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NORTHWEST TERRITORIES

SESSIONAL PAPER NO. 7
(Second Session, 1966)

PROPOSED AMENDMENTS TO THE MOTOR
VEHICLES ORDINANCE

DISPOSITION

Tabled	To Committee	Accepted as Read	Accepted as Amended	Deferred (to Session)	Rejected	Noted not Considered
5/13/66	8/11/66	10/11/66 11/21/66				

PROPOSED AMENDMENTS TO THE MOTOR
VEHICLES ORDINANCE

The attached instructions for drafting an amendment to the Motor Vehicles Ordinance have been passed to the Department of Justice for preparation of the legislation.

Originally, the amendment was scheduled for presentation to Council at the Summer, 1966 Session. It is now apparent that the Department of Justice will not have the final draft ready in time to do that. Therefore, the Bill has been re-scheduled for the January, 1967 Session.

INSTRUCTIONS FOR AN ORDINANCE TO REGULATE THE
OPERATION OF MOTOR VEHICLES ON HIGHWAYS

Short Title

1. The Ordinance is to be cited as the Motor Vehicles Ordinance.

Interpretation

2. There are special definitions to be found in the Rules of the Road (Part V). Subject to the judgment of the draftsman I have the following suggestions on definitions:
- (a) drop paragraph (h), "intersection", this is dealt with in Part V.
 - (b) drop paragraph (j), "livery or taxicab" - paragraph (sa) as enacted in 1963 seems to be better.
 - (c) paragraph (l), "municipal district" - is now superseded by the word "municipality".
 - (d) paragraph (p), "peace officer" - drop this expression - it is not used in these instructions because the meaning is too wide.
 - (e) paragraph (s), "settlement" - drop, not used in the instructions.
 - (f) paragraph (t), "tracked vehicle" - drop, not used in the instructions.
 - (g) "Registrar" suggest we use the Yukon approach and define Registrar as meaning "the Commissioner or any person authorized by the Commissioner to act as Registrar for the purposes of the Ordinance." It is not possible to appoint a single person as Registrar. Each Regional Administrator in the Territories must have the powers of a Registrar under the Ordinance in order to preserve the existing administrative arrangements.
 - (h) "gross weight", a definition of this expression appears to be required as it will have to be used in several places. It is to mean "the combined weight of vehicle and load". This is the Ontario definition of which I approve.

PART I

Registration and Licensing of Vehicles

Registration

3. Subject to paragraph 4 and to paragraphs 32 and 39, no person is to operate in the Territories a motor vehicle or trailer that is not registered pursuant to the Ordinance.

Section 3(1) of N.W.T. Motor Vehicle Ordinance.

4. Paragraph 3 is not to apply to persons operating a motor vehicle or trailer solely on lands that are owned or leased by the owner of the motor vehicle or trailer and which the public does not have right of access.

Section 3(2) of N.W.T. Motor Vehicle Ordinance - no change.
Section 3(3) permitting operation of unregistered trailer in the Territories under certain conditions is to be omitted and in its stead trip permits are to be instituted.

5. The Registrar is to keep a register of motor vehicles and trailers for the purpose of registering such vehicles.

See Section 4, N.W.T. - Registrar is to be defined as the Commissioner or a person authorized by him to act as Registrar for the purposes of the Ordinance.

6. The owner of a motor vehicle or trailer is to apply to the Registrar to have it registered.

Section 5(1) N.W.T. - no change.

7.(1) The application is to be on a form prescribed by the Commissioner, containing:

- (a) the name and address of the owner, and
- (b) a description of the vehicle.

(2) The application shall be accompanied by the registration fee set out in the Schedule, and unless the Registrar otherwise provides, a Motor Vehicle Liability Insurance Card, obtained from an insurer, showing that the motor vehicle is covered by a policy of insurance in accordance with paragraph 11.

Sections 5(2), 7, and 6(1)(b) in part.

There are one or two changes here in that the amount of the fee can be shown in the Schedule and 7(2) appears to be unnecessary. Also Section 5(3) does not seem necessary since the Commissioner has power to prescribe the form, but if it is thought the Commissioner has not this power unless it is in the Ordinance it ought to be included.

Section 6(1)(b) requires a certificate from an insurer regarding compliance with the insurance requirements but administration. dictates that the insurer issue a Motor Vehicle Liability Card in a form prescribed by the Commissioner, the original of which goes to the insured to accompany the application and the copy to be retained in the records of the insurer. If this is cancelled, later instructions will show that the insurer must give the Registrar 10 days notice.

8. The owner of a motor vehicle or trailer that is registered under the Ordinance is to be, upon the surrender of his certificate of registration and number plates for that motor vehicle or trailer before the 1st day of November in the year for which such certificate and plates were issued, be entitled to a return of one-half of the registration fee paid for that motor vehicle or trailer.

N.W.T. Section 7(3) - change in that every owner may apply for a refund.

9. The Commissioner is to be empowered to suspend or cancel any certificate of registration under this Ordinance for misconduct or non-compliance or infraction of any of the provisions of this Ordinance or of the Criminal Code or upon being satisfied of the unfitness, physical or otherwise, of the holder of the certificate.

New - based on Alberta Section 7 - Section 10(3) N.W. T. is believed to be unenforceable in most cases where this power is needful.

10. Every person who has his certificate of registration suspended or cancelled is to surrender forthwith to the Registrar his certificate of registration and number plates.

New.

Insurance

11. Subject to the Commissioner's exemption as to area and class of vehicle, as set out in paragraph 14, every owner is to take out and maintain in force a motor vehicle liability insurance policy that complies with the Insurance Ordinance, of not less than \$10,000 public liability and an amount set out in the attached Schedule in respect of multiple public liability.

This is Section 6, N.W.T. in part. Section 6(1)(b) is in paragraph 7. There is to be a Schedule for multiple public liability similar to that of Schedule B, Yukon Ordinance rather than a \$20,000 minimum. This provides for the coverage of buses.

12. Every insurer is to issue to the insured, a motor vehicle liability insurance card in a form approved by the Commissioner and to notify the Registrar as to particulars of the policy and when it is cancelled.

See Section 6(1)(b). The present Ordinance does not provide for a permanent card which is desirable and in line with provincial practice. Because of this, drivers leaving the Territories are often placed at a disadvantage when an accident occurs for failure to produce evidence of accident liability insurance.

13. An insurance policy is not to be cancelled until 10 days notice is given by the insurer to the Registrar and every such insurance policy is to remain in force until after the period of the notice has expired.

See Section 6(1)(b) N.W.T.

14. The Commissioner is to be empowered to exempt from insurance requirements, a vehicle or class of vehicles in certain areas.

N.W.T. Section 6(2) - partial change in substance as present section permits exemption for all vehicles in an area. It is felt that certain classes of vehicles such as livery vehicles in all areas should be insured.

15. If a motor vehicle liability insurance policy is cancelled or has lapsed, the owner of the vehicle is to surrender to the Registrar the certificate of registration mentioned in paragraph 18, and any dealer's, public service vehicle or other licence and any number plates issued in respect of the vehicle and such certificate of registration, licence or number plates are not to be returned until the owner produces evidence satisfactory to the Registrar to show that the owner of the vehicle is insured by a policy as described in paragraph 11.

N.W.T. Section 101A in part - see Yukon 8(6).

16. A certificate signed by the Registrar that the person named therein has not taken out or maintained in force a motor vehicle insurance policy is to be admissible as evidence in a prosecution of such persons for violation of insurance requirements.

New - based on Yukon Section 8(7). This is an enforcement provision to make prosecutions possible. It would be a very expensive and lengthy procedure to require the Crown to prove lack of insurance.

Certificate of Registration and Number Plates

17. If the Registrar is satisfied that an application for a motor vehicle has complied with the insurance requirements, unless exempted therefrom, and has paid the required fees, he is to register the vehicle in the register and include the owner's name and address, number of registration certificate and description of the vehicle.

N.W.T. Section 9 - no change.

18. Where a motor vehicle or trailer is registered under the Ordinance the Registrar is to issue a certificate of registration and number plates showing the number of the registration certificate for the current year of the registered vehicle.

N.W.T. Section 10(1) - no change.

19. Unless sooner cancelled a certificate of registration or dealer's licence mentioned in paragraph 32 is to expire on March 31st following the date upon which it was issued.

N.W.T. Section 10(2) - changed to include the expiry date of a dealer's licence.

Number Plates

20. Subject to the exemption for non-residents contained hereunder, no person is to operate on a highway a motor vehicle or trailer that does not have attached number plates furnished by the Registrar in respect of that vehicle.

N.W.T. Section 12(1) - no change.

21. The number plates are to be attached to the outside of the vehicle so that they are visible.

N.W.T. Section 12(2) - no change.

22. Every motor vehicle, other than a motorcycle or pedal-bicycle with motor attachment is to display two number plates, one in front and one in the rear.

N.W.T. Section 12(3) - no change.

23. A motorcycle or pedal-bicycle with motor attachment is to carry one number plate attached to the rear mudguard.

N.W.T. Section 12(4) - no change.

24. A trailer is to carry one number plate attached to the rear thereof.

N.W.T. Section 12(5) - no change.

25. Any number plate furnished by the Registrar is to remain the property of the Crown and is to be returned to the Registrar when requested by him.

N.W.T. Section 15 - no change.

26. Where an officer believes that a vehicle is equipped with number plates that were not issued in respect of that vehicle or is equipped with number plates that were obtained by false pretences, or the liability insurance in respect of that vehicle has been cancelled, the officer is to be empowered to take possession of the number plates and retain them until the owner of the vehicle or trailer establishes his authority to equip it with the seized number plates.

N.W.T. Section 16 - no change.

27. Where a number plate of a vehicle is lost, destroyed or illegible the owner is to apply to the Registrar for reregistration. He is to transmit with his application the old certificate of registration, the remaining plate, if any, and the fee as set out in the Schedule. The Registrar is to reregister the vehicle or trailer and issue a new registration certificate and number plates.

N.W.T. Section 13(1) - paragraph (b) requiring an affidavit, might be omitted as it seem unwarranted. Paragraph (c) is to be in the Schedule.

28. The Registrar is to be empowered to issue a receipt to the applicant pending the delivery of the new certificate of registration and number plates which are to be authority to operate the motor vehicle or trailer until the new certificate of registration and number plates are received by the owner.

N.W.T. Section 13(2) - no change.

29. An owner transferring a motor vehicle or trailer to a new owner is to leave the number plates on the vehicle, complete a prescribed transfer application and deliver it to the transferee and notify the Registrar of the new owner.

N.W.T. Section 14(1) - no change.

30. The new owner is to deliver the completed application to the Registrar, an application as in paragraph 7, the certificate of registration, the fee prescribed in the Schedule, and a motor vehicle liability insurance card required by paragraph 7(2).

See N.W.T. Section 14(2) and instructions in paragraph 7.

31. Where the Registrar is satisfied that paragraphs 29 and 30 have been complied with, he is to register the vehicle in respect of which an application for transfer is made, in the register, in the name of the new owner setting out the name and address of the new owner, the number of his certificate of registration and the description of the vehicle.

N.W.T. Section 14(4) - no change.

