



1989

c 54 Highway Traffic Amendment Act, 1989 (No. 1)

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CHAPTER 54

An Act to amend the Highway Traffic Act

Assented to October 16th, 1989

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

1.—(1) Subsection 1 (1) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 48, section 1 and 1983, chapter 63, section 1, is further amended by renumbering paragraph 1 as paragraph 1a and by adding thereto the following paragraph:

1. “bicycle” includes a tricycle and unicycle but does not include a motor assisted bicycle.

(2) Paragraph 17 of the said subsection 1 (1) is repealed and the following substituted therefor:

17. “median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement.

(3) Paragraph 39 of the said subsection 1 (1), as amended by the Statutes of Ontario, 1983, chapter 63, section 1, is further amended by inserting after “machine” in the second line “bicycle”.

2. Subsection 5 (2) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 21, section 1, is amended by inserting after “fee” in the first line “or tax”.

3. The said Act is amended by renumbering section 17a, as enacted by the Statutes of Ontario, 1984, chapter 21, section 2, as section 17f and by adding thereto the following Part:

PART II-A

PARKING PERMITS

Issuance of
disabled
person
parking
permits

17a.—(1) The Minister shall issue a disabled person parking permit to every person or organization that applies therefor and meets the requirements of the regulations.

Term

(2) A disabled person parking permit is in force during the period of time shown on the permit.

Cancellation
of permit

(3) The Minister may cancel a disabled person parking permit or may refuse to issue a replacement permit if the permit has been used in contravention of this Part or the regulations or of a municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Refusal to
issue new
permit

(4) If the Minister cancels a disabled person parking permit, the Minister may refuse to issue a new permit to the holder of the cancelled permit.

Offence

17b. No person shall,

- (a) have in his or her possession a disabled person parking permit that is fictitious, altered or fraudulently obtained;
- (b) display a disabled person parking permit otherwise than in accordance with the regulations;
- (c) fail or refuse to surrender a disabled person parking permit in accordance with this Part or the regulations; or
- (d) use a disabled person parking permit on land owned and occupied by the Crown otherwise than in accordance with the regulations.

Reasonable
inspection

17c.—(1) Every person having possession of a disabled person parking permit shall, upon the demand of a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act, surrender the permit for reasonable inspection to ensure that the provisions of this Part and the regulations and any municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act* are being complied with.

R.S.O. 1980,
c. 302

Officer may
take
possession of
the permit

(2) An officer or cadet to whom a disabled person parking permit has been surrendered may retain it until disposition of

the case if the officer or cadet has reasonable ground to believe that the permit,

- (a) was not issued under this Part;
- (b) was obtained under false pretences;
- (c) has been defaced or altered;
- (d) has expired or been cancelled; or
- (e) is being or has been used in contravention of the regulations or of a by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act*.

R.S.O. 1980,
c. 302

17d. The following items, if valid immediately before this Part comes into force, shall be deemed to be a disabled person parking permit until the earlier of their expiry date, if not for this Part, and the day that is six months after this Part comes into force:

Number
plates and
permits
issued before
this Part
comes into
force

1. A number plate bearing the symbol for the disabled issued under this Act and displayed in accordance with the regulations as they exist immediately before this Part comes into force.
2. A permit issued by a municipality under paragraph 119 of section 210 of the *Municipal Act* as it exists immediately before this Part comes into force.

17e. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) prescribing any form for the purposes of this Part and requiring its use;
- (b) respecting the issuance, renewal, cancellation, replacement and disposal of disabled person parking permits;
- (c) prescribing the requirements for obtaining a disabled person parking permit;
- (d) prescribing the period of time or the method of determining the period of time during which disabled person parking permits shall be in force;
- (e) governing the manner of displaying disabled person parking permits on or in vehicles;

- (f) requiring the erection of signs and the placing of markings to identify designated parking spaces for the use of vehicles displaying a disabled person parking permit, and prescribing the types, content and location of such signs and markings;
- (g) prescribing the conditions of use of a disabled person parking permit on land owned and occupied by the Crown;
- (h) requiring and governing the surrender of disabled person parking permits;
- (i) providing for and governing the recognition of permits, number plates and other markers and devices issued by other jurisdictions as being equivalent to disabled person parking permits issued under this Part.

