

1984

# c 21 Highway Traffic Amendment Act, 1984 (No. 1)

Ontario

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## CHAPTER 21

### An Act to amend the Highway Traffic Act

*Assented to June 13th, 1984*

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

**1.—(1) Section 5 of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following clauses:**

- (d) providing for the payment of administrative fees for the reinstatement of suspended licences and for the exemption from payment of such fees on the basis of grounds for suspension;
- (e) providing for the payment of administrative fees for handling dishonoured cheques tendered as payment for the issue, renewal, replacement, transfer, validation or reinstatement of permits, licences and number plates;
- (f) prescribing a rate of interest for purposes of subsection (2), when interest starts to run and the method of calculating the interest;
- (g) prescribing penalties for the purposes of subsection (2) and the method of determining the amount of any penalty.

**(2) The said section 5 is further amended by adding thereto the following subsection:**

(2) Where a cheque tendered as payment for any fee is dishonoured, interest at a prescribed rate may be charged on the amount of the cheque and a penalty may be imposed.

Interest and penalties when cheque dishonoured

**2. Part III of the said Act is amended by adding thereto the following section:**

**17a.** The purpose of this Part is to protect the public by ensuring that the privilege of driving on a highway is granted

Driving a privilege

to, and retained by, only those persons who demonstrate that they are likely to drive safely.

**3.—(1) Section 18 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 7, is further amended by adding thereto the following subsections:**

Air brake  
endorsement

(1b) No person shall drive, on a highway, a vehicle equipped with air brakes unless the licence of that person is endorsed to permit the driving of a vehicle of that class equipped with air brakes.

Idem

(1c) The Minister shall endorse the driver's licence of every person who applies therefor and meets the requirements prescribed by the regulations with the endorsement referred to in subsection (1b).

**(2) The said section 18 is further amended by adding thereto the following subsection:**

Contingent  
validity

(2b) Where a driver's licence issued under subsection (2) has been suspended, it is not valid for purposes of subsection (1) until the prescribed administrative fee for its reinstatement has been paid.

**(3) Subsection 18 (7) of the said Act is amended by adding thereto the following clause:**

(h) prescribing the requirements to be met by an applicant for an endorsement to a driver's licence for any class of vehicle.

**4.—(1) Subsection 26 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 11, is repealed and the following substituted therefor:**

Suspension  
on conviction  
for certain  
offences  
R.S.C. 1970,  
c. C-34

(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or a street car or a motorized snow vehicle or of an offence under section 233, 234 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act or a motorized snow vehicle or of an offence under section 234.1 or 235 of the *Criminal Code* (Canada) committed in relation to the driving or care or control of a motor vehicle as defined in this Act or a motorized snow vehicle is thereupon and hereby suspended for a period of,

(a) upon the first conviction, three months;

- (b) upon the first subsequent conviction, six months; and
- (c) upon an additional subsequent conviction, three years,

provided that where an order has been made before the 26th day of April, 1976 under subsection 238 (1) of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.C. 1970,  
c. C-34

**(2) Subsection 26 (2) of the said Act is repealed and the following substituted therefor:**

(2) Where a person who has previously been convicted of an offence mentioned in subsection (1) is convicted of the same or any other offence mentioned in subsection (1) within five years after the previous conviction, the last conviction shall be deemed to be a subsequent conviction for the purposes of clauses (1) (b) and (c).

Subsequent  
offence  
within five-  
year period

**5. Section 30a of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 72, section 1, is amended by adding thereto the following subsection:**

(13) In this section,

Interpretation

- (a) "driver's licence" includes a motorized snow vehicle operator's licence; and
- (b) "motor vehicle" includes a motorized snow vehicle.

**6. Clause 74 (3) (a) of the said Act is repealed and the following substituted therefor:**

- (a) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station and the vehicle complies with the inspection requirements and performance standards prescribed by the regulations; and

**7. Subsection 92 (6) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 28, section 4, is repealed and the following substituted therefor:**

Length of  
vehicle

(6) Subject to section 93, no vehicle, other than a fire apparatus, a semi-trailer or a bus, including load, shall exceed the length of 12.5 metres while on a highway.

Length of  
combination

(6a) No combination of vehicles, including load, coupled together shall exceed the total length of twenty-three metres while on a highway.

Idem

(6b) No combination of vehicles shall be operated on a highway where the distance from the back of the driver's compartment of the tractor to the rearmost part of the combination of vehicles exceeds nineteen metres, unless the distance from the centre of the kingpin of the foremost trailer to the rearmost part of the combination of vehicles is 16.75 metres or less.

