

## C H A P . 24

## An Act respecting motor vehicles

[Assented to, the 15th of March, 1924]

**HIS MAJESTY**, with the advice and consent of the Legislative Council and of the Legislative Assembly enacts as follows:

Short title. **1.** This act may be cited under the name of "Motor Vehicle Act".

## DIVISION I

## DECLARATORY AND INTERPRETATIVE PROVISIONS

Definitions: **2.** For the interpretation of this act, unless the context indicates a different meaning:

"Motor vehicle"; 1. The words "motor vehicle" mean every vehicle propelled by any power other than muscular force, and which is adapted for transportation on the public highways, but not on rails, and comprise, as private vehicles, the pleasure vehicle, the farm vehicle, the service vehicle and the commercial vehicle, and, as public vehicles, the autobus, the taxi and the delivery car.

"Pleasure vehicle"; 2. The "pleasure vehicle" is equipped for the transportation of persons, not more than seven at a time, effects such transportation without any pecuniary consideration, and includes the motor cycle, with or without a side-car.

"Farm vehicle"; 3. The "farm vehicle" is equipped for the transportation of persons and merchandise, belongs to a farmer, is used exclusively for the transportation of the products of his farm and of the persons who occupy such farm, and the total weight thereof, including its capacity, must not exceed two tons.

"Service vehicle"; 4. The "service vehicle" is equipped to carry supplies for, and repair or tow, motor vehicles which, following an accident, cannot be operated upon the public highway without its aid.

"Commercial vehicle"; 5. The "commercial vehicle" is equipped for the transportation of merchandise, effects such transportation without any pecuniary consideration, and includes the vehicle which is equipped for the transportation of persons and merchandise, but which does not come within the conditions required to be considered as a farm vehicle.

"Autobus"; 6. The "autobus" is equipped for the transportation

of persons, at least eight at a time, and effects such transportation for a pecuniary consideration.

7. The "taxi" is equipped for the transportation of persons, not more than seven at a time, and effects such transportation for a pecuniary consideration; it includes, amongst others, the taxicab, the jitney, the ambulance and the hearse.

8. The "delivery car" is equipped for the transportation of merchandise, and effects such transportation for a pecuniary consideration; it includes the vehicle which is equipped for the transportation of persons and merchandise but which does not come within the conditions required to be considered as a farm vehicle.

9. The "commercial vehicle" and the "delivery car" include, amongst others, the van, the truck, the tractor, the trailer and the semi-trailer. "Commercial vehicle",  
etc.;

The van and the truck have a motor and an apparatus for the load.

The tractor has a motor, but no apparatus for the load.

The trailer has no motor, but an apparatus for the load, which load it carries independently of the tractor.

The semi-trailer has no motor but an apparatus for the load, which load it carries with the help of the tractor.

10. The words "motor train" mean and comprise: (a) a tractor hauling more than one trailer or more than one semi-trailer, or (b) any other motor vehicle hauling a trailer or a semi-trailer, or more than one.

The tractor with only one trailer or only one semi-trailer constitutes only one motor vehicle.

The trailer or the semi-trailer, without the tractor, is not a motor vehicle.

11. The word "chauffeur" means a person who drives motor vehicles as a means of livelihood, or who, in the fulfillment of his duties as an employee, drives any motor vehicle belonging to another person. "Chauffeur"

12. The word "operator" means any person who operates a motor vehicle otherwise than as a chauffeur. "Operator";

13. The word "dealer" means any person who deals in motor vehicles. "Dealer";

14. The word "garage" means the establishment where, for a consideration, motor vehicles are put up, repaired or changed, or where any two or all three of such operations are performed at the same time. However, the establishment where repairs are made to the body of the vehicle only, without any change being made thereto, and where motor vehicles are not stored at the same time, is not a garage.

“Capacity”; 15. The word “capacity”, in the case of a van, a truck, a trailer or a semi-trailer, means the weight of the load which it can carry,—in the case of a tractor, it means the hauling capacity, as determined by the manufacturer, and each horse power is the equivalent of three hundred and fifty pounds,—in the case of an autobus, it means the seating capacity, allowing generally a width of twenty inches per seat,—in the case of a garage, it means the number of places where motor vehicles may be stored.

“Per ton per mile”, for autobus; 16. In the case of an autobus, the words “per ton per mile” mean the total sum obtained: (a) by adding to the weight of the vehicle its capacity calculated at the rate of one hundred and fifty pounds for each place, that of the chauffeur included, (b) by converting these two weights into tons and fractions thereof, and (c) by multiplying these latter by the number of miles covered during a given period.

Id., for taxi; 17. In the case of a taxi, they have the same meaning as in the case of the autobus, with this difference, that its capacity is limited or fixed to two places, including that of the chauffeur.

Id., for delivery car; 18. In the case of a delivery car, they also have the same meaning as in the case of the autobus, with this difference, that the capacity is the registered capacity.

“Fictitious marker”; 19. The words “fictitious marker” mean a registration marker which has not been furnished and delivered by the Bureau, or which has not been furnished and delivered for the current registration year, or which is placed on another vehicle than that for which it has been delivered by the Bureau.

“Fictitious badge”; 20. The words “fictitious badge” mean a chauffeur’s badge which has not been furnished and delivered by the Bureau, or which does not carry the number assigned thereto, or which was not furnished and delivered for the current license year, or which is carried by another person than the one to whom it was furnished and delivered by the Bureau.

“Public highway”; 21. The words “public highway” mean any part of a bridge, road, street, place, square or other ground open to public circulation of vehicles.

“Person”; 22. The word “person” includes partnership and corporation.

“Minister”; 23. The word “Minister” means the Provincial Treasurer.

“Bureau”; 24. The word “Bureau” means the Revenue Branch of the Province, and comprises the Comptroller of Provincial Revenue and the revenue officers who are charged

with the enforcement of this act, each in the capacity in which he is employed.

23. For purposes of registration the word "pound" applies to the weight of the vehicle, with accessories complete. "Pound";

24. The word "sell" includes the exchanging of one motor vehicle for another or the disposal of same in any other manner; and the word "sale" includes the act of selling as above defined. "Sell"; "Sale".

## DIVISION II

### REGISTRATION OF MOTOR VEHICLES

#### § 1.—*How effected*

3. The registration of a motor vehicle is applied for by the owner or his representative, by following the formalities prescribed by the Bureau, and by paying to said Bureau the required amount of fees; it is effected by the approbation of the application by the Bureau, and it is established by the certificate which it issues. <sup>Registration of motor vehicle.</sup>

#### § 2.—*Basis and Tariff of Fees*

4. Every person, who acquires a motor vehicle and possesses it in the Province, must register it immediately, and renew such registration every year on the first day of March. <sup>Idem.</sup>

5. 1. The fee required for each registration and renewal is based on the weight of the motor vehicle, and is determined by the rate per hundred pounds or fraction thereof, indicated respectively in the following sub-paragraphs, to wit: <sup>Basis and tariff of fees.</sup>

- a. The pleasure vehicle and the farm vehicle, seventy cents;
- b. The service vehicle and the taxi, one dollar;
- c. The autobus, one dollar and fifty cents;
- d. The commercial vehicle and the delivery car, fitted entirely with pneumatic tires, one dollar and twenty-five cents if the weight thereof is less than six thousand pounds, or two dollars and fifty cents if the weight thereof is six thousand pounds or more;
- e. The commercial vehicle and the delivery car, fitted entirely or in part with non-pneumatic tires, one dollar and fifty cents if the weight thereof is less than five thousand pounds, or three dollars if the weight thereof is five thousand pounds or more.

Basis and  
tariff of fees  
where power  
other than  
gasoline.

2. If the motor vehicle is propelled by steam, or by electricity, or by any power other than gasoline, the fee required for each registration and renewal is based on the weight of the motor vehicle, and is determined:

- a. By the rate indicated respectively in the preceding paragraph 1, for every hundred pounds or fraction thereof, and,
- b. By adding to this rate a sum of thirty cents for every hundred pounds or fraction thereof.

Price of  
markers ad-  
ditional.  
Special rates  
in certain  
cases.

3. The price of markers is payable in addition to the above fees.

4. However, whenever the weight of a motor vehicle, added to that indicated by its capacity, forms a total weight which exceeds ten thousand pounds, where the vehicle is equipped entirely or partially with non-pneumatic tires, or which exceeds twelve thousand pounds, where the vehicle is equipped entirely with pneumatic tires,—the fee required for the registration of such motor vehicle or for the renewal of the same is ten dollars, instead of being at the rate indicated in paragraphs 1 and 2 of the present section.

Payment of  
half fees in  
certain  
event.

6. The person acquiring a motor vehicle after the first day of September of the registration year shall pay only one half of the registration fees for that year.

