

1982

c 28 Highway Traffic Amendment Act, 1982 (No. 2)

Ontario

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Bibliographic Citation

Highway Traffic Amendment Act, 1982 (No. 2), SO 1982, c 28

Repository Citation

Ontario (1982) "c 28 Highway Traffic Amendment Act, 1982 (No. 2)," *Ontario: Annual Statutes*: Vol. 1982, Article 30.

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CHAPTER 28

An Act to amend the Highway Traffic Act

Assented to July 7th, 1982

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

1.—(1) Section 41 of the Highway Traffic Act, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection: s. 41, amended

(1a) Subsection (1) does not apply to a person who is registered as a motor vehicle dealer in accordance with the Motor Vehicle Dealers Act. Exemption R.S.O. 1980, c. 299

(2) Subsection 41 (3) of the said Act is repealed and the following substituted therefor: s. 41 (3), re-enacted

(3) Every person who deals in motor vehicles or trailers or operates a used car lot or engages in the wrecking or dismantling of vehicles in contravention of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$500. Penalty

2.—(1) Subsection 52 (3) of the said Act, exclusive of the clauses, is repealed and the following substituted therefor: s. 52 (3), amended

(3) No person shall operate or permit to be operated upon a highway a vehicle that is, Offence

(2) Subsection 52 (5) of the said Act is repealed and the following substituted therefor: s. 52 (5), re-enacted

(5) Where a constable or an officer appointed for the purpose of carrying out the provisions of this Act reasonably believes that a vehicle being operated on a highway is equipped with tires that do not conform to standards and specifications prescribed by the regulations, he may give the driver or owner of the vehicle involved in the contravention a written notice in the prescribed Notice to conform

form requiring the driver or owner, as the case may be, within ninety-six hours after receiving the notice, to produce to a constable or officer at a location specified in the notice, evidence that the tires on the vehicle do not contravene the Act or the regulations, that the vehicle has been equipped with tires that conform to the prescribed standards and specifications or that an "unfit motor vehicle permit" has been issued for the vehicle.

s. 90 (2),
re-enacted

3.—(1) Subsection 90 (2) of the said Act is repealed and the following substituted therefor:

Seat belt
assembly

R.S.C. 1970,
c. 26,
(1st Supp.)

(2) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative, modified so as to reduce its effectiveness or is not operating properly through lack of maintenance.

s. 90 (6),
amended

(2) Subsection 90 (6) of the said Act is amended by striking out "has attained the age of two years and" in the second and third lines.

s. 90 (7) (c),
re-enacted

(3) Clause 90 (7) (c) of the said Act is repealed and the following substituted therefor:

(c) is secured in the manner prescribed by the regulations.

s. 90 (8) (b),
re-enacted

(4) Clause 90 (8) (b) of the said Act is repealed and the following substituted therefor:

(b) governing the use of different child seating and restraint systems based on the birth date, age, height or weight of a child or the relationship of a child to the driver or owner of the motor vehicle and prescribing, or adopting by reference manufacturer's recommendations concerning, the manner in which a child is to be secured therein;

(c) prescribing classes of motor vehicles, drivers and passengers;

(d) adopting by reference, in part or in whole, any code, standards or specifications concerning child restraint systems;

(e) exempting from any of the provisions of this section or the regulations made under this section,

(i) any class of motor vehicle,

- (ii) any class of driver or passenger, or
- (iii) drivers carrying any prescribed class of passenger,

and prescribing conditions for any such exemption.

4.—(1) Subsection 92 (6) of the said Act is amended by striking out “eleven” in the third line and inserting in lieu thereof “12.5”. s. 92 (6), amended

(2) Section 92 of the said Act is amended by adding thereto the following subsection: s. 92, amended

(9a) Where a vehicle is equipped with one or more mirrors that extend in whole or in part beyond the front of the vehicle, the amount of the extension shall not be included in determining the length of the vehicle under subsection (6), (8) or (9). Mirror not included in length

5.—(1) Subsection 151 (1) of the said Act is repealed and the following substituted therefor: s. 151 (1), re-enacted

(1) In this section, Interpretation

(a) “church” means a place used by a religious organization as defined in the *Religious Organizations’ Lands Act* for the religious instruction of children; R.S.O. 1980, c. 448

(b) “school bus” means a chrome yellow bus that is used for the transportation of,

(i) children to or from school or church, or

(ii) mentally retarded adults to or from a training centre,

that bears on the front and rear thereof the words “school bus” and on the rear thereof the words “do not pass when signals flashing”.

