

1982

# c 15 Highway Traffic Amendment Act, 1982 (No. 1)

Ontario

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## CHAPTER 15

## An Act to amend the Highway Traffic Act

*Assented to June 25th, 1982*

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor: s. 6,  
re-enacted

6.—(1) In this Part,

Interpre-  
tation

- (a) “CAVR cab card” means a permit issued by the Ministry pursuant to the Canadian Agreement on Vehicle Registration;
- (b) “holder”, when used in relation to a permit, means the person in whose name the plate portion of a permit is issued;
- (c) “lessee” means a person who has leased a vehicle for a period of not less than one year;
- (d) “number”, when used in relation to a permit or plate means a number, a series of letters or a combination of letters and numbers, and “numbered”, when so used, has a corresponding meaning;
- (e) “permit” means a permit issued under subsection 7 (3) consisting, except when the permit is a CAVR cab card, of a vehicle portion and a plate portion;
- (f) “police officer” includes an officer appointed for carrying out the provisions of this Act;
- (g) “prescribed” means prescribed by the regulations;
- (h) “validate” means render in force for the prescribed period of time and “validation” and “validated” have corresponding meanings.

Person  
authorized  
by Minister

(2) Where, in this Part, it is specified that an act may be done by the Ministry, it may be done by a person authorized by the Minister to do the act.

s. 7 (1),  
re-enacted

2.—(1) Subsection 7 (1) of the said Act is repealed and the following substituted therefor:

Permit, etc.,  
required

- (1) No person shall drive a motor vehicle on a highway unless,
- (a) there exists a currently validated permit for the vehicle;
  - (b) there are displayed on the vehicle, in the prescribed manner, number plates issued in accordance with the regulations showing the number of the permit issued for the vehicle; and
  - (c) there is affixed to a number plate displayed on the vehicle, in the prescribed manner, evidence of the current validation of the permit.

s. 7,  
amended

(2) Section 7 of the said Act is amended by adding thereto the following subsections:

Exemption for  
subs. (1) (b, c)

(2a) Clauses (1) (b) and (c) do not apply in respect of a motor vehicle for which the permit is a CAVR cab card.

Permit for  
trailer

- (2b) No person shall draw a trailer on a highway unless,
- (a) there exists a permit for the trailer; and
  - (b) there is displayed on the trailer, in the prescribed manner, a number plate showing the number of the permit issued for the trailer.

Permit to  
be carried

- (2c) Subject to subsection (2d), every driver of a motor vehicle on a highway shall carry,
- (a) the permit for it or a true copy thereof; and
  - (b) where the motor vehicle is drawing a trailer, the permit for the trailer or a true copy thereof,

and shall surrender the permits or copies for inspection upon the demand of a police officer.

Idem

(2d) Where a permit is a CAVR cab card, the requirements of subsection (2c) apply to the original permit and not to a copy and to the permit from the jurisdiction that issued the number plates for the vehicle.

- (3) Subsection 7 (3) of the said Act is repealed and the following substituted therefor: s. 7 (3), re-enacted
- (3) The Ministry may issue a permit of any prescribed class, number plates and evidence of validation to any person who meets the requirements of this Act and the regulations. Issuance of permits and number plates
- (3a) The Ministry may authorize number plates in an applicant's possession for use on a vehicle. Use of plates
- (3b) Validation of a permit may be refused where the permit holder is indebted to the Treasurer of the Province of Ontario in respect of a vehicle-related fee or tax. Refusal to validate
- (3c) Where a person is in default of payment of a fine or part thereof imposed for a parking infraction associated with his permit, an order may be made under subsection 70 (2) of the *Provincial Offences Act* directing that the permit not be renewed by validation until the fine is paid. Idem  
R.S.O. 1980, c. 400
- (4) Clause 7 (14) (c) of the said Act is amended by inserting after "time" in the first line "or the method of determining the period of time". s. 7 (14) (c), amended
- (5) Clause 7 (14) (d) of the said Act is repealed and the following substituted therefor: s. 7 (14) (d), re-enacted
- (d) prescribing fees for the issuance, validation and replacement of permits and number plates and of evidence of validation of permits and for any additional administrative proceedings arising therefrom;
- (da) governing the manner of displaying number plates on motor vehicles and trailers or any class or type of either of them.
- (6) Clause 7 (14) (e) of the said Act is amended by striking out "and trailers" in the fourth line. s. 7 (14) (e), amended
- (7) Clauses 7 (14) (f) and (g) of the said Act are repealed and the following substituted therefor: s. 7 (14) (f, g), re-enacted
- (f) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers in the possession of,
- (i) vehicle manufacturers,
- (ii) vehicle dealers, or

- (iii) persons in the business of repairing, customizing, modifying or transporting vehicles,

where the vehicles are not kept for private use or for hire and prescribing conditions under which such vehicles may be operated on the highway;

- (g) classifying persons and vehicles and exempting any class of person or any class of vehicle from any requirement in this Part or any regulation made under this Part and prescribing conditions for any such exemptions;

- (h) requiring the surrender of number plates;

- (i) classifying permits, providing for the issuing or validating of any class of permit and the requirements therefor and for the issuing of number plates and evidence of validation and the requirements therefor;

- (j) prescribing requirements for the purposes of subsections 10 (3) and (4).

