1937

c 288 Highway Traffic Act

Ontario
CHAPTER 288.

The Highway Traffic Act.

1. In this Act,—

(a) "Chauffeur" shall mean any person who operates a motor vehicle and receives compensation therefor;

(b) "Commercial motor vehicle" shall mean any motor vehicle having permanently attached thereto a truck or delivery body and shall include ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highways;

(c) "Department" shall mean Department of Highways;

(d) "Garage" shall mean every place or premises where motor vehicles are received for housing, storage or repairs for compensation;

(e) "Gross weight" shall mean the combined weight of vehicle and load;

(f) "Highway" shall include a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, designed and intended for, or used by, the general public for the passage of vehicles; R.S.O. 1927, c. 251, s. 1 (a-f).

(g) "Intersection" shall mean the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other; 1933, c. 20, s. 2.

(h) "Minister" shall mean Minister of Highways; R.S.O. "Minister," 1927, c. 251, s. 1 (g); 1931, c. 54, s. 2.

(i) "Motor vehicle" shall include automobile, motor bicycle, and any other vehicle propelled or driven otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine within the meaning of this Act; R.S.O. 1927, c. 251, s. 1 (h).
"Official sign."  

\[(j)\] "Official sign" shall mean a sign approved by the Department; 1937, c. 30, s. 2 (2).

"Operator."  

\[(k)\] "Operator" shall mean any person other than a chauffeur who operates a motor vehicle on a highway;

"Peace officer."  

\[(l)\] "Peace officer" shall include a mayor, warden, reeve, sheriff, deputy sheriff, sheriff's officer, justice of the peace, gaoler or keeper of a prison, and a police officer, constable, bailiff, or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this Act; R.S.O. 1927, c. 251, s. 1 (i, j).

"Public vehicle."  

\[(m)\] "Public vehicle" shall mean any motor vehicle operated on a highway by, for or on behalf of any person who receives compensation either directly or indirectly for the transportation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but shall not include the cars of electric or steam railways running only upon rails, nor motor vehicles operated solely within the corporate limits of one urban municipality; 1937, c. 30, s. 2 (1).

"Registrar."  

\[(n)\] "Registrar" shall mean the Registrar of Motor Vehicles appointed under this Act; 1930, c. 47, s. 2.

"Safety glass."  

\[(o)\] "Safety glass" shall mean any product composed of glass so manufactured, fabricated or treated as substantially to prevent shattering and flying of the glass when struck or broken, or such other or similar product as may be approved by the Department; 1935, c. 26, s. 2.

"Solid tires."  

\[(p)\] "Solid tires" shall mean all tires other than pneumatic tires;

"Trailer."  

\[(q)\] "Trailer" shall mean any vehicle which is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry temporarily drawn, propelled, or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn;

"Vehicle."  

\[(r)\] "Vehicle" shall include motor vehicle, trailer, traction engine and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, but not including the cars of electric or steam railways.
running only upon rails. R.S.O. 1927, c. 251, s. 1 (t-n).

2.—(1) There shall continue to be a Registrar of Motor Vehicles who shall be appointed by the Lieutenant-Governor in Council.

(2) The Registrar shall act under the instructions of the Minister and shall have general supervision over all matters relating to highway traffic within Ontario, and shall perform such duties as are assigned to him by this Act, by the Lieutenant-Governor in Council, or by the Minister. 1930, c. 47, s. 3.

PART I.

REGISTRATION AND PERMITS.

3.—(1) The owner of every motor vehicle or trailer shall register the same with the Department before driving or operating or causing the same to be driven or operated upon a highway and shall pay to the Department a fee for the registration of such motor vehicle or trailer, and for the number plates therefor and, on failure to do so, shall incur, for the first offence, a penalty of not less than $10 and not more than $50; for the second offence, a penalty of not less than $20 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding thirty days; and, for any subsequent offence, shall incur a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days.

(2) The Department shall issue for each motor vehicle or trailer so registered a numbered permit stating that such motor vehicle or trailer is registered in accordance with this Act, and shall cause the name of such owner, his address and the number of his permit, to be entered in a book to be kept for such purpose.

(3) The Minister may give authority to any person to issue permits for motor vehicles and may define the duties and powers of such person, and, where the salary is not otherwise provided, may authorize and fix the fee to be retained by the person so authorized for each permit issued.

(4) Declarations or affidavits in connection with the issuance of permits and licenses under this Act or required by the Department in that regard, may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant-Governor in Council, but any person so specially authorized shall not charge any fee therefor.
(5) The Lieutenant-Governor in Council may make regulations regarding the renewal and transfer of such permits, the payment of fees therefor, the amount and time of payment of such fees, and also the registration and operation of motor vehicles or trailers owned by manufacturers or dealers and not kept by them for private use. R.S.O. 1927, c. 251, s. 2.

4.—(1) Any person who knowingly makes any false statement of fact in any application, declaration, affidavit or paper-writing required by this Act or by the regulations or by the Department in order to procure the issuance to him of a license, permit or certificate of registration shall in addition to any other penalty or punishment to which he may be liable incur, for the first offence a penalty of not less than $20 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months.

(2) Where an owner changes his address as given under subsection 2 of section 3, he shall within six days send by registered letter or cause to be filed in the Department his change of address, and every subsequent change of address, and on failure to do so shall incur, for the first offence, a penalty of not less than $10 and not more than $50; for the second offence, a penalty of not less than $20 and not more than $100, and in addition his license or permit may be suspended for any period not exceeding thirty days; and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months.

(3) No permit shall be issued for a motor vehicle where the manufacturer's serial number or similar identifying mark has been obliterated or defaced, until the owner has filed with the Department satisfactory proof of the ownership of the vehicle, and, if known, the reason for such obliteration or defacement, and if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss, or attach permanently to such vehicle a special identification number or mark which thereafter shall be deemed sufficient for the purpose of registration of such vehicle. R.S.O. 1927, c. 251, s. 3.
5.—(1) Every motor vehicle other than a motor bicycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year. R.S.O. 1927, c. 251, s. 4 (1); 1931, c. 54, s. 3 (1).

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 4 (2).

(3) The number plate on the front shall be as far forward and as high from the ground as may be necessary to render it distinctly visible, and the number plate on the back shall be so placed that the lower edge thereof shall not be lower than the body of the motor vehicle; provided that this subsection, so far as it relates to the position of the number plate on the back shall not apply to motor trucks or other motor vehicles for the delivery of goods. R.S.O. 1927, c. 251, s. 4 (3); 1931, c. 54, s. 3 (2).

(4) Any person who violates any of the provisions of subsection 3 shall incur, for the first offence, a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25; and for any subsequent offence a penalty of not less than $25 and not more than $50, and in addition, his license or permit may be suspended for any period not exceeding sixty days.

(5) A motor bicycle while being driven on a highway shall have exposed on the front and back thereof a number plate furnished by the Department showing in plain figures, not less than two inches in height, the number of the permit of such motor bicycle, and the number plate on the front shall show the number of the permit issued for the current year on both sides and shall be fixed so that the number is plainly visible from either side of the motor bicycle. R.S.O. 1927, c. 251, s. 4 (4, 5).

(6) Every trailer while being drawn on a highway shall have exposed on the back thereof, in a conspicuous position, a number plate furnished by the Department showing in plain figures the number of the permit issued for the current year. 1931, c. 54, s. 3 (3).
Penalty.

(7) Any person who violates any of the provisions of subsection 5 or 6 shall incur, for the first offence, a penalty of not less than $5 and not more than $10; for the second offence, a penalty of not less than $10 and not more than $25; and for any subsequent offence a penalty of not less than $25 and not more than $50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 4 (6); 1937, c. 30, s. 3.

6.—(1) Any person who,—

(a) defaces or alters any number plate furnished by the Department; or

(b) uses or permits the use of a defaced or altered number plate or a number plate issued by the Department for another motor vehicle or trailer; or

(c) without the authority of the owner removes a number plate from a motor vehicle or trailer; or

(d) uses or permits the use of any number plate upon a motor vehicle or trailer except the one used by the Department for such motor vehicle or trailer; or

(e) does not, within six days, forward a notice on the prescribed form to the Department of the sale or purchase by or to him of a motor vehicle or trailer for which a permit has been issued;

shall incur for the first offence a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding six months.

(2) Every number plate furnished by the Department under this Act shall be and remain the property of the Crown and shall be returned to the Department whenever required by the Department, and any person failing to so return the number plate without reasonable excuse shall incur, for the first offence, a penalty of not more than $5; for the second offence, a penalty of not less than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and the
Minister may also for such failure refuse to issue a license or permit to such person. R.S.O. 1927, c. 251, s. 5.

7.—(1) No number other than that upon the number plate furnished by the Department shall be exposed on any part of a motor vehicle or trailer in such a position or manner as to confuse the identity of the number plate.

(2) Any person who violates any of the provisions of sub-section 1 shall incur, for the first offence, a penalty of not more than $5; for the second offence, a penalty of not less than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25, and in addition his license or permit may be suspended for any period not exceeding thirty days.

