

## FLARES TO WARN OF MOTOR WRECKS WILL BE REQUIRED

**Insurance Clause to Apply  
Only to Unlicensed Driver  
in Accident**

### NO TONNAGE PLATES

Highway Act provisions that a driver caught without a permit must meet insurance requirements were removed from the statute under a list of amendments brought down in the Ontario Legislature yesterday by Hon. Leopold Macaulay the Minister. In future the insurance requirements will apply only to an unlicensed driver involved in an accident.

Another clause in the bill necessitates burning of warning flares beside a motor vehicle so wrecked at night that its lights fail to operate. Lighting regulations for Ontario are brought into line with laws in force in other Provinces and the United States through a clause raising maximum-power lights on cars from twenty-one to thirty-two candle-power.

#### Busses of 24,000 Pounds.

Operation of heavier busses, necessitated by modern developments for safety and comfort of passengers, is permitted in an amendment adding "and public vehicles" to the section of the act which establishes a top gross weight of 24,000 pounds. Highway safety is the object of another change aimed to prevent accidents caused by trailers becoming detached from trucks. The amendment requires two separate means of attachment between truck and trailer.

Plates attached to trucks and showing the authorized carrying capacity will disappear under a clause which requires instead that the driver shall carry the permit specifying the vehicle's capacity. The reason for the change was that evasions of the law were constantly occurring through use of high-tonnage plates on light trucks.

#### No Spring Load Cuts.

Dirt roads are growing fewer along King's Highway routes, so that the department no longer sees the need of the requirement that truck capacities be limited to half-loads in the spring months. However, the paragraph in the statute is so left that the provision can be re-enforced at any time by Order-in-Council.

## MOTOR PASSENGER INSURANCE RATES MAY RISE, IS CLAIM

**Cleverly Worked 'Negligence'  
Racket Hitting Companies,  
House Is Told**

### BILL TO CORRECT EVIL

Passenger-liability insurance rates are going to jump because a regularly worked racket is costing insurance companies plenty, the Ontario Legislature was warned yesterday by Charles A. Robertson, Liberal member from Huron South, when he spoke to his bill seeking to correct a situation that threatens to weigh heavily on Ontario motorists.

Speaking as a private member, Highways Minister Macaulay lent his support to the measure, which would relieve drivers of civil-court responsibility for injury or death of passengers in their cars. Other lawyer-members of the House raised alarmed hands at what they feared was a change in basic legal principle, and ultimately the bill was sent to the Committee on Legal Bills, where, Hon. Charles McCrea promised, it would receive more than usual consideration.

#### Purpose of Measure.

In explaining the purpose of his bill, Mr. Robertson said that under the present law a motorist was apt to "pay the penalty of his kindness" if he picked up a friend or hitch-hiker. In event of an accident, his passenger, on proving the driver was negligent, could collect damages. If the driver was uninsured, it was too bad for him; if he was insured it was too bad for the insurance company, since at this point another element entered. If they were friends, driver and passenger were quite likely to come to an agreement whereby the former admitted negligence and the latter collected. As a result, insurance companies had raised their passenger hazard rate to \$2, but actually it was costing them \$5 annually, so that there was every reason to expect a further increase. Mr. Robertson observed that the Ontario Motor League had endorsed the principle of his bill.

#### Rectifies a Wrong, Creates Another.

Hon. Leopold Macaulay remarked that in some respects the bill was trying to rectify one wrong by creating another. However, the passenger-hazard insurance shortly would cost \$5 or \$6, a matter of about \$1,000,000 in insurance rates for the motorists of the Province. The problem had been insignificant a few years ago, "but it is astonishing how quickly the public realized where the plums were to be picked. The driver picks up a passenger, usually a friend. After the accident the friend finds out the driver is insured, and only the two of them, providing no other car is involved, know whether there was negligence. If the driver admits it, the passenger can get \$5,000. It's a strong temptation to the driver to arrange this anticipatory Christmas present. Of course, if there has been a collision, it's a different matter.

"But the point is that you and I,

paying our premiums, are going to foot the bill in the long run. Personally, I'm in favor of the bill."

#### Passenger Invited to Sue.

F. V. Laughton (Conservative, Middlesex North) had an idea "how the news got around so quickly." In a case he knew of, "a man connected with the legal profession" had carried damage action papers to the passenger almost as soon as the latter reached hospital. D. J. Taylor (Progressive, Grey North) recalled another case in which "the passenger was invited to sue." F. W. Wilson (Conservative, Windsor East) saw an anomaly in the event that the driver went to jail on a criminal negligence charge, but the passenger's widow and orphans were unable to collect damages. He suggested that a legal distinction might be drawn between simple and gross negligence. George S. Shields (Conservative, Toronto-Woodbine) favored the bill, and compared the situation with that of an oarsman whose rowboat passenger sued because a crab was caught and the boat tipped.

C. A. Seguin (Conservative, Russell) carried Mr. Shields's comparison into serious application to the common law. If highway negligence was not actionable, how about the negligence of a motor-boat pilot whose passengers drowned through his fault, or the householder whose guests burned to death because he had grossly neglected to guard against fire?

#### Bill Referred to Legal Committee.

Liberal House Leader McQuibban, endorsing the bill, noted that 25 per cent. of all disbursement on auto insurance were for injuries to passengers. Hon. Charles McCrea closed the debate with a motion that the bill be referred to the Legal Bills Committee, of which he is Chairman. He invited all interested members to come and express their views and produce data. His own view was that the proposal was "a radical departure from existing law. Involved in it is the very serious question of an individual's rights, when it is considered that the acts of the driver might be a deliberate plan or else the grossest negligence. On the other hand, I have the deepest sympathy with the purpose of the bill, and I know that, what amounts to a racket, has developed in collection of auto accident insurance."