Dealer's Licences

32. Upon receipt of an application in a prescribed form from a dealer, accompanied by the fee as set out in the Schedule and evidence that the dealer has complied with the insurance provisions required for motor vehicles satisfactory to the Registrar, stating that one or more motor vehicle liability policies for amounts not less than the amounts prescribed by the Ordinance have been issued to or for the benefit of that dealer in respect of any motor vehicle or trailer to which dealer's number plates may be attached, the Registrar is to be empowered to issue such dealer,

- (a) a dealer's licence in a form prescribed by the Commissioner; and
- (b) number plates showing the number of the dealer's licence issued to the dealer which are distinctive from plates issued to persons other than dealers.

N.W.T. Section 11(1) - no change.

33. The Registrar is to maintain a record of all dealers' licences issued to dealers under the Ordinance.

N.W.T. Section 11(2) - no change.

34. A motor vehicle or trailer that is owned or possessed by a dealer only for the purpose of being driven on a highway, or demonstration, or sale, and has attached thereto a set of dealer's number plates, is to be deemed registered.

See 11(3) - changes in substance intended are

- (a) a service vehicle is not to use dealer's plates as mentioned in 11(3)(b); and
- (b) a vehicle allowed to use dealer's plates is deemed to be registered so that this is not an exception to the registration rule.

35. A dealer is to be prohibited from lending or leasing dealers' number plates to agents or purchasers of motor vehicles or in other ways transferring such number plates.

See N.W.T. Section 11(4) paragraph (a) of 11(4) is to be deleted as unnecessary.

36. No dealer or his agent is to sell or lease a motor vehicle or trailer for use on a highway unless the vehicle and its equipment complies with this Ordinance and regulations.

New - Yukon Section 18(1).

37. Every dealer or his agent is to furnish at the time of delivery of a motor vehicle or trailer for use on a highway, to a purchaser, a certificate that the vehicle is equipped in accordance with this Ordinance and the regulations.

New - Yukon Section 18(2).

38. The Commissioner is to be empowered to suspend or cancel a dealer's licence for any violation of the provisions of the Ordinance or the regulations relating to dealers' licences.

New.

Exemption of Non-Residents

39. Where the owner of a motor vehicle resides outside the Territories and has complied with the law of his place of residence with respect to the registration, licensing and insuring of the vehicle and the vehicle is brought into the Territories for the purpose of touring for pleasure for a period not exceeding 90 days, the vehicle is to be deemed to be registered pursuant to this Ordinance.

N.W.T. Section 17(1) - changed to eliminate all commercial vehicles, see Alberta Section 13. This will catch the non-public service vehicle trucks who at present pay nothing for their trips because of the 3-month clause in Section 17(1). This is in line with Alberta law.

40. The Commissioner is empowered to enter into reciprocal arrangements with a province or state exempting any class of owners who are ordinarily resident in that province or state from the application of the provisions of this Ordinance respecting registration and licensing and displaying of number plates and the granting of similar exemptions to Territorial residents.

New - based on Yukon 21(1). Section 17(3) N.W.T. describes a reciprocating province but does not include state. The section also fails to empower the Commissioner to make reciprocal arrangements except in section 17(2) N.W.T. and this is only a limited power. Section 17(2) N.W.T. in respect to fees charged to motor vehicles or trailers or reciprocating provinces or states might be best incorporated in the Schedule. See Schedule attached.

41. Every reciprocal arrangement is to be subject to the condition that no person is to be entitled to any exemption unless the owner has complied with the law of his place of residence in respect to registration, licensing and insurance and carried on the vehicle the registration certificate and number plates prescribed by the law of that place and is subject to any other restrictions set out in the reciprocating agreement.

New - based on Yukon 21(2). The present Ordinance does not outline the responsibilities of the exempted non-resident.

Trip Permits

42. Where a motor vehicle or trailer is registered or licensed at a place outside the Territories and is brought into the Territories

- (1) for the purpose of delivering goods inside the Territories;
- (2) for the purpose of being loaded inside the Territories for delivery outside the Territories;
- (3) for purposes (1) and (2); or
- (4) for the purpose of transporting goods through the Territories without loading or discharging any goods inside the Territories;

the Registrar is to be empowered to issue a permit, subject to such conditions as he may prescribe, to an owner or his agent who has satisfied the Registrar that the insurance provisions of this Ordinance have been complied with and pays the fee as set out in the Schedule.

New - based on Yukon 22(1) (2). It is desired to make similar provisions the issuance of trip permits for commercial vehicles in the Territories.

43. The holder of a permit issued under paragraph 41, is to display a windshield sticker issued for the purpose, upon the vehicle and produce the permit when requested to do so by an officer.

New - Yukon 22(4). Yukon 22(3) is not necessary because it is provided for in the Schedule.

44. Subject to the conditions set out in the permit during the period of use or operation of the motor vehicle or trailer within the Territories, the obtaining of the permit is to be deemed a sufficient compliance with the Ordinance as to the registration and licensing of the vehicle.

New - Yukon 22(5).

45. Where a motor vehicle registered or licensed outside the Territories is brought into the Territories for a limited time and is transporting passengers for hire, the owner or his agent may be issued a permit by the Registrar for the operation of the vehicle upon application to the Registrar, payment of the fee as set out in the Schedule and evidence satisfactory to the Registrar that the insurance provisions of the Ordinance have been complied with.

New - Yukon 22(8).

46. Every person who drives or operates or is in charge of a motor vehicle or trailer in respect of which a permit has been issued under paragraphs 42 and 45 and who fails to observe any of the conditions of the permit, is to be guilty of an offence.

New - Yukon 22(9).

Snowmobiles

47. No person is to operate a snowmobile unless,

- (a) the owner is the holder of a certificate of identification as required hereunder;
- (b) the roof or top of the snowmobile is painted black and thereon is painted in orange, in numbers not less than three feet high, the identification numbers issued as authorized hereunder; and
- (c) the identification numbers are kept free of ice and snow and are visible from an aircraft at a height of 500 feet under normal visibility.

N.W.T. Section 35(1) - no change.

48. An application for an identification number is to be made to the Registrar and accompanied by the fee as set out in the Schedule.

N.W.T. Section 35(2) - no change.

49. Upon receipt of the application the Registrar is to record the name and address of the owner and description of the snowmobile and assign to the owner a certificate of identification and identification numbers.

N.W.T. Section 35(3) - no change.

50. If an owner disposes of his snowmobile he is to immediately notify the Registrar of the new owner and the Registrar is to issue a certificate of identification in the name of the new owner upon payment of the transfer fee as set out in the Schedule.

N.W.T. Section 35(4) - change to include transfer fee.

51. Snowmobile is to be defined as any motor vehicle equipped with a cab that is propelled on tracks or skis or a combination of tracks and skis and designed and used primarily for travel over snow.

N.W.T. Section 35(5) - changed to require a cab in order to differentiate smaller snow vehicles such as skidoos now enjoying a vogue among the Eskimos.

Prohibitions Respecting Registration and Number Plates

52. No person is to

- (1) deface or alter a number plate;
- (2) use or permit the use of his motor vehicle or trailer of a defaced or altered number plate;
- (3) without authority of the owner, remove a number plate from a motor vehicle or trailer;
- (4) use or permit the use of a number plate on his motor vehicle or trailer other than the one issued for that vehicle; or
- (5) fail to notify the Registrar of the sale, exchange or disposal by him of a motor vehicle or trailer, or of the purchase by him of a motor vehicle or trailer.

N.W.T. 18. There is a change in paragraph (d) of section 18 because section 19A is to be dropped.

53. No person is to apply for, procure or attempt to procure the registration of a motor vehicle or trailer for which the registration is suspended or cancelled.

N.W.T. Section 19 - no change.

54. No person selling a motor vehicle or trailer is to hold out or represent to the purchaser that the number plates on the vehicle will permit the operation of the vehicle by the purchaser.

N.W.T. Section 14(3) - no change.

55. No person is knowingly to make a false statement of fact in an application for registration of a motor vehicle or trailer.

N.W.T. Section 8(1) - no change.

56. No person is knowingly to make a false statement of fact in a motor vehicle liability insurance card required under paragraph 7(2).

N.W.T. 8(2) - no change.

57. No person is to operate a motor vehicle or trailer having a gross weight of 6,000 pounds or over unless the gross weight of the motor vehicle or trailer is clearly marked in a conspicuous place on both sides of the vehicle in figures or letters not less than one inch in height.

New - see Yukon Section 6(13).

58. Paragraph 57 does not apply to passenger vehicles.

New.

59. Subject to paragraph 60 no person is to operate on a highway a motor vehicle required to be registered pursuant to this Ordinance unless there is in force with respect to that motor vehicle an insurance policy as described in paragraph 11.

N.W.T. Section 84A(1) - no change.

60. Paragraph 59 does not apply to motor vehicles that are operated only in an area declared by the Commissioner to be an area to which paragraph 59 does not apply or that are owned or operated by a Visiting Force as defined in the Visiting Forces (North Atlantic Treaty) Act.

N.W.T. Section 84A(2) - no change.

61. No motor vehicle or trailer that is registered under the Ordinance, the fee for which is based upon the gross vehicle weight of the vehicle is to at any time when on a highway carry a load in excess of that for which the certificate of registration was issued as stated in the certificate of registration and upon which the fee therefor was calculated.

New - Ontario Section 54(1).

62. The certificate of registration issued for every motor vehicle or trailer having a gross weight of 6,000 pounds or over is to, whenever such vehicle is on a highway be carried by the operator thereof or placed in some readily accessible position on the vehicle and is to be produced upon the request of an officer.

New - Ontario Section 54(2).

PART II

Public Service Vehicles

A1. No person is to operate a motor vehicle or trailer as a public service vehicle unless the vehicle is licensed as a public service vehicle and such licence is to be in addition to the certificate of registration issued pursuant to Part I.

New - this is a new section based on section 6(1) of Yukon Motor Vehicle Ordinance. There is to be a distinct system of licensing public service vehicles which is in line with all the provinces of Canada.

A2. The owner of a public service vehicle is to apply to the Registrar to have it licensed.

New - Yukon 6(2).

A3. The application for a public service vehicle licence is to be made on a form prescribed by the Commissioner and accompanied by the fee as set out in the Schedule.

New - Yukon 6(3).

A4. The Registrar is to have the power to decide whether a licence is to be granted and whether there is to be any restrictions on the licence.

New - Yukon 6(4).

A5. Any conditions to the public service vehicle licence are to be set forth in the licence and the licence is to be carried and available for presentation whenever requested by an officer.

New - Yukon 6(9).

A6. Where a public service vehicle licence is granted, the Registrar is to issue a public service vehicle number plate to the licensee. This plate is to be in addition to the number plates issued upon the granting of a certificate of registration.

New - Yukon 6(5).

A7. Unless sooner cancelled or expressed to be for a shorter period a public service vehicle licence expires on the 31st March next following its issue.

New.

A8. No public service vehicle licence is to be transferred without the Registrar's approval and payment of a fee as set out in the Schedule.

New - Yukon 6(7).

A9. Every holder of a public service vehicle licence is to display his public service vehicle number plate on the public service vehicle.

New - based on Yukon 6(10). It is anticipated that only one public service vehicle number plate will be issued.

A10. Any licensee who withdraws from service, sells or otherwise disposes of a public service vehicle is to notify the Registrar and remove and return his public service vehicle licence and public service vehicle number plate to the Registrar.

New - based on Yukon 6(11).