(3) The number plates shall be kept free from dirt and obstruction and shall be so affixed that the numbers thereon may be at all times plainly visible, and the view thereof shall not be obscured or obstructed by spare tires, bumper bars, or by any part of the motor vehicle or trailer or attachments thereto, or by the load carried.

(4) Any person who violates any of the provisions of sub-section 3 shall incur, for the first offence, a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 6.

8. Any peace officer who has reason to believe that a motor vehicle or trailer is carrying number plates which were not issued for it, or which although issued for it were obtained by false pretenses, may take possession of such number plates and retain them until the facts as to the carrying of such number plates have been determined. R.S.O. 1927, c. 251, s. 7.

9.—(1) The provisions of sections 3 and 5, and subsection 1 of section 7 shall not apply to a motor vehicle owned by any person who does not reside or carry on business in Ontario for more than three consecutive months in each year, if the owner thereof is a resident of some other province of Canada, and has complied with the provisions of the law of the province in which he resides as to registration of a motor vehicle and the display of the registration number thereon, and provided the province of residence grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and
owned by residents of Ontario. R.S.O. 1927, c. 251, s. 8 (1); 1932, c. 32, s. 2.

(2) The provisions of sections 3 and 5 and subsection 1 of section 7 and subsection 1 of section 19, and the regulations made by the Lieutenant-Governor in Council in pursuance of subsection 5 of section 3 shall not apply to residents of countries or states which grant similar exemptions and privileges with respect to motor vehicles registered under the laws of, and owned by residents of Ontario; provided, however, that this subsection shall not apply to commercial vehicles or vehicles used by non-residents doing business in Ontario, save and except that the provisions of subsection 1 of section 19 shall not apply to drivers of any such motor vehicles and provided, further, that the exemptions granted by this subsection shall not be valid for a period of residence in Ontario in excess of thirty days in any one year. R.S.O. 1927, c. 251, s. 8 (2).

(3) The Lieutenant-Governor in Council may make regulations providing for the temporary exemption from registration of commercial vehicles or vehicles used by non-residents doing business in Ontario, 1929, c. 68, s. 2.

PART II.

REQUIREMENTS AS TO EQUIPMENT.

Lamps. 10.—(1) Whenever on a highway after dusk and before dawn, every motor vehicle shall carry three lighted lamps in a conspicuous position, one on each side of the front, which shall cast a white, green or amber coloured light only, and one on the back of the vehicle, which shall cast from its face a red light only, except in the case of a motor bicycle without a side car, which shall carry one lamp on the front which shall cast a white light only and one on the back of the vehicle which shall cast from its face a red light only, and any lamp so used shall be clearly visible at a distance of at least two hundred feet from the front or rear, as the case may be. R.S.O. 1927, c. 251, s. 9 (1); 1931, c. 54, s. 4 (1).

(2) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsection 1 they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of two hundred feet ahead of such motor vehicle.
(3) The provisions of subsection 2 shall not apply to a motor vehicle on a highway which is so lighted by the means of any system of street or highway lighting that under the conditions mentioned in said subsection any person or vehicle within a distance of two hundred feet ahead of such motor vehicle is clearly discernible to the operator thereof. 1932, c. 32, s. 3.

(4) No motor vehicle shall carry on the front thereof more than three lighted lamps of over four candle power, and additional lights displayed on the front of commercial vehicles to distinguish the width or class of such vehicle shall be green in colour only and of not more than four candle power. R.S.O. 1927, c. 251, s. 9 (2).

(5) Whenever on a highway after dusk and before dawn every motor vehicle and every trailer having a width at any part in excess of eighty inches shall carry in addition to the lamps required by subsection 1, two clearance lamps, one of which shall be located at the front of the vehicle and shall display a green light, and the other of which shall be located at the rear of the vehicle and shall display a red light, and the Department may by regulation permit a reflector, approved by the Department, to be displayed in lieu of a clearance lamp on the rear of a vehicle, and any lamp or reflector so used shall be clearly visible at a distance of at least two hundred feet from the front or rear as the case may be, and shall be affixed within six inches of the extreme left side of the vehicle. 1930, c. 48, s. 2 (1).

(6) Any person who violates any of the provisions of subsection 1, 2, 4 or 5 shall incur, for the first offence, a penalty of not more than $5; for the second offence a penalty of not less than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25 and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 9 (3); 1937, c. 30, s. 4 (1).

(7) In the case of a motor vehicle belonging to a municipal fire department, the lamps on the front may cast a red light only or such other colour of light as may be designated by by-law of the municipality approved by the Department. R.S.O. 1927, c. 251, s. 9 (4).

(8) Whenever on a highway after dusk and before dawn, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp, or reflector approved by the Department, and on the back thereof a red lighted lamp, or reflector approved by the Department, as well as a white surface not
less than ten inches in length and two inches in width, all of which shall be so placed as to be clearly visible to the drivers of other vehicles. 1930, c. 48, s. 2 (2); 1935, c. 26, s. 3.

Penalty.  

(9) Any person who violates any of the provisions of subsection 8 shall incur, for the first offence, a penalty of not more than $5; for the second offence a penalty of not less than $5 and not more than $10; and for any subsequent offence a penalty of not less than $10 and not more than $25. R.S.O. 1927, c. 251, s. 9 (6).

Rear lamps to illuminate number plate.  

(10) The lamp on the back of a motor vehicle or trailer shall be at least three candle power and shall be so placed that it will illuminate at all times between dusk and dawn the numbers on the said number plate, or if provision is made on the number plate or on any attachment furnished or required by the Department for affixing such lamp, it shall be affixed in the position or space provided, and such lamp shall face to the rear and reflect on the number plate a white light only. R.S.O. 1927, c. 251, s. 9 (7); 1928, c. 42, s. 2 (2).

Penalty.  

(11) Any person who violates any of the provisions of subsection 10 shall incur, for the first offence, a penalty of not less than $5 and not more than $10; for the second offence, a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50, and in addition, his license or permit may be suspended for any period not exceeding sixty days.

Parking lights.  

(12) A motor vehicle while standing upon any highway at such times as lights are required by the provisions of this section for such vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the car in such a manner as to be clearly visible to the front and rear for a distance of at least two hundred feet and to show white to the front and red to the rear of the vehicle; provided, however, that such light shall not be displayed while the motor vehicle is in motion. R.S.O. 1927, c. 251, s. 9 (8, 9).

Lighting devices.  

(13) It shall be unlawful to carry on a motor vehicle any lighting device of over thirty-two mean spherical candle power. R.S.O. 1927, c. 251, s. 9 (10); 1934, c. 21, s. 2.

Elimination of glare.  

(14) It shall be unlawful to carry on a motor vehicle any lighting device of over four mean spherical candle power unless the same is equipped with a device for the elimination of glare approved by the Minister and is so deflected, arranged or adjusted that no portion of the parallel beam of reflected light when measured seventy-five feet or more ahead of the lamp shall rise above forty-two inches from the level surface on which the vehicle stands. R.S.O. 1927, c. 251, s. 9 (11).
(15) Any person who violates any of the provisions of subsection 12, 13 or 14 shall incur, for the first offence, a penalty of not more than $10; for the second offence, a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 9 (12); 1937, c. 30, s. 4 (2).

(16) No spotlight or searchlight or other auxiliary lamp shall be attached to any part of a motor vehicle higher than the head lamps of such vehicle, and the ray of light from any such spotlight, searchlight or auxiliary lamp shall be directed to the extreme right of the travelled portion of the highway in such a manner that the beam of light shall strike the highway within seventy-five feet of the vehicle, provided that this shall not prevent the use of what are commonly known as cowl or side lamps or clearance lamps, nor shall this section apply to a motor vehicle of a municipal fire department, or a motor vehicle used by a public service corporation, commission or board for locating breaks in or trouble with overhead wiring. 1928, c. 42, s. 2 (3).

(17) Any person who violates any of the provisions of subsection 16 shall incur, for the first offence, a penalty of not less than $10 and not more than $50; for the second offence, a penalty of not less than $20 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months.

(18) Every traction engine shall, after dusk and before dawn, carry a lamp in a conspicuous place in front which shall cast a white or green light only and one on the rear of the engine or of any vehicle which may be attached to it which shall cast from its face a red light only.

(19) Whenever on a highway after dusk and before dawn, every trailer shall carry on the back thereof one lighted lamp which shall cast from its face a red light only.

(20) Any person who violates any of the provisions of subsection 18 or 19 shall incur for the first offence, a penalty of not less than $5 and not more than $10; for the second offence, a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not
more than $50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 9 (14-17).

(21) (a) Subject to the provisions of clause b, every vehicle other than a motor vehicle or a bicycle or a tricycle, when on a highway after dusk and before dawn, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear, and any lamp so used shall be clearly visible at a distance of at least two hundred feet from the front and from the rear of the vehicle. R.S.O. 1927, c. 251, s. 9 (18) (a); 1931, c. 54, s. 4 (2).