### § 3.—*Special provisions concerning the Registration of Public Vehicles*

Sworn de-  
claration  
to accom-  
pany ap-  
plication.

7. If the public vehicle is owned by a company, the application for registration must be accompanied by a sworn declaration, giving, as to its directors, its officers and its capital, all information which may be required by the Bureau. If the vehicle is owned by a partnership, this declaration must state the name and address of each partner. If the owner is a person doing business under a registered name, the declaration must give the name and address of such person.

### § 4.—*Registration by a Dealer*

Privilege of  
dealer.

8. 1. The Bureau may allow a motor vehicle dealer:

- a. To possess in the Province, without registration, the motor vehicles which he has for sale or which are awaiting delivery;
- b. To operate such motor vehicles upon the public highways, if they are provided with markers furnished by the Bureau, and bearing a special mark.

How ob-  
tained.

2. These privileges are granted subject to the conditions

and to payment of fees established by the Minister, and failure on the part of such dealer to conform to any one of these conditions annuls the privileges granted to him for the remainder of the registration year, and he may not claim the refund of the fees paid.

### § 5.—*Gratuitous Registration*

**9.** The following motor vehicles are registered gratuitously, to wit:

Gratuitous registration.

1. The motor vehicle owned by a government;
2. The tractor possessed by a farmer and employed exclusively on a farm;
3. The ambulance owned by a hospital subsidized by the Province;
4. The motor vehicle owned by a municipal corporation, equipped and used only for the transportation of prisoners, sick persons or dead bodies, or for the transportation of apparatus required in connection with its municipal services, but which motor vehicle cannot be used otherwise for the transportation of persons.

### § 6.—*Exemptions from Registration*

**10. 1.** The following motor vehicles are exempt from registration, under the following restrictions, to wit:

Exemptions from registration.

- a. The pleasure vehicle possessed in this Province by a person who does not reside therein. This exemption is valid during a period of three months, if his residence is more than ten miles distant from this Province, and during the year, if it is situated at a distance of ten miles, or less, from this Province.
- b. The commercial vehicle possessed in this Province by a person having no place of business in the Province, but who has a permanent place of business five miles distant from this Province, at the most, provided such commercial vehicle be not operated in this Province beyond a radius of ten miles of such permanent place of business.
- c. In the case where the law of the place of such residence or place of business does not grant the same privilege to this Province or grants less, the privilege granted by this paragraph 1, is null or is diminished to the same extent.
2. The exemption mentioned in paragraph 1 of this section exists only:

Provisos.

- a. If the motor vehicle is registered as required by the law of the place of such residence or of such place of business, and if the person operating it is authorized so to do by the same law;
- b. If the motor vehicle carries the registration markers of such place for the current year, and the other accessories required by the laws of this Province;
- c. If such person furnishes, at the request of the officers of this Province, evidence of such registration and of such authorization, and conforms in every way to the laws of this Province, concerning the circulation, and to the regulations made thereunder, during his stay in this Province.

§ 7.—*Expiry before the end of the term, and continuation in case of sale*

Transfer of ownership and continuation of registration.

**11.** 1. The transfer of the ownership of a motor vehicle, which has been registered, renders the registration null and void, unless such registration be continued with the consent of the vendor and of the purchaser, or of both parties to an exchange.

Duty of vendor.

2. If the registration is not continued, the vendor must advise the Bureau of such transfer, and return to it the registration certificate and the registration markers.

Duty of vendor and purchaser.

3. If the registration is continued, both parties must advise the Bureau of such transfer, and return to it the registration certificate with a fee of one dollar.

Liability.

4. Any person, disposing of a registered motor vehicle without complying with the provisions of paragraph 2 or 3 of this section, is jointly liable with the new owner for any loss or damage caused by the latter with such motor vehicle.

Refund in certain cases.

5. If the registration is not continued, and if the vendor, after having complied with the provisions of paragraph 2 of this section, acquires another motor vehicle, which he registers, the Bureau may refund that part of the fee which he has paid for the registration expired before the end of the term, proportional to the number of full calendar months remaining to run on the period for which the registration had been effected.

§ 8.—*Expiry at the end of the term*

Expiry of registration.

**12.** The registration of a motor vehicle effected between the first of March and the last day of February following, expires every year at the latter date, unless such registration has expired before the end of the term.

§ 9.—*Refusal, suspension, and annulment of registration*

**13.** The Minister may refuse a registration or limit its effects. He may annul a registration or suspend its effects and require that the registration certificate and the registration markers be returned.

Powers of  
Minister  
respecting  
registration.

DIVISION III

LICENSES AND PERMITS

§ 1.—*How issued*

**14.** The license or the permit is applied for by following the formalities prescribed by the Bureau, and by paying to said Bureau the required amount of fees; it is granted by the approbation given by the Bureau to the application, and it is established by the certificate which it issues.

Licenses and  
permits.

§ 2.—*Licenses to operators, chauffeurs and machinists in motor vehicles*

**15. 1.** No person shall drive a motor vehicle upon a public highway, unless he be at least eighteen years of age, and, in the case of an autobus, unless he be twenty-one years of age, and unless he has obtained from the Bureau an operator's or a chauffeur's license, upon payment of a fee of five dollars for each license year, and unless such license be in force.

Operator's  
or chauffeur's  
license.

2. A person, having attained eighteen years of age may however drive without a license any motor vehicle other than an autobus, during a period not exceeding two months, provided a permit to this effect has been granted to him by the Bureau, upon payment of a fee established by the Minister, and provided that while driving he be accompanied by a person licensed to drive.

Special permit to drive.

3. The person who drives, while in the employ of the owner of the motor vehicle, must be the bearer of a chauffeur's license, unless such person be the owner or the manager of an establishment in which motor vehicles are sold, situated in a city.

Employee driver to have chauffeur's license.  
Exceptions.

**16. 1.** The license of "Machinist in Motor Vehicles" confers upon the holder thereof, apart from the right to drive motor vehicles on the public highways, if he has paid a fee of five dollars as a chauffeur, the privilege of being advertised as such by the Revenue Branch to the automobile clubs, and to the owners of motor vehicles. It also confers upon the holder of a garage license, who employs such

License of  
"Machinist  
in Motor  
Vehicles".



licensee, the right to advertise that such licensee is in his employ.

Idem.

2. No person shall take the title of "Machinist in Motor Vehicles", nor enjoy the advantages accruing from such title, unless he be at least eighteen years of age, and has obtained a license as such from the Bureau, and unless such license be in force.

### § 3.—Competency

Competen-  
cy of oper-  
ator.

**17.** 1. The operator must be acquainted with the laws concerning circulation, must be able to drive a motor vehicle and be familiar with the transmission and control systems thereof. A chauffeur must, in addition, be able to put again in running order a motor vehicle, which has ceased functioning. The machinist in motor vehicles must, in addition, be able to construct an engine and the above mechanism, and to properly remake any part or piece of the engine or of its mechanism which is liable to break, to wear out, or to loosen.

Id., of  
chauffeur.

Id., of ma-  
chinist in  
motor ve-  
hicles.

Examina-  
tion and  
certificate of  
competency  
for chauf-  
feur.

2. In the case of a chauffeur, the competency is established by an examination passed before a professor of a technical school, under the control of the Province, or before another examiner appointed for this purpose by the Minister and being himself the holder of a certificate of competency from such a technical school. If the examination has been successfully passed, a certificate of competency is issued by the examiner upon the payment of three dollars by the candidate.

Id., for ma-  
chinist in  
motor ve-  
hicles.

3. In the case of a machinist in motor vehicles the competency is established by following a course in automobile mechanism in a technical school under the control of the Province, and by passing an examination before one of the professors of such a school. If the examination has been passed with success, a certificate of competency is issued by the principal.

Examina-  
tion.  
Candidate  
to furnish  
motor ve-  
hicle.

4. The examination consists of three parts: an oral examination, a written examination, and a demonstration. The candidate shall furnish the motor vehicle necessary for such examinations and demonstration.

### § 4.—Licenses to non-resident chauffeurs or operators

Licenses to  
non-resi-  
dent chauf-  
feurs or  
operators.

**18.** The privilege conferred by section 10, concerning the registration of a motor vehicle owned by a person having his residence or place of business outside of this Province, applies, *mutatis mutandis*, to the license required to drive such a motor vehicle on the public highways of this

Province, with the same restrictions and subject to the same conditions. In every other respect, such person is submitted <sup>Law and</sup> to the provisions of the present act and to the regulations <sup>regulations</sup> passed thereunder, while possessing or driving a motor <sup>applicable.</sup> vehicle in this Province.