A11. Notwithstanding paragraph A10, an owner is to be permitted to transfer his public service vehicle licence and number plate to another of his own vehicles upon application to the Registrar and payment of the transfer fee set out in the Schedule and any difference in the fees prescribed in the Schedule if the substituted vehicle requires payment of a higher fee.

New - Yukon 6(12).

A12. The owner of a licensed public service vehicle is to be entitled to a refund of half the fee if he surrenders his public service vehicle licence and number plate before November 1st of the year in which it is issued.

Section 7(3) of N.W.T. - no change in substance. The remainder of section 7 is either inoperative or is best incorporated in a Schedule. The basis for calculating fees for buses is to be altered.

A13. Every public service vehicle licensee is to operate his vehicle and conduct his business in conformity with the licence and conditions of the licence and with the provisions of the Ordinance and the regulations of the Commissioner.

New - Yukon 6(14).

A14. The Commissioner is to be empowered to amend, suspend or cancel any public service vehicle licence if the licensee fails to comply with the Ordinance or the regulations, fails to provide adequate service or is convicted of any motor vehicle offence.

New - Yukon 6(8).

PART III

Chauffeurs', Operators' and Taxicab Licences

B1. Subject to paragraphs B2, B3, and B4, no person is to operate a motor vehicle on a highway unless he holds a chauffeur's or operator's licence issued to him under the Ordinance.

N.W.T. Sec. 20(1) - no change.

B2. Paragraph B1 is not to apply to a person who has not resided or carried on business in the Territories for more than three consecutive months in each year, if that person is the holder of a subsisting chauffeur's or operator's licence issued to him by his province, state or country of residence.

N.W.T. Sec. 20(2) - no change.

B3. Paragraph B1 is not to apply to a person who is learning to operate a motor vehicle where he is accompanied by a person who holds a chauffeur's or operator's licence and who sits beside the person who is operating the vehicle for the purpose of teaching him to operate the vehicle.

N.W.T. Sec. 20(3) - no change.

B4. Paragraph B1 is not to apply to a member of a Visiting Force as defined in the Visiting Forces (North Atlantic Treaty) Act, if such member is in possession of a driving permit or licence issued to him by such Force or by the Government of Canada.

N.W.T. Sec. 20(4) - the words "or Government of Canada" are suggested to be added because correspondence with D.N.D. indicates that it is more practical for members of a Visiting Force to be put in possession of a D.N.D. driving permit.

B5. Subject to paragraphs B6 and B7 the Registrar is to be empowered to issue a chauffeur's or operator's licence to a person who applies therefor, for a period and under such terms as the Commissioner may prescribe.

N.W.T. 21(1) - no change.

B6. No operator's licence is to be issued to a person under the age of 16 years.

N.W.T. Sec. 21(2) - present Ordinance restricts issuance of any licence to those age 16 or over. The Yukon Ordinance makes a distinction between chauffeur's and operator's licences with the former being restricted, with exceptions, to those 18 or over. Considering the nature of driving required by the holder of a chauffeur's licence (taxi or bus driving) it is deemed to be advisable to set higher qualifications for chauffeur's licences.

B7. Subject to paragraph B8, a chauffeur's licence is not to be issued to a person under the age of 18.

New - Yukon Sec. 26(3).

B8. The Commissioner is to be permitted after careful consideration of the qualifications of any person of the age of 16 or 17 years holding an operator's licence, to grant him a temporary licence for the operating of a motor vehicle as a chauffeur, where such motor vehicle is not used for the purpose of transporting passengers for hire.

New - Yukon 26(4).

B9. The Registrar is to be able to refuse to issue a chauffeur's or operator's licence until he is satisfied that the applicant is capable of operating a vehicle without endangering the public safety. He is to be empowered to require the applicant to submit himself to an examination by an officer or set other qualifications and the fee for such examination if required, is to be as set out in the Schedule.

N.W.T. Sec. 22 - Provision for a fee has been added.

B10. Every application for a chauffeur's or operator's licence is to be made to the Registrar on a form prescribed by the Commissioner and is to state

- (a) the name and address of the applicant;
- (b) his age, weight, colour of eyes, colour of hair and sex;
- (c) whether the applicant has ever had his chauffeur's or operator's licence suspended or cancelled and, if so, the reasons therefor;
- (d) whether the applicant has ever suffered from any mental disability, epilepsy stroke, fits, fainting spells, convulsions or illnesses affecting the eyes; and
- (e) such further and other information as the Commissioner may require.

N.W.T. Sec. 23 - no change.

B11. Every application for a chauffeur's or operator's licence is to be accompanied by the fee as set out in the Schedule.

N.W.T. Sec. 24 - no change.

B12. A chauffeur's or operator's licence is not to be valid until it is signed by the chauffeur or operator.

N.W.T. Sec. 25 - no change.

B13. Unless stated otherwise, the licence is to expire on March 31st following date of issue.

N.W.T. Sec. 26 - no change.

B14. Every chauffeur or operator is to carry his licence with him and produce it for inspection when requested by an officer.

N.W.T. Sec. 27 - no change.

Cancellation and Suspension

B15. The Commissioner is empowered to suspend or cancel a chauffeur's or operator's licence if the licensee violates any provision of this Ordinance or the regulations and upon such suspension or cancellation the holder thereof shall forthwith surrender to the Registrar his chauffeur's or operator's licence as the case may be.

N.W.T. Sec. 28 - changed to make the grounds for suspension or cancellation more specific and to provide for surrender of licence.

B16. Every holder of a chauffeur's or operator's licence who is convicted of

- (a) an offence under this Ordinance;
- (b) an offence under sections 221, 222, 223, 225 or 281 of the Criminal Code;
- (c) an offence of manslaughter or criminal negligence under sections 192 or 193 of the Criminal Code, committed by a person while operating a motor vehicle;
- (d) an offence under a provision of a municipal by-law that fixes a speed limit in a municipality; or
- (e) an offence under a provision of the regulations made pursuant to the Government Property Traffic Act that fixes a speed limit;

is to deliver his licence to the judge or magistrate making the conviction and said judge or magistrate is to endorse on the licence the particulars of the conviction.

New - based on Yukon 33(1). Sec. 29(1) of the present Ordinance makes similar provisions only in respect of offences under this Ordinance.

B17. The judge or magistrate to whom a licence is delivered up pursuant to sub-paras. (a), (d) or (e) paragraph B16, is to be empowered to make an order prohibiting the holder of the licence from driving a motor vehicle within the Territories for any period, not exceeding two years, that to the judge or magistrate seems proper, whereupon the licence together with a copy of the order signed by the judge or magistrate shall be forwarded to the Commissioner.

N.W.T. Sec. 29(2) - changed to increase the maximum suspension period. The power to suspend under the other provisions of paragraph B16 is found in the Criminal Code.

B18. No person who is the holder of a chauffeur's or operator's licence is to apply for another except for the purpose of obtaining a duplicate of a licence that has been lost, destroyed or mutilated.

New - Yukon 34(2).

B19. The fee for granting a duplicate licence is to be as set out in a Schedule.

New - Yukon 34(3).

B20. No person is to allow his motor vehicle to be operated by a person other than the holder of a chauffeur's or operator's licence issued pursuant to this Ordinance or is permitted to operate a motor vehicle under paragraphs B2, B3 or B4.

N.W.T. 30 - The present section 30 is ambiguous when read with section 20.

B21. No person is to hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is authorized under paragraphs B1, B2, B3 or B4, to operate a motor vehicle.

N.W.T. Sec. 31 - no change.

B22. No person is to employ for hire to operate a motor vehicle, a person other than the holder of a chauffeur's licence issued to him pursuant to this Ordinance or is permitted under paragraphs B2, B3, or B4.

N.W.T. Sec. 32 - no change.

B23. No person is to use or possess a chauffeur's or operator's licence that has been issued to another person or that is fictitious or that has been suspended or cancelled.

N.W.T. Sec. 33(1) - no change.

B24. No person is to allow his chauffeur's or operator's licence to be used or possessed by another.

N.W.T. Sec. 33(2) - no change.

B25. No person is to apply for, procure or attempt to procure a chauffeur's or operator's licence during a period while he is disqualified or prohibited from driving a motor vehicle by reason of suspension or cancellation of his licence, or by reason of an order made under paragraph B17, or an order made under the Criminal Code.

N.W.T. Sec. 34 - no change.

Taxicab Driver's Licence

B26. No person is to operate a taxicab for hire or reward unless he is a holder of a taxicab driver's licence and a chauffeur's licence issued to him pursuant to the Ordinance.

N.W.T. Section 35A. The taxicab driver's licence is to be distinct from a chauffeur's licence. No change.

B27. The Registrar is to be empowered to issue a taxicab driver's licence to any person upon application by that person on a form prescribed by the Commissioner and upon payment of the fee as set out in the Schedule.

N.W.T. Section 35B. No change.

B28. The Commissioner is to be empowered to suspend or cancel the taxicab driver's licence of any person if the person is convicted of

- (a) an offence under this Ordinance;
- (b) an offence under sections 221, 222, 223, or 225 of the Criminal Code; or
- (c) an offence under sections 20 to 23 or 25 of the Liquor Ordinance.

N.W.T. Section 35C. No change.

PART IV
EQUIPMENT

Lights

C1. No person is to operate a motor vehicle on a highway during the night or under conditions of reduced visibility unless the vehicle is equipped with lighted lamps.

N.W.T. Section 36(1) - no change.

C2. For the purpose of this Ordinance "night" is to mean the period from sunset to the next following sunrise.

N.W.T. Section 36(2) - no change.

C3. Visibility requirements of lamps in terms of distance are to mean the lamps are clearly visible at the stated distance under normal atmospheric night conditions.

N.W.T. Section 36(3) - no change.

C4. A motor vehicle other than motorcycle or pedal bicycle with motor attachment is to be equipped with

- (a) not less than two headlamps, one at each side of the front of the vehicle each of which projects a white light for a distance of 350 feet;
- (b) at least one tail lamp of not less than three candlepower that shows a red light plainly at a distance of 500 feet behind the vehicle and illuminates with a white light the rear number plates so that they are visible at 60 feet distance; and
- (c) at least one stop lamp on the rear, which is to display a distinctive red light visible from a distance of at least 100 feet in normal sunlight and which is to be lighted by normal application of the foot brake.

N.W.T. Section 37(1). Subparagraph (c) is based on Yukon 41(1) as the present Ordinance does not make provision for stop lamps. The stop lamp and tail lamp may be incorporated in the same lighting assembly. Change of distance in subparagraphs (a) and (b) made to conform with the majority of the provinces.

C5. The headlamps, tail lamp and stop lamp of a motor vehicle or trailer are to be not less than 24 inches and not more than 50 inches above the plane surface upon which the vehicle stands.

Based on N.W.T. Section 37(2). Change is made in the incorporation of tail and brake lamps into the present Ordinance.

C6. No part of the direct, reflected or refracted light projected from a motor vehicle headlamp is to rise more than 42 inches at a distance of 75 feet in front of the vehicle above the plane surface upon which it stands.

N.W.T. Section 37(3) - no change.

C7. Where a motor vehicle or trailer is more than 20 feet in length or 80 inches in width it is to have affixed in conspicuous positions at least one green or amber clearance light on each side at the front as near to the top as possible and at least one red clearance light on each side at its rear.

N.W.T. 37(4). The present Ordinance excludes trailers from this provision. There is also no provision for minimum width in the present Ordinance.