4. Subsection 18 (2a) of the said Act, as re-enacted by the Statutes of Ontario, 1985, chapter 13, section 2, is amended by inserting after “licences” in the second line “or provides any other service in relation to licences”.

5.—(1) Subclause 18 (5) (a) (i) of the said Act is amended by inserting after “conditions” in the second line “or endorsements”.

(2) Subclause 18 (5) (b) (i) of the said Act is amended by inserting after “conditions” in the first line “or endorsements”.

6. Subsection 21 (1) of the said Act is repealed and the following substituted therefor:

- (1) No person shall,
 - (a) display or cause or permit to be displayed or have in his or her possession a fictitious, altered or fraudulently obtained driver’s licence;
 - (b) display or cause or permit to be displayed or have in his or her possession a cancelled, revoked or suspended driver’s licence other than a Photo Card portion thereof;
 - (c) lend his or her driver’s licence or any portion thereof or permit the use of it by another person;

Displaying licence that has been suspended, altered, etc.

- (d) display or represent as his or her own a driver's licence not issued to him or her;
- (e) apply for, secure or retain in his or her possession more than one driver's licence; or
- (f) fail to surrender to the Ministry upon its demand a driver's licence that has been suspended, revoked or cancelled.

(1a) In subsection (1), "licence" includes any portion thereof. Idem

(1b) Any police officer who has reason to believe that any person has in his or her possession a driver's licence or portion thereof referred to in subsection (1) may take possession of the licence or portion thereof and, where the officer does so, shall forward it to the Registrar upon disposition of the case. Seizing licence

7.—(1) Subsection 26 (2) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 61, section 1, is amended by striking out "clauses (1) (b) and (c)" in the third line and inserting in lieu thereof "clauses (1) (f) and (g)".

(2) Subsection 26 (2a) of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 61, section 1, is amended by striking out "Clauses (1) (b) and (c)" in the first line and inserting in lieu thereof "Clauses (1) (f) and (g)".

8. Clause 43 (b) of the said Act is amended by adding at the end thereof "and a vehicle designated in writing by the Fire Marshal of Ontario as a "fire department vehicle"".

9.—(1) Section 46 of the said Act, as amended by the Statutes of Ontario, 1985, chapter 13, section 9, is further amended by adding thereto the following subsections:

(2a) No person shall ride a bicycle on a highway unless it is equipped with at least one brake system acting on the rear wheel that will enable the rider to make the braked wheel skid on dry, level and clean pavement. Brakes on bicycle

(2b) In subsection (2a), "bicycle" has its ordinary meaning and does not include a unicycle or tricycle. Meaning of bicycle

(2) Clause 46 (4) (a) of the said Act is amended by inserting after "(2)" in the third line "(2a)".

(3) Subsection 46 (4) of the said Act is amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding thereto the following clause:

- (c) exempting any person or class of persons or any class of bicycles from subsection (2a) and prescribing conditions for any such exemption.

10. Subsection 57 (5) of the said Act is amended by striking out “bicycle and tricycle” in the first and second lines and inserting in lieu thereof “and bicycle”.

11. Section 84 of the said Act is amended by adding thereto the following subsection:

Adoption by
reference

(2) Any regulation made under clause (1) (b) may adopt by reference any code, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary and may require compliance with any code that is adopted.

12. Section 90 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 28, section 3, is further amended by adding thereto the following subsection:

Idem

(6a) No person shall drive a motor vehicle on a highway in which there is a child passenger weighing less than twenty-three kilograms who does not occupy, if available, a seating position for which a seat belt assembly is provided.

13. Clause 92 (1) (b) of the said Act is repealed and the following substituted therefor:

- (b) road service vehicles as defined in Part IX and includes such vehicles while they are travelling to and from a maintenance site or repair centre.

14. Clause 109 (12) (a) of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 8, is further amended by striking out “a motor vehicle of a municipal fire department” in the first line and inserting in lieu thereof “a fire department vehicle as defined in section 43”.

15. Section 113 of the said Act is amended by adding thereto the following subsection:

Exception

(2) Subsection (1) does not apply to a road service vehicle as defined in Part IX.