Interpretation

(6c) For the purposes of subsection (6b), a sleeping compartment shall be considered as part of the driver's compartment.

**8. Subsection 109 (12) of the said Act is amended by striking out "or" at the end of clause (a), by adding "or" at the end of clause (b) and by adding thereto the following clause:**

- (c) an ambulance as defined in clause 43 (a) while responding to an emergency call or being used to transport a patient or injured person in an emergency situation.

**9. Part IX of the said Act is amended by adding thereto the following section:**

Interpretation

**113a.** In this Part,

- (a) "indication" means a signal lens display that is activated by internal illumination;
- (b) "traffic control signal" means that part of a traffic control signal system that consists of one set of no less than three coloured lenses, red, amber and green, mounted on a frame and commonly referred to as a signal head;
- (c) "traffic control signal system" means all of the signal equipment making up the installation at any location.

**10. Section 115 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 23, is repealed and the following substituted therefor:**

**115.**—(1) This section applies where an intersection is not controlled by a stop or yield sign or a traffic control signal system. Application

(2) Every driver approaching an intersection shall yield the right of way to any vehicle in the intersection that has entered it from an intersecting highway. Right of way

(3) When two vehicles enter an intersection from intersecting highways at approximately the same time, the driver on the left shall yield the right of way to the vehicle on the right. Idem

(4) In this section, “driver” includes street car operator and “vehicle” includes street car. Interpretation

**11.** Section 116 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 24, is repealed and the following substituted therefor:

**116.**—(1) Every driver or street car operator approaching a stop sign at an intersection, Stop at through highway

- (a) shall stop his vehicle or street car at a marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and
- (b) shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that to proceed would constitute an immediate hazard and, having so yielded the right of way, may proceed.

(2) Every driver or street car operator approaching, on another highway, an intersection referred to in subsection (1), shall yield the right of way to every driver or operator who has complied with the requirements of subsection (1). Acquiring right of way

**12.** Subsection 118 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 25, is further amended by striking out “116 (a)” in the fourth line and inserting in lieu thereof “116 (1) (a)”.

**13.** Section 119 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 14 and 1983, chapter 63, section 26, is repealed and the following substituted therefor:

**119.**—(1) Every driver or street car operator entering a highway from a private road or driveway shall yield the right Right of way on entering highway from private road

of way to all traffic approaching on the highway so closely that to enter would constitute an immediate hazard.

Exception  
to subs. (1)

(2) Subsection (1) does not apply to a driver or operator entering a highway from a private road or driveway controlled by a traffic control signal of a traffic control signal system.

**14. Section 120 of the said Act is amended by adding thereto the following subsection:**

Municipal  
by-laws

(5) No municipal by-law that purports to designate a pedestrian crossover on a highway on which the maximum speed limit is in excess of 60 kilometres per hour is valid.

**15. Section 121 of the said Act is amended by adding thereto the following subsection:**

Long  
vehicles

(7) Where, because of the length of a vehicle or combination of vehicles, a turn can not be made within the confines of the lanes referred to in subsection (2), (3), (5) or (6), a driver, when making such a turn, is not in contravention of any such subsection if he complies with the applicable provision as closely as practicable.

**16. Section 124 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 48, section 15 and 1983, chapter 63, section 28, is repealed and the following substituted therefor:**

Interpretation

**124.—(1) In this section,**

(a) “driver” includes an operator of a street car;

(b) “emergency vehicle” means,

(i) a fire department vehicle as defined in clause 43 (b) while proceeding to a fire or responding to, but not while returning from, a fire alarm or other emergency call,

(ii) a vehicle while used by a person in the lawful performance of his duties as a police officer,

(iii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation,  
or

(iv) a cardiac arrest emergency vehicle operated by or under the authority of a hospital,

on which a siren is continuously sounding and from which intermittent flashes of red light are visible from all directions;

- (c) "intersection" includes any portion of a highway indicated by markings on the surface of the roadway as a crossing place for pedestrians;
- (d) "pedestrian" includes a person in a wheelchair;
- (e) "vehicle" includes a street car.