C8. A motor vehicle that is equipped with headlamps of such power that the beams issuing therefrom are capable of dazzling the operator of a motor vehicle proceeding in the opposite direction is to be equipped with a device for dimming the headlamps or deflecting the beams issuing therefrom in such a manner as not to dazzle the operator of the motor vehicle proceeding in the opposite direction.

N.W.T. Section 37(5) - no change.

C9. Every person driving a motor vehicle equipped with a device for dimming headlamps or deflecting the beams issuing therefrom is to, when the lights are in use, dim the headlamps or deflect the beams issuing therefrom before he is closer than one thousand feet from a motor vehicle proceeding in the opposite direction and is to keep the headlamps dimmed or the beams deflected until the approaching motor vehicle has passed.

N.W.T. Section 37(6) - no change.

C10. Every driver who follows within two hundred feet of another motor vehicle is to dim or deflect the beams of his headlamps issuing therefrom except when overtaking or passing.

New - based on Alberta Section 39(4). The present Ordinance does not make this provision.

C11. A motorcycle or pedal bicycle with motor attachment is to be equipped with one white headlamp at the front and one tail lamp and stop lamp at the rear but these lamps are to in all respects conform to the requirements set out in paragraphs C4 to C9 respecting lamps carried by motor vehicles.

N.W.T. Section 38 - only changes are mentioned of stop lamps and inclusion of white as the colour of the headlamp.

C12. A bicycle other than a pedal bicycle with motor attachment is to be equipped with a white lamp at the front and a red lamp or reflector at rear, each of which is to be clearly visible at 500 feet.

N.W.T. Section 39 - change from 200 to 500 feet.

C13. A trailer is to be equipped with one red lamp or reflector at the rear and a stop lamp if the weight of the trailer and load exceed 8,000 pounds, both of which are to meet the illumination requirements of motor vehicles and as set out in paragraphs C4 to C9.

N.W.T. Section 40 - changed to require stop lamps on trailers over 8,000 pounds gross vehicle weight.

C14. A vehicle other than a motor vehicle, trailer or bicycle that is operated on a highway at night is to be equipped with a lamp showing white to the front and red to the rear located on the left-hand side of the vehicle and clearly visible at a distance of 500 feet.

N.W.T. Section 41 - change from 200 to 500 feet.

C15. A motor vehicle is to be permitted to be equipped with auxiliary driving lamps or fog lamps mounted upon the front of the vehicle and below the level of the headlamps and at a height of not less than 16 inches.

Neither N.W.T. nor Yukon Ordinances have a section dealing with such auxiliary lights. This is based on Alberta Section 45.

C16. "Auxiliary lamp" or "fog lamp" are to be defined as any combination of reflector, lens and lamp bulb designated to illuminate the roadway close to the front of the vehicle. Such lamps are not to produce a dazzling light into the eyes of other drivers, coming and going.

New - Alberta Section 45.

C17. Not more than two auxiliary or fog lamps, mounted on opposite sides of the motor vehicle are to be used in conjunction with but not in substitution for headlamps unless conditions render the use of headlamps a disadvantage.

New - Alberta Section 45.

C18. No motor vehicle is to carry more than one spotlight and when the vehicle is in motion the beam of the light is to be directed to the extreme right of the travelled portion of the highway in such a manner that the beam of light will strike the extreme right of the travelled portion of the highway within 75 feet of the vehicle.

See N.W.T. Section 42 and Alberta Section 48(2). Most spotlights are manufactured so that they are mounted above the level of headlamps and the present Ordinance is very difficult to enforce. The section mentions searchlights. These lights are up to 3 feet in diameter and are not meant as driving lights. Thus the restriction concerning the mounting of such lights below the headlights is ridiculous. Alberta prohibits the use of searchlights on any vehicle.

C19. No vehicle is to be equipped with a light, known in the trade as a searchlight.

New - Alberta Section 48.

C20. Paragraphs C18 and C19 are not to apply to ambulances, police, salvage, road maintenance or fire-fighting vehicles operated by authorized persons.

N.W.T. Section 42(1).

C21. Where any motor vehicle, machine or other obstruction is parked or standing upon a highway at a time when lighted lamps are required to be displayed it may in lieu of the lights required by the Ordinance, show a light on the left-hand side of the vehicle, machine or other obstruction in such a manner as to be clearly visible both to the front and back of the vehicle, machine or other obstruction from a distance of 200 feet under normal atmospheric conditions and such light is to show white or green only to the front and red only to the rear of the vehicle, machine or other obstruction.

See N.W.T. Section 43. Yukon 47 has been utilized as more functional.

C22. No motor vehicle is to be permitted to display the lights described in paragraph 21 while the vehicle is in motion.

See N.W.T. Section 43.

C23. Where a motor vehicle or trailer of a gross weight in excess of 8000 pounds is stopped on a highway during the period when lighted lamps are required to be displayed and the lighting equipment required by this Ordinance is disabled and the vehicle cannot immediately be removed from the travelled portion of the highway outside of a municipality, the operator of the vehicle is to place on the highway, two lighted flares, lamps or lanterns visible at a distance of 500 feet under normal atmospheric conditions or two reflecting devices each reflector of which has a diameter of not less than 2½ inches.

New - based on Yukon 48(1). The provisions are very useful in case of emergency.

C24. One of the flares, lanterns, lamps or reflectors mentioned in paragraph C23 is to be placed 200 feet in advance of the motor vehicle or trailer and the other is to be placed 200 feet to the rear of the vehicle and where reflecting devices are so placed, each of them is to be placed as to be illuminated by the lights of approaching vehicles.

New - Yukon 48(2). Trailer is included with motor vehicle as in the case of emergency a trailer can be left while the driver drives the truck tractor away.

C25. Every motor vehicle with a gross weight of more than 8000 pounds is to carry at all times and in good working condition, and the driver is, on the request of an officer to produce two flares, lamps, lanterns or reflectors for the use mentioned in paragraph C23.

New - Yukon 48(3).

C26. Except as provided by this Ordinance, no person is to operate a vehicle on a highway that is equipped with any lamp that lights intermittently or in flashes.

New - based on Yukon 49B(1).

C27. A motor vehicle is to be permitted to be equipped with lamps that may be lighted intermittently or in flashes as a signal to indicate that the vehicle is about to be turned to the right or left according as the lamps are lighted on the right or left side of the front and rear of the vehicle and any such lamp that is affixed to the rear of the vehicle is to cast a red light. Such lamps are to be clearly visible at all times.

New - Yukon 49A. The last sentence was inserted so that trailers will not be required to comply if the directional signal is visible on the motor vehicle from the rear.

C28. An ambulance, police vehicle or fire-fighting vehicle or school bus is to be permitted, when operated by an authorized person, to be equipped with and use one or more lamps that cast a red light and that lights intermittently or in flashes.

New - Yukon 49B(2). In many provinces when school buses discharge riders they are required to flash their red lights.

C29. No person is to operate on a highway a vehicle that is actually engaged in the work of recovery, highway construction or highway maintenance unless that vehicle is showing a flashing amber light that is clearly visible in both directions on the highway.

New - Yukon 49B(4).

C30. No person is to use a vehicle as a snow plow on a highway unless it is equipped with a flashing blue light and the light is to be visible from all directions when the snow plow is in operation.

New - Yukon 49B(6).

Brakes

C31. No person is to operate a motor vehicle on a highway unless it is equipped with adequate service brakes and hand brakes in accordance with paragraphs C32 and C33.

N.W.T. Section 44(1) - no change.

C32. The service brakes of a motor vehicle are not adequate unless they are capable of bringing the motor vehicle whether loaded or unloaded to a stop within a distance of 30 feet from the point at which the brakes are first applied when the motor vehicle is moving at a speed of 20 m.p.h. and travelling on a level surface of dry asphalt or concrete free from loose material.

N.W.T. Section 44(2). The reference to gravel has been deleted and standards are brought into line with Alberta.

C33. The hand brake of a motor vehicle is not adequate unless it is capable of bringing the motor vehicle whether loaded or unloaded to a stop within a distance of 55 feet from the point at which the brakes are first applied when the motor vehicle is moving at 20 m.p.h. and is travelling on a level surface of dry asphalt or concrete free from loose material and the hand brake of a motor vehicle unless it is capable of holding the motor vehicle at a standstill upon any grade on which the vehicle is stopped.

N.W.T. Section 44(3) - reference to gravel is deleted.

C34. Where a motor vehicle, having a trailer in tow with a gross weight exceeding 1500 pounds, or where the weight of the trailer exceeds 50% of the weight of the towing vehicle, the trailer is to be equipped with brakes capable of being operated by the operator of the towing vehicle when he is seated in the driver's seat.

Based on Yukon 50(5). N.W.T. Section 45 requires all trailers to possess brakes and this is not practical in the case of very small trailers.

C35. The combined brakes of the towing vehicle and the trailer are to be so constructed and adjusted as to be capable of stopping the combination of vehicles whether loaded or unloaded when operated on a level surface of dry concrete or asphalt free from loose material within a distance of 40 feet from a speed of 20 m.p.h.

Combination of Yukon 50(6) and N.W.T. 45.

C36. The combined brakes of the towing vehicle and trailer are to be so adjusted to prevent side-sway or jack-knifing when applied.

New - Yukon Section 50(7).

Other Equipment

C37. No person shall operate a motor vehicle or bicycle on a highway unless it is equipped with an alarm bell, gong or horn that is in good working order.

N.W.T. Section 46(1).

C38. An operator of a motor vehicle or bicycle upon a highway is to sound its alarm bell, horn or gong whenever it is reasonably necessary to warn pedestrians or others of its approach.

N.W.T. Section 46(2). No change.

C39. No vehicle, other than an ambulance, police vehicle or fire-fighting vehicle operated on a highway by an authorized person is to be equipped with a siren, horn or a device producing a sound that resembles the sound of a siren-horn.

N.W.T. Section 46(3) - no change in substance.

C40. No person is to operate a motor vehicle that is powered by an internal combustion engine unless it is equipped with a muffler capable of preventing unreasonable noise.

N.W.T. Section 47 - no change.

C41. Subject to paragraph C42, no person operating a motor vehicle or bicycle on a highway is to:

- (a) sound an alarm bell, gong or horn so as to make an unreasonable noise;
- (b) permit an unreasonable amount of smoke to escape from the vehicle; or
- (c) cut out the operation of the muffler or otherwise cause the vehicle to make any unnecessary noise.

N.W.T. Section 48(1) - no change.

C42. Paragraph C41 is not to apply to an ambulance, police vehicle or fire-fighting vehicle to be operated on a highway by an authorized person.

N.W.T. Section 48(2) - no change.

C43. No person is to operate any motor vehicle upon a highway the windshield or windows of which are in such a condition as to impair the operator's vision.

New - Yukon Section 53.

C44. No person is to operate any motor vehicle with a sticker, sign, poster or other non-transparent material placed over, or affixed to the windshield, side wings or side or rear windows that unduly obstruct the driver's clear view of the highway or any intersecting highway.

New - Yukon Section 54.

C45. No person is to operate a motor vehicle, other than a motorcycle or pedal bicycle with motor attachment on a highway unless it is equipped with a windshield wiper or other device for cleaning dust, rain, snow or other moisture from the windshield and the wiper or other device is to be so constructed that it may be controlled or operated by the driver while the vehicle is in motion.