16. Section 113a of the said Act, as enacted by the Statutes of Ontario, 1984, chapter 21, section 9, is amended by adding thereto the following clause:

- (aa) "road service vehicle" means a vehicle operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway while the vehicle is being used for highway maintenance purposes.

17. Subsection 114 (4) of the said Act is amended by striking out "vehicle or road-building machine while it is being used for maintenance of the highway" in the first, second and third lines and inserting in lieu thereof "road service vehicle".

18. Section 120 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 14, is further amended by adding thereto the following subsection:

- (6) No person shall ride a bicycle across a roadway within a pedestrian crosswalk.

Riding in
pedestrian
crosswalks
prohibited

19. Section 121 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 21, section 15, is further amended by adding thereto the following subsections:

- (3a) A driver of a road service vehicle entering an intersection within a lane other than one described in subsection (2) or (3) may make a right turn from the approach lane if the turn can be safely made.

Exception

- (6a) A driver of a road service vehicle entering an intersection within a left-turn lane may leave the intersection without turning to the left if the movement can be safely made.

Exception

20. Section 122 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 27 and 1984, chapter 61, section 5, is further amended by adding thereto the following subsection:

- (4a) Notwithstanding clause (4) (b), a person on a bicycle may indicate the intention to turn to the right by extending the right hand and arm horizontally and beyond the right side of the bicycle.

Idem

21. Section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 16, is amended by adding thereto the following subsection:

Exception

(9a) Notwithstanding subsection (9), a driver of a road service vehicle in a left-turn lane may proceed through the intersection without turning to the left if the movement can be safely made, there is showing a circular green or green arrow indication for the through traffic movement, and the driver,

- (a) where the applicable left-turn traffic control signal is showing a circular red indication, first brings the vehicle to a stop; and
- (b) where the operation of any other vehicle may be affected, indicates his or her intention to proceed through the intersection without turning to the left by giving a plainly visible signal to the driver or operator of the other vehicle.

22. Section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 16, is amended by adding thereto the following subsection:

Riding in crosswalks prohibited

(26a) No person shall ride a bicycle across a roadway within or along a crosswalk at an intersection or at a location other than an intersection which location is controlled by a traffic control signal system.

23. Section 126 of the said Act is repealed and the following substituted therefor:

Slow vehicles to travel on right side

126.—(1) Any vehicle travelling upon a roadway at less than the normal speed of traffic at that time and place shall, where practicable, be driven in the right-hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway.

Exception

(2) Subsection (1) does not apply to a driver of a,

- (a) vehicle while overtaking and passing another vehicle proceeding in the same direction;
- (b) vehicle while preparing for a left turn at an intersection or into a private road or driveway; or
- (c) road service vehicle.

24. Subsections 127 (1), (2), (3), (4) and (5) of the said Act are repealed and the following substituted therefor:

Passing meeting vehicles

(1) Every person in charge of a vehicle on a highway meeting another vehicle shall turn out to the right from the centre

of the roadway, allowing the other vehicle one-half of the roadway free.

(2) Every person in charge of a vehicle or on horseback on a highway who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the overtaking vehicle or equestrian to pass.

Vehicles or equestrians overtaken

(2a) Subsections (1) and (2) do not apply to a person in charge of a road service vehicle or a road-building machine or apparatus while the machine or apparatus is engaged in the construction of a highway.

Exception

(3) Every person in charge of a vehicle on a highway meeting a person travelling on a bicycle shall allow the cyclist sufficient room on the roadway to pass.

Vehicles meeting bicycles

(4) Every person in charge of a vehicle or on horseback on a highway who is overtaking another vehicle or equestrian shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or equestrian overtaken, and the person overtaken is not required to leave more than one-half of the roadway free.

Vehicles or equestrians overtaking others

(5) Every person on a bicycle or motor assisted bicycle who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the vehicle or equestrian to pass and the vehicle or equestrian overtaking shall turn out to the left so far as may be necessary to avoid a collision.

Bicycles overtaken

25. Section 128 of the said Act is repealed and the following substituted therefor:

128.—(1) No vehicle shall be driven or operated to the left of the centre of a roadway designed for one or more lines of traffic in each direction,

Driving to left of centre prohibited under certain conditions

- (a) when approaching the crest of a grade or upon a curve in the roadway or within 30 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within that distance so as to create a potential hazard in the event another vehicle might approach from the opposite direction; or
- (b) when approaching within 30 metres of a level railway crossing.