(b) The Department may by regulation permit a reflector approved by the Department to be displayed in lieu of a lighted lamp on vehicles commonly used for conveying inflammable materials or vehicles which are structurally unsuitable for carrying lighted lamps. R.S.O. 1927, c. 251, s. 9 (18) (b); 1930, c. 48, s. 2 (3).

(22) Any person who violates any of the provisions of subsection 21 shall incur, for the first offence a penalty of not more than $5; for the second offence a penalty of not less than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25. R.S.O. 1927, c. 251, s. 9 (19).

11.—(1) (a) Every motor vehicle other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to stop and to hold such vehicle, having two separate means of application, each of which means shall apply a brake or brakes effective on at least two wheels and each of which shall suffice to stop the vehicle within a proper distance, and each means of application shall be so constructed that the cutting in two of any one element of the operating mechanism shall not leave the motor vehicle without brakes effective on at least two wheels.

(b) Every motorcycle shall be equipped with at least one brake.

(c) Every trailer or semi-trailer having a gross weight of three thousand pounds or more shall be equipped with brakes adequate to stop and to hold such vehicle.

(d) All such brakes shall be maintained in good working order and shall conform to regulations not inconsistent with this section to be made by the Department.

(e) Any constable or any officer appointed for carrying out the provisions of this Act may at any time inspect or
cause an inspection to be made of the brakes on any motor vehicle on the highway, and may, if such brakes do not conform to the regulations of the Department, require the driver of such motor vehicle to proceed forthwith to make or have such brakes made to comply with such regulations. 1928, c. 42, s. 3; 1936, c. 27, s. 2.

2. Any person who violates any of the provisions of sub-

section 1 shall incur, for the first offence, a penalty of not less than $10 and not more than $50; for the second offence, a penalty of not less than $20 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 10 (2).

12.—(1) Every motor vehicle other than a motorcycle shall be equipped with,—

(a) a device for cleaning rain, snow and other moisture from the windshield so constructed as to be controlled or operated by the chauffeur or operator;

(b) a mirror securely attached to such vehicle and placed in such a position as to afford the chauffeur or operator a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear. 1930, c. 48, s. 4; 1931, c. 54, s. 5; 1937, c. 30, s. 5.

(2) Any person who violates any of the provisions of sub-

section 1 shall incur, for the first offence, a penalty of not more than $5; for the second offence, a penalty of not less than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25, and in addition, his license or permit may be suspended for any period not exceeding thirty days. R.S.O. 1927, c. 251, s. 11 (2).

13.—(1) All self-propelled vehicles other than traction engines, and all trailers having a gross weight in excess of two tons, shall be equipped with rubber tires or tires of some composition equally resilient, and a vehicle shall not be operated on any highway with a tire that is broken or defective in such a manner as to cause additional impact or pounding on or cutting of the highway, and in the case of motor vehicles and trailers equipped with solid rubber tires there shall be at least
one and one-quarter inches of rubber between the wheel rim and the roadway.

(2) No vehicle shall be operated or object moved over or upon any highway with any flange, rib, clamp or other device attached to its wheels, or made a part thereof, which will injure the highway.

(3) No person driving a vehicle drawn by a horse or other animal and used for carrying articles of burden, goods, wares or merchandise shall when descending a grade on a highway lock any wheel of such vehicle except with the device commonly known as a lock-shoe.

(4) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than $5 and not more than $10; for the second offence, a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 12.

14. No person shall sell any new motor vehicle nor shall any new motor vehicle be registered with the Department unless such vehicle is equipped with safety glass wherever glass is used in doors, windows and windshields. 1935, c. 26, s. 4.

15.—(1) Every motor vehicle shall be equipped with a noise muffler, and no contrivance for releasing such muffler shall be attached to the motor vehicle so that it may be operated from any seat in the vehicle.

(2) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and an operator or chauffeur of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the said motor vehicle, nor shall such operator or chauffeur at any time, by cutting out the muffler or otherwise, cause such motor vehicle to make any unnecessary noise, provided that this subsection shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. R.S.O. 1927, c. 251, s. 13 (1, 2).

(3) Every motor vehicle, bicycle and tricycle shall be equipped with an alarm bell, gong or horn, and the same shall be kept in good working order and sounded whenever it shall be reasonably necessary to notify pedestrians or others of its approach. R.S.O. 1927, c. 251, s. 13 (3); 1935, c. 26, s. 5.
(4) No motor vehicle other than one operated by or on behalf of a police or fire department or the Department shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse.

(5) Any person who violates any of the provisions of subsections 1, 2, 3 or 4 shall incur, for the first offence, a penalty of not more than $5; for the second offence a penalty of not less than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25, and in addition, his license or permit may be suspended for any period not exceeding thirty days. R.S.O. 1927, c. 251, s. 13 (4, 5).

16.—(1) Every person travelling upon a highway with a sleigh or sled drawn by a horse or other animal, shall have at least two bells attached to the harness or to the sleigh or sled in such a manner as to give ample warning sound.

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not more than $5; for the second offence a penalty of not less than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25. R.S.O. 1927, c. 251, s. 14.

17.—(1) No vehicle, including load or contents, shall have a greater width than ninety-six inches, except traction engines or threshing machines which may have a total width of one hundred and ten inches, and except loads of loose fodder. R.S.O. 1927, c. 251, s. 15 (1).

(2) No vehicle shall exceed the length of thirty-three feet and no combination of vehicles coupled together shall exceed the total length of fifty feet. 1929, c. 68, s. 3 (1); 1932, c. 32, s. 4.

(3) No motor vehicle shall be operated with a trailer unless such trailer or trailers each have two separate means of attachment so constructed and attached that the failure of one of such means will not permit the trailer to become detached; provided that this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle. 1934, c. 21, s. 3.

(4) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than $5 and not more than $10; for the second offence a pen-
Examination of vehicle.

18.—(1) Every constable and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle to submit such motor vehicle, together with its equipment and any trailer attached thereto, to such examination and tests as such constable or officer may deem expedient.

(2) Where any such vehicle, equipment or trailer is found to be in a dangerous or unsafe condition the constable or officer making the examination or tests may require the driver of such vehicle to proceed to have such vehicle, equipment or trailer placed in a safe condition and may order such vehicle or trailer to be removed from the highway and may prohibit the operation of such vehicle or trailer on the highway until such vehicle, equipment or trailer has been placed in a safe condition. 1935, c. 26, s. 6.

PART III.
CHÂUFFEURS' LICENSES.

Licenses for paid drivers. 19.—(1) No person shall operate or drive a motor vehicle on a highway as a chauffeur unless he is licensed so to do, and no person shall employ anyone to drive a motor vehicle who is not a licensed chauffeur.

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition, his license or permit may be suspended for any period not exceeding six months.

Terms of license. (3) Chauffeurs' licenses may be issued by the Minister to such persons for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe.

(4) A license shall not be issued to a chauffeur unless he files with the Department certificates that he is a fit and proper person to be so licensed, having regard to his character, physical fitness, ability to drive and knowledge of the rules of the

Use of unsafe vehicle prohibited.
road, and one of such certificates touching the applicant's character shall be furnished by the clerk, chief constable or magistrate of the municipality in which the applicant resides, and one other certificate touching the applicant's physical fitness, ability to drive and knowledge of the rules of the road shall be furnished by an examiner appointed for that purpose by the Lieutenant-Governor in Council and residing in the municipality in which the applicant resides.

(5) If there is no such examiner residing in the municipality, the certificate may be signed by the examiner residing in the municipality nearest to that in which the applicant resides.

(6) Before a person is appointed an examiner he shall pass such an examination or furnish such evidence of his qualifications as the Minister shall require. R.S.O. 1927, c. 251, s. 16.

20. A magistrate or justice of the peace by whom a person is convicted of a violation of this Act, if the person convicted is required to hold a chauffeur's license and does not hold such license, may declare him disqualified to hold such a license for such time as the magistrate or justice of the peace thinks fit and shall so report with the certificate of the conviction to the Minister. R.S.O. 1927, c. 251, s. 17.

21.—(1) A license must be produced by any person driving a motor vehicle as a chauffeur when demanded by a constable or by an officer appointed for carrying out the provisions of this Act.

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not more than $5; for the second offence a penalty of not less than $5 and not more than $10; and for any subsequent offence a penalty of not less than $10 and not more than $25, and in addition, his license or permit may be suspended for any period not exceeding thirty days.

(3) A person convicted of an offence under this Act if he holds a chauffeur's license shall forthwith produce the license for the purpose of endorsement.

(4) Any person who violates any of the provisions of subsection 3 shall incur, for the first offence, a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50, and in addition, his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 18.
22.—(1) Magistrates or justices of the peace by whom a person is convicted of a violation of this Act shall cause particulars of the conviction to be endorsed upon the chauffeur’s license or operator’s license, as the case may be, and if the penalty imposed includes the suspension of the license or permit, shall take and hold for the period of the suspension such license or permit and any badge issued therewith.

(2) Any such endorsement signed by the convicting justice shall be prima facie evidence of such conviction. R.S.O. 1927, c. 251, s. 19.