(2) For purposes of this section, where a highway includes two roadways fifteen metres or more apart crossed by an intersecting roadway, each crossing shall be considered a separate intersection. Idem

(3) The fifteen metres referred to in subsection (2) shall include exclusive left turn lanes where they exist. Idem

(4) A driver who is directed by a traffic signal erected at an intersection to stop his vehicle shall stop, Where to stop—  
intersection

- (a) at the sign or roadway marking indicating where the stop is to be made;
- (b) if there is no sign or marking, immediately before entering the nearest crosswalk; or
- (c) if there is no sign, marking or crosswalk, immediately before entering the intersection.

(5) A driver who is directed by a traffic signal erected at a location other than at an intersection to stop his vehicle shall stop, Where to stop—  
non-inter-  
section

- (a) at the sign or roadway marking indicating where the stop is to be made;
- (b) if there is no sign or marking, immediately before entering the nearest crosswalk; or
- (c) if there is no sign, marking or crosswalk, not less than five metres before the nearest traffic control signal.

(6) When under this section a driver is permitted to proceed, the driver shall yield the right of way to pedestrians lawfully within a crosswalk. Yielding to  
pedestrians



Yielding to  
traffic

(7) When under this section a driver is permitted to proceed, he shall yield the right of way to traffic lawfully using an intersection or, where signals are erected where a private road or driveway meets a highway, lawfully using the area controlled by the signals.

Signs

(8) The provisions of this section are subject to any sign, as prescribed by the regulations, forbidding a left turn, right turn, through movement or combination thereof that is posted at an intersection and every driver shall obey every such sign.

Obeying  
lane lights

(9) Every driver shall obey every traffic control signal that applies to the lane that he is in.

Green light

(10) A driver approaching a traffic control signal showing a circular green indication and facing the indication may proceed forward or turn left or right unless otherwise directed.

Flashing  
green

(11) A driver approaching a traffic control signal showing a circular flashing green indication or a solid or flashing left turn green arrow indication in conjunction with a circular green indication and facing the indication may, notwithstanding subsection 121 (4), proceed forward or turn left or right unless otherwise directed.

Green arrow

(12) Every driver approaching a traffic control signal showing one or more green arrow indications only or in combination with a circular red or circular amber indication and facing the indication may proceed only to follow the direction shown by the arrow.

Amber light

(13) Every driver approaching a traffic control signal showing a circular amber indication and facing the indication shall stop his vehicle if he can do so safely, otherwise he may proceed with caution.

Amber arrow

(14) Every driver approaching a traffic control signal showing an amber arrow indication only or in combination with another indication and facing the indication shall stop his vehicle if he can do so safely, otherwise he may proceed with caution to follow the direction shown by the amber arrow indication.

Flashing  
amber

(15) Every driver approaching a traffic control signal showing a flashing circular amber indication and facing the indication may proceed with caution.

Red light

(16) Every driver approaching a traffic control signal showing a circular red indication and facing the indication shall

stop his vehicle and shall not proceed until a green indication is shown.

(17) Notwithstanding subsection (16) and subject to subsection (12), a driver, after stopping his vehicle and yielding the right of way to traffic lawfully approaching so closely that to proceed would constitute an immediate hazard, may,

Exception  
—turn

- (a) turn to the right; or
- (b) turn to the left from a one-way street into a one-way street,

without a green indication being shown.

(18) Notwithstanding subsection (16), a driver of an emergency vehicle, after stopping the vehicle, may proceed without a green indication being shown if it is safe to do so.

Exception  
—emergency vehicle

(19) Every driver approaching a traffic control signal and facing a flashing circular red indication shall stop his vehicle, shall yield the right of way to traffic approaching so closely that to proceed would constitute an immediate hazard and, having so yielded the right of way, may proceed.

Stopping at flashing red light

(20) Where portions of a roadway are marked for pedestrian use, no pedestrian shall cross the roadway except within a portion so marked.

Pedestrian crossing

(21) Subject to subsections (22) and (25), a pedestrian approaching a traffic control signal showing a circular green indication or a straight-ahead green arrow indication and facing the indication may cross the roadway.

Pedestrian  
—green light

(22) No pedestrian approaching a traffic control signal and facing a flashing circular green indication or a solid or a flashing left turn arrow indication in conjunction with a circular green indication shall enter the roadway.

Pedestrian  
—stopping at flashing green light

(23) No pedestrian approaching a traffic control signal and facing a red or amber indication shall enter the roadway.

Pedestrian  
—stopping at red or amber light

(24) Where pedestrian control signals are installed and show a “walk” indication, every pedestrian facing the indication may cross the roadway in the direction of the indication notwithstanding subsections (22) and (23).