N.W.T. Section 50. Only change is the addition of the word "dust".

C46. No person is to replace any glass in doors, windows or windshields of a motor vehicle other than a motorcycle unless such replacement is made with safety glass.

New - Yukon Section 56.

C47. No person is to operate a motor vehicle or trailer that carries any equipment, fixture or load in such a manner or position as to interfere with or obstruct the operator's clear view of the highway or intersection.

New - Yukon Section 57.

C48. No person is to operate a motor vehicle other than a pedal bicycle with motor attachment on a highway unless it is equipped with a mirror securely attached to the vehicle and placed in a position that affords the person operating the vehicle a clearly reflected view of the highway at least 200 feet to the rear of the vehicle.

Based on N.W.T. Section 49. The distance has been added from Yukon 58(1).

C49. No person is to operate a motor vehicle having a trailer in tow if the trailer or load obstructs the view of the driver to the rear unless the towing vehicle is equipped with two mirrors, one on either side of the vehicle, and unless both mirrors are adjusted to reflect to the driver a view of the highway 200 feet to the rear of the trailer.

New - based on Yukon Section 58(2).

C50. No person is to operate upon a highway a motor vehicle carrying a load that overhangs the rear of the vehicle to the extent of five feet or more unless there is displayed on such overhanging load at the extreme end thereof

(a) at night or when fog or other atmospheric conditions reduce the degree of visibility to that approximating the degree of visibility existing under normal atmospheric night conditions or less, a red light plainly visible for 500 feet to the rear; and

(b) at all other times a red flag or a red wooden or metal sign not less than 12 inches square.

N.W.T. Section 51 - distance of visibility of light and size of sign added.

C51. No person is to operate a motor vehicle or trailer on a highway including load, having a width greater than 96 inches without permission of the Registrar.

New - Yukon 59(2).

C52. No person is to operate any motor vehicle and trailer on a highway unless the device coupling the vehicle and trailer is of such construction and strength to hold the weight of the trailer and prevent the trailer from breaking away.

New - Yukon 60(1).

C53. The coupling device mentioned in paragraph C52 is to be firmly affixed to an integral part of the chassis of both the towing vehicle and the trailer and is to be supplemented with an auxiliary hitch consisting of a chain or cable equivalent in strength to the main coupling device.

New - Yukon 60(2 & 3).

C54. Every motor vehicle and trailer on a highway is to carry mudguards or fenders adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of vehicle or trailer.

New - Yukon 61(1).

C55. Every truck or trailer exceeding 8000 pounds gross vehicle weight is to carry rock guards at the rear of such truck or trailer.

New - Yukon 61(2).

C56. Every person operating a motor vehicle or trailer is to permit an officer to inspect the mechanical equipment of the motor vehicle or trailer whenever required to do so.

C57. An officer may require the operator of a motor vehicle to submit the motor vehicle, together with its equipment, any trailer attached thereto to such examination and tests as the officer may deem expedient.

New - Ontario H.T.A. Section 47(1).

C58. Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition, the officer making the examination or tests may require the operator of the vehicle to proceed to have the vehicle restored to a safe condition and may order the vehicle or trailer removed from the highway and may prohibit the operation of the vehicle or trailer on the highway until the vehicle, equipment or trailer has been made safe to operate.

New - Ontario H.T.A. Section 47(2).

C59. Every operator of a motor vehicle who refuses to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as may be required by an officer under paragraph C57 is guilty of an offence.

New - Ontario H.T.A. Section 47(4).

C60. Where the operation of a motor vehicle or trailer has been prohibited under paragraph C59 the officer may seize the registration plates of the motor vehicle or trailer that is in a dangerous or unsafe condition and hold them until the motor vehicle or trailer has been made safe to operate.

New - Ontario H.T.A. Section 47(5).

The foregoing four paragraphs are in lieu of Section 88 N.W.T.

C61. No person is to operate or permit to be operated upon a highway a motor vehicle or trailer that is in such a dangerous or unsafe condition as to endanger the operator or any occupant thereof or any person upon the highway.

New - Ontario H.T.A. Section 48.

C62. No person is to operate a motor vehicle on a highway unless all the requirements with respect to equipment are complied with.

N.W.T. Section 79 - no change.

PART V

Rules of the Road

The rules of the road are to be taken from the Model Act as proposed by the Conference of Commissioners on Uniformity of Legislation in Canada (1962) with the following exceptions or changes:

- Section 1 -The section should be examined by the draftsmen and amended in the light of the subsequent suggested changes and omissions.
- Section 5 -Omit "and a motorman of a street-car".
- Section 6 -Omit whole section.
- Section 7 -Omit (2), (4), (6), (7), (9), (11), (12) and (13).
- Section 8 -Omit whole section.
- Section 12 -Insert the words "or on" after the words "place in" in the first line of paragraph (b) of subsection (2).
- Section 13(1) -Insert after Registrar, "to the nearest R.C.M.P. detachment", and delete "to a police officer ...".
- (1) subsection "R.C.M.P. detachment" for "prov. or municipal police officer".
- Section 15 -Insert 15(3) "Where an insurance company receives a claim under a motor vehicle liability policy in respect of personal injuries or property damage exceeding one hundred dollars, the company shall forthwith notify the Registrar and shall furnish him such information as he may require".
- Yukon 74(3).
- Section 17(1)a -Substitute 25 for 30 m.p.h.
- Section 19(1) -Substitute "left-hand side of the travelled portion" for "left of center line".
- For all sections in this part the "center line" is to be regarded as non-existent and suitable corrections will have to be made whenever there is mention of a center line.
- Section 19(2) -Omit (a).
- Section 28 and 29 -Omit both sections - there are no divided or controlled access highways.
- Section 30 -Omit (2) (a) (ii) and (4) (a) (ii).
- Section 36 -Omit.
- Section 41(b) -Omit.
- Section 47(4) -Delete "a street-car or".
- Sections 48, 49 and 50 -Omit.
- Section 55 -Delete "or the motorman of a street-car".
- Section 57(4) and (5) -Omit.
- Section 60(g) -Substitute 15 for 30.
(j) -Substitute 100 for 300.

- Section 62 -Delete (a) (b) and (c).
- Section 64 -Every operator and passenger of a motorcycle is to wear a protective helmet.
- Section 65(2) -Delete "or street-car" and "or motorman's view"
- Section 69 -Delete "street-car or".

PART VI

Miscellaneous Prohibitions

E1. No person is to knowingly make a false statement of fact in an application, declaration, report or other document required by this Ordinance or by the Registrar.

New - Yukon Section 161. Sections 8(1) and 8(2) N.W.T. to be omitted.

E2. No person is to use, interfere or tamper with any motor vehicle or any of its accessories, or anything placed therein or thereon, without the consent of the owner.

N.W.T. Section 78 - no change.

E3. No person is to operate a motor vehicle on a highway in a race or on a bet or wager as to its speed or otherwise.

N.W.T. Section 80 - no change.

E4. No driver is to refuse or fail to stop when requested or signalled to stop by an officer in uniform.

N.W.T. Section 82(1) - no change.

E5. No person who is stopped by an officer under paragraph E4 is to refuse or fail to answer all reasonable inquiries made of him by the officer.

N.W.T. Section 82(2) - no change.

E6. No person stopped by an officer is to start his motor vehicle until permitted to do so by the officer.

N.W.T. Section 82(3) - no change.

E7. No person is to tear down, deface, injure or otherwise molest a sign or notice erected or posted under lawful authority for the purpose of guiding or warning persons operating vehicles, pedestrians or others on a highway.

N.W.T. Section 83 - no change.

E8. No person is, except with permission of the Registrar, to sell or offer or expose for sale a vehicle or part or accessory of a vehicle where the manufacturer's or maker's serial number has been removed, obliterated or defaced or is not clearly visible. This does not apply to second-hand tires.

N.W.T. Section 84 - no change.

E9. No person is to remove, obliterate or deface the maker's or manufacturer's serial number.

N.W.T. Section 84 - no change.

PART VII

Civil Actions

D1. Subject to paragraph D2 and D3, the owner of a motor vehicle is to be liable for loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle on a highway and the driver is liable to the same extent as the owner.

N.W.T. Section 90(1) - no change.

D2. Paragraph D1 is not to apply to the owner of a motor vehicle where it was, without his consent, in the possession of some person other than the owner or his servant or chauffeur.

N.W.T. Section 90(2) - no change.

D3. Paragraph D1 is not to apply to an owner of a motor vehicle, other than a vehicle used for carrying passengers for hire or gain or to the driver where the loss or damage results from bodily injury to or the death of a person being carried in or upon entering or alighting from the motor vehicle.

N.W.T. Section 90(3) - no change.

D4. Paragraph D3 is not to relieve a person who transports passengers for hire or gain or the owner or driver of a motor vehicle that is being demonstrated to a prospective purchaser from responsibility for loss or damage sustained by a passenger while being transported for hire or gain or while being transported as a prospective purchaser.

N.W.T. Section 90(4) - no change.

D5. In an action for damages arising out of the operation of a motor vehicle on a highway, a driver, other than an agent or servant of the owner, who

(a) is living with and is a member of the family of the owner, or

(b) has acquired possession of the motor vehicle with the consent, express or implied, of the owner,

is to be deemed to be the agent or servant of the owner and to be operating the motor vehicle in the course of his employment.

N.W.T. Section 91 - no change.

Onus of Proof

D6. Subject to paragraphs D7 and D8, where loss or damage is sustained by reason of a motor vehicle on a highway, the onus of proof that such loss or damage did not entirely or solely arise through the negligence or improper conduct of the driver or the owner thereof is to be upon the driver or the owner.

N.W.T. Section 92(1) - no change.

D7. Paragraph D6 is not to apply to loss or damage arising from a collision between motor vehicles on a highway.

N.W.T. Section 92(2) - no change.

D8. Paragraph D6 is not to apply to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger.

N.W.T. Section 92(3) - no change.

D9. Where a vehicle is operated on a highway in contravention of any provision of this Ordinance and loss or damage is caused to a person by the vehicle, the onus of proof that the loss or damage did not arise by reason of the contravention of this Ordinance is to be upon the driver or the owner thereof.

N.W.T. Section 93 - no change.

Limitations

D10. Subject to paragraphs D11 and D12, no action is to be brought against a person for the recovery of damages resulting from the operation of a vehicle on a highway after the expiration of two years from the time that the cause of the action arose.

N.W.T. Section 95(1) - change from twelve months to two years. Experience in the Yukon has resulted in extending the period there to three years. This seems too long, however.

D11. Where death is caused by the operation of a vehicle on a highway, an action may be brought within the time limited by the Fatal Accidents Ordinance.

N.W.T. Section 95(2) - a change in the twelve month limitation in the Fatal Accidents Ordinance does not seem indicated because the action is to be commenced within twelve months of the death of the deceased person.

D12. Notwithstanding paragraphs D10 and D11, where an action is brought within the time limited by this Ordinance or the Fatal Accidents Ordinance for the recovery of damages occasioned by a vehicle on a highway and a counterclaim is made or third party proceedings are instituted by a defendant in respect of damages occasioned in the same accident, the lapse of time limited in this section is not to be a bar to such counterclaim or third party proceedings.

N.W.T. Section 95(3) - no change.