23.—(1) The Minister may at any time for misconduct or violation of the provisions of this Act or The Public Vehicle Act or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason which he may deem sufficient, suspend or revoke any permit or license, and during such suspension and until any such revocation shall be cancelled by the Minister no further or other license or permit shall be issued to such owner, operator or chauffeur, and the Minister may also for such misconduct or violation or reason prohibit any person from driving a motor vehicle for a period not exceeding two years, and any such person who drives a motor vehicle during the prohibited period shall incur a penalty not exceeding $500.

(2) No person whose permit or license has been suspended or cancelled shall, during the period of such suspension or cancellation, apply for or procure the issue to him of a new permit or license.

(3) Any person who violates any of the provisions of subsection 2 shall incur a penalty of not less than $25 and not more than $100 and shall also be liable to imprisonment for any term not exceeding thirty days. R.S.O. 1927, c. 251, s. 20.

PART IV.

GARAGE AND STORAGE LICENSES.

24.—(1) No person shall store or deal in motor vehicles, or conduct what is known as a garage business, parking station, parking lot or used car lot, without having been licensed so to do by the Department in respect of each separate premises used by him for the purpose of such business, provided that the provisions of this section shall not apply to a temporary parking lot which is being operated for a period of not more than two consecutive weeks. R.S.O. 1927, c. 251, s. 21 (1); 1935, c. 26, s. 7 (1).
Sec. 25 (1).  HIGHWAY TRAFFIC.  Chap. 288.  3897

(2) The fee for the license shall be such as may be fixed from time to time by order of the Lieutenant-Governor in Council on the recommendation of the Minister. R.S.O. 1927, c. 251, s. 21 (2).

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot without a license shall incur a penalty of not less than $10 and not more than $50 for the first offence; not less than $50 and not more than $200 for the second or subsequent offence, and shall also be liable to imprisonment for a term not exceeding three months for a third or any subsequent offence. R.S.O. 1927, c. 251, s. 21 (3); 1935, c. 26, s. 7 (2).

(4) Any peace officer may enter into any place where motor vehicles are stored or dealt in, or into any garage, parking station, parking lot or used car lot required to be licensed and make such investigation and inspection as he thinks proper in order to ascertain whether the provisions of this Act have been complied with. R.S.O. 1927, c. 251, s. 21 (4); 1935, c. 26, s. 7 (3).

(5) Any person who obstructs, molest or interferes with any such constable or officer in the performance of his duty under subsection 4 shall incur a penalty of not less than $25 and not more than $100 for the first offence; not less than $100 and not more than $300 for the second offence; and not less than $300 and not more than $500 and shall also be liable to imprisonment for a term not exceeding six months for the third or any subsequent offence. R.S.O. 1927, c. 251, s. 21 (5); 1937, c. 30, s. 6.

(6) The Minister may suspend or cancel the license issued for a garage business, parking station, parking lot or used car lot for misconduct or for non-compliance with or infraction of any of the provisions of this Act or of the regulations by the holder of such license or by any of his employees or for any other reason appearing to him to be sufficient. R.S.O. 1927, c. 251, s. 21 (6); 1935, c. 26, s. 7 (4).

(7) The Lieutenant-Governor in Council may, upon the recommendation of the Minister, make regulations controlling and governing the conduct of a garage business, parking station, parking lot or used car lot. R.S.O. 1927, c. 251, s. 21 (7); 1935, c. 26, s. 7 (5).

25.—(1) All persons who buy, sell, wreck or otherwise deal in second-hand motor vehicles shall keep a correct record of all motor vehicles bought, sold or wrecked and of such information as will enable such motor vehicles to be readily
identified, and shall transmit within six days to the Department, on forms furnished by the Department, a statement of each motor vehicle bought, sold or wrecked by them and such information with reference thereto as may be required by the Department.

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle where the manufacturer's serial number or similar identifying mark has been obliterated or defaced or is not readily recognizable.

(3) No person shall deface or remove the manufacturer's serial number or identifying mark from a motor vehicle or from the engine thereof. R.S.O. 1927, c. 251, s. 22 (1-3).

(4) Where any motor vehicle is placed in the possession of any person who repairs, buys, sells, wrecks or stores motor vehicles or conducts what is known as a garage business, parking station, parking lot or used car lot and the same remains in his possession for more than two weeks without good reason, such person shall forthwith, upon the expiration of the said period of two weeks make a report thereof to the Department. R.S.O. 1927, c. 251, s. 22 (4); 1935, c. 26, s. 8 (1).

(5) If a motor vehicle which shows evidence of having been involved in a serious accident or having been struck by a bullet is brought into a garage, parking station, parking lot, used car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith report the same to the nearest provincial or municipal police officer, giving the name and address of the owner or operator and also the permit number and a description of the vehicle. 1931, c. 54, s. 6; 1935, c. 26, s. 8 (2).

(6) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and for any subsequent offence a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days. R.S.O. 1927, c. 251, s. 22 (5).

PART V.

RATE OF SPEED.

26.—(1) No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than thirty miles per hour; but the council of a city, town or village may by by-law set apart any highway or any part
Sec. 27. HIGHWAY TRAFFIC.

thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose. The council of any city, town or village may pass a by-law prohibiting a motor vehicle from being driven at a greater rate of speed than fifteen miles per hour within any public park or exhibition ground; provided that this subsection shall not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. R.S.O. 1927, c. 251, s. 23 (1); 1937, c. 30, s. 7 (1).

(2) No motor vehicle shall be driven upon any highway outside of a city, town or village at a greater rate of speed than fifty miles per hour, nor over a level railway crossing, whether or not the driver of the vehicle has a clear view of approaching railway traffic, at a greater rate of speed than twenty miles per hour. R.S.O. 1927, c. 251, s. 23 (2); 1933, c. 20, s. 3; 1937, c. 30, s. 7 (2).

(3) The council of any township may by reason of the density of population or number and proximity of buildings therein or in any part thereof by by-law approved by the Department prohibit a motor vehicle from being operated at a greater rate of speed than thirty miles per hour in the township or in such part or parts thereof or on such highways or parts of highways therein as the by-law may define, and in such case notices regarding the speed limit shall be posted on the highways of the township to comply with the regulations of the Department. 1937, c. 30, s. 7 (3).

(4) Any person who violates any of the provisions of this Penalty section shall incur, for the first offence, a penalty of not less than $5 and not more than $50; for the second offence a penalty of not less than $10 and not more than $100, and in addition, his license or permit may be suspended for any period not exceeding three months, and for any subsequent offence shall incur a penalty of not less than $20 and not more than $200, and in addition, his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 23 (3).

27. Notwithstanding the provisions of section 26, any person who drives a motor vehicle on a highway recklessly or negligently, or at a speed or in a manner dangerous to the public, having regard to all the circumstances, shall incur a penalty of not less than $10 and not more than $200 and shall also be liable to imprisonment for any term not exceeding sixty days, and in addition, his license or permit shall be suspended for
any period not exceeding six months. R.S.O. 1927, c. 251, s. 24.

(a) Driving a motor vehicle with persons or property in
the front or driver's seat so placed as to interfere
with the proper management or control of the vehicle
by the driver shall be deemed to be negligent driving
within the meaning of this section. 1930, c. 48, s. 5.

28.—[1] No person shall drive a motor vehicle upon a
highway in a race or on a bet or wager.

(2) Any person who violates any of the provisions of sub-
section 1 shall incur, for the first offence, a penalty of not less
than $25 and not more than $100, and shall also be liable to
imprisonment for any term not exceeding thirty days, and in
addition his license or permit may be suspended for a period
not exceeding sixty days, and, for any subsequent offence, shall
incur a penalty of not less than $100 and not more than $500
and shall also be liable to imprisonment for any term not ex-
ceeding six months, and in addition his license or permit may
be suspended for any period not exceeding one year. R.S.O.
1927, c. 251, s. 25.

29.—[1] No vehicle, other than a public vehicle, equipped
wholly or in part with solid tires shall be operated upon any
highway at a greater rate of speed than fifteen miles per hour.

(2) No public vehicle equipped wholly or in part with solid
tires shall be operated upon any highway at a greater rate of
speed than twenty miles per hour. R.S.O. 1927, c. 251,
s. 26 (1, 2).

(3) Any person who violates any of the provisions of this
section shall incur, for the first offence a penalty of not less
than $5 and not more than $50; for the second offence a pen-
alty of not less than $10 and not more than $100, and in addi-
tion, his license or permit may be suspended for any period not
exceeding three months, and for any subsequent offence shall
incur a penalty of not less than $20 and not more than $200, and
in addition his license or permit may be suspended for any
period not exceeding six months. R.S.O. 1927, c. 251, s. 26 (4).

30.—[1] The municipal corporation or other authority
having jurisdiction over the highway may make regulations
limiting any vehicle passing over a bridge to a speed of not
less than five miles per hour, and notice of the limit of speed
fixed by such regulation, legibly printed, shall be posted up in
a conspicuous place at each end of the bridge in the following
form:
"Any person or persons riding or driving on or over this bridge at a faster rate than — miles per hour will, on conviction therefor, be subject to a fine of $ — as provided by by-law."

