

C H A P. 21

An Act to amend the Revised Statutes, 1909, concerning
motor vehicles

[Assented to 22nd December, 1916]

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

1. Article 1388 of the Revised Statutes, 1909, as amended R. S., 1388, by the act 4 George V, chapter 12, section 1, is further ^{am.} amended by striking out the words: "and traction engines", in the fourth and fifth lines of paragraph 1 thereof.

2. Article 1389 of the Revised Statutes, 1909, as amended R. S., 1389, by the acts 1 George V (2nd session), chapter 16, section 1, 3 ^{am.} George V, chapter 19, section 1, and 4 George V, chapter 12, section 2, is further amended:

a. By replacing the tariff of fees therein contained by ^{Tariff of fees.} the following:

"For all trucks, delivery vans, auto-busses, traction engines or other similar vehicles equipped entirely or in part with solid tires:

- a. Of a capacity of not more than one ton, twenty-five dollars;
- b. Of a capacity of more than one ton, but not more than one ton and a half, thirty-seven dollars and fifty cents;
- c. Of a capacity of more than one ton and a half, but not more than two tons, fifty dollars;
- d. Of a capacity of more than two tons, but not more than two tons and a half, sixty-two dollars and fifty cents;
- e. Of a capacity of more than two and a half tons, seventy-five dollars;

For all other motor vehicles, seventy-five cents per horse-power or any fraction thereof, save in the case of tractors and traction engines owned by farmers and operated on their own farms, and save in the case of vacuum cleaners, and of patrol wagons, ambulances, fire engines, reels, ladder trucks, salvage wagons, sprinklers and sweepers, when they are the property of municipal corporations, in which case the fee for the registration thereof shall be one dollar and fifty cents.";

b. By replacing the word "April" in the eighteenth

line of section 1 of the act 1 George V (2nd session), chapter 16, by the word "March".

R. S., 1393,
am. **3.** Article 1393 of the Revised Statutes, 1909, as replaced by the act 1 George V (2nd session), chapter 16, section 2, is amended by replacing the first line thereof by the following:

"1393. Save in the case of taxicabs, auto-busses or similar vehicles which run daily or periodically between this province and neighbouring provinces or states, the provisions of articles 1389, 1390, 1391 and".

R. S., 1395,
am. **4.** Article 1395 of the Revised Statutes, 1909, as amended by the act 1 George V (2nd session), chapter 16, section 3, is further amended by replacing the word "April" in the third line of section 3 of the act 1 George V (second session), chapter 16, by the word "March".

R. S., 1396,
am. **5.** Article 1396 of the Revised Statutes, 1909, is amended by adding thereto the following paragraph, to wit:
"Except in cities, no motor vehicle shall be used or operated upon the public highways, which has a capacity of more than three tons and a half."

R. S., 1397,
am. **6.** Article 1397 of the Revised Statutes, 1909, as replaced by the act 1 George V (2nd session), chapter 16, section 4, is amended by replacing the word "April" in the second and fourteenth lines thereof, by the word "March".

R. S., 1397a,
am. **7.** Article 1397a of the Revised Statutes, 1909, as enacted by the act 6 George V, chapter 16, section 1, is amended by adding thereto, at the end thereof, the following words: "and shall furthermore be held jointly and severally liable with the new owner for any loss or damage caused by the new owner with such vehicle so sold, exchanged or disposed of".

R. S., 1402,
am. **8.** Article 1402 of the Revised Statutes, 1909, is amended by replacing the word "April" in the second line thereof, by the word "March".

R. S., 1402b-
1402e,
enacted. **9.** The Revised Statutes, 1909, are amended by inserting therein, after article 1402a, as enacted by the act 1 George V (2nd session), chapter 16, section 6, four new articles, as follows:

Garage
license
required.

"1402b. No person shall keep or operate a garage for the keeping, storing, repairing or leasing of motor vehi-

cles, without having previously obtained a garage license, which shall remain in force until the first day of March following its issue. Every such license must be kept constantly posted up in a conspicuous place in the garage.

"1402c. The holder of such garage license shall keep ^{Register to} a register indicating each car received, stored or kept by ^{be kept.} him, with full details concerning the description of the car, its ownership, the exact hour at which every car enters or leaves the garage, and all such other information as the ^{Contents.} Provincial Treasurer may require.

Such register shall be open to the inspection of any ^{Inspection} collector of provincial revenue, any license issuer appointed ^{of register.} under this section, and any person thereto authorized by the Provincial Treasurer, the Comptroller of Provincial Revenue or a justice of the peace.