(8) Subsections 7 (15) and (16) of the said Act are repealed.

s. 7 (15, 16),  
repealed

- 3.** Section 10 of the said Act is repealed and the following substituted therefor:

s. 10,  
re-enacted

10.—(1) Upon the holder of a permit ceasing to be the owner or lessee of the motor vehicle or trailer referred to in the permit, he shall,

Where  
transfer of  
ownership or  
end of lease

- (a) remove his number plates from the vehicle;
- (b) on the delivery of the vehicle to the new owner or the lessor, give the vehicle portion of the permit to the new owner or lessor, as the case may be; and
- (c) retain the plate portion of the permit.

(2) Every person shall, within six days after becoming the owner of a motor vehicle or trailer for which a permit has been issued, apply to the Ministry, on the form provided therefor, for a new permit for the vehicle.

Re-issue of  
permit

(3) Notwithstanding section 12, a person to whom number plates have been issued under subsection 7 (3) for a vehicle he no longer owns or leases may affix the number plates to a similar class of vehicle that he owns or leases where he does so in accordance with the prescribed requirements.

Temporary  
use of  
plates

(4) Notwithstanding section 7, a person may drive a motor vehicle or draw a trailer on a highway during the six day period referred to in subsection (2) where he complies with the prescribed requirements. Idem

4. Section 11 of the said Act is repealed.

s. 11,  
repealed

5.—(1) Clauses 12 (1) (a), (b), (c) and (d) of the said Act are repealed and the following substituted therefor:

s. 12 (1) (a-d),  
re-enacted

- (a) defaces or alters any number plate or evidence of validation furnished by the Ministry;
- (b) uses or permits the use of a defaced or altered number plate or evidence of validation;
- (c) without the authority of the permit holder, removes a number plate from a motor vehicle or trailer;
- (d) uses or permits the use of a number plate upon a vehicle other than a number plate authorized for use on that vehicle;
- (e) uses or permits the use of evidence of validation upon a number plate displayed on a motor vehicle other than evidence of validation furnished by the Ministry in respect of that motor vehicle; or
- (f) uses or permits the use of a number plate or evidence of validation other than in accordance with this Act and the regulations,

(2) Subsection 12 (2) and subsection (3), as re-enacted by section 196 of the Revised Statutes of Ontario, 1980, of the said Act are repealed.

s. 12 (2, 3),  
repealed

6. Section 14 of the said Act is repealed and the following substituted therefor:

s. 14,  
re-enacted

14.—(1) Where a police officer has reason to believe that,

Improper  
number  
plate

- (a) a number plate attached to a motor vehicle or trailer,
  - (i) has not been authorized under this Act for use on that vehicle, or
  - (ii) was obtained by false pretences; or

(b) evidence of the validation of a permit displayed on a motor vehicle,

(i) was not furnished under this Act in respect of that motor vehicle, or

(ii) was obtained by false pretences,

the officer may take possession of the number plate and retain it until the facts in respect of the number plate or evidence of validation have been determined.

Invalid cab card

(2) Where a police officer has reason to believe that a CAVR cab card produced by a driver as being the permit for the motor vehicle,

(a) was not furnished in accordance with this Act for that motor vehicle; or

(b) has been cancelled,

the officer may take possession of the CAVR cab card and retain it until the facts in respect of the card have been determined.

s. 15 (1), amended

7.—(1) Subsection 15 (1) of the said Act is amended by striking out “Sections 7 and 10” in the first line and inserting in lieu thereof “Section 7”.

s. 15 (2), amended

(2) Subsection 15 (2) of the said Act is amended by striking out “sections 7 and 10” in the second line and inserting in lieu thereof “section 7”.

s. 15 (3), amended

(3) Subsection 15 (3) of the said Act is amended by striking out “Sections 7 and 10” in the first line and inserting in lieu thereof “Section 7”.

s. 15 (4), amended

(4) Subsection 15 (4) of the said Act is amended by striking out “sections 7 and 10” in the first line and inserting in lieu thereof “section 7”.

s. 15 (5), re-enacted

(5) Subsection 15 (5) of the said Act is repealed and the following substituted therefor:

Regulations

(5) The Lieutenant Governor in Council may make regulations providing for the temporary exemption of vehicles or any class thereof from section 7 or any provision thereof.

s. 34, amended

8. Section 34 of the said Act is amended by striking out “registered” in the third line and in the sixth line.

s. 73, repealed

9. Section 73 of the said Act is repealed.

- 10.** Subsections 104 (2) and (3) of the said Act are repealed. s. 104 (2, 3), repealed
- 11.** Section 171 of the said Act is amended by striking out “registered” in the second line. s. 171, amended
- 12.** Section 181 of the said Act is amended by adding thereto the following subsection: s. 181, amended
- (3) For the purposes of this Act, the holder of a permit as defined in section 6 shall be deemed to be the owner of the vehicle referred to in the permit if a number plate bearing a number that corresponds to the permit was displayed on the vehicle at the time an offence was committed unless the number plate was displayed thereon without his consent, the burden of proof of which shall be on the holder. Permit holder deemed owner
- 13.—**(1) A permit issued under Part II of the *Highway Traffic Act* before the 1st day of December, 1982 shall be deemed to be a permit within the meaning of clause 6 (1) (e) of the *Highway Traffic Act* as re-enacted by section 1 of this Act. Extended definition of permit
- (2) Notwithstanding clauses 10 (1) (b) and (c) of the *Highway Traffic Act*, where a person who is the holder of a permit referred to in subsection (1), ceases to be the owner of a motor vehicle or trailer referred to in the permit, he shall give the permit to the new owner. Non-application of s. 10 (1) (b, c) of R.S.O. 1980, c. 198
- 14.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement
- 15.** The short title of this Act is the *Highway Traffic Amendment Act, 1982*. Short title 1982.