(2) A person who injures or interferes with such notice shall incur a penalty of not less than $1 and not more than $10. R.S.O. 1927, c. 251, s. 27.

31.—(1) Subject to the provisions of sections 29 and 30 no motor vehicle shall be driven upon a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when such slow rate of speed is necessary for safe operation having regard to all the circumstances.

(2) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than $5 and not more than $50 and for any subsequent offence not less than $10 and not more than $100 and in addition his license or permit, or both, may be suspended for any period not exceeding thirty days. 1931, c. 54, s. 7.

32. Any person who removes, defaces, or in any manner interferes with any notice or obstruction lawfully placed on a highway shall incur, for the first offence, a penalty of not less than $25 and not more than $100, and shall also be liable to imprisonment for any term not exceeding thirty days. and for any subsequent offence shall incur a penalty of not less than $100 and not more than $500 and shall also be liable to imprisonment for any term not exceeding six months. R.S.O. 1927, c. 251, s. 28.

PART VI.

WEIGHT AND LOAD.

33.—(1) In this section,—

(a) "Class ‘A’ Highway" shall mean a highway designated as such by the Minister;

(b) "Class ‘B’ Highway" shall mean a highway not designated by the Minister as a "Class ‘A’ Highway". 1929, c. 68, s. 6, part.

(2) No vehicle shall be moved upon wheels, rollers, or otherwise over or upon any "Class ‘A’ Highway" having a gross weight in excess of the following, unless a special permit has been issued pursuant to section 34:
(a) The gross weight of a vehicle of four wheels with two driving axles spaced more than eight feet apart and of a public vehicle shall not exceed twenty-four thousand pounds and the weight upon one axle shall not exceed fifteen thousand pounds.

(b) The gross weight of a vehicle of six wheels so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, shall not exceed thirty thousand pounds and the weight on one axle shall not exceed fifteen thousand pounds.

(c) The gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed sixteen thousand pounds and the weight upon one axle shall not exceed twelve thousand pounds.

(d) The gross weight of a vehicle other than those mentioned in clauses a, b, and c shall not exceed twenty thousand pounds and the weight upon one axle shall not exceed fifteen thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed twelve thousand pounds.

(3) No vehicle shall be moved upon wheels, rollers or otherwise over or upon any "Class 'B' Highway" having a gross weight in excess of the following, unless a special permit has been issued pursuant to section 34:

(a) The gross weight of a vehicle shall not exceed sixteen thousand pounds and the weight upon one axle shall not exceed twelve thousand pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed ten thousand pounds. 1929, c. 68, s. 6, part; 1934, c. 21, s. 4.

(4) No vehicle, object or contrivance for moving loads which is equipped with tires of less than six inches in width shall be operated or moved upon or over any highway, the weight of which, or the gross weight of which, exceeds five hundred pounds upon any inch in width of tire, roller, wheel or other object, and no vehicle equipped with tires of six inches or more in width, the weight or gross weight of which exceeds six hundred pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 34.

(5) Commercial motor vehicles with rear tires of less than the widths specified in the following table, shall not be operated upon any highway:
TABLE.

<table>
<thead>
<tr>
<th>Pounds</th>
<th>Pounds</th>
<th>Tires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Those having a gross weight of 4,600 lbs. or less...........</td>
<td>3½&quot;</td>
<td></td>
</tr>
<tr>
<td>More than 4,600 but not more than 5,300..........................</td>
<td>4&quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; 5,300 &quot; &quot; &quot; &quot; &quot; 6,000. ................................</td>
<td>4½&quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; 6,000 &quot; &quot; &quot; &quot; &quot; 6,700. ................................</td>
<td>5&quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; 6,700 &quot; &quot; &quot; &quot; &quot; 9,600. ................................</td>
<td>6&quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; 9,600 &quot; &quot; &quot; &quot; &quot; 11,200. ................................</td>
<td>7&quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; 11,200 &quot; &quot; &quot; &quot; &quot; 12,800. ................................</td>
<td>8&quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; 12,800 &quot; &quot; &quot; &quot; &quot; 16,000. ................................</td>
<td>10&quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; 16,000 &quot; &quot; &quot; &quot; &quot; 18,000. ................................</td>
<td>12&quot;</td>
<td></td>
</tr>
<tr>
<td>&quot; &quot; 18,000 &quot; &quot; &quot; &quot; &quot; 20,000. ................................</td>
<td>14&quot;</td>
<td></td>
</tr>
</tbody>
</table>

Provided that the Minister may authorize tires of less than the width specified in such table in the case of such vehicles, the gross weight of which is distributed more or less evenly on all four wheels and in the case of such vehicles which are equipped with more than four wheels and in the case of trailers.

(6) For the purpose of this section the width of solid rubber or pneumatic tires shall be as stamped thereon by the manufacturer and approved by the Department.

(7) Any person who violates any of the provisions of this section shall incur, for the first offence, a penalty of not less than $25 and not more than $50; for the second offence, a penalty of not less than $50 and not more than $100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $100 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition his license or permit may be suspended for any period not exceeding six months.

(8) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Department make regulations limiting the weight of any vehicle passing over such bridge and notice of the limit fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. R.S.O. 1927, c. 251, s. 30 (4-8).

34.—(1) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for the moving of heavy vehicles, loads, objects or structures in excess of the limits prescribed by section 17 or 33. R.S.O. 1927, c. 251, s. 30 (1); 1929, c. 68, s. 7.

(2) Such permit may be general or may limit the time and the particular highway which may be used, and may contain any special conditions or provisions which may be deemed necessary for the protection of said highway from injury, and
the municipal corporation or other authority may require a bond sufficient to cover the cost of repairing such possible injury to the highway.

(3) The council of any municipality may, by by-law, provide that such permit may be issued by any officer of the corporation named therein.

(4) In the case of a vehicle for which a permit is required under this section in order to pass over a highway or highways under the jurisdiction of two or more municipalities or other authorities, the permit so to do may be issued by the Department, which permit shall be in lieu of the several permits to be otherwise obtained from the municipal corporations or other authorities, and the permit may limit the time and the particular highway or highways which may be used, and may contain any special conditions or provisions which may be deemed necessary to protect such highways from injury, and the Department may require a bond sufficient to cover the cost of repairing such possible injury to the highway.

(5) The owner, driver, operator or mover of any such vehicle, object or contrivance who has obtained the permit mentioned in this section shall nevertheless be responsible for all damages which may be caused to the highway by reason of the driving, operating or moving of any such vehicle, object or contrivance. R.S.O. 1927, c. 251, s. 30 (2-5).

Prohibition as to carrying load in excess of permit.

35.—(1) No motor vehicle or trailer having a permit issued under this Act, the fee for which is based upon the weight of the vehicle and load, shall at any time when upon a public highway, carry a load in excess of that for which the permit was issued as stated upon such permit, and for which the fee therefor was estimated. R.S.O. 1927, c. 251, s. 31 (1).

(2) The permit issued for every commercial motor vehicle and for every trailer drawn by it shall whenever such vehicle is on a highway be carried by the driver thereof, or be placed in some readily accessible position in the vehicle and shall be produced when demanded by a constable or an officer appointed for carrying out the provisions of this Act or The Commercial Vehicle Act. 1934, c. 21, s. 5.

(3) During the months of March and April commercial motor vehicles and trailers, other than public vehicles, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant-Governor in Council, or upon any other highway not within a city or separated town, shall not be loaded in excess of the limits prescribed hereunder without obtaining a permit as provided by section 34:
(a) A vehicle equipped wholly or in part with solid tires shall not be loaded in excess of one-half the carrying capacity as registered with the Department.

(b) A vehicle equipped wholly with pneumatic tires, having a carrying capacity registered with the Department of three tons and not more than six tons, shall not be loaded in excess of three tons.

(c) A vehicle equipped wholly with pneumatic tires and having a registered carrying capacity in excess of six tons shall not be loaded in excess of one-half the capacity registered with the Department. 1930, c. 48, s. 6; 1934, c. 21, s. 6 (1).

(4) During the months of March and April, a vehicle other than a motor vehicle, or trailer, operated over or upon any portion of the King's Highway to which the provisions of this subsection are declared to be applicable by the Lieutenant-Governor in Council, or upon any other highway not within a city or separated town, and having a carrying capacity exceeding one ton, shall not be loaded in excess of two hundred and fifty pounds upon any inch in width of tire without obtaining a permit as provided by section 34. R.S.O. 1927, c. 251, s. 31 (3); 1934, c. 21, s. 6 (2).

(5) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding six months.

(6) The council of a city or separated town may, by by-law, declare the provisions of subsections 3, 4 and 5 to be in force in respect of highways within such city or separated town. R.S.O. 1927, c. 251, s. 31 (4, 5).

