REGINA v. MORTON,

CCH DRS 1971 P15-815, B.C.
(1970) 75 W.W.R. 335
BRITISH COLUMBIA
(Prov. Ct.)
1970

Motorless automobile under tow was still a motor vehicle — Person steering such vehicle was driver or operator — The Motor-Vehicle Act, R.S.B.C. 1960, c. 253, s. 18(2a).

This was a trial of the accused who was charged with unlawfully operating a motor vehicle on a highway when he was not insured under a valid and subsisting motor-vehicle liability policy to do so and also driving it without current licence plate. It was observed by a police officer that two older type cars were proceeding at a substantial speed on a highway. The first vehicle was towing the second by means of a chain. The accused was in the driver's seat behind the steering wheel of the towed vehicle and was steering it upon the highway. That vehicle had no licence plates and the defendant was not covered by insurance. This second vehicle had also no motor. The defendant who was a major in automotive mechanics had moved the worn-out motor and was overhauling it at school. The interesting issue to be decided was whether the towed vehicle was a motor-vehicle and whether the accused was operating it.

HELD: The accused was found guilty for unlawfully operating a motor-vehicle on a highway without a valid insurance. The towed vehicle was a motor-vehicle according to the definition of the Act. The person sitting in the driver's seat and steering such a vehicle while being towed on the highway by another was driving and operating the vehicle. It would have been otherwise if the motorless vehicle was being moved by a tow-car equipped to take complete control of it even if the driver's seat was occupied by a person who was powerless to control it.