Pedestrian control signals  
—walk

(25) No pedestrian approaching pedestrian control signals and facing a solid or flashing “don’t walk” indication shall enter the roadway.

Pedestrian control signals  
—don’t walk

Pedestrian  
right of way

(26) Every pedestrian who lawfully enters a roadway in order to cross may continue the crossing as quickly as reasonably possible notwithstanding a change in the indication he is facing and, for purposes of the crossing, has the right of way over vehicles.

Symbols

(27) The "walk" or "don't walk" pedestrian control indications referred to in this section may be shown as symbols as prescribed by the regulations.

Erection of  
traffic control  
signals

(28) No traffic control signal system or traffic control signals used in conjunction with a traffic control system shall be erected or installed except in accordance with an approval obtained from the Minister or an official of the Ministry authorized by the Minister in writing to grant such approval.

Regulations

(29) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards or specifications of a traffic control signal system;
- (b) prescribing the location of traffic control signals and signal systems;
- (c) prescribing standards for operating and maintaining a traffic control signal system;
- (d) regulating the use and operation of traffic control signals and signal systems.

**17. Subsections 124a (1) and (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 16 and amended by the Statutes of Ontario, 1983, chapter 63, section 29, are repealed and the following substituted therefor:**

Blocking  
intersection

(1) The council of a municipality may by by-law prohibit a driver or street car operator approaching, at an intersection, a traffic control signal showing a circular green or green arrow indication from entering the intersection unless traffic in front of him is moving in a manner that would reasonably lead him to believe he can clear the intersection before the signal indication changes to a circular red indication.

Idem

(2) A by-law passed under subsection (1) does not apply to a driver or street car operator who enters an intersection for the purpose of turning to the right or left into an intersecting highway and signals his intention to make such turn prior to entering the intersection.

**18. Section 125 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 30, is repealed and the following substituted therefor:**

**125.—(1)** Notwithstanding subsection 124 (28), during construction or maintenance activities on or adjacent to a highway, a portable lane control signal system may be operated on the highway in accordance with the regulations by the authority having jurisdiction and control of the highway or any person authorized by that authority. Portable  
signal lights

(2) A driver or a street car operator approaching a portable lane control signal showing a circular green indication and facing the indication may proceed. Green light

(3) Every driver or street car operator approaching a portable lane control signal showing a circular amber indication and facing such indication shall stop his vehicle or street car if he can do so safely, otherwise he may proceed with caution. Amber light

(4) Every driver or street car operator approaching a portable lane control signal showing a circular red indication and facing the indication shall stop his vehicle or street car and shall not proceed until a circular green indication is shown. Red light

(5) A driver or operator who is required, under this section, to stop his vehicle or street car shall do so at a sign or marking on the highway indicating where a stop is to be made or, if there is no such sign or marking, not less than five metres before the nearest portable lane control signal. Where to  
stop

(6) No person shall without lawful authority remove, deface or otherwise interfere with a portable lane control signal system. Removing,  
etc., port-  
able system

(7) The Lieutenant Governor in Council may make regulations, Regulations  
re portable  
lane control  
devices

- (a) prescribing standards or specifications for portable lane control signal systems;
- (b) prescribing locations where portable lane control signal systems may be erected; and
- (c) prescribing standards for operating and maintaining portable lane control signal systems.

**19. Section 151 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 28, section 5 and 1983, chapter 63, section 34, is repealed and the following substituted therefor:**

Interpretation **151.**—(1) In this section,

(a) “children” means,

(i) persons under the age of eighteen, and

(ii) in the case where a school bus is being operated by or under a contract with a school board or other authority in charge of a school for the transportation of children to or from school, includes students of the school;

(b) “school” does not include a post-secondary school educational institution;

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

(i) children, 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”.

Idem (2) For the purposes of subsection (3), a motor vehicle shall be deemed to be a bus if it is or has been operated under the authority of a permit issued under section 7 for which a bus fee was paid.

Prohibition (3) No bus, other than a school bus, shall be painted chrome yellow.

Idem (4) No motor vehicle, other than a school bus, shall bear the words “do not pass when signals flashing” or the words “school bus”.

Duty of driver when school bus stopped on highway (5) Every driver or street car operator 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 before reaching the school bus and shall not proceed until the school bus moves or the signal-lights have stopped flashing.