(7) The municipal corporation or other authority having jurisdiction over any highway, may declare the provisions of subsections 3, 4 and 5 to extend and apply to highways under its jurisdiction during any period of the year; provided, however, that a by-law of a municipality passed under the authority of this subsection, shall not take effect until it has received the approval of the Minister.
(8) In the case of highways under the jurisdiction of the Department, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, declare the provisions of subsections 3, 4 and 5 to extend and apply during any period of the year. 1929, c. 68, s. 8, part.

(9) In this section "Minister" in the case of a county shall mean the Minister of Highways, and in the case of a district shall mean that member of the Executive Council to whom, for the time being, the administration of The Northern Development Act is assigned. 1929, c. 68, s. 8, part; 1931, c. 54, s. 8.

36.—(1) Any constable or any officer appointed for carrying out the provisions of this Act, having reason to believe that the weight of a vehicle and load is in excess of that permitted by this Act or in excess of that authorized under the permit issued for the vehicle may weigh the same either by means of portable or stationary scales and may require that such vehicle be driven to the nearest scales if they are within a distance of two miles, and where it is found that the vehicle is carrying an excessive load, the constable or officer may require the driver to forthwith remove so much of the load as is necessary to bring it within the weight so permitted or authorized. 1928, c. 42, s. 4.

(2) Any driver who, when so required to proceed to a weighing machine, refuses or fails to do so, shall incur for the first offence a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200, and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding six months.

(3) When a weighing machine cannot be reached within the prescribed distance, or in lieu of proceeding to such weighing machine, the driver of any vehicle shall produce forthwith an inventory showing the true weight of the vehicle and the goods or load thereon, verified in writing by the owner of such vehicle.

(4) In lieu of proceeding to a weighing machine the weight of the load may be determined by a portable weighing device provided by the peace officer, and it shall be the duty of the driver of the vehicle to facilitate the weighing of the vehicle and load by any such device.
(5) Any person who violates any of the provisions of subsections 3 and 4 shall incur for the first offence a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25; and for any subsequent offence a penalty of not less than $25 and not more than $50 and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 32 (2-5).

37.—(1) Every vehicle carrying a load which overhangs the rear of the vehicle to the extent of five feet or more shall display upon such overhanging load at the extreme rear end thereof, at all times between dusk and dawn, a red light, and at all other times a red flag or a red wooden or metal sign sufficient to indicate the projection of such load. R.S.O. 1927, c. 251, s. 33 (1).

(2) Every commercial motor vehicle and every trailer shall be loaded in such a manner that no portion of the load may become dislodged or fall from such commercial motor vehicle or trailer during transit. 1935, c. 26, s. 9 (1).

(3) Any person who violates any of the provisions of subsection 1 or 2 shall incur for the first offence a penalty of not more than $5; for the second offence a penalty of not less
than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25, and in addition his license or permit may be suspended for any period not exceeding thirty days. R.S.O. 1927, c. 251, s. 34 (2); 1937, c. 30, s. 8.

PART VII.

RULES OF THE ROAD.

39.—(1) Where two persons in charge of vehicles or on horseback approach a crossroad or intersection, or enter an intersection, at the same time, the person to the right hand of the other vehicle or horseman shall have the right-of-way.

(a) The driver or operator of a vehicle within an intersection intending to turn to the left across the path of any vehicle approaching from the opposite direction may make such left turn only after affording a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision. 1930, c. 48, s. 8 (1), part.

(b) The driver or operator of a vehicle intending to turn to the right into an intersecting highway shall approach such intersection and turn as closely as practicable to the right curb or edge of the travelled portion of the highway. 1931, c. 54, s. 10, part.

(c) The driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach such intersection as closely as practicable to the centre line of the highway and the left turn shall be made by passing to the right of such centre line where it enters the intersection, and upon leaving the intersection by passing to the right of the centre line of the highway then entered. 1931, c. 54, s. 10, part; 1933, c. 20, s. 4 (1).

(d) The driver or operator of a vehicle upon a highway before turning to the left from a direct line shall first see that such movement can be made in safety, and if the operation of any other vehicle may be affected by such movement shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement.

(e) The signal required in clause d shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device which has been approved by the Department.
Sec. 39 (2) (f) (ii). HIGHWAY TRAFFIC.

When a green signal-light is shown at an intersection, the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light may proceed across the intersection or turn left or right.

When a red signal-light is shown at an intersection, every driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such light shall bring his vehicle or car to a full stop before entering such intersection, and shall not proceed until a green light is shown, provided that such driver or operator may turn to the right after bringing such vehicle or car to a full stop.

When green and amber signal-lights are shown simultaneously at an intersection, the driver or operator of a vehicle or car of an electric railway which is approaching the intersection and facing such lights, shall bring his vehicle or car to a full stop before entering the intersection, provided that where any such vehicle or car cannot be brought to a stop in safety before entering the intersection, it may be driven cautiously across the intersection.

When under the provisions of this section the driver or operator of a vehicle or car of an electric railway is permitted to proceed across an intersection or to turn left or right, such permission shall be subject always to the safety of pedestrians and other traffic.

(i) When a green signal-light is shown at an intersection a pedestrian approaching such intersection and facing such light may proceed across the roadway provided that where markings upon the roadway indicate the portion of the roadway to be used by pedestrian traffic, the pedestrian shall proceed within such marked portion.

(ii) When a red signal-light is shown, and where green and amber signal-lights are shown simul-
taneously, at an intersection, a pedestrian approaching such intersection and facing such light or lights, shall not enter the roadway unless he can do so with safety and without interfering with vehicular traffic.

(g) The provisions of this subsection shall be subject to any sign or notice forbidding a left or right turn or both, which may be conspicuously posted at any intersection and to any direction of a constable or other person who is authorized to direct traffic.

(h) (i) Every signal-light traffic control system installed after the 9th day of April, 1936 shall consist of sets of green, amber and red signal-lights, each of which sets shall be mounted on a post or other standard located on the right side of the roadway used by the traffic controlled by it and upon the side of the intersecting roadway which is remote from such traffic as it approaches, and the lower portion of each of such sets shall be approximately nine feet from the level of the roadway, provided that where any such system is installed at an intersection other than an intersection where two highways cross, the arrangement of the lights shall comply as nearly as possible with the provisions of this subsection.

(ii) No signal-light traffic control system shall be erected unless the approval of the Department has been obtained. 1936, c. 27, s. 4, part.

Full stop at through highway. (3) The operator or driver of every vehicle or street car, or the car of an electric railway shall immediately before entering or crossing a through highway bring the vehicle to a full stop.

(a) The driver or operator of any vehicle who has come to a full stop as required above, upon entering the through highway, as well as drivers or operators of vehicles on such through highway, shall be subject to the usual right-of-way rule prescribed in subsection 1 and applicable to vehicles at intersections.

(b) "Through highway" shall mean any highway designated as such by the Minister or by by-law of a municipality approved by the Department, and every such highway shall be marked to comply with the regulations of the Department. 1930, c. 48, s. 8 (1), part; 1933, c. 20, s. 4 (2).
Sec. 39 (9). HIGHWAY TRAFFIC. Chap. 288. 3911

(4) Where a highway has been divided into three or more clearly marked lanes for traffic,—

(a) a vehicle shall be driven as nearly as may be practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(b) in the case of a highway which is divided into three lanes, a vehicle shall not be driven in the centre lane except when overtaking and passing another vehicle where the travelled portion of the highway is clearly visible and the centre lane is clear of traffic within a reasonably safe distance, or in preparation for a left turn, or where such centre lane is at the time designated for the use of traffic moving in the direction in which the vehicle is proceeding and official signs are erected to indicate such designation;

(c) any lane may be designated for slowly moving traffic or traffic moving in a particular direction provided that official signs are erected to indicate such designation, and where a highway is so designated the driver of every vehicle shall obey the direction on the official signs.

(5) Where a highway has been designated for the use of one-way traffic only and official signs have been erected accordingly, vehicles shall be driven only in the direction so designated.

(6) For the purposes of subsections 4 and 5 “designated” shall mean designated by the Minister or by any person authorized by him to make such designation. 1937, c. 30, s. 9.

(7) Where a person travelling or being upon a highway in charge of a vehicle meets another vehicle, he shall turn out to the right from the centre of the road, allowing to the vehicle so met one-half of the road free.

(8) Where a person travelling or being upon a highway in charge of a vehicle meets a person travelling upon a bicycle or tricycle, the person in charge of the vehicle shall allow the person travelling on the bicycle or tricycle sufficient room on the travelled portion of the highway to pass.

(9) Where a person travelling or being upon a highway in charge of a vehicle or on horseback is overtaken by a vehicle or horseman travelling at greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass.
(10) Any person so overtaking another vehicle or horseman shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or horseman so overtaken, and the person so overtaken shall not be required to leave more than one-half of the road free.

(11) Where a person travelling or being upon a highway on a bicycle or a tricycle is overtaken by a vehicle or horseman travelling at a greater speed, the person so overtaken shall quietly turn out to the right and allow such vehicle or horseman to pass and the person so overtaking a bicycle or tricycle shall turn out to the left so far as may be necessary to avoid a collision.