Procedure

D13. Where a motor vehicle that is owned by a person who is not a resident of the Territories is operated on a highway in the Territories by the owner or by a person who has possession of the motor vehicle with the consent of the owner or where a person who is not a resident of the Territories operates a motor vehicle on a highway in the Territories, the Commissioner is to be deemed to be the agent of the owner or operator who is not so resident for the service of notice or process in an action in the Territories for injury, loss or damage arising out of the presence, use or operation of the motor vehicle in the Territories.

New - Yukon 139(1).

D14. Service of notice or process on the Commissioner as such agent may be made by leaving a copy of it with him or at his office, together with a bond in form and with sureties approved by the Commissioner in the sum of two hundred dollars conditioned that on the failure of the plaintiff to succeed in the action the defendant is to be reimbursed for expenses necessarily incurred by him in defending the action in the Territories.

New - Yukon 139(2).

D15. Service effected in accordance with paragraph D14 is to be sufficient service if notice of the service and a copy of the notice or process are sent forthwith by registered mail to the defendant and the defendant's return receipt is filed with the clerk of the court in which the action or proceeding is brought.

New - Yukon 139(3).

D16. A judge of the court in which the action is pending may, on such terms as he considers just, order such continuance as he considers necessary to afford the defendant reasonable opportunity to defend the action.

New - Yukon 139(4).

D17. Where injury, loss or damage to person or property is caused by the negligent operation on a highway of a motor vehicle that is not registered under this Ordinance, the plaintiff in any action commenced to recover for that injury, loss or damage may make the vehicle, by its registration number or by a description of the vehicle sufficient to enable it to be identified, the defendant in the action and may obtain a writ of attachment of the motor vehicle under paragraph D20.

New - Yukon 140(1).

D18. Any person claiming to be the owner or having an interest in the motor vehicle may enter an appearance in the action and the provisions of the Judicature Ordinance and the rules of Court apply to him as if he had been made a party defendant.

New - Yukon 140(2).

D19. If no person claiming to be the owner or having an interest in the motor vehicle has entered an appearance in the action, the plaintiff may at any time after the expiration of thirty days from the date on which the motor vehicle was attached, upon proving damages, obtain judgment and execution against the motor vehicle.

New - Yukon 140(3).

D20. Where injury, loss or damage is incurred or sustained by a person by reason of the negligent operation of a motor vehicle upon a highway, the person incurring or sustaining the injury, loss or damage may, at or after the commencement of an action to recover damages for the injury, loss or damage, obtain from the Clerk of the Court a writ of attachment directed to the Sheriff commanding him to attach, seize, take and safely keep the motor vehicle causing the injury, loss or damage to secure the amount of damages that may be recovered in the action and the costs and to return the writ forthwith to the court out of which the writ is issued.

New - Yukon 141(1).

D21. A writ of attachment is not to be obtained or issued after the expiration of thirty days from the day on which the injury, loss or damage was incurred or sustained.

New - Yukon 141(2).

D22. A person claiming to be the owner or having any interest in the motor vehicle may enter an appearance in the action and the provisions of the Judicature Ordinance and the rules of the Court apply to him as if he had been made a party defendant.

New - Yukon 141(3).

D23. No writ of attachment is to be issued unless the plaintiff or someone on his behalf files with the Clerk of the Court, an affidavit showing a cause of action, stating the time and place where the injury, loss or damage was incurred or sustained, the approximate amount of the damage and such information as will enable the motor vehicle to be identified, and files with the Clerk a good and sufficient bond in favour of the Sheriff approved by the Clerk conditioned for the payment of all costs and expenses incurred by the Sheriff in the seizing and holding of the motor vehicle in the event that the plaintiff does not prosecute his action or in the event the action is decided against him.

New - Yukon 141(4).

D24. The Sheriff to whom a writ of attachment is directed is to immediately attach, seize, take and safely keep the motor vehicle to secure the amount of damages that may be recovered in the action and the costs of the action and those damages and costs constitute a first and paramount lien on the motor vehicle regardless of whether the defendant is the owner of the motor vehicle or has any interest therein.

New - Yukon 142.

D25. In an action where a motor vehicle has been seized under a writ of attachment issued under this Ordinance, the Sheriff having the motor vehicle in his custody is to

- (a) where the defendant is the registered owner of the motor vehicle and deposits with the Sheriff a certificate under the hand of the Commissioner that proof of a financial responsibility had been filed by the owner under this Ordinance before the cause of action arose; or
- (b) where proof of financial responsibility had not been filed by the owner or where the defendant is not the owner of the motor vehicle but the owner or a person on his behalf files with the Sheriff a bond in favour of the plaintiff executed by two sureties satisfactory to the Sheriff or by an approved surety company and conditioned for the payment of all damages and costs that may be recovered against the defendant;

release the motor vehicle to the owner or his agent upon payment to the Sheriff of his fees and expenses in connection with the attachment.

New - Yukon 143.

D26. Where a motor vehicle has not been released under paragraph D25 and judgment is recovered by the plaintiff, the Sheriff is to retain the motor vehicle under the writ of attachment until execution is issued on the judgment and, if execution is issued within fifteen days from the date of the judgment, may sell the motor vehicle in the same manner as other goods are sold under execution.

New - Yukon 144(1).

D27. The Sheriff is to pay over to the plaintiff the money so recovered for a sufficient sum to discharge the amount directed to be levied, less the Sheriff's fees, commission and poundage expenses.

New - Yukon 144(2).

D28. If, after satisfaction of the amount together with Sheriff's fees, commission and poundage expenses, a surplus remains in the hands of the Sheriff, he shall pay the surplus to the person entitled thereto.

New - Yukon 144(3).

D29. Where money is levied upon execution, the Creditors Relief Ordinance is not to apply to such portion of such money as is obtained by the levying on and selling of the motor vehicle under the execution.

New - Yukon 144(4).

D30. Except as expressly provided in this Part, no right of any person to bring or prosecute an action for damages for injury, loss or damage to person or property is affected.

New - Yukon 145.

PART VIII

Financial Responsibility

Impounding

F1. Where bodily injury to or the death of any person or damage in an amount apparently exceeding one hundred dollars to property results from an accident in which a motor vehicle is in any manner directly or indirectly involved, any officer at the scene of the accident, or who arrives thereat while any or all of the motor vehicles so involved in the accident are still at the scene thereof, is to, subject to paragraphs F10 and F11, impound each motor vehicle so involved and require it to be taken

- (a) if repairs are necessary and immediately desired by the owner, to such repair shop or garage as the owner may select, for the purpose of having it repaired, or
- (b) if repairs are not necessary or are not immediately desired by the owner, to such garage or storage place as the owner may select, unless otherwise required by the officer, in which case the officer may direct it to be taken to a garage or storage place maintained by any police force or other public authority, if such is available, and otherwise to a privately maintained garage or storage place designated by the officer, there to be kept at the expense and risk of the owner of the motor vehicle.

New - Yukon Section 146(1).

F2. Where, pursuant to paragraph F1, a motor vehicle has been taken to a repair shop, garage or storage place selected by the owner, an officer in a locality in which the repair shop, garage or storage place is situated, on receipt of a written application by the owner, may, at the cost of the applicant, have the motor vehicle transferred to such other repair shop, garage or storage place as the applicant may select, and may give all necessary directions to that end, and shall in that case give to the owner, operator, manager or other person in charge of the repair shop, garage or other storage place to which the motor vehicle is transferred a notice as prescribed in paragraph F7.

New - Yukon Section 146(2).

F3. In paragraphs F1 and F2, the word "owner" includes any person, firm or corporation that has sold the motor vehicle under the terms of a conditional sale agreement or lien or note upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the moneys secured thereby remain unpaid, and also includes an assignee of such vendor or mortgagee.

New - Yukon Section 146(3).

F4. Where any or all of the motor vehicles directly or indirectly involved in the accident are not impounded as provided in paragraph F1, if the accident is reported to, or otherwise comes to the attention of an officer, he is to, subject to paragraph F9, and to paragraphs F10, and F11, forthwith impound each motor vehicle so involved; and the officer impounding the motor vehicle shall require it to be disposed of as provided in paragraph F1.

New - Yukon Section 146(4).

F5. All costs and charges for the care or storage of a motor vehicle impounded under paragraph F1, are to be a lien thereon in favour of the keeper of the repair shop, garage or storage place and may be recovered by him under the provisions of the Mechanics Lien Ordinance as though the cost and charges were a lien under section 31 of that Ordinance.

New - Yukon Section 146(5).

F6. Where a motor vehicle is impounded under paragraph F1, the officer who impounds it is to, directly or through his superior officer, if any, forthwith notify the Registrar of such impoundment in writing on the prescribed form.

New - Yukon Section 146(6).

F7. Where a motor vehicle impounded under paragraph F1, is placed in a repair shop, garage or storage place, the officer impounding the same is to notify in writing, on the prescribed form, the owner, operator, manager or other person in charge of the repair shop, garage or storage place that the motor vehicle is impounded and must not be removed or permitted to be removed or released from impoundment except upon order of the Registrar or an officer to whom reference is made in paragraph F2.

New - Yukon Section 146(7).

F8. Subject to paragraph F2, no person is to remove, or permit to be removed, from the place of impoundment or release from impoundment any motor vehicle impounded under paragraph F1, except upon the written order of the Registrar.

New - Yukon Section 146(8).

F9. Paragraph F1, is not to apply to authorize or permit the impounding of a motor vehicle that is the property of Her Majesty.

New - Yukon Section 146(9).

Insurance Cards

F10. If the driver, owner or other person in charge of a motor vehicle that is in any manner directly or indirectly involved in an accident produces to an officer seeking to impound the motor vehicle pursuant to paragraph F1, a motor vehicle liability insurance card issued in respect of such motor vehicle and in full force at the time of such accident, the officer is not to impound the motor vehicle unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

New - Yukon Section 147(1).

F11. Where a motor vehicle has been impounded under paragraph F1, and

- (a) the Registrar is satisfied that at the time of the accident the motor vehicle was a stolen motor vehicle;
- (b) the only damage resulting from the accident is to the person or property of the owner and of the driver; or
- (c) the driver, owner or other person in charge of the motor vehicle produces to an officer evidence that he is the holder of a motor vehicle liability insurance policy with liability coverage at least equivalent to that prescribed by paragraph 11, in respect of the motor vehicle that is in full force;

the Registrar is to order the release of the motor vehicle from impoundment and may order the release of the motor vehicle from impoundment if he is satisfied that the driver, owner or other person in charge of the motor vehicle is the holder of a valid existing motor vehicle liability policy in full force at the time of the accident with limits of liability not less than the several amounts set forth in paragraph 11, unless it is required to be impounded by some other provision of this or any other Ordinance, or unless it is required by the Crown as evidence in the prosecution of a criminal offence.

New - Yukon Section 147(2).

F12. Any person who

- (a) violates any of the provisions of paragraph F8; or
- (b) produces to an officer or to the Registrar, as provided in paragraphs F10 and F11, evidence that he is the holder of a motor vehicle liability insurance policy with liability coverage at least equivalent of that prescribed by paragraph 11, purporting to show that there is in force a policy of insurance that is, in fact, not in force;

is to be guilty of an offence and liable, if not a corporation, to a penalty not exceeding two hundred dollars and to imprisonment for a term not exceeding thirty days, and, if a corporation, to a penalty not exceeding one thousand dollars.

New - Yukon Section 148.