(2) Subsection (1) does not apply,

Exception

- (a) on a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction;
- (b) to a road service vehicle where precautions are taken to eliminate the hazard; or
- (c) on a highway while it is designated for the use of one-way traffic.

26. Subsection 129 (3) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 48, section 17, is amended by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d) and by adding thereto the following clause:

- (e) a road service vehicle.

27.—(1) Clause 133 (c) of the said Act is repealed and the following substituted therefor:

- (c) any lane may be designated for slowly moving traffic, traffic moving in a particular direction or classes or types of vehicles and, notwithstanding section 121, where a highway is so designated and official signs indicating the designation are erected, every driver shall obey the instructions on the official signs.

(2) Section 133 of the said Act is amended by adding thereto the following subsection:

Exception

(2) Where safety is not jeopardized, clauses (1) (b) and (c) do not apply to road service vehicles and clause (1) (c) does not apply to road-building machines or apparatus while engaged in the construction of a highway.

28. Section 135 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Notwithstanding clause (1) (a), a road service vehicle may be operated or driven along the shoulder of the highway if the vehicle remains on its side of the separation.

29. Subsection 135a (2) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 48, section 18, is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding thereto the following clause:

- (d) the driver of a road service vehicle, if the movement is made in safety.

30.—(1) Subsection 144 (1) of the said Act is amended by striking out “or tricycle” in the second line.

(2) Subsection 144 (2) of the said Act is amended by striking out “or tricycle” in the first and second lines.

31. Section 147 of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 33, 1985, chapter 13, section 13 and 1989, chapter 17, section 35, is further amended by adding thereto the following subsection:

(2b) Subsection (1) does not apply to a road service vehicle that is parked, standing or stopped safely. Exception

32. The said Act is further amended by adding thereto the following section:

147a.—(1) No person shall make or convey an offer of services of a tow truck while that person is within 200 metres of, Tow truck services

- (a) the scene of an accident or apparent accident; or
 (b) a vehicle involved in an accident,

on the King’s Highway.

(2) No person shall park or stop a tow truck on the King’s Highway within 200 metres of, Idem

- (a) the scene of an accident or apparent accident; or
 (b) a vehicle involved in an accident,

if there is a sufficient number of tow trucks already at the scene to deal with all vehicles that apparently require the services of a tow truck.

(3) Subsections (1) and (2) do not apply to a person who is at the scene of the accident at the request of a police officer, an officer appointed for carrying out the provisions of this Act, a person engaged in highway maintenance or a person involved in the accident. Idem

(4) Every person who contravenes any provision in this section is guilty of an offence and on conviction is liable, Offence

- (a) for a first offence, to a fine of not less than \$200 and not more than \$1,000; and
- (b) for each subsequent offence, to a fine of not less than \$400 and not more than \$2,000, or to imprisonment for a term of not more than six months, or to both.

Idem

(5) An offence under this section committed five years or longer after a previous conviction for an offence under this section is not a subsequent offence for the purposes of clause (4) (b).

33. Section 151 of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 19 and amended by 1984, chapter 61, section 6, is repealed and the following substituted therefor:

Definitions

151.—(1) In this section,

“children” means,

- (a) persons under the age of eighteen, and
- (b) 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;

“developmental handicap” means a condition of mental impairment, present or occurring during a person’s formative years, that is associated with limitations in adaptive behaviour;

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

“school bus” means a bus that,

- (a) is painted chrome yellow, and
- (b) displays 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 for which a bus registration or validation fee was paid in any jurisdiction.

(3) No bus, except a bus that at any time during its current validation period is used to transport children or to transport adults who have developmental handicaps, shall be painted chrome yellow. Prohibition

(4) No motor vehicle on a highway, other than a school bus, shall have displayed thereon the words "school bus" or the words "do not pass when signals flashing" or be equipped with a school bus stop arm. Idem

(5) No person shall drive or operate a motor vehicle on a highway that contravenes subsection (3) or (4). Idem

(6) Subject to subsection (9), every school bus driver, Duty of driver to use signals

(a) who is about to stop on a highway for the purpose of receiving or discharging children or receiving or discharging adults who have developmental handicaps, shall actuate the overhead 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) on a highway that does not have a median strip, shall continue to operate the overhead red signal-lights and stop arm until all passengers having to cross the highway have completed the crossing.