### § 5.—*Garage licenses*

**19** No person shall keep a garage without having ob- <sup>Garage li-</sup> tained from the Bureau a license to that effect, upon pay- <sup>censes.</sup> ment to the Bureau of the following fees:

1. If the garage is situated in the cities of Montreal, Quebec, Westmount, Outremont, Verdun and La-  
chine, twenty dollars;
  2. If it is situated in any other city, ten dollars;
  3. If it is situated in any other municipality, five dollars;
- And unless such license be in force.

**20.** 1. The holder of a license for a garage where motor <sup>Holder of</sup> vehicles are stored shall keep a register, giving, amongst <sup>garage li-</sup> other information, the registration number of the motor <sup>license to</sup> vehicle, the name and address of its owner, the date <sup>keep a reg-</sup> and exact hour of each entry or removal of such motor ve- <sup>ister.</sup> hicle, and the name of the person then in charge of the garage.

2. This register shall be kept open to the inspection of <sup>Register</sup> any officer of the Bureau charged with the carrying out of <sup>open to in-</sup> this act. <sup>spection.</sup>

3. The holder of such garage license shall keep his license <sup>License,</sup> for the current year, as well as the printed instructions <sup>etc., to be</sup> from the Bureau, posted up in a conspicuous place in his <sup>posted up.</sup> garage.

4. He shall, moreover, at the request of an officer of the <sup>Holder to</sup> Bureau, allow him to visit the garage and examine the <sup>allow exam-</sup> motor vehicles therein, and he shall store any motor ve- <sup>ination and</sup> hicle which such officer may have taken possession of in <sup>storing of</sup> the carrying out of his duties under this act, and shall only <sup>motor ve-</sup> deliver such motor vehicle on the order of the Bureau. <sup>hicles by of-</sup> <sup>ficer of</sup> <sup>Bureau.</sup>

### § 6.—*Dealers' licenses and the permit for public sale of a motor vehicle*

**21.** 1. No person may deal in motor vehicles without <sup>Dealers' li-</sup> having obtained from the Bureau a license to that effect, <sup>censes and</sup> upon payment to the Bureau of the following fees: <sup>fees.</sup>

- a. If his establishment is situated in the cities of Mont-  
real, Quebec, Westmount, Outremont, Verdun and La-  
chine, twenty dollars;

b. If it is situated in any other city, ten dollars;

c. If it is situated in any other municipality, five dollars;  
And unless such license be in force.

Effect of  
payment of  
fee for gar-  
age license.

If such person's establishment is at the same time a garage, and if he has paid, for the same year, the fee required for a garage license, such payment exempts him from the payment of the fee on his dealer's license.

Security re-  
quired.

No such license may be issued before the person requesting same shall have furnished the Bureau with security for the purpose of guaranteeing to the owner of a stolen motor vehicle, sold by such person, the reimbursement of the price which such owner has paid to any buyer of such motor vehicle, in order to recover the possession by way of revendication as stolen property. In such a case, the owner has the right to claim in his name, from the dealer and from his surety, the price which he has paid to the buyer.

Dealer and  
surety liable

Form of  
security.

Such security shall be given by means of a guarantee policy issued by a company authorized to act as surety in this Province and for the amount determined by the Minister; it shall contain a waiver of the benefit of discussion on the part of the surety and shall cover all the motor vehicle sales effected by the person for whom the security is given, during the existence of such security.

Termina-  
tion of sec-  
urity, etc.

No surety may terminate the security before the last day of February following the date of the issue of the guarantee policy, and the license shall cease to be in force from the moment that the security ceased to exist.

Duty of  
dealer to  
post up li-  
cense.

Mentions in  
sale.

The dealer who is the holder of a license, under the authority of the present paragraph, must keep such license posted up in a conspicuous place in his establishment, and must mention the number of such license and the date when it will expire in every document establishing the sale of a motor vehicle which he effects while his license remains in force.

Effect of sale  
by person  
not licensed

No sale of a motor vehicle effected by a person who is not licensed under the authority of the present paragraph shall be deemed to have been made by a dealer in motor vehicles.

Requisites  
for public  
sale of  
motor vehi-  
cle:

2. No person may offer for sale or sell a motor vehicle in a fair or market, or at auction or at a public sale other than that effected according to law, unless such person shall have:

Furnishing  
of security.

a. Furnished the Bureau with security for the purpose of guaranteeing to the buyer that he is the owner of such motor vehicle, and also of guaranteeing to the owner of a stolen motor vehicle, sold by such person, the reimbursement of the price which such owner has paid to any buyer of such motor vehicle, in order to recover the possession by

way of revendication as stolen property. In such a case, the owner has the right to claim in his name, from the dealer and from his surety, the price which he has paid to the buyer; and

*b.* Obtained from the Bureau a permit for the public sale of such motor vehicle in any of the ways above indicated; and

*c.* Delivered such permit to his buyer.

Obtaining of permit.  
Delivery.

Such security shall be given in the manner indicated in paragraph 1 of this section; it shall contain a waiver of the benefit of discussion on the part of the surety and shall continue for one year from the date of the sale.

Form and contents of security.

3. The Lieutenant-Governor in Council may subject the issue of a dealer's license or of a permit for the public sale of a motor vehicle to such other conditions as he may deem advisable.

Regulations by Lt.-Gov. in Council.

#### § 7.—*Circulation permits for the public vehicles*

**22.** In addition to the registration of a public vehicle, the owner thereof shall obtain monthly from the Bureau a circulation permit, on the monthly payment to the Bureau of a duty, at the rate which the Lieutenant-Governor in Council may establish, but which shall not exceed one-half of a cent per ton per mile, if the weight of the public vehicle is less than five thousand pounds, nor exceed one cent per ton per mile, if the weight of the public vehicle is five thousand pounds or more.

Circulation permits for public vehicles.

Such duty is based upon the weight and capacity of the vehicle and the number of miles which it has traveled during the month, and is calculated in the manner indicated in paragraph 16 of section 2 of the present act.

Basis of duty.

The distance which serves as a basis for this duty shall be established by the Bureau according to the length of the run and the number of times it is to be covered during the month, in the case of regular runs, and according to the declaration of the owner, sworn to by him and verified by the Bureau, in the case of irregular runs.

Determination of distance.

This section does not apply to an ambulance nor to a hearse.

Ambulance and hearse excepted.

#### § 8.—*Expiry and renewal of licenses*

**23.** Every license expires on the last day of February which immediately follows the date of its issue, unless it has been cancelled before the expiry of the term for which it was issued, and is renewable on the first of March following, upon payment of the established fees; provided, how-

Expiry and renewal of licenses.

Proviso.

ever, that the person applying for a license has not been convicted of an offence which would prevent the issue of such license to him.

§ 9.—*Refusal, suspension and annulment of licenses and permits*

Powers of  
Minister  
respecting  
license, etc.

**24.** The Minister may refuse the issue of a license or of a permit or may limit its effects. He may annul a license or a permit or may suspend its effects, and require that the certificate be returned to the Bureau, and, in the case of a chauffeur, that the badge be also returned.

DIVISION IV

CARRYING OF CERTIFICATES AND BADGES

Carrying of  
license, etc.

Id., for  
chauffeur.

Duty to ex-  
hibit license,  
etc.

**25.** 1. Every person driving a motor vehicle upon the public highway must carry with him his license or his permit to drive and the registration certificate of the motor vehicle. If such person be a chauffeur, he must also carry the badge issued to him by the Bureau, for the current year.

2. Such person shall exhibit such license, such registration certificate, and, in the case of a chauffeur, such badge, when requested to do so by any officer of the Bureau, bearing a certificate of identification signed by the Comptroller of Provincial Revenue, establishing that such officer is charged with the carrying out of this act, or at the request of a municipal officer in charge of the traffic, or of a constable.

DIVISION V

ACCESSORIES OF MOTOR VEHICLES AND THEIR USE

§ 1.—*Markers*

Markers.

**26.** 1. Every motor vehicle must, during the whole registration year, be provided with two markers furnished and delivered by the Bureau, for such motor vehicle and for that year only. These markers must be solidly affixed to the motor vehicle by means of rivets, screws and nuts, or a frame, in such a way that they cannot be easily removed, and will not swing when the vehicle is in motion. They must also be kept free of all matter which would interfere with the reading of same, at a distance of one hundred feet. They shall be placed in a horizontal position, one in front, if possible between the two headlights, and the other at the rear, if possible on the left mudguard of the motor vehicle, at a distance from the ground of more than eighteen inches, and at a point where it may be easily read, by a person

facing the automobile, at a distance of one hundred feet from the marker, and in an oblique position at a distance of twenty feet from the axis of the motor vehicle and of thirty feet from the marker.

2. The two markers must bear (a) the same registration number as that entered in the registers of the Bureau opposite the name of the owner of the motor vehicle; (b) the figures indicating the current registration year; (c) the abbreviated name of the Province; (d) letters or other identification signs or other protective means.

Contents thereof.