"1402d. Every person keeping or operating a garage ^{Penalties} without the required license, or refusing or neglecting to ^{for infringe-} keep in due form the register mentioned in article 1402c, or refusing to allow the inspection authorized by the said article, shall incur the penalties imposed by article 1405.

"1402e. The tariff of fees exigible for the issue of ^{Tariff of} garage licenses shall be as follows: ^{fees.}

In each of the Cities of Montreal, Quebec, Westmount, Outremont, Verdun and Maisonneuve, twenty dollars; in any other City, ten dollars; elsewhere, five dollars".

10. Article 1405 of the Revised Statutes, 1909, as R. S., 1405, replaced by the act 5 George V, chapter 26, section 2, ^{replaced.} is again replaced by the following:

"1405. Every contravention of any of the provisions ^{Penalties.} of this section or of the regulations made thereunder, not specially provided for, shall render the guilty party liable, upon an action taken before the Circuit Court or Magistrate's Court, or on conviction before a justice of the peace, for the first offence, to a fine of not less than ten dollars nor more than two hundred dollars; for the second offence, to a fine of not less than twenty-five dollars nor more than two hundred dollars; for the third or any subsequent offence, to a fine of not less than fifty dollars nor more than two hundred dollars, and, in default of payment of the fine and costs, to imprisonment for not more than two months, or to both."

11. Article 1406 of the Revised Statutes, 1909, as replaced R. S., 1406, by the act 3 George V, chapter 19, section 3, is amended by ^{am.}

adding at the end of paragraph 3 thereof the words: "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 and severally liable to conviction for the offence, and it shall be in the discretion of the court to impose penalty either upon one or the other or upon both according to the circumstances of the case".

R. S., 1407, am. **12.** Article 1407 of the Revised Statutes, 1909, as amended by the act 5 George V, chapter 26, section 3, is further amended by inserting after the figures "1395" in the fifth line thereof the figures "1399, 1400,".

R. S., 1410, am. **13.** Article 1410 of the Revised Statutes, 1909, as amended by the act 3 George V, chapter 19, section 4, is further amended by replacing paragraph 3 thereof by the following:

Fees. "3. In all prosecutions or actions brought before the Circuit Court or District Magistrate's Court, the fees of the clerk of such court and of the bailiff shall be the same as those which are allowed in the tariff of fees for third class actions in the Circuit Court, but no fee shall be allowed for the advocate.

Fees. In prosecutions before a justice of the peace, the fees shall be those allowed by the tariffs made by the Lieutenant-Governor in Council under the authority of article 3253, but no advocate's fee shall be allowed."

R. S., 1411a, enacted. **14.** The Revised Statutes, 1909, are amended by inserting therein, after article 1411 thereof, a new article, 1411a, as follows:

Copies of books, documents, &c. to make *prima facie* proof. "1411a. In any proceeding instituted by the proper collector of provincial revenue it shall not be necessary to produce the original of any book, document, regulation or register kept in the department, but a copy certified by the Provincial Treasurer or by the Comptroller of Provincial Revenue shall be sufficient *prima facie* proof of the contents of the original document.

Idem for proof of collector's appointment. In any proceeding under this section the mere declaration of a collector of provincial revenue that he is such is sufficient *prima facie* proof of his appointment and of his holding office at the date of such declaration. The same shall also apply to the declaration of the collector of provincial revenue as to the extent and limits of his revenue district."

15. Article 1414 of the Revised Statutes, 1909, is R. S., 1414, amended by adding thereto the following paragraph: am.

"The provisions of this article do not apply to revenue officers or other persons employed by the government for the enforcement of this section, nor to those acting under the instructions of the said officers or persons, provided the said officers or persons act in their official capacity." Provisions not to apply to certain officers, &c.

16. The Revised Statutes, 1909, are amended by R. S., 1414a inserting therein, after article 1414 thereof, two new ^{1414b,} articles, as follows: enacted.

"1414a. No remission shall be granted of any penalties imposed under this section, nor shall any suspension be allowed, either before or after judgment, of proceedings instituted under the same, save such delays as the court may see fit to grant in the interest of the parties concerned. Penalties not to be remitted.

The power to remit certain penalties, conferred upon the Lieutenant-Governor in Council by article 900, shall not apply to penalties imposed under this section. Provision not to apply.

"1414b. The clerk or secretary treasurer of every city, town or municipality in the Province shall, within fifteen days from the date of the judgment, report to the provincial treasurer every condemnation under this section, in prosecutions instituted by such corporation or council, and remit the full amount of the fines imposed, under a penalty of twenty dollars." Condemnations to be reported.