(12) No person while riding on a bicycle shall attach the bicycle to or take hold of any other vehicle for the purpose of being drawn along a highway. R.S.O. 1927, c. 251, s. 35 (3-8).

(13) No person riding on a bicycle designed for carrying one person only shall carry any other person thereon. 1930, c. 48, s. 8 (2).

(14) Where one vehicle is met or overtaken by another, if by reason of the weight of the load on either of the vehicles so meeting or on the vehicle so overtaken, the driver finds it impracticable to turn out, he shall immediately stop, and, if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage.

(15) No person in charge of a vehicle shall pass, or attempt to pass, another vehicle going in the same direction on a highway, unless and until the travelled portion of the highway in front of, and to the left of the vehicle to be passed is safely free from approaching traffic. R.S.O. 1927, c. 251, s. 35 (9, 10).

(16) The driver or operator of a commercial motor vehicle when driving upon a highway outside of a city, town or village shall not follow within one hundred feet of another commercial motor vehicle; but this shall not be construed to prevent one commercial motor vehicle overtaking and passing another such vehicle. 1932, c. 32, s. 5.

(17) The driver of a vehicle, upon the approach of an ambulance, fire or police department vehicle, or public utility emergency vehicle upon which a bell or siren is sounding, shall immediately bring such vehicle to a standstill as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection.
Following fire department vehicle.

(18) No vehicle shall follow any fire department vehicle when responding to an alarm at a distance of less than five hundred feet. 1936, c. 27, s. 4, part.

(19) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not more than $10; for the second offence a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50, and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 35 (11).

40.—(1) No person shall park or leave standing any vehicle whether attended or unattended, upon the travelled portion of a highway, outside of a city, town or village, when it is practicable to park or leave such vehicle off the travelled portion of such highway; provided, that in any event, no person shall park or leave standing any vehicle, whether attended or unattended, upon such a highway unless a clear view of such vehicle may be obtained from a distance of at least two hundred feet in each direction upon such highway. 1931, c. 54, s. 11, part; 1935, c. 26, s. 10 (1).

(2) Whenever a constable or an officer appointed for carrying out the provisions of this Act shall find a vehicle upon a highway in violation of the provisions of this section, he may move such vehicle or require the driver or operator or other person in charge of such vehicle to move the same. 1931, c. 54, s. 11, part.

(3) The provisions of this section shall not apply to the disabled driver or operator of a vehicle which is so disabled while on a highway that it is impossible to avoid temporarily a violation of such provision. 1931, c. 54, s. 11, part.

(4) Every commercial motor vehicle, when on a highway outside a city, town or village after dusk and before dawn, shall be equipped with a sufficient number of flares, lamps or lanterns which have been approved by the Department, capable of continuously producing two warning lights, each visible from a distance of at least five hundred feet for a period of at least eight hours.

(5) Whenever any commercial motor vehicle and its lighting equipment are disabled during the period when lighted lamps are required to be displayed on vehicles and such commercial motor vehicle cannot immediately be removed from the travelled portion of a highway outside a city, town or village, the driver or other person in charge of such vehicle shall cause such flares, lamps or lanterns to be lighted and placed upon the
highway, one at a distance of approximately one hundred feet in advance of such vehicle and one at a distance of approximately one hundred feet to the rear of the vehicle. 1935, c. 26, s. 10 (3).

Penalty.

(6) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than $5 and not more than $50, and for any subsequent offence not less than $10 and not more than $100, and in addition his license or permit or both may be suspended for any period not exceeding thirty days. 1931, c. 54, s. 11, part.

Portable and traction engines meeting or overtaken by other vehicles.

41.—(1) Where a portable or traction engine is met or overtaken on a highway by a vehicle drawn by a horse or other animal, or by a horseman, the driver of the engine shall, if practicable, turn out to the right and give such vehicle or horseman at least one-half of the road, and, if requested by the driver, shall stop and remain stationary until the vehicle or horseman has safely passed, and assist such driver or horseman to pass.

Noises not to be made when passing horses, etc.

(2) It shall be the duty of the driver or of the person in charge of any such engine to see that it makes no noise by whistling or otherwise when any horse or animal is passing or is near or is about to pass the same on any highway.

Penalty.

(3) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50. R.S.O. 1927, c. 251, s. 36.

Requirement when approaching standing car.

42.—(1) Where a person travelling or being upon a highway in charge of a vehicle, or on a bicycle or tricycle, or on horseback or leading a horse, overtakes a street car or a car of an electric railway, operated in or near the centre of the travelled portion of the highway which is stationary for the purpose of taking on or discharging passengers, he shall not pass the car or approach nearer than six feet measured back from the rear or front entrance or exit, as the case may be, of the car on the side on which passengers are getting on or off until such passengers have got on or got safely to the side of the street, as the case may be; provided, however, that this subsection shall not apply where a safety zone has been set aside and designated by a by-law passed under the provisions of paragraph 48 of section 407 of The Municipal Act, but no vehicle or horse shall pass such safety zone at a speed greater than is reasonable and proper and in no event greater than
fifteen miles per hour and with due caution for the safety of pedestrians. R.S.O. 1927, c. 251, s. 37 (1); 1928, c. 42, s. 6; 1937, c. 30, s. 10.

(2) No person in charge of a vehicle or on a bicycle or tricycle or on horseback or leading a horse overtaking a street car or the car of an electric railway, operated in or near the centre of the travelled portion of the highway, which is stationary or in motion, shall pass on the left-hand side of such car, having reference to the direction in which such car is travelling; but this shall not apply to a vehicle belonging to a municipal fire department while proceeding to a fire or answering a fire alarm call.

(3) Any person who violates any of the provisions of this section shall incur for the first offence a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for any term not exceeding thirty days, and in addition his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 37 (2, 3).

43.—(1) Every person having the control or charge of a motor vehicle upon a highway, when approaching a horse or other animal which is drawing a vehicle or being driven, led or ridden, shall operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse or other animal and to ensure the safety and protection of any person driving, leading or riding upon such horse or other animal or being in any vehicle drawn by such horse or other animal. 1937, c. 30, s. 11.

(2) Any person who violates any of the provisions of subsection 1 shall incur for the first offence a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and in addition his license or permit may be suspended for any period not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding six months. R.S.O. 1927, c. 251, s. 38 (2).
Depositing glass, etc., on highway prohibited.

44.—(1) No person shall throw or deposit or knowingly leave on a highway any glass, nails, tacks, scraps of metal or other material which may be injurious to the tires of motor vehicles, or while the highway is covered with snow, deposit ashes or other refuse thereon. R.S.O. 1927, c. 251, s. 39 (1).

Soliciting rides prohibited.

(2) No person shall, while on the travelled portion of a highway, solicit a ride from the driver or operator of a motor vehicle other than a public vehicle. 1931, c. 54, s. 12.

Penalty.

(3) Any person who violates any of the provisions of subsection 1 or 2 shall incur for the first offence a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50 and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 39 (2); 1937, c. 30, s. 12.

Duty of person in charge in case of accident.

45.—(1) If an accident occurs on a highway, every person in charge of a vehicle who is directly or indirectly a party to the accident shall remain at or return to the scene of the accident and render all possible assistance and give in writing upon request to any one sustaining loss or injury or to any constable or any officer appointed for the carrying out of the provisions of this Act or to any witness, his name and address, and also the name and address of the owner of such vehicle, and the number of the permit, if any.

Penalty.

(2) Any person who violates any of the provisions of subsection 1 shall incur for the first offence a penalty of not less than $25 and not more than $100, and shall also be liable to imprisonment for any term not exceeding thirty days and in addition his license or permit may be suspended for any period not exceeding sixty days, and for any subsequent offence, a penalty of not less than $100 and not more than $500 and shall also be liable to imprisonment for any term not exceeding six months, and in addition his license or permit may be suspended for any period not exceeding one year. R.S.O. 1927, c. 251, s. 40.

Motor owner and driver liable for penalties.

46. The owner of a motor vehicle shall incur the penalties provided for any violation of this Act or of any regulation made by the Lieutenant-Governor in Council, unless at the time of such violation the motor vehicle was in the possession of
some person other than the owner or his chauffeur, without the owner’s consent, and the driver of a motor vehicle not being the owner shall also incur the penalties provided for any such violation. 1929, c. 68, s. 9.

**47.**—(1) The owner of a motor vehicle shall be liable for loss or damage sustained by any person by reason of negligence in the operation of such motor vehicle on a highway unless such motor vehicle was without the owner’s consent in the possession of some person other than the owner or his chauffeur, and the driver of a motor vehicle not being the owner shall be liable to the same extent as such owner. 1930, c. 48, s. 10.

(2) Notwithstanding the provisions of subsection 1, the owner or driver of a motor vehicle, other than a vehicle operated in the business of carrying passengers for compensation, shall not be liable for any loss or damage resulting from bodily injury to, or the death of any person being carried in, or upon, or entering, or getting on to, or alighting from such motor vehicle. 1935, c. 26, s. 11.