3. No other marker bearing numerals shall be affixed to the exterior of the motor vehicle.

Other markers prohibited.

### § 2.—*Lights*

**27.** 1. Every motor vehicle must, when operated on a public highway, be provided with two lamps showing a white light in front, and one lamp showing a red light at the rear; if such vehicle hauls a trailer or a semi-trailer, the red light shall be placed at the rear of such trailer or semi-trailer; if such vehicle is a motor cycle, it shall carry a lamp showing a white light in front, and another lamp showing a red light at the rear; if a side-car is fitted to the motor cycle, the side-car shall also be provided with a lamp showing a white light in front; if such motor cycle hauls a trailer, the red light shall be placed at the rear of the trailer.

Lights.

2. When a motor vehicle is on a public highway, between one hour after sunset and one hour before sunrise, its lamps must show lights, each one visible at a distance of at least one hundred feet in front and one hundred feet at the rear, whether the motor vehicle is stationary or in motion, and the rear lamp must have a capacity of at least four candle power, and must throw a red light in a horizontal direction, and a white light in a vertical direction, in such manner that the white light will be spread evenly upon the entire surface of the rear marker, and it shall be sufficient in quality to allow the reading of the numerals on such marker at a distance of at least one hundred feet.

Visibility.

3. When two motor vehicles meet on a public highway, or when a motor vehicle meets another vehicle drawn by an animal, the glare of the headlights must be so replaced, directed, obstructed, or reduced in strength, as not to dazzle or blind the person driving the motor vehicle or the vehicle drawn by an animal coming in the opposite direction.

Glare of headlights.

### § 3.—*Tires*

**28.** 1. Every wheel of a motor vehicle operated on a

Tires; elasticity.

public highway shall be fitted with a tire made of rubber or of any other material having the same elasticity.

Id., thickness.

2. The thickness of a non-pneumatic tire shall not be at any time or at any point thereof, less than one inch.

Id., inflation.

3. The pneumatic tire shall be kept sufficiently inflated so that the compressed air will support the weight allowed for such tires.

Id., pneumatic.

4. Every motor vehicle intended for the transportation of persons shall be fitted entirely with pneumatic tires.

Id., width.

5. The width of pneumatic and non-pneumatic tires shall be that established in paragraph 1 of section 40.

#### § 4.—*Device for signalling*

Sounding devices.

**29.** 1. Every motor vehicle must, when operated on the public highway, be provided with a horn or other sounding device sufficient in capacity to be heard at a distance of two hundred feet, but which must not be used otherwise than as a signal of danger, or when approaching a curve, or the intersection of two streets, or when coming into a street or highway from any garage or private ground, and in such a manner as not to produce a harsh or prolonged noise. Between the hours of midnight and six o'clock in the morning, the sounding device shall be put into use, in the cities, towns and villages, only in case of absolute necessity.

Between midnight and 6 A. M.

Different from other types.

2. The sound of such devices shall be different from that of the types of signals specially adapted for other uses.

Restrictions not applicable.

3. The above restrictions as to the use of sounding devices shall not apply to ambulances nor to motor vehicles used by a municipality in connection with its fire and police services.

#### § 5.—*Brakes and muffler*

Brakes.

**30.** 1. All brakes on a motor vehicle shall be in good order, and sufficient in strength to control such vehicle when required.

Muffler.

2. Every motor vehicle shall be provided with a muffler, so constructed as to prevent any intense or prolonged noise, caused by the escape of gas from the motor vehicle, in cities, towns and villages, or when meeting draught animals or cattle.

#### § 6.—*Lock*

Lock.

**31.** 1. Every motor vehicle shall be provided with a lock or other device to prevent such vehicle from being set in motion.

2. When a motor vehicle is left unattended on a public highway, it shall be locked or made fast in such a manner that it cannot be set in motion. Where left unattended.

### § 7.—Mirror

**32.** Every autobus, commercial vehicle, or delivery car must, when operated on the public highway, be provided with a mirror sufficient in size and quality, and so placed so as to enable the driver of such motor vehicle to see from his seat any vehicle coming from the rear. Mirror.

### § 8.—Identification numbers

**33.** Every motor vehicle must bear an engine number and all other identification numbers placed on it by the manufacturer, and these numbers shall not be modified nor defaced nor made illegible, nor replaced nor removed. Identification numbers.

### § 9.—Special accessories for public vehicles

**34.** 1. All public vehicles, save the ambulance and the hearse, shall be provided with a speedometer, and the tariff of transportation rates must be posted in the interior thereof. Accessories for public vehicles.

2. Autobusses and taxis shall, in addition, be provided with chains to prevent skidding, and with a spare tire. Id., for autobusses and taxis.

3. Autobusses shall, in addition, be provided with:

- a. At least two doors, one in the front, and the other at the rear, unless there be doors on the sides;
- b. With one chemical extinguisher;
- c. With a light of at least two candle power, to light the interior of such autobus at night;
- d. In the case of a regular run, a time table approved by the Bureau, to be posted up in the autobus, and such time table must be followed, that is to say, that the autobus shall not leave a locality before the hour indicated thereon.

## DIVISION VI

### CHANGES MADE TO MOTOR VEHICLES

**35.** No person shall, without having previously advised the Bureau in the form and manner established by it, make the following changes to a motor vehicle, to wit: Changes to motor vehicles.

1. Replace the engine by another;
2. Replace the chassis by another;



3. Replace the body by another;
4. Change the type of the motor vehicle for another;
5. Change the colour of the motor vehicle for another.

## DIVISION VII

## CIRCULATION

§ 1.—*Direction, Crossing, Overtaking and Stops*

- 36.** 1. Every person, driving a motor vehicle or an animal on the public highway, must, whenever possible, keep to the side of the road at his right, and leave at his left as wide a passage as possible and at least one half of the road when meeting another vehicle or a herd of cattle, or at least eight feet when meeting a pedestrian, a cycle or a stray animal.
- Keeping to right.  
Passage on left.
2. The person driving a motor vehicle shall bear to the right to meet another vehicle or allow such vehicle to pass the one he is driving, and shall bear to the left when passing another vehicle.
- Meeting and passing.
3. The person driving a motor vehicle shall bear to the right, when approached by any vehicle or any animal driven or led, and also to permit the passing of any person driving a motor vehicle, for which vehicle the speed allowed by law is greater than that allowed by law for the motor vehicle which he is driving.
- Idem.
4. When preparing to pass, the person driving a motor vehicle shall, before bearing to the left, give warning of his intention to do so, and make sure that it is possible to pass without any risk of a collision with a vehicle or an animal coming in an opposite direction. The warning shall be given by means of the sounding device.
- Warning by sounding device.
5. No person shall pass when it is not possible to see clearly the portion of the road immediately ahead.
- Road ahead.
6. After passing, such person shall not turn his vehicle to the right, before having made sure that this can be done without any danger or inconvenience to the vehicle or the animal which he has passed.
- After passing.
7. At the bifurcations and at the crossings of public highways, the driver of a vehicle on one of the roads shall give the right of way to the driver of a vehicle coming to his right on the other road. However, the drivers must conform to the regulations in force in a city concerning the right of way of one vehicle over another, or the right of way of a pedestrian over the vehicle, or concerning the direction that vehicles must follow on certain streets, provided, however, that such derogation from the present act
- Right of way.
- Regulations in city to be followed.
- Proviso.

be, by the city, indicated thereon by a proper signboard or a traffic officer.

8. Upon the approach of any horse ridden or driven, the driver of a motor vehicle shall so manoeuvre such vehicle as to prevent such horse being frightened and to safeguard and protect the person riding or driving it; and if such horse appear to be frightened, the person driving the motor vehicle shall diminish the speed thereof, stop the noise made by the motor, and even stop such motor if requested to do so by a signal made with the hand by the person in charge of such horse, and he shall not approach nearer such horse unless this movement is necessary to avoid an accident or damages.

Duty of driver on approach of horse.

**37.** Every person driving a motor vehicle upon a public highway shall stop, whenever signalled or requested to do so by an officer of the Bureau charged with the carrying out of this act, a peace officer or a municipal officer appointed for the enforcement of the laws on the public highways. He shall also stop, without any other signal than an indicative poster or other sign, at all points which may be determined by the Lieutenant-Governor in Council, so as to allow the officer to ascertain if the provisions of law have been complied with.

Stopping upon signal.

**38. 1.** When a motor vehicle overtakes a tram-car which is stationary for the purpose of taking on or discharging passengers, such motor vehicle, unless otherwise ordered by the officer in charge of the traffic at that place, shall not be driven beyond the rearmost part of such tram-car until it shall have started and until all passengers who have alighted shall have reached the side of the street.

Overtaking stationary tram-car.