Idem (6) Every driver or street car operator when overtaking on a highway a stopped school bus that has its red signal-lights flashing, shall stop at least 20 metres before reaching the school bus and shall not proceed until the school bus moves or the signal-lights have stopped flashing.

(7) Subject to subsection (10), every driver of a school bus on a highway, Duty of school bus driver

- (a) who is about to stop 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, for a purpose set out in clause (a), shall actuate the school bus stop arm; and
- (c) while the bus is stopped, for a purpose set out in clause (a), shall continue the signal-lights and stop arm in operation,

and subsection 147 (1) does not apply to a driver who stops in accordance with this subsection.

(8) Where a school bus driver has stopped, on a highway that does not have a median strip, for a purpose set out in clause (7) (a), the driver shall continue the signal-lights and stop arm in operation until all passengers leaving the bus who are crossing the highway have completed the crossing. Idem

(9) Subsections (7) and (8) do not apply where the bus is stopped at a place where a signal-light traffic control system is in operation. Exception

(10) In accordance with the regulations, a council of a municipality may by by-law designate school bus loading zones on highways under its jurisdiction to which subsection (7) does not apply. School bus loading zones

(11) No by-law passed under subsection (10) becomes effective until the highways or portions thereof affected are marked to comply with this Act and the regulations. Signing

(12) No person shall actuate the red signal-lights or the stop arm on the school bus on a highway under any circumstances other than those set out in subsection (7). Actuating red signal-lights, stop arm

(13) No person shall stop a school bus on a highway for the purpose of receiving or discharging children on a highway, School bus stopping at designated loading zones

- (a) opposite a designated school bus loading zone; or
- (b) at a designated school bus loading zone, except as closely as practicable to the right curb or edge of the roadway.

When words  
to be  
covered

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

When words  
to be  
exposed

(15) Every school bus transporting, on a highway, children to or from school or mentally retarded adults to or from a training centre shall have the words “school bus” and “do not pass when signals flashing” exposed.

Optional

(16) Where a school bus is transporting children other than to or from a school, the words “school bus” and “do not pass when signals flashing” may be exposed or concealed.

Regulations  
re school  
buses

(17) The Lieutenant Governor in Council may make regulations,

- (a) respecting the operation of vehicles used for transporting children or for transporting mentally retarded adults to or from a training centre;
- (b) prescribing the type, design and colour of vehicles referred to in clause (a) and the markings to be displayed thereon;
- (c) requiring the use of any equipment on or in vehicles referred to in clause (a) and prescribing the standards and specifications of such equipment;
- (d) prescribing the qualifications of drivers of vehicles referred to in clause (a) and prohibiting the operation thereof by unqualified persons;
- (e) requiring the inspection of vehicles referred to in clause (a);
- (f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways;
- (g) prescribing the books and records that shall be kept by persons who operate vehicles used for transporting children or mentally retarded adults;
- (h) requiring the retention of prescribed books within vehicles and prescribing the information to be contained and the entries to be recorded in the books.

(18) Any regulation made under subsection (17) may be general or particular in its application. Scope of regulations

(19) Every person who contravenes subsection (5) or (6) 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.

(20) An offence referred to in subsection (19) committed five years or longer after the date of a previous conviction for either of the offences referred to in subsection (19) is not a subsequent offence for the purpose of clause (19) (b). Time limit for subsequent offence

**20. Subsection 152 (1) of the said Act is repealed and the following substituted therefor:**

(1) In this section, "school crossing guard" means a person sixteen years of age or older who is directing the movement of children across a highway and who is, Interpretation

(a) employed by a municipality; or

(b) employed by a corporation under contract with a municipality to provide the services of a school crossing guard.

**21.—(1) Subsection 173 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 40, is further amended by striking out "\$400" in the fourth line and inserting in lieu thereof "an amount prescribed by regulation".**

**(2) The said section 173 is amended by adding thereto the following subsection:**

(5) The Lieutenant Governor in Council may make regulations prescribing the amount of property damage for the purposes of subsection (1). Regulations as to amount of property damage

**22.—(1) This Act, except subsections 3 (1) and (2), section 4 and sections 9 to 18 and 21, comes into force on the day it receives Royal Assent.** Commencement



Idem

**(2) Subsections 3 (1) and (2), section 4 and sections 9 to 18 come into force on a day to be named by proclamation of the Lieutenant Governor.**

Idem

**(3) Section 21 comes into force on the 1st day of January, 1985.**

Short title

**23. The short title of this Act is the *Highway Traffic Amendment Act, 1984*.**