(7) Clause 147 (1) (a) does not apply to a driver who stops in accordance with subsection (6). Exception to cl. 147 (1) (a)

(8) No person shall actuate the overhead red signal-lights or the stop arm on a school bus on a highway under any circumstances other than those set out in subsection (6). Restriction on use of signals

(9) No person shall actuate the overhead red signal-lights or the stop arm on a school bus, Idem

(a) at an intersection controlled by an operating traffic control signal system;

(b) at any other location controlled by an operating traffic control signal system at,

(i) a sign or roadway marking indicating where the stop is to be made,

(ii) the area immediately before entering the nearest crosswalk, if there is no sign or marking indicating where the stop is to be made, or

(iii) a point not less than five metres before the nearest traffic control signal, if there is no sign, marking or crosswalk; or

(c) within sixty metres from a location referred to in clause (a) or (b).

Bus loading zone

(10) No person shall stop a school bus on a highway for the purpose of receiving or discharging children or receiving or discharging adults who have developmental handicaps,

(a) opposite a designated school bus loading zone; or

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

Duty of drivers when school bus stopped

(11) 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 overhead red signal-lights flashing, shall stop before reaching the bus and shall not proceed until the bus moves or the overhead red signal-lights have stopped flashing.

Idem

(12) Every driver or street car operator on a highway, when approaching from the rear a stopped school bus that has its overhead red signal-lights flashing, shall stop at least twenty metres before reaching the bus and shall not proceed until the bus moves or the overhead red signal-lights have stopped flashing.

Designating bus loading zones

(13) A council of a municipality may by by-law designate school bus loading zones, in accordance with the regulations, on highways under its jurisdiction and, where it does so, subsection (6) does not apply to a driver about to stop or stopping in a zone so designated.

When effective

(14) No by-law passed under subsection (13) becomes effective until the highways or portions thereof affected have signs erected in compliance with this Act and the regulations.

Regulations

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

- (a) respecting the operation of vehicles used for transporting children or for transporting adults who have developmental handicaps;
- (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 for transporting adults who have developmental handicaps;
- (h) requiring the retention of prescribed books and records within vehicles and prescribing the information to be contained and the entries to be recorded in the books or records.

(16) Any regulation made under subsection (15) may be general or particular in its application. Scope of regulations

(17) Every person who contravenes subsection (11) or (12) 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.

(18) An offence referred to in subsection (17) committed more than five years after a previous conviction for either of Time limit for subsequent offence

the offences referred to in subsection (17) is not a subsequent offence for the purpose of clause (17) (b).

34. Section 155 of the said Act is amended by adding thereto the following subsection:

Idem

(2) Subsection (1) does not apply to a pedestrian walking a bicycle in circumstances where crossing to the left side of the highway would be unsafe.

35. Subsection 158 (1) of the said Act is amended by adding at the end thereof “and prohibiting the use or erection of any sign or type of sign that is not prescribed”.

36. Subsection 169 (1) of the said Act is amended by inserting after “Act” in the ninth line “or the regulations” and by adding at the end thereof “upon the inconsistency arising”.

37.—(1) Subsection 181 (3) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 15, section 12, is amended by inserting after “Act” in the first line “or any municipal by-law regulating or prohibiting parking, standing or stopping”.

(2) Subsection 181 (4) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 63, section 43, is amended by inserting after “Act” in the first line “or any municipal by-law regulating or prohibiting parking, standing or stopping”.

38. Section 184 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 61, section 7 and 1985, chapter 13, section 14, is further amended by adding thereto the following subsection:

Report on
disabled
person
parking
by-law
conviction
R.S.O. 1980,
c. 302

(1c) Notwithstanding subsection (1), a judge, provincial judge or justice of the peace who makes a conviction under a municipal by-law passed under paragraph 119 or 150 of section 210 of the *Municipal Act* for the improper use of a disabled person parking permit issued under section 17a or the clerk of the court in which the conviction is made shall forthwith certify the conviction to the Registrar setting out the name and address of the person convicted, the number of the disabled person parking permit used in the offence, the name and address of the person or organization in whose name the disabled person parking permit is issued, the date the offence was committed and the provision of the by-law contravened.