2. A motor vehicle meeting or overtaking a tram-car in motion shall be driven so that the tram-car shall be to the left of the person driving the motor vehicle, unless the position of the track makes it impossible to do so or unless the city has, by by-law, derogated from the present act, and has indicated such derogation by a proper signboard or a traffic officer.

Moving tram-car.

**39.** In case of any accident to a person or property on the public highway, due to the operation of a motor vehicle thereon, the person operating such vehicle shall stop, and, upon being required by any person present, shall give such person his name and address, together with the registration number and the name and address of the owner of such vehicle.

Duty of driver in case of accident.

§ 2.—*Weight of motor vehicles with load*

Total  
weight.

**40.** 1. The total weight of a motor vehicle driven on a public highway, including that of its load, shall not exceed seven hundred pounds per inch width of its non-pneumatic tires, nor shall it exceed eight hundred pounds per inch width of its pneumatic tires. If the tires are non-pneumatic, their width is measured at the point of contact with the hard ground; if they are pneumatic, it is established by the distance between the flanges of the rim; however, whatever be the width of the tires, the total weight distributed on all the wheels shall not exceed twenty-four thousand pounds, nor shall the total weight on two wheels exceed sixteen thousand pounds.

Id., with  
non-pneu-  
matic tires  
outside  
cities and  
towns.

2. Notwithstanding paragraph 1 of this section, no motor vehicle, equipped entirely or partly with non-pneumatic tires, shall be driven on the public highways, outside of cities and towns, when the total weight thereof, comprising the weight of the vehicle and the weight indicated by its capacity, exceeds ten thousand pounds.

Id., with  
pneumatic  
tires, out-  
side cities  
and towns.

3. Notwithstanding paragraph 1 of this section, no motor vehicle, equipped entirely with pneumatic tires, shall be driven on the public highways, outside of cities and towns, when the total weight thereof, comprising the weight of the vehicle and the weight indicated by its capacity, exceeds twelve thousand pounds.

Regulation  
by cities and  
towns.

4. In the cities and towns, the municipal council may, by by-law, limit such total weight in its territory, provided that such limit be not less than that established in paragraphs 2 and 3 of this section, respectively.

Permit by  
Minister of  
Roads.

5. The Minister of Roads may permit a motor vehicle, whose total weight, including that of its load, exceeds the limits established in paragraphs 2 and 3 of this section, to be driven, outside of cities and towns, on certain roads designated by him in a permit signed in duplicate, one of which is given to the person obtaining the permit and the other to the Bureau, provided that such vehicle is used only for the making or repairing of public highways or for other work which he considers to be in the public interest.

Proviso.

§ 3.—*Speed*

Maximum.  
speed.

**41.** No motor vehicle shall be driven on a public highway at a greater speed than is reasonable, considering the width of such highway, and the traffic thereon, nor so as to deteriorate such public highway, nor endanger the life or safety of any person, nor so as to threaten the safety of any property, nor, specifically, at a speed greater

than that respectively established in each of the following cases, to wit:

1. In a curve or steep descent, or at the intersection of roads, or when crossing a bridge, or within a distance of three hundred feet from a railway crossing, the speed of the motor vehicle shall not exceed eight miles an hour; 8 miles an hour at curve or steep descent or railway crossing.
2. Subject to the restrictions made in paragraph 1 of this section, in the case of a commercial vehicle or a delivery car, fitted entirely or in part with non-pneumatic tires, the speed shall not exceed eight miles an hour if the vehicle is loaded, nor ten miles an hour if not loaded; Commercial vehicle and delivery car, 8 and 10 miles an hour.
3. Subject to the restrictions made in paragraph 1 of this section, in the case of a commercial vehicle or a delivery car, fitted entirely with pneumatic tires, the speed shall not exceed twelve miles an hour if the vehicle is loaded, nor fifteen miles an hour if not loaded; Id., 12 and 15 miles an hour.
4. Subject to the restrictions made in paragraph 1 of this section, in the case of an autobus, the speed shall not exceed sixteen miles an hour. Autobus, 16 miles an hour.
5. Subject to the restrictions made in paragraph 1 of this section, in the case of a pleasure vehicle, of a farm vehicle, of a service vehicle and of a taxi, the speed shall not exceed twenty miles an hour in the limits of a city or of a town, or in any populated section of any other municipality, nor shall it exceed thirty miles an hour elsewhere. However, when any of such vehicles meets another of such vehicles in motion, the speed of each of such vehicles shall be reduced to sixteen miles an hour. Pleasure vehicle, etc., in city, etc., 20 miles an hour. Elsewhere, 30 miles an hour. Meeting in motion, 16 miles an hour.

#### § 4.—Additional protection of roads

**42.** 1. No vehicle shall be driven on the public highways, having on its tires, or on one or more of them, non-skid devices in the form of cleats or caterpillars, or other apparatus of a nature to damage such highways, or which the Minister of Roads has specifically prohibited. Prohibition of certain non-skid devices.

2. No building may be moved nor any object dragged over a public highway, when, by so doing, the public highway would be damaged. Id., of moving buildings, etc.,

**43.** The Minister of Roads may prohibit passage over a public highway, by means of notices or gates, either for work to be done on such road, or to protect it while thawing out, for such a period of time as he may think necessary, or to protect it during a rainy period. Passage prohibited.

|             |  |
|-------------|--|
| Effect.     | During such periods of prohibition no motor vehicle nor animal drawn vehicle shall pass over the prohibited road.  |
| Exceptions. | Nevertheless, when the prohibition is on account of thawing, or during a rainy period, the following may pass: mail-carrier vehicles, pleasure vehicles, and vehicles not laden  |
| Proviso.    | drawn by animals, provided that the total weight of any of these vehicles, including that of its load, does not exceed two thousand pounds, and provided, in the case of a motor vehicle, that such motor vehicle be not driven at a speed greater than sixteen miles an hour. |

### § 5.—*Special provisions concerning the autobus*

|  |  |
|--|--|
| Autobus chauffeur:                           | <b>44.</b> The chauffeur of an autobus shall:  |
| Age;   | 1. Be at least twenty-one years of age;  |
| Competency;                                  | 2. Have demonstrated in a practical way to an authorized officer of the Bureau that he is competent to drive an autobus;   |
| Habits;                                      | 3. Be of sober habits;   |
| Smoking;                                     | 4. Abstain from smoking during the journey;  |
| Mileage;                                     | 5. Abstain from driving over two hundred and fifty miles per twenty-four hours;  |
| Speaking to passengers;                      | 6. Refuse to speak to the passengers, except when necessary to advise them of the movements of the vehicle, or for any urgent reason;  |
| Space;                                       | 7. Have enough space for his operations;   |
| Passengers, admitted;                        | 8. Refuse admission to any person in a state of intoxication, or eject such person;  |
| Id., ejected;                                | 9. Eject any person using obscene language or acting in an obscene manner, or in a manner objectionable to other passengers;   |
| Stopping for passengers;                     | 10. Stop the autobus on the right side of the road which he is following, and not in the centre, to allow passengers to board or leave the autobus;  |
| Id., at railway crossings.                   | 11. Stop the autobus at railway crossings to ascertain whether it may be crossed without danger.   |
| Admission, number and seating of passengers. | <b>45.</b> Any person who is not in a state of intoxication must be admitted if there is a vacant seat, but there shall not be any more passengers than there are seats in the autobus, and passengers shall not remain standing and must occupy the seats placed at their disposal. |

### § 6.—*Circulation Signs*

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| Circulation signs by Provincial authority. | <b>46.</b> 1. The signs indicating the danger to avoid, the direction to follow, the distance to travel, the speed permitted, the name of the locality, and all other signs |
|--|---|

with respect to the circulation on the public highways must be uniform as to their colours, dimensions, position or distance, and they shall be made and placed under the direction of the Provincial authority who takes charge thereof. Nevertheless, (a) the sign indicating a temporary danger to be avoided or a temporary direction to be followed, by reason of an accident or road work which is being carried on, shall be made and placed by the municipality or by the person in charge of such work; (b) the sign indicating a railway crossing shall be made and placed by the company operating such railway. Exceptions.

2. All circulation signs differing from those placed by the Province may be removed by the latter. Removal in certain event.

### § 7.—*Circulation Obstructions*

**47.** Every signboard must be removed which is placed so as to prevent the driver of a motor vehicle from seeing, for a sufficient distance to avoid accidents, the road he is following, the circulation signs placed thereon, or the vehicles coming in an opposite direction. Removal of certain signboards.

## DIVISION VIII

### OFFENCES AND PENALTIES

**48. 1.** No person under the influence of intoxicating liquors or of narcotics shall drive a motor vehicle on the public highway, or have the care or control of same, even if such motor vehicle is not in motion. Offence to drive, etc., while under influence of liquor or narcotics.

