of the court order.

131.—(1) It shall be the duty of the clerk or registrar of the court (or of the court where there is no clerk or registrar) in which any final order, judgment or conviction to which this Part applies is rendered to forward to

the Minister immediately after the date upon which the order, judgment or conviction becomes final by affirmation upon appeal, or by expiry without appeal of the time allowed for appeal a certified copy of such order, judgment or conviction or a certificate thereof in form prescribed by the Minister; and such copy or certificate shall be *prima facie* evidence of such order, judgment or conviction; and the clerk or other official charged with this duty of reporting to the Minister shall be entitled to collect and receive a fee of one dollar for each copy or certificate hereby required, which fee shall be paid as part of the court costs in case of a conviction by the person convicted, and in case of an order or judgment, by the person for whose benefit judgment is issued.

(2) If the defendant is not resident in the Province of Alberta, it shall be the duty of the Minister to transmit to the registrar of motor vehicles or other officer or officers, if any, in charge of the registration of motor vehicles and the licensing of operators in the province or state in which the defendant resides, a certificate of the said order, judgment or conviction.

132.—(1) The Minister shall upon request furnish to any insurer, surety or other person a certified abstract of the operating record of any person subject to the provisions of this Part which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any provision of any Statute relating to the operation of motor vehicles or any judgment against such person for any injury or damage caused by such person, according to the records of the Minister, and if there is no record of any such conviction or judgment in the office of the Minister, the Minister shall so certify; and the Minister shall collect as a fee for each such certificate the sum of one dollar.

(2) The Minister, upon written request, shall furnish any person who may have been injured in person or property by any motor vehicle, with all information of record in his office pertaining to the proof of financial responsibility of any owner or driver or any motor vehicle furnished pursuant to this Part.

133.—(1) Any owner or driver whose registration or license has been suspended as herein provided or whose policy of insurance or surety bond has been cancelled or terminated as herein provided or who neglects to furnish additional proof of financial responsibility upon the request of the Minister as herein provided shall immediately return to the Minister his driver's license and all license plates issued upon the registration of his motor vehicle.

(2) If any such person fails to return his license, and plates as provided herein, the Minister may direct any

police officer to secure possession thereof and return the same to the office of the Minister.

(3) Any person failing to return his license, and plates when so required, or refusing to deliver the same when requested to do so by the police officer, shall be guilty of an offence and incur a penalty of not less than ten dollars and not more than one hundred dollars for each offence.

134. If the registration of a motor vehicle has been suspended under the provisions of this Part such registration shall not be transferred nor the motor vehicle in respect of which such permit was issued registered in any other name until the Minister is satisfied that such transfer or registration is proposed in good faith and not for the purpose or with the effect of defeating the purposes of this Part.

135.—(1) The Minister may cancel any bond or return any certificate of insurance or may return any money or security deposited pursuant to this Part as proof of financial responsibility at any time after three years from the date of the original deposit thereof;

Provided that the owner or driver on whose behalf such proof was given has not, during the said period or any three-year period immediately preceding the request, been convicted of any offence against any of the provisions of this Act;

Provided further that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of one hundred dollars resulting from the operation of a motor vehicle;

A statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Minister.

(2) The Minister may direct the return of any bond money or securities to the person who furnished the same upon the acceptance and substitution of other adequate proof of financial responsibility pursuant to this Part.

(3) The Minister may direct the return of any bond, money or securities deposited under this Part to the person who furnished the same at any time after three years from the date of the expiration or surrender of the last registration made of a motor vehicle to that person or of the driver's license issued to that person if no written notice has been received by the Minister within such period of any action brought against such person in respect of the ownership, maintenance or operation of a motor vehicle, and upon the filing by such person with the Minister of a statutory declaration that such person no longer resides in the Province of Alberta, or that such person has made a *bona fide* sale of any and all motor vehicles owned by him,

naming the purchaser thereof, and that he does not intend to own or operate any motor vehicle in the Province of Alberta within a period of at least one year.

136. *The Vehicles and Highway Traffic Act, 1924*, being chapter 31 of the Statutes of Alberta, 1924, is hereby repealed.

137. All regulations made pursuant to *The Vehicles and Highway Traffic Act, 1924*, shall, in so far as they are not inconsistent with the provisions of this Act, continue in full force and effect until they are annulled or superseded by regulations made pursuant to the provisions of this Act.

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

No. 114.

**FIRST SESSION
NINTH LEGISLATURE**

5 GEORGE VI

1941

BILL

An Act to Amend and Consolidate
The Vehicles and Highway
Traffic Act.

Received and read the

First time.....

Second time.....

Third time.....

HON. MR. MANNING.

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1941