39. Section 185 of the said Act is amended by adding thereto the following subsection:

(4) Where a licence consists of a Photo Card and a Licence Card, subsections (2) and (3) do not apply to the Photo Card portion thereof. Exception

40. Section 186 of the said Act is amended by adding thereto the following subsection:

(3) Where a licence consists of a Photo Card and a Licence Card, subsections (1) and (2) do not apply to the Photo Card portion thereof. Exception

41. The said Act is further amended by adding thereto the following section:

190a.—(1) A police officer who finds any person contravening any provision under this Act while in charge of a bicycle may require that person to stop and to provide identification of himself or herself. Cyclist to identify self

(2) Every person who is required to stop, by a police officer acting under subsection (1), shall stop and identify himself or herself to the police officer. Idem

(3) For the purposes of this section, giving one's correct name and address is sufficient identification. Idem

(4) A police officer may arrest without warrant any person who does not comply with subsection (2). Idem

42. The said Act is further amended by adding thereto the following section:

192a.—(1) A police officer or an officer appointed for carrying out the provisions of this Act who discovers a vehicle apparently abandoned on or near a highway or a motor vehicle or trailer without proper number plates may take the vehicle into the custody of the law and may cause it to be taken to and stored in a suitable place. Abandoned or unplated vehicles

(2) All costs and charges for removal, care or storage of a vehicle taken or stored under subsection (1) are a lien upon the vehicle that may be enforced in the manner provided by Part III of the *Repair and Storage Liens Act, 1989*. Costs for storage
1989, c. 17

COMPLEMENTARY AMENDMENTS

43.—(1) Paragraph 119 of section 210 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1983, chapter 41, section 1, is repealed and the following substituted therefor:

Parking for
disabled
persons
R.S.O. 1980,
c. 198

119. For exempting the owners and drivers of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made thereunder from any provision of a by-law passed by the council under this Act or under any other general or special Act for prohibiting or regulating the parking, standing or stopping of vehicles on any highway or part thereof under the jurisdiction of the council.

- (a) A by-law passed under this paragraph,
 - (i) may regulate or prohibit the parking, standing or stopping of vehicles displaying a disabled person parking permit, and the provisions authorized by this subclause may be different from and in conflict with the provisions of any other by-law of the municipality for prohibiting or regulating the parking, standing or stopping of vehicles on a highway or part thereof under the jurisdiction of the council,
 - (ii) shall prescribe the conditions of use of a disabled person parking permit, and shall prohibit the improper use thereof, and
 - (iii) may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

(2) Paragraph 150 of the said section 210 is repealed and the following substituted therefor:

Parking
facilities for
disabled
persons

150. For requiring the owners or operators of parking lots or other parking facilities to which the public has access, whether on payment of a fee or otherwise, to provide designated parking spaces for the sole use of vehicles displaying a disabled person parking permit issued under and displayed in accordance with the *Highway Traffic Act* and the regulations made thereunder and for prohibiting the use of such spaces by other vehicles.

R.S.O. 1980,
c. 198

- (a) A by-law passed under this paragraph,
 - (i) may specify the dimensions of parking spaces to be provided for the sole use of vehicles displaying a disabled person parking permit, and the number of such spaces to be provided by each owner or operator of a parking lot or other parking facility, which number may be based upon a proportion of the total number

of parking spaces in the parking lot or parking facility to which the public has access,

- (ii) shall prescribe the conditions of use of a disabled person parking permit, and shall prohibit the improper use thereof, and
- (iii) may provide for the removal or impounding of any vehicle, at its owner's expense, parked or left contrary to the by-law.

44.—(1) This Act, except sections 3, 9, 18, 22, 32, 33, 37, 38, 41 and 43, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Sections 3, 9, 18, 22, 32, 33, 37, 38, 41 and 43 come into force on a day to be named by proclamation of the Lieutenant Governor. Idem

45. The short title of this Act is the *Highway Traffic Amendment Act, 1989*. Short title