2. If a person convicted under this section be not the holder of an operator's or a chauffeur's license, he shall be condemned to imprisonment for such period of time, not exceeding six months, as the court may determine, without the option of a fine. Penalty where offender not holder of license.

3. If any person convicted under this section be the holder of an operator's or of a chauffeur's license, he shall be liable, for a first offence, to a fine of not less than one hundred dollars nor more than three hundred dollars, or, in the discretion of the court, to imprisonment in the common gaol for such term of not more than one month as the court may determine; and, for a second or subsequent offence, to a fine of not less than three hundred dollars nor more than five hundred dollars, or to imprisonment in the common gaol for such period of time not exceeding three months as the court may determine; and from and after such conviction for a first offence, the license shall become null and void and no other license shall be issued to him under Id., if holder of operators' or chauffeur's license.

this act for a period of one year from the date of the conviction; and from and after such conviction for a second or subsequent offence, the license shall become null and void, and no other license shall be issued to him under this act for a period of three years from the date of the conviction.

|   |   |
|---|---|
| Offences:<br>Contraven-<br>tion of act<br>or regula-<br>tions;  | <b>49. Whosoever:</b>   |
| Fictitious<br>name, etc.;   | 1. contravenes any of the provisions of this act other than those of section 48, or contravenes the regulations made under this act by the Lieutenant-Governor in Council; or,  |
| Driving<br>after sus-<br>pension,<br>etc.;  | 2. gives a fictitious name or fictitious address in his application for registration, for a license or a permit, or does not immediately notify the Bureau of any change of address, which may have occurred since the making of his application and while his motor vehicle is registered, or while he is licensed or holds a permit under this act; or, |
| Idem;   | 3. drives on a public highway a motor vehicle, the registration of which has been suspended by the Minister, or contrary to the restrictions indicated on the registration certificate; or,   |
| Fictitious<br>markers;  | 4. drives a motor vehicle on a public highway while his license or his permit is suspended; or,   |
| Fictitious<br>chauffeur's<br>badge;<br>Changes on<br>marker;  | 5. drives, on the public highway, a motor vehicle carrying one or two fictitious markers; or,   |
| Engaging<br>non-licensee;   | 6. while driving a motor vehicle on the public highway, carries a fictitious chauffeur's badge; or,   |
| Racing, etc.  | 7. changes the number, the year, the letter or any other indication on a marker, furnished and delivered by the Bureau, or changes, entirely or in part, the colour of a marker or of any indication thereon; or,   |
| Use, etc.,<br>without per-<br>mission;<br>Driving<br>commercial<br>car, without<br>capacity in-<br>dicated; | 8. engages as chauffeur or as machinist in motor vehicles a person who is not licensed as such; or,   |
| Possesses<br>car without<br>regular ac-<br>cessories;   | 9. drives a motor vehicle on a public highway in a race, or on a bet or wager; or,  |
| Penalties.  | 10. uses a motor vehicle, sets it in motion or drives it, without the permission of the owner; or,  |
|   | 11. drives on a public highway a commercial vehicle or a delivery car which does not show, painted thereon at a place where it may be read at all times, its capacity as determined by the manufacturer, and as registered at the Bureau; or,   |
|   | 12. possesses in the Province a motor vehicle whose accessories are not such as required by this act, nor such as declared in the application made for the registration of such motor vehicle,—   |
|   | shall be guilty of an offence against this act, and upon con-   |

viction he shall be condemned,—in addition to the payment of the costs, and of the fees and duties for which he may have been liable,—for the first offence to a fine of not less than ten dollars nor more than one hundred dollars, and for any subsequent offence, to a fine of not less than twenty-five dollars nor more than two hundred dollars, and, in default of payment of such fine and costs and of the fees and duties for which he may be liable, to imprisonment in the common goal for a period of thirty days, or he may be condemned to both such fine and imprisonment.

**50.** The court may, at its discretion, condemn to the payment of the costs only, for the following offences, to wit: Discretion of court;

1. Using a motor vehicle on a public highway when the certificate of registration is not carried therein so as to be exhibited at the request of a proper revenue officer duly authorized, in conformity with section 25; Where certificate of registration not carried;
2. Neglecting to carry his license as an operator or as a chauffeur, when driving a motor vehicle, in conformity with section 25; Where license not carried;
3. Refusal by any operator or chauffeur to exhibit his license or certificate of registration when called upon so to do by a constable, a peace officer, or an officer of the Bureau, in conformity with section 25. Where refusal to exhibit.

**51. 1.** If, in the event of a violation of section 41, the speed admitted by the offender or for which he is condemned exceeds by ten miles an hour the maximum speed allowed in such case by section 41, the offender, in addition to the penalties imposed by section 49, shall lose his license as an operator or chauffeur, according to the case, for the remainder of the current license year, and no other license as an operator or chauffeur shall be issued to him during the same license year. Offender to lose license for certain infractions.

2. If, in the event of a violation of section 41 the speed admitted by the offender exceeds the maximum speed allowed in such case by section 41 but does not exceed by ten miles an hour such maximum, and if such violation is his third offence against section 41 during the then current license year, the offender shall incur the penalties imposed by section 49, and shall, in addition, lose his license as operator or chauffeur, as the case may be, for the rest of the current license year, and no other license as operator or chauffeur shall be issued to him during the same license year. If three offences have been committed by different persons with the same motor vehicle during a license year, the court shall, in addition to the penalties imposed by section 49, declare the cancellation of the registration of Third offence by different persons with same



motor vehicle. such motor vehicle, without any reimbursement of the fees paid therefor, and no such motor vehicle may be again registered during the same license year.

Penalties against offender causing damages. **52.** If a person, found guilty of contravening this act, has caused damages to a bridge or public highway, such person shall be liable, in addition to the penalty established for this offence, to a penalty equal to the value of such damages, and, in default of payment of this additional penalty, to imprisonment during a period of one month.

Responsibility of owner of motor vehicle. **53. 1.** The owner of a motor vehicle shall be held responsible for any violation of this act committed with such motor vehicle, or of any regulation made thereunder by the Lieutenant-Governor in Council.

Burden of proof. **2.** Whenever loss or damage is sustained by any person by reason of a motor vehicle on a public highway, the burden of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of such motor vehicle shall be upon such owner or driver.

Responsibility of employer and operator or chauffeur. **3.** If the employer of a person, driving a motor vehicle for hire, pay or gain, is present in the motor vehicle at the time of the commission of any offence against this act or any regulations made thereunder, such employer, as well as the operator or chauffeur shall be liable to conviction for such offence, and it shall be in the discretion of the court to impose the penalty either upon the one or the other or upon both, according to the circumstances of the case; but if the vehicle is being driven by the chauffeur, and not by the owner, at the time of the offence, then,—whether the owner be present in the vehicle or not at the time,—both the chauffeur and the owner shall be personally liable to conviction for the offence, and it shall be in the discretion of the court to impose the penalty either upon the one or the other or upon both, according to the circumstances of the case.

Civil recourse unaffected.. **54.** Nothing contained in this act shall be interpreted as limiting or diminishing the right of any person to take civil proceedings for damages.

#### DIVISION IX

#### PROSECUTIONS

#### § 1.—*Procedure*

Prosecutions. **55. 1.** Prosecutions under the authority of this act or of a regulation made thereunder shall be taken before a

justice of the peace, a judge of the sessions, a police magistrate or a district magistrate, and shall be governed by the provisions of Part I the Quebec Summary Convictions Act, except where expressly derogated from by this act.

2. The fees shall be those allowed by the tariffs made by the Lieutenant-Governor in Council, but no advocate's fees shall be allowed.

3. All legal proceedings instituted to recover any fee for a license or permit or any registration fee due to the Collector of Provincial Revenue for the revenue district in which the offence was committed, shall be taken in the name of the Collector of Provincial Revenue for the revenue district in which the offence was committed, or in the name of the corporation of the local municipality in which the offence was committed, and not otherwise, subject always the provisions of section 54.

4. Legal proceedings instituted for the violation of any of the provisions of this act or of any of the regulations made thereunder shall be taken in the name of the Collector of Provincial Revenue for the revenue district in which the offence was committed, or in the name of the corporation of the local municipality in which the offence was committed, and not otherwise, subject always the provisions of section 54.

5. In any proceedings taken in the name of the Collector of Provincial Revenue for the revenue district in which the offence was committed:

- a. It shall not be necessary to produce the original of any book, document, regulation or register kept in the possession of the Bureau, but a copy or an abstract, certified by the Comptroller of Provincial Revenue, or by the Director of the Motor Vehicle Bureau of the Province, shall be sufficient *prima facie* proof of the contents of the original.
- b. It shall not be necessary that the Collector of Provincial Revenue for the revenue district in which the offence was committed sign the complaint nor swear to it, nor that he appear nor that he give proof of his appointment and of the exercise of his functions. He is sufficiently designated as complainant or plaintiff in any proceeding, under the title of "Collector of Provincial Revenue for the revenue district of".
- c. Several offences committed by the same person may be prosecuted in the same complaint, provided such complaint indicates exactly the time and the place where each offence has been committed.
- d. The testimony of one officer of the Bureau shall be sufficient.