(2) Subsection 151 (5) of the said Act is repealed and the following substituted therefor: s. 151 (5), re-enacted

(5) Every driver of a vehicle when meeting on a highway, other than a highway with a median strip, a stopped school bus that has its red signal-lights flashing, shall stop his vehicle before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights have stopped flashing. Duty of driver when school bus stopped on highway

Idem

(5a) Every driver of a vehicle, when overtaking on a highway a stopped school bus that has its red signal-lights flashing, shall stop his vehicle at least 20 metres before reaching the school bus and shall not proceed until the school bus resumes motion or the signal-lights have stopped flashing.

s. 151 (6), re-enacted

(3) Subsection 151 (6) of the said Act is repealed and the following substituted therefor:

Duty of driver of school bus as to signal-lights

(6) Subject to subsection (7), the driver of a school bus on a highway,

(a) when he is about to stop the bus for the purpose of receiving or discharging children or mentally retarded adults, shall actuate the red signal-lights on the bus;

(b) as soon as the bus is stopped, shall actuate the school bus stop arm; and

(c) while the bus is stopped, shall continue the signal-lights and stop arm in operation.

Exemption to subs. (6)

(6a) Subsection (6) does not apply where the bus is stopping at a stopping place where a signal-light traffic control system is in operation.

Passenger crossing

(6b) No driver of a school bus stopped for the purpose set out in clause (6) (a) on a highway that does not have a median strip shall move the bus until all passengers leaving the bus who must cross the highway have completed the crossing.

s. 151 (9), amended

(4) Subsection 151 (9) of the said Act is amended by inserting after "signal-lights" in the second line "or the stop arm".

s. 151 (10), amended

(5) Subsection 151 (10) of the said Act is amended by striking out "school" where it appears the second time in the second line.

s. 151 (11), re-enacted

(6) Subsection 151 (11) of the said Act is repealed and the following substituted therefor:

When words to be covered

(11) The words on a school bus "do not pass when signals flashing" and "school bus" shall be covered or concealed when the bus is being operated on a highway during a trip that does not at any time during that trip involve the transportation of children to or from a school or church or mentally retarded adults to or from a training centre.

(7) Clause 151 (12) (a) of the said Act is repealed and the following substituted therefor: s. 151 (12) (a),
re-enacted

(a) respecting the operation of vehicles or any class or type thereof used for transporting children to or from school and operated by or under contract with a school board or other authority in charge of a school or for transporting children to or from church or mentally retarded adults to or from a training centre.

(8) Clause 151 (12) (g) of the said Act is amended by striking out “to and from” in the third line and inserting in lieu thereof “to or from”. s. 151 (12) (g),
amended

(9) The said section 151 is amended by adding thereto the following subsections: s. 151,
amended

(13) Every person who contravenes subsection (5) or (5a) is guilty of an offence and on conviction is liable, Penalty

(a) for a first offence, to a fine of not less than \$100 and not more than \$500; and

(b) for each subsequent offence, to a fine of not less than \$250 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

(14) An offence referred to in subsection (13) committed five years or longer after the date of a previous conviction for either of the offences referred to in subsection (13) is not a subsequent offence for the purpose of clause (13) (b). Time limit
for subsequent
offence

6.—(1) This Act, except sections 1, 2, 3 and 5, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Subsections 5 (1), (2), (5), (6), (7), (8) and (9) come into force on the 1st day of September, 1982. Idem

(3) Section 1 comes into force on the 31st day of December, 1982. Idem

(4) Sections 2 and 3 and subsections 5 (3) and (4) come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

7. The short title of this Act is the *Highway Traffic Amendment Act, 1982*. Short title