F13. Where the owner of a motor vehicle impounded pursuant to paragraph F1, gives security or proof of satisfaction of claims for damages satisfactory to the Registrar, the Registrar is to, on application by the owner, order the release of the motor vehicle from impoundment; but if the motor vehicle is not, and is not required to be registered under this Ordinance, the Registrar is to order the release thereof upon the owner giving such security or such proof of satisfaction of claims for damages as the Registrar may require.

New - Yukon Section 149(1).

F14. Where a motor vehicle is impounded pursuant to paragraph F1, and the owner fails to give the security or proof of satisfaction of claims, for damages and proof of financial responsibility, or security or proof of satisfaction of claims for damages and an undertaking as provided in paragraph F1

(a) if six months have elapsed since the date of the accident and no certificate of lis pendens in a form set out in paragraph F17, or otherwise to the satisfaction of the Registrar has been filed with the Registrar; or

(b) if such certificate has been filed with the Registrar and proof has been given to his satisfaction that

(i) the action against the owner of the motor vehicle has been decided in his favour and that no appeal against the judgment has been filed within the time fixed for the filing of such appeal,

(ii) that any judgment recovered against the owner has been satisfied or settled,

(iii) that the action has not been brought to trial within twelve months after it was begun, or

(iv) that although judgment has been recovered against the owner, and no appeal has been filed by him within the time fixed, or any appeal by him has been dismissed, the motor vehicle has not, within three months from the date of the judgment or the date of the dismissal of such appeal, been seized under an execution issued pursuant to the judgment;

the Registrar is to order the release of the motor vehicle from impoundment.

New - Yukon Section 149(2).

F15. If judgment has been recovered in an action against the owner of a motor vehicle impounded pursuant to paragraph F1, and the motor vehicle has been seized under an execution issued pursuant thereto, the Registrar is to order that the motor vehicle be released to the person making the seizure.

New - Yukon Section 149(3).

F16. Where the Registrar is satisfied by a certificate signed by a qualified mechanic, or by such other written or documentary evidence as he deems sufficient, that a motor vehicle impounded pursuant to paragraph F1 is so damaged that it is impracticable to repair it so that it can be driven on a highway, he may order the release of the motor vehicle from impoundment.

New - Yukon Section 149(4).

F17. The certificate of lis pendens is to, on request therefor and payment of the proper fee, be issued by the clerk of the court in which an action is commenced claiming compensation for damages resulting from bodily injury to or the death of any person or damage in an amount exceeding one hundred dollars to property occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle, and the certificate may be in the form following:

CERTIFICATE OF LIS PENDENS

I hereby certify that an action has been begun in this Court, in which action _____ is plaintiff and _____ is defendant, and a claim is made for compensation for damages alleged to have occurred at or near _____, in the Northwest Territories, on the _____ day of _____, A.D. 19____, in which accident it is alleged that there was (were) involved

- (a) a motor vehicle alleged to be owned by _____ (and operated at the time of the accident by _____), the motor vehicle licence number being _____ and _____
- (b) a motor vehicle alleged to be owned by _____ (and operated at the time of the accident by _____), the motor vehicle licence number being _____.

(Note: Strike out phrases in parentheses where not required or not applicable. Strike out (b) if only one motor vehicle involved. Add additional paragraphs if more than two motor vehicles involved. Give any further available description of the motor vehicles.)

New - Yukon Section 149(5).

F18. In this section, the word "owner" is to include any person, firm or corporation that has sold the motor vehicle under the terms of a conditional sale agreement or lien note upon which all or part of the purchase price remains unpaid, or to whom or to which a bill of sale by way of chattel mortgage thereon has been given in respect of which all or part of the moneys secured thereby remain unpaid, and also is to include an assignee of such vendor or mortgagee.

New - Yukon Section 149(6).

PART IX

Administration

Regulations

61. The Commissioner may make regulations
- (a) respecting the duties and powers of officers;
 - (b) respecting the persons who may issue certificates of registration and permits under this Ordinance;
 - (c) respecting the form of application for certificates of registration, licences, permits and number plates and the form of any returns or reports required under this Ordinance together with the manner and time for making the same;
 - (d) respecting the requirements as to brakes, lights, reflectors and other equipment of vehicles and the inspection, testing, adjustment or repair thereof;
 - (e) respecting number plates, or other identification substituted for number plates;
 - (f) prescribing for and requiring the use of devices or other means to prevent accidents or thefts of motor vehicles;
 - (g) prescribing the form of certificates of registration, licences and permits issued under this Ordinance.
 - (h) prescribing terms and conditions with respect to the registration, use or operation of motor vehicles, whether new or second-hand that are owned, kept or used by manufacturers, dealers, repairers or storers of motor vehicles or by parking lot operators or wreckers;
 - (i) prescribing limitations and restrictions on the dimensions and weight of any vehicle or combination of vehicles operating on a highway;
 - (j) prescribing in relation to any vehicle or combination of vehicles operating on a highway, the maximum weights that may be carried at such periods or seasons of the year as the Commissioner designates;
 - (k) for controlling, restricting or prohibiting the erection or display of signs, sign boards, markers or notices in the vicinity of or on a highway and prescribing the style, size, colour, material and number thereof;
 - (l) for closing any highway outside a municipality or restricting the speed of any vehicle thereon, the closing or restriction of which the Commissioner deems necessary to prevent serious damage to a highway or to ensure the safety of persons using the highway;
 - (m) respecting the rate of speed and other conditions under which vehicles transporting explosives or other dangerous substances may be operated; and
 - (n) generally, for carrying out the purposes and provisions of this Ordinance.

N.W.T. Section 85. Regulations respecting explosives added.

G2. The Commissioner is to be empowered to mark or erect or cause to be marked or erected along any highway, traffic signs or devices

- (a) prescribing rate of speed;
- (b) regulating or prohibiting parking and designating parking areas;
- (c) prescribing load limits for any vehicle or class of vehicle;
- (d) prohibiting or regulating the use of any highway by any vehicle or class of vehicle;
- (e) designating any highway as a one-way highway;
- (f) for stopping vehicles;
- (g) for regulating pedestrian traffic; and
- (h) for directing or controlling in any manner traffic on any highway.

New - Yukon Section 151. This section codifies present practice. See N.W.T. Sections 56 and 57 - the new rules of the road also deal with traffic control devices.

Officers

G3. The Commissioner is to be empowered to appoint persons to be officers to enforce and carry out the provisions of this Ordinance.

N.W.T. Section 86 - no change.

G4. Every member of the Royal Canadian Mounted Police while stationed within the Territories and every person appointed by a municipal council as a police constable, is ex officio an officer under this Ordinance.

N.W.T. Section 87 - there is to be an addition to grant general enforcing powers to municipal constables.

G5. An officer may, at any time, stop and inspect a vehicle that is on a highway to ascertain whether such vehicle complies with the provisions of the Ordinance relating to registration, licensing, insurance and equipment.

See Section 88 N.W.T. and paragraph C57.

G6. An officer may arrest without a warrant a person who has committed, or who, on reasonable and probable grounds, he believes has committed an offence contrary to

- (a) paragraph 20;
- (b) driving on a highway without due care and attention or without reasonable consideration for other persons using the highway;
- (c) paragraph E4;
- (d) paragraph H11;
- (e) paragraph H14; or
- (f) paragraph H15.

N.W.T. Section 99A - no change.

G7. Where an officer discovers an apparently abandoned vehicle on or near a highway, he is to be empowered to take the vehicle into his custody and store it in a suitable place. The costs of the removal, care and storage of said vehicle are to be paid by the owner and are a lien upon the vehicle.

N.W.T. Section 89 - no change.

G8. Where the owner of an abandoned vehicle cannot be found or has left the Territories, the Commissioner is to be empowered, after 90 days from the date the vehicle was taken into custody, to dispose of the vehicle in such manner as he deems fit.

New - Yukon Section 154(3).

G9. Notwithstanding anything in Part V, the council of a municipality is to be empowered, by by-law, to make regulations with respect to

- (a) rate of speed;
- (b) parking of vehicles;
- (c) obstruction of traffic;

- (d) one-way streets;
- (e) prescribing routes of travel;
- (f) pedestrian traffic;
- (g) loading zones and bus stops;
- (h) safety zones;
- (i) preventing drivers of vehicles from making unnecessary noises;
- (j) turning;
- (k) traffic on streets in the vicinity of schools;
- (l) traffic at intersections;
- (m) traffic lanes;
- (n) the right of way of one vehicle over another or of a pedestrian over a vehicle or vice versa; and
- (o) the directions that vehicles must follow on certain streets; within the municipality, and impose penalties for violations of the by-law; and if any by-law departs from the rules laid down in Part V, and the departure is indicated to drivers by means of signs or traffic control devices or traffic officers, every driver within the municipality is to conform to the by-law.

New - Yukon Section 155. The Municipal Ordinance, by subsection (1) of section 149, permits a council to by-laws subject however to the Motor Vehicle Ordinance. The Rules of the Road (Part V) may act as an uncomfortable strait jacket in controlling traffic in a municipality. This new section is intended to permit a Council to control traffic on its streets in specific ways as set out in the section and to impose special panalties for violation of the by-law.

- (d) one-way streets;
- (e) prescribing routes of travel;
- (f) pedestrian traffic;
- (g) loading zones and bus stops;
- (h) safety zones;
- (i) preventing drivers of vehicles from making unnecessary noises;
- (j) turning;
- (k) traffic on streets in the vicinity of schools;
- (l) traffic at intersections;
- (m) traffic lanes;
- (n) the right of way of one vehicle over another or of a pedestrian over a vehicle or vice versa; and
- (o) the directions that vehicles must follow on certain streets; within the municipality, and impose penalties for violations of the by-law; and if any by-law departs from the rules laid down in Part V, and the departure is indicated to drivers by means of signs or traffic control devices or traffic officers, every driver within the municipality is to conform to the by-law.

New - Yukon Section 155. The Municipal Ordinance, by subsection (1) of section 149, permits a council to by-laws subject however to the Motor Vehicle Ordinance. The Rules of the Road (Part V) may act as an uncomfortable strait jacket in controlling traffic in a municipality. This new section is intended to permit a Council to control traffic on its streets in specific ways as set out in the section and to impose special panalties for violation of the by-law.

PART X

Enforcement Provisions

Liability for Offences

H1. Where the driver of a motor vehicle violates a provision of this Ordinance or the regulations relating to the operation, use or presence of a motor vehicle on a highway or in a public place, the owner of the vehicle is to be deemed to be guilty of the violation and shall incur the penalties provided therefor, unless he proves that the violation was not committed by him or by a person who had possession of the vehicle with his consent either express or implied.

New - Yukon Section 133(1) - similar provisions are found in the provinces - see Ontario Section 148, Alberta Section 124, Manitoba Section 94.

H2. Paragraph H1 is not to relieve the driver of a motor vehicle of liability for a violation committed by him or while the vehicle was in his possession.

New - Yukon Section 133(2).

H3. If the owner of the motor vehicle is present in it at the time of the violation by another person operating the vehicle, the owner as well as the other person is to be liable for the violation.

New - Yukon Section 133(3).

Identity of Driver

H4. When a motor vehicle is operated in violation of a provision of this Ordinance or of the regulations by a person whose identity is unknown to the Registrar, the owner of the vehicle on request of the Registrar or of an officer is to, within forty-eight hours of the request, supply the Registrar or the officer with the name and address of the person in charge of the vehicle at the time of the violation.