6. In any suit, during which an officer of the Bureau is summoned as a witness to give information in connection with the carrying out of the present act, such officer may, given by

report to court.

Production of documents, etc., by way of certified copy, etc.

*Prima facie* proof.

Report and remitting of fines by clerk, etc., of local municipality.

Penalty.

instead of appearing as a witness, give such information by a report to the court, made under his signature and transmitted to the party who has summoned him. If such summons in addition calls for the production of the original of any book, document, order or regulation, kept in the possession of the Bureau, such officer may, instead of appearing as a witness and instead of producing such original, transmit to the party who has summoned him a copy or an extract, certified by the Comptroller of Provincial Revenue or by the Director of the Motor Vehicle Bureau of the Province, and such copy or extract, shall be sufficient *prima facie* proof of the contents of the original.

7. In the case of proceedings taken by the corporation of the local municipality in which the offence was committed, the clerk or secretary-treasurer of such municipality must, within fifteen days after the date of the judgment, make a report to the Minister of any conviction obtained by such corporation and must remit to him the full amount of the fines imposed, under penalty of a fine of twenty dollars.

Entries on license or permit, upon conviction.

**56.** The justice or magistrate, before whom any holder of a license or a permit is convicted for an offence against the provisions of this act respecting circulation, shall cause to be entered, upon the license or permit of the person so convicted, the date of such conviction, the name of the court and the penalty imposed.

Procedure substituted for legal proceedings in certain cases.

**57.** 1. A prosecution under this act or a regulation made thereunder is not taken, if it is preceded by a notice from the Comptroller of Provincial Revenue, indicating summarily the offence committed, and if the person who has committed the offence pays to an officer of the Bureau, specially authorized thereto by the Minister, the minimum of the fine exigible for such offence, and in addition a sum of one dollar for the costs. The fact of paying the fine under this paragraph 1 is considered as an acknowledgment of guilt.

Notice not obligatory.

Where not applicable.

2. This section shall not be interpreted as imposing the obligation to give such notice before instituting such proceedings, and, furthermore, it shall not apply to the case of drunkenness provided for by section 48, nor to the case where a motor vehicle causes loss or damage to any person or property.

## § 2.—Arrest and Seizure

Arrest without warrant.

**58.** 1. Any officer of the Bureau charged with the carrying out of this act or any peace officer or constable, who,

on probable and reasonable grounds, believes that an offence has been committed against any of the provisions of this act, whether it has been committed or not, and who, on probable and reasonable grounds, believes that any person has committed such offence and that such person may escape punishment if not arrested without a warrant, or who finds any person committing such offence, may arrest such person without warrant.

2. Such officer or constable must, with reasonable diligence, take any person so arrested without warrant before a justice of the peace, to be dealt with according to law. Before justice of the peace.

3. Such officer or constable may also detain any motor vehicle, the owner or driver of which is supposed to have committed an offence against this act, until all proceedings, which may be taken under the provisions of this act, shall have been finally disposed of; provided, however, that such motor vehicle may be released on security being given to the satisfaction of a justice of the peace. Detention of motor vehicle. Proviso.

## DIVISION X

### PROVISIONS CONCERNING MUNICIPALITIES

**59.** Notwithstanding any general or special law to the contrary, no municipal council or other local authority may by by-law, resolution, regulation or otherwise: No municipal or local jurisdiction for:

1. Impose a tax or any other charge or require a license or a permit for the keeping of a motor vehicle or the using or driving of same, in any capacity whatsoever, on the public highway; Motor vehicle taxation;
2. Enact that a motor vehicle be registered or licensed and that any person driving it be also licensed; Registration, etc.;
3. Enact that a motor vehicle carry a marker or the person driving same a badge, numbered or otherwise indicating a registration, a license or a permit; Marker, etc.;
4. Regulate or prohibit the use of public highways by motor vehicles; Use of public highways;
5. Regulate the speed of motor vehicles on the public highways; Speed;
6. Enact in any manner, contrary to the provisions of this act, concerning accessories to be carried and their use, and concerning the circulation of motor vehicles on the public highways, nor in such a manner as to modify the effect of such provisions in this act; Accessories and circulation;
7. Enact upon the application of fines imposed by authority of this act or change such application. Application of fines.

Foregoing  
not to prevent:  
Regulation  
in park or  
cemetery;

Proviso;

Setting  
apart of  
section for  
testing pur-  
poses;

Requiring  
and regul-  
ating life-  
saving ap-  
paratus on  
certain cars;

Imposing of  
tax or li-  
cense fee  
where total  
weight ex-  
ceeds cer-  
tain figure;

Authoriza-  
tion;  
Where  
gratuitous  
registration;

What city  
or town au-  
thorized;

Using of  
certain  
streets;

Proviso.

Powers of  
municipal-  
ities:

**60.** Nothing contained in the preceding section:

1. Shall prevent any municipal council or any other authority in charge of a park in a city, or of a cemetery, from regulating the speed of motor vehicles in the park or cemetery under its control, and even from prohibiting motor vehicles being used on the avenues of such park or cemetery, if authorized by law to this effect; provided, however, that the speed allowed or the prohibition be distinctly indicated by means of signs clearly visible at the entrance of the park or cemetery and along its avenues;
2. Shall prevent a municipal council from establishing, by by-law, that motor vehicles may be driven on a public highway, or upon a section thereof, set apart for the purpose of testing such motor vehicles at a speed greater than that allowed by this act;
3. Shall prevent the municipal council of a city or town from requiring, by by-law, that commercial vehicles and delivery cars be fitted with an apparatus to prevent pedestrians from rolling under such vehicles, and from regulating the use of such apparatus;
4. Shall prevent the municipal council of a city or of a town from imposing a tax or a license fee on every motor vehicle the weight of which, added to that indicated by its capacity, forms a total weight, which exceeds ten thousand pounds, where the vehicle is equipped entirely or partially with non-pneumatic tires, or which exceeds twelve thousand pounds, where the vehicle is equipped entirely with pneumatic tires; and every municipal council of a city or of a town is authorized to impose such a tax or license. This paragraph does not apply to the motor vehicle which is registered gratuitously under the authority of section 9 of the present act. Such tax or such license fee shall however be imposed only by the city or the town where is situated the principal establishment the rolling stock of which includes such motor vehicle;
5. Shall prevent the municipal council of a city or of a town from prohibiting, by by-law, with or without exception, the use in certain streets, which it indicates, of any motor vehicle, provided that such by-law allows the use by such motor vehicles of such streets as may permit of crossing the municipality, and provided that such prohibition and such use and the direction to be followed be respectively indicated by proper signs or by traffic officers.

**61.** Notwithstanding the provisions of section 59, a municipal council may:

1. Impose a tax or a license fee on owners of motor vehicles used by them in carrying on the business of cabman or common carrier, provided that a similar tax or license fee be imposed upon owners of other vehicles used in carrying on the same business in the same municipality. The payment of such tax to a municipality or the fact of obtaining the license issued by such municipality shall not exempt the holder of such license, nor the person who has paid such tax, from the obligation of securing a registration and a license under this act and of complying with all of the provisions of this act; Licensing of cabmen, etc.;  
Application of provisions of this act not affected thereby;
2. Make by-laws for the location of cab-stands, regulating their use, and making same compulsory, and also establish and put into force a tariff of fares which may be charged by common carriers, provided that such by-laws apply to all common carriers of the same municipality, whether the vehicle used is fitted with a motor or drawn by an animal; Regulation of cab-stands, tariffs, etc.;
3. Make by-laws to govern the inspection of taximeters employed on public vehicles transporting passengers. Inspection of taximeters on certain vehicles

## DIVISION XI

## OFFICERS OF THE BUREAU

- 62** 1. The Minister appoints the officers of the Bureau who are by him charged with the carrying out of this act, and of the regulations made thereunder or of the carrying out of any part of such act or of such regulations. Appointment of officers of Bureau.
2. Each such officer, according to the duties which he is called upon to perform: Each such officer:
- a. Shall give security to the amount established by the Minister if he collects or pays out money for the Bureau; To give security if he handles money;
  - b. May, without leave, at any reasonable hour of the day, enter any place where one or more motor vehicles may be put up, examine any motor vehicle and its accessories, ascertain whether or not it conforms to the provisions of this act and of regulations made thereunder, and report thereon; To have right of entry and examination;
  - c. May, without committing an offence against this act, while engaged in the carrying out of his duties, exceed the speed limit allowed by the law, take possession of, drive or store, a motor vehicle, without the consent of its owner. To have right to exceed speed limit, etc.