17. Article 1417b of the Revised Statutes, 1909, as R. S., 1417b, enacted by the act 4 George V, chapter 12, section 5, is ^{am.} amended:

a. By replacing the words "in the business or congested sections of cities or towns unless so lowered", in the third and fourth lines thereof, by the words "within the lighted boundaries of any city, town or village unless such light be so lowered, operated, or provided with such a device so operated";

b. By adding thereto the following paragraph:

"Whenever two motor vehicles meet on any highway, or whenever a motor vehicle meets another vehicle, the said lights shall be lowered in the same manner". Lights to be lowered when meeting vehicle.

18. Article 1419 of the Revised Statutes, 1909, as R. S., 1419, amended by the acts 3 George V, chapter 19, section 7, and ^{am.} 4 George V, chapter 12, section 6, is further amended:

a. By replacing the word "fourteen" in the fifth line thereof by the word "sixteen";

b. By replacing the word "eighteen" in the eighth line thereof by the word "twenty-five".

R. S., 1420, am. **19.** Article 1420 of the Revised Statutes, 1909, as amended by the act 3 George V, chapter 19, section 8, is again amended by adding thereto the following paragraph:

Speed when meeting vehicle. "Whenever a person operating a motor vehicle meets another vehicle in motion, the speed of each of such vehicles shall be reduced to sixteen miles an hour."

R. S., 1420b, am. **20.** Article 1420b of the Revised Statutes, 1909, as enacted by the act 3 George V, chapter 19, section 9, is amended:

a. By adding thereto, at the end thereof, the following:
Penalty. "The penalty for contravention of this article shall be a fine of not less than five dollars nor more than two hundred dollars, and, in default of payment of the fine and costs, imprisonment for not more than two months, or both.";

b. By adding thereto a new paragraph, as follows:
Motor vehicle passing a street car. "When a motor vehicle meets or overtakes a street car, whether the latter is in motion or stationary, the person operating such motor vehicle, wherever there is a double track, shall not cause such motor vehicle to pass to the left of such street car under penalty of a fine of not less than five dollars nor more than two hundred dollars for each offence; and, in default of payment of the fine and costs, such person shall be liable to imprisonment for not less than three months, or to both. Where there is only a single track, the person operating a motor vehicle, under the same penalty, shall not cause such motor vehicle to pass to the left of a street car, unless the position of the track makes it impossible to do otherwise."

R. S., 1420c, enacted. **21.** The Revised Statutes, 1909, are amended by inserting therein, after article 1420b, as enacted by the act 3 George V, chapter 19, section 9, a new article, 1420c, as follows:

Keep to the right of the road. **"1420c.** Subject to the provisions of article 1415, all motor vehicles must, wherever possible, keep to the right side of the road. Every person operating a motor car and who contravenes the provisions of this article, shall be liable to a fine of not less than ten dollars nor more than two hundred dollars for each offence, and, in default of payment of the fine and costs, to imprisonment for not less than two months, or to both."

R. S., 1423, am. **22.** Article 1423 of the Revised Statutes, 1909, as

amended by the act 3 George V, chapter 19, section 10, is further amended by adding thereto, at the end thereof, the following words: "and all by-laws heretofore passed or which may be passed by the corporation or council of any city, town, village or other municipality, whether under this section or not, of any kind or description, that pretend to deal with the regulation of the speed of motor vehicles, the imposition of a tax, license or permit of any kind on owners thereof, or the application of the fines imposed under this section, are and shall be null and void, and any and all penalties collected thereunder shall be returned to those fined for any infractions after the 22nd of December, 1916."

Municipal
by-laws to
be null and
void.

23. Article 1427 of the Revised Statutes, 1909, as R. S., 1427, amended by the act 4 George V, chapter 12, section 8, is further amended:

a. By replacing the words: "intoxicated person", in the first line thereof, by the words: "person under the influence of intoxicating liquor";

b. By replacing the words: "the penalties imposed by article 1405", in the seventh line of the second paragraph thereof, by the words "a fine of one hundred dollars";

c. By replacing the words: "and the judgment imposing the penalty shall include the immediate suspension of such person's license for such length of time as in the opinion of the Court the circumstances may warrant, or, in the discretion of the Court, the revocation of the license", in the tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth lines of the said second paragraph thereof, by the words: "and upon such condemnation the license shall become null and void".

Cancellation of
license.

24. Article 1429 of the Revised Statutes, 1909, as R. S., 1429, amended by the act 4 George V, chapter 12, section 9, is repealed.

25. Article 1431 of the Revised Statutes, 1909, is amended by adding thereto a new paragraph, as follows:

"Every such officer, if required by the Provincial Treasurer, shall be bound to furnish security for his good conduct, in such manner and to such amount as the Provincial Treasurer may determine."

Officers to
furnish
security.

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

Coming into
force.