New - Yukon Section 134(1).

H5. An owner, who refuses, fails, neglects or is unable to supply the name and address of the person in charge of the vehicle within forty-eight hours after being so requested, is to be liable to the penalty prescribed for the offence of the driver.

New - Yukon Section 134(2).

H6. In a prosecution under paragraph H5, it is to be a defence if the owner proves that the vehicle was being operated at the time of the violation without his knowledge or consent, either express or implied.

New - Yukon Section 134(3).

Evidence

H7. Where proof of ownership of a vehicle or of the suspension or revocation of a certificate of registration, licence, or permit issued under this Ordinance is required, the production of a certificate of registration, licence or permit purporting to be under the hand of the Registrar to the effect that the person named therein is the registered owner of the vehicle or that the certificate of registration, licence or permit of the person named therein has been suspended or revoked is prima facie evidence of the ownership or of the suspension or revocation, as the case may be, without proof of signature or official character.

N.W.T. Section 94 - no change.

Time Limit for Prosecution

H8. In the case of an offence under this Ordinance or the regulations punishable on summary conviction, the complaint is to be made, or the information laid, within sixty days from the time the matter of the complaint or information arose.

N.W.T. - Section 94 - no change.

H9. Every person who fails to produce his operator's licence or chauffeur's licence when asked to do so by an officer is to be guilty of an offence and is liable upon summary conviction to a fine not exceeding five dollars.

N.W.T. Section 97 - no change.

H10. Every person who operates on a highway a motor vehicle that is not equipped in accordance with the requirements of this Ordinance respecting equipment and every person by whose permission a vehicle is so operated is guilty of an offence and is to be liable upon summary conviction to a fine of not less than five dollars and not exceeding fifty dollars.

N.W.T. Section 98 - no change.

H11. Every person who obstructs, molests or interferes with an officer in the performance of his duties with respect to the enforcement and carrying out of this Ordinance is to be guilty of an offence and is liable upon summary conviction

- (a) for the first offence to a fine not exceeding one hundred dollars;
- (b) for a second offence to a fine not exceeding three hundred dollars; and
- (c) for a third or subsequent offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

N.W.T. Section 99 - no change.

H12. Every person who knowingly makes a false statement of fact in an application, declaration, report or other document required by this Ordinance or by the Registrar is to be guilty of an offence and is liable on summary conviction in addition to any other fine or punishment to which he may be liable,

- (a) for the first offence to a fine not exceeding one hundred dollars; and
- (b) for a second or subsequent offence to a fine not exceeding two hundred dollars or to imprisonment for a term not exceeding thirty days or to both fine and imprisonment.

N.W.T. Section 100 - no change.

H13. Every person who operates on a highway a motor vehicle that is not registered pursuant to this Ordinance and every person who is required to hold a chauffeur's licence or an operator's licence and who, while not so licensed, operates a motor vehicle on a highway is to be guilty of an offence and is liable upon summary conviction

- (a) for the first offence to a fine not exceeding one hundred dollars or to imprisonment for a term not exceeding thirty days; and
- (b) for a second or subsequent offence to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

N.W.T. Section 101(1) - no change.

H14. Every person who operates a motor vehicle within the Territories during a period while he is prohibited from operating a motor vehicle by reason of an order made pursuant to paragraph B16, is to be guilty of an offence and is liable on summary conviction to the penalties provided in paragraph H13.

N.W.T. Section 101(2) - no change.

H15. Every person who operates on a highway a motor vehicle contrary to paragraph 54 is to be guilty of an offence and liable on summary conviction to the same penalties as may be imposed under paragraph H13.

N.W.T. Section 101A in part. For last part of section see paragraph 15.

H16. Every person who contravenes the provisions of this Ordinance respecting the speed of vehicles is to be guilty of an offence and is liable upon summary conviction

- (a) for the first offence to a fine not exceeding fifty dollars;
- (b) for a second offence to a fine not exceeding one hundred dollars; and
- (c) for a third or subsequent offence to a fine not exceeding two hundred dollars or to imprisonment for a term of not less than fifteen days and not exceeding thirty days or to both fine and imprisonment.

N.W.T. Section 102(1) - no change.

H17. Where a person contravenes the provisions of this Ordinance respecting the speed of vehicles subsequent to his conviction for a second offence under those provisions, his chauffeur's licence or operator's licence shall, ipso facto, be to become forfeited, cancelled and void, and he shall not be eligible to obtain a chauffeur's licence or operator's licence until three months after such conviction or such longer time as the convicting Magistrate may stipulate.

N.W.T. Section 102(2) - no change.

H18. Every person who violates a provision of this Ordinance or the regulations for which no other penalty is provided is to be guilty of an offence and is liable upon summary conviction

- (a) for the first offence to a fine not exceeding fifty dollars;
- (b) for a second offence to a fine not exceeding seventy-five dollars; and
- (c) for a third or subsequent offence to a fine not exceeding one hundred dollars.

N.W.T. Section 103-no change.

SCHEDULE A

Tariff of Fees

1.	Annual licence fees	
	(a) Operator's licence	2.00
	(b) Chauffeur's licence	3.00
	(c) Taxicab driver's licence	2.00
2.	For each examination on application for an operator's or chauffeur's licence.	2.00
3.	For a duplicate operator's or chauffeur's licence where the original was lost, mutilated or destroyed.	1.00
4.	For reregistration of motor vehicles and trailers where the number plates are lost, mutilated or destroyed.	1.00
5.	Transfer of registration of a motor vehicle or trailer to a new owner.	1.00
6.	Transfer of a public service licence to a new owner.	1.00
7.	Dealer's licence and number plates per set.	25.00
8.	Certificate of identification for snowmobile, if a public service vehicle.	10.00 25.00
9.	For the registration of a motorcycle or pedal bicycle with attachment except those included in 10.	3.00
10.	For the registration of a motor vehicle or trailer owned and used by	
	(a) a municipality or school district	2.00
	(b) the Government of the Territories or of Canada.	free
	(c) a Visiting Force as defined in the Visiting Forces (North Atlantic Treaty) Act.	free
	(d) used exclusively for fire-fighting or ambulance service.	2.00
11.	For the registration of motor vehicles or trailers operated in the Territories except	
	(a) in a municipality	
	(b) on the Mackenzie Highway	
	(c) on the Hay River to Yellowknife Highway	
	(d) on the Ingraham Trail	
	(e) on the Fitzgerald-Bell Rock Road	
	(f) on the Hay River - Pine Point Highway	
	(g) on such other highways as may be connected with the foregoing highways	2.00
12.	For the registration of a motor vehicle or trailer having a machine or apparatus mounted on the chassis thereof that is not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over the highways.	
	(a) where the gross vehicle weight does not exceed 6,000 pounds.	5.00
	(b) where the gross vehicle weight exceeds 6,000 pounds	(one-half the fees set out in Table 1)

13. For the registration of buses except those included in Item 10 \$1.00 for each inch of wheelbase in excess of 100 inches. 25.00 plus
14. For the registration of motor vehicles or trailers not included in Item 10 that are designed and used for road construction and maintenance One-half the fees set out in Table 1
15. For the registration of trailers designed and used for the accommodation of persons. 5.00
16. For the registration of trucks, truck tractors and trailers not included in Items 10, 11, 12, 14 and 15. The fees as set out in Table 1
17. For the registration of motor vehicles other than trucks and truck tractors that are not included in Items 9, 10, 11, 12, 13, 14, and 16. 10.00
18. The issuance of a public service vehicle licence in respect of a taxicab. 25.00 (less any amount paid to a municipality)
19. The issuance of a public service vehicle licence in respect of a bus \$1.00 for each inch of wheelbase over 100 inches, less the amount of any fee paid to a municipality in respect of the bus but in no case will the fee be less than \$10.00. 35.00 plus
20. The issuance of a public service vehicle licence for trucks, truck tractors or trailers. Fees as set out in Table 2.
21. The issuance of a permit to operate within the Territories for motor vehicles or trailers other than buses that are registered in a reciprocating province or state. Fees as set out in Table 3.
22. The issuance of a permit to operate a bus registered outside of the Territories to operate within the Territories. per trip 10.00

Note: In this Schedule

- (a) the gross weight of a truck tractor is to be calculated by adding the gross weight of the semi-trailer resting on the tractor to the weight of the tractor;
- (b) the weight of a semi-trailer when empty is its weight when attached to the tractor and resting on its wheels;
- (c) the weight of the load of a semi-trailer is the difference between its gross weight and the weight when empty and attached to a tractor and resting on its wheels.

Table 1

Table 2

Table 3

SCHEDULE B

Minimum Insurance Requirements

<u>Maximum Seating Capacity</u>	<u>Minimum Insurance</u>
less than 10 persons	\$ 40,000
11 to 25 persons	60,000
26 to 40 persons	80,000
over 40 persons	100,000

CONCORDANCE

Northwest Territories
Motor Vehicles Ordinance

Instructions

<u>Section No.</u>	<u>Paragraph No.</u>
1	1
2	2
3(1)	3
3(2)	4
3(3)	omitted
4	5
5(1)	6
5(2)	7(1)
5(3)	omitted
6(1) before para.(a)	7(2) in part
6(1)(a)	11 in part -see
6(1)(b)	Schedule 12, 13
6(1)(c)	11
6(2)	14
6(3)	see 60
7(1)	7(2) in part
7(2)	Schedule
7(3)	8
7(4)	Schedule
7(5)	omitted
7(6)	omitted
8	55 - 56
9	17
10(1)	18
10(2)	19
10(3)	see 9
11(1)	32
11(2)	33
11(3)	34
11(4)(a)	omitted
11(4)(b)(c)	35
12	20 - 24
13(1)(a)	27
13(1)(b)	omitted
13(1)(c)	27
13(2)	28
14(1)	29
14(2)	30
14(3)	54
14(4)	31
15	25
16	30

<u>Section No.</u>	<u>Paragraph No.</u>
17(1)	see 39
(2)	Schedule
(3)	see 40, 41
18	52
19	53
19A	omitted
20(1)	B1
(2)	B2
(3)	B3
(4)	B4
21(1)	B5
(2)	B6
22	B9
23	B10
24	B11
25	B12
26	B13
27	B14
28	B15
29(1)	B16
(2)	B17
30	B20
31	B21
32	B22
33	B23 - B24
34	B25
35	47 - 51
35A	B26
35B	B27
35C	B28
36	C1 - C3
37	C4 - C9
38	C11
39	C12
40	C13
41	C14
42(1)	C20
(2)	C18

<u>Section No.</u>	<u>Paragraph No.</u>
43	C21 and C22
44	C31 - C33
45	C34 and C35
46	C37 - C39
47	C40
48	C41 - C42
49	C48
50	C45
51	C50
52 - 56	Rules of the Road Part V
57	G1 sub-para. (m)
60-77	Rules of the Road Part V
78	E2
79	C62
80	E3
81	Rules of the Road Part V
82	E4 - E6
83	E7
84	E8-E9
84A	59 & 60
85	G1
86	G3
87	G4
88	G5
89	G7
90	D1 to D4
91	D5
92	D6 - D8
93	D9
94	H7
95	D10 - D12
96	H8
97	H9
98	H10

<u>Section No.</u>	<u>Paragraph No.</u>
99	H11
99A	G6
100	H12
101	H13, H14
101A	H15
102	H16, H17
103	H18