## DIVISION XII

## RECEIVING OF OATHS

Oaths.

**63.** The sworn declaration, which must accompany all applications for registration, for licenses, or for permits, shall be sworn to before an officer of the Bureau, a notary, a justice of the peace, a mayor, or a commissioner of the Superior Court.

## DIVISION XIII

## REPORTS

Monthly report by dealer.

**64.** Every dealer in motor vehicles shall make to the Bureau at Quebec, in such form as the said Bureau may prescribe, a monthly report of all sales and of all purchases and exchanges made by him of new or used motor vehicles, during the month.

Statement by owner and chauffeur of autobus.

**65.** The owner and the chauffeur of an autobus must send in to the Bureau, at certain periods determined by said Bureau, a sworn statement of every accident which he sustains or which he witnesses, of the traffic carried on with such autobus, of any interruption or resumption of his operations, and concerning any other matter which the Bureau may require with respect to administration and statistics.

Notification by owner of stolen car of theft and recovery.

**66.** The owner of any motor vehicle which has been stolen in this Province must without delay notify the Bureau, in such form as the latter may determine, both of the theft of the motor vehicle and of its recovery if so effected.

Notification by owner of destruction of his car.

**67.** The owner of any motor vehicle, which has been completely destroyed while possessed in this Province, must without delay notify the Bureau, in such form as the latter may determine, of such destruction.

## DIVISION XIV

## POWERS OF THE LIEUTENANT-GOVERNOR IN COUNCIL

Powers of Lt.-Gov. in C. respecting: Fees and markers;

**68.** 1. The Lieutenant-Governor in Council may:

- a. Alter the fees payable under this act in connection with licenses, permits and registrations, change the basis of the rates, establish new rates, establish the price of the registration markers and make new regulations with respect thereto;

- b. Alter the maximum of the weight, load included, and Maximum  
the maximum of speed of the autobusses, commercial weight of  
vehicles and delivery cars, when used on all or certain certain cars;  
public highways and in all or certain localities;
- c. Determine the maximum width, height and length Maximum,  
of motor vehicles used on all or certain public high- width, etc.  
ways and in all or certain localities, and the max- of car and  
imum width, length and height of their loads; of load;
- d. Allow and regulate the use of motor-trains on all or Motor-  
certain public highways and in all or certain localities, trains;  
and determine the total length of such trains, or the  
number of vehicles of which they may be composed  
and the fees to be paid for such use;
- e. Change and regulate the use and placing of lanterns Lanterns;  
and the colour and strength of their lights;
- f. Require that all or certain classes of motor vehicles be Speed-  
provided with devices to register the speed made per registering  
hour when they are in motion, and regulate the use devices;  
of such devices;
- g. Require that autobusses, commercial vehicles and Automatic  
delivery cars be provided with devices to automatic- speed-lim-  
ally limit the speed thereof, and regulate the use of ing devices  
such devices; for certain  
cars;
- h. Establish additional restrictions or advantages for Licenses to  
the issue of licenses to chauffeurs and machinists in chauffeurs,  
motor vehicles; etc.;
- i. Require that operators of motor vehicles pass an ex- Examina-  
amination to establish their competency to drive such tion;  
motor vehicles;
- j. Require a certificate of eyesight and hearing capacity Eyesight  
to drive motor vehicles or certain of them. and hearing  
capacity;
- k. Prohibit and cause the removal of signboards which, Signboards;  
by their form, colour or position, might lead to con-  
fusion with the circulation signs, or which, by their  
number or that which they display, might interfere  
with the operating of motor vehicles;
- l. Classify garages; Garages;
- m. Establish and regulate direction and stopping signals Signals;  
given from a motor vehicle with the hand or an  
apparatus;
- n. Regulate and require the use of devices to do away Glare of  
with the glare caused by headlights; headlights;
- o. Regulate the establishment and the keeping of camps Tourist  
for tourists in this Province; camps;
- p. Require and regulate the use of devices or other means Accident or  
to prevent accidents, or thefts of motor vehicles, on theft pre-  
the public highways; vention;
- q. Require and regulate the use on taxis, except the am- Taximeters;  
bulance and the hearse, of devices to establish or



Arrange-  
ments with  
other gov-  
ernments  
concerning  
registra-  
tion, etc.;

Internation-  
al plates and  
permits;  
Identifica-  
tion meth-  
ods, etc.;  
Registra-  
tion of own-  
ership;

Other reg-  
ulations.

Force and  
effect of  
regulations.

register automatically the price to be charged for the fare;

- r. Make arrangements with other governments concerning the registration of a motor vehicle owned by a person having no residence or place of business in this Province, and concerning the license of the person driving such motor vehicle, and modify the restrictions established in section 10 of this act;
- s. Regulate the issue of international plates and permits of circulation;
- t. Establish means of indentifying motor vehicles and methods to verify their ownership;
- u. Establish a system of registration of the right of ownership for each of the motor vehicles possessed in this Province or for certain of them.

And make all other regulations which may be deemed necessary for the carrying out of this act.

2. All regulations, made by the Lieutenant-Governor in Council under the authority of this act, shall, after their publication in the *Quebec Official Gazette*, have the same force and effect as if incorporated in this act.

#### DIVISION XV

#### FINAL PROVISIONS

Privilege.

**69.** Any sum that may become due to the Crown, in virtue of this act, shall constitute a privileged debt upon the motor vehicle, ranking immediately after law costs.

Application  
of fees and  
penalties.

**70.** The fees imposed by this act and all penalties recovered thereunder shall form part of the consolidated revenue fund of the Province.

Employ-  
ment of re-  
venue.

**71.** The revenue derived from all fees, duties and penalties, collected under this act, shall be employed in the manner specified in section 81 of the act respecting roads, 13 George V, chapter 34, less, however, such portion thereof as may be applied, from time to time by the Minister, to the payment of the expenses incurred for the carrying out of this act.

Repeals.

**72.** The acts, or parts thereof, mentioned in the annex to this act, are repealed to the extent therein set forth:

Coming into  
force.

**73.** This act shall come into force on the day of its sanction.

## ANNEX

CONTAINING THE ACTS AND PARTS OF ACTS REPEALED BY  
THIS ACT

| <i>Citation of the Act</i>                | <i>Title</i>   | <i>Extent of the repeal</i>        |
|---|--|------------------------------------|
| R. S., 1909.....                          | Motor Vehicles.....  | Articles 1388 to 1435, inclusively |
| 1 George V, (2nd session) chapter 16..... | An Act to amend the Revised Statutes, 1909, respecting motor vehicles.               | The whole.                         |
| 2 George V, chapter 15..                  | An Act to amend the Revised Statutes, 1909, respecting motor vehicles.               | The whole.                         |
| 3 George V, chapter 19..                  | An Act to amend the Revised Statutes, 1909, respecting motor vehicles.               | The whole.                         |
| 4 George V, chapter 12..                  | An Act to amend the Revised Statutes, 1909, respecting motor vehicles.               | The whole.                         |
| 5 George V, chapter 26..                  | An Act to amend the Revised Statutes, 1909, respecting motor vehicles.               | The whole.                         |
| 6 George V, chapter 16..                  | An Act to amend the Revised Statutes of Quebec, 1909, respecting motor vehicles..... | The whole.                         |
| 7 George V, chapter 21..                  | An Act to amend the Revised Statutes, 1909, concerning motor vehicles.               | The whole.                         |
| 8 George V, chapter 26..                  | An Act to amend the Revised Statutes, 1909, concerning motor vehicles.               | The whole.                         |

| <i>Citation of the Act</i> | <i>Title</i>   | <i>Extent of the repeal</i> |
|----------------------------|--|-----------------------------|
| 9 George V, chapter 23..   | An Act to amend the Revised Statutes, 1909, respecting motor vehicles. | The whole.                  |
| 11 George V, chapter 30..  | An Act to amend the Revised Statutes, 1909, respecting motor vehicles. | The whole.                  |
| 12 George V, chapter 35..  | An Act to amend the Revised Statutes, 1909, respecting motor vehicles. | The whole.                  |
| 13 George V, chapter 30..  | An Act to amend the act respecting motor vehicles .....                | The whole.                  |

## C H A P . 25

### An Act respecting gasoline

[Assented to, the 15th of March, 1924]

**H**IS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

Short title.     **1.** This act may be cited as the Gasoline Act.

#### DIVISION I

##### *Declarative and interpretative provisions*

Definitions:     **2.** In this act, unless the context conveys a different meaning:

“Gasoline”;     **1.** The word “gasoline” means the product distilled from petroleum which, by combustion, develops the power required for operating motor vehicles and which is intended for such use; it also means all other liquid products which, although known under another name, fulfill the same purpose by the same means and for the same object;