**48.**—(1) When loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver.

(2) This section shall not apply in case of a collision between motor vehicles on the highway nor to an action brought by a passenger in a motor vehicle in respect of any injuries sustained by him while a passenger. R.S.O. 1927, c. 251, s. 42.

**49.**—(1) No person under the age of sixteen years shall drive or operate a motor vehicle. R.S.O. 1927, c. 251, s. 43 prohibited.

(2) No person shall employ or permit anyone under the age of sixteen years to drive or operate a motor vehicle. R.S.O. 1927, c. 251, s. 43 (2); 1935, c. 26, s. 12 (2).

(3) Any person who violates any of the provisions of subsection 1 or 2 shall incur for the first offence a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50. R.S.O. 1927, c. 251, s. 43 (3).

**50.**—(1) No person shall hire or let for hire a motor vehicle unless the person by whom such motor vehicle is to be driven or hired.
driven is a person licensed to drive a motor vehicle as required by this Act. R.S.O. 1927, c. 251, s. 44 (1); 1931, c. 54, s. 13.

(2) The provisions of subsection 1 shall not apply to a resident of any other province of Canada or of a country or state which grants similar exemptions and privileges to residents of Ontario, provided such person does not remain in Ontario for more than thirty days in any one year and is the holder of a chauffeur's or operator's license issued by the province, country or state in which he resides. R.S.O. 1927, c. 251, s. 44 (2); 1933, c. 20, s. 5 (1).

(3) Every person, whether a resident of Ontario or not, hiring a motor vehicle shall produce his operator's or chauffeur's license for the inspection of the person from whom the vehicle is being hired. 1933, c. 20, s. 5 (2).

(4) Any person who violates any of the provisions of subsection 1 shall incur for the first offence a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25, and for any subsequent offence a penalty of not less than $25 and not more than $50 and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 44 (3).

51.—(1) No intoxicated person shall drive a motor vehicle. R.S.O. 1927, c. 251, s. 45 (1).

(2) No person shall drive, attempt or prepare to drive a motor vehicle when under the influence of drink or drugs so as to be incapable of having proper control of such vehicle. 1930, c. 47, s. 4 (1).

(3) The license or permit or, in case the licensee is also the owner of the motor vehicle, then both the license and permit of a person who is convicted of driving a motor vehicle while intoxicated, or of a violation of the provisions of subsection 2, shall be suspended by the Minister upon report of the magistrate or justice of the peace who makes the conviction, for a period,

(a) not exceeding six months for the first offence;

(b) not less than three months and not exceeding one year for the second offence;

(c) not less than one year and not exceeding two years for the third or any subsequent offence.

R.S.O. 1927, c. 251, s. 45 (2); 1930, c. 47, s. 4 (2).
52. Where a person in charge of a vehicle, other than a motor vehicle, or of a horse or other animal used as a means of conveyance, travelling or being on a highway, is, through drunkenness, unable to drive or ride the same with safety to other persons travelling on or being upon the highway, he shall incur for the first offence a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for any term not exceeding thirty days. R.S.O. 1927, c. 251, s. 46.

53.—(1) No person shall race or drive furiously any horse or other animal, or shout, or use any blasphemous or indecent language upon any highway.

(2) Any person who violates any of the provisions of sub-section 1 shall incur for the first offence a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for any term not exceeding thirty days. R.S.O. 1927, c. 251, s. 47.

54. The use of a highway within Ontario by any person not resident in Ontario operating or responsible for the operation of a motor vehicle within Ontario, shall, by virtue of the right of user conferred by this Act, be deemed to constitute the Registrar an agent of such person for the service of notice or process in any action in Ontario, arising out of a motor vehicle accident in Ontario in which such person is involved subject to the following conditions:

(a) Such notice or process may be served by leaving a copy thereof with or at the office of the Registrar, together with a bond in form and by sureties approved by the Registrar in the sum of $200 conditioned on the failure of the plaintiff to prevail in the action for the purpose of reimbursing the defendant for the expenses necessarily incurred by him in defending the action in Ontario.

(b) Such service shall be sufficient service if notice of such service and a copy of the notice or process are forthwith sent by registered mail to the defendant and the defendant’s return receipt is filed with the Registrar or clerk of the court in which the action or proceeding is brought. 1930, c. 47, s. 5; 1931, c. 54, s. 14.
PART IX.

ARRESTS, IMPOUNDING OF MOTOR VEHICLES, AND REWARDS.

55.—(1) Every person called upon to assist a constable or officer appointed for carrying out the provisions of this Act, in the arrest of a person suspected of having committed any offence mentioned in subsection 2 may assist if he knows that the person calling on him for assistance is a constable or officer appointed for carrying out the provisions of this Act, and does not know that there are no reasonable grounds for the suspicion.

(2) Every constable or officer appointed for carrying out the provisions of this Act, who, on reasonable and probable grounds, believes that a violation of any of the provisions of subsections 1 and 2 of section 4; subsections 1 and 3 of section 5; subsection 1 of section 6; subsection 1 of section 7; section 27, 28, 32, 45 or 51, has been committed, whether it has been committed or not and who, on reasonable and probable grounds, believes that any person has committed such violation, may arrest such person without warrant whether such person is guilty or not.

(3) Every person may arrest without warrant any person whom he finds committing any such violation.

(4) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act, but such motor vehicle may be released on security for its production being given to the satisfaction of a justice of the peace or a magistrate.

(5) A constable or officer appointed for carrying out the provisions of this Act, making an arrest without warrant shall, with reasonable diligence, take the person arrested before a justice of the peace or magistrate to be dealt with according to law. R.S.O. 1927, c. 251, s. 48.

56.—(1) In the event of a third or subsequent conviction under section 3, 19, 27, 28, 45, 49 or 51, the motor vehicle driven by the person convicted at the time of committing the offence of which he was convicted, shall be seized, impounded, and taken into the custody of the law for a period of three months.

(2) Such motor vehicle shall be stored where the convicting magistrate or justice of the peace shall direct, and all costs and
charges for the care or storage thereof shall be a lien upon such motor vehicle, and the same may be enforced in the manner provided by section 48 of The Mechanics' Lien Act.

(3) If the person so convicted gives sufficient security to the convicting magistrate or justice of the peace, by bond, recognizance, or otherwise, that such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period, it shall be deemed to be operated without a permit.

(4) A constable or an officer appointed for the carrying out of the provisions of this Act upon the discovery of any motor vehicle apparently abandoned on or near a highway or of any motor vehicle without proper registration plates, shall take such motor vehicle into his custody and may cause the same to be taken to and stored in a suitable place and all costs and charges for removal, care or storage thereof, shall be a lien upon such motor vehicle and the same may be enforced in the manner provided by section 48 of The Mechanics' Lien Act. R.S.O. 1927, c. 251, s. 49.

57. Any by-laws passed by any municipal corporation or board of police commissioners or police trustees for regulating traffic on the highways which are inconsistent with the provisions of this Act, shall be deemed to be repealed, and hereafter all by-laws for regulating traffic on highways shall be submitted to the Department for approval and shall not become operative until the Department shall have approved of same. R.S.O. 1927, c. 251, s. 50.

58.—(1) By-laws may be passed by the council of all municipalities for paying, on the conviction of the offender and on the order of the judge or magistrate before whom the conviction is had, a reward of not less than $20 to any person who pursues and apprehends, or causes to be apprehended, any person stealing a motor vehicle within the municipality.

(2) The amount payable shall be in the discretion of the judge or magistrate, but shall not exceed the amount fixed by the by-law. R.S.O. 1927, c. 251, s. 51.

PART X.

PROCEDURE, PENALTIES AND CONVICTION.

59.—(1) A summons issued for a violation of any of the provisions of this Act shall be served within ten days of the
alleged offence; provided, however, that the time for serving such summons may be extended by the presiding magistrate on sufficient evidence being adduced to show that the person summoned could not be served within the time specified.

(2) On sufficient evidence being adduced to show that by reason of the default or unlawful act of the person to be summoned a summons could not be issued and served within the time specified, a magistrate may extend the time for issuing and serving a summons. R.S.O. 1927, c. 251, s. 52.

60.—(1) Subject to the provisions of subsections 2 and 3 no action shall be brought against a person for the recovery of damages occasioned by a motor vehicle after the expiration of twelve months from the time when the damages were sustained. R.S.O. 1927, c. 251, s. 53 (1); 1930, c. 48, s. 11.

(2) Where death is caused the action may be brought within the time limited by The Fatal Accidents Act. R.S.O. 1927, c. 251, s. 53 (2).

(3) Notwithstanding the provisions of subsections 1 and 2 when an action is brought within the time limited by this Act, for the recovery of damages occasioned by a motor vehicle and a counterclaim is made by a defendant in respect of damages occasioned in the same accident, the lapse of the time herein limited shall be no bar to such counterclaim. 1935, c. 26, s. 13.

61. The penalties imposed by or under the authority of this Act shall be recoverable under The Summary Convictions Act. R.S.O. 1927, c. 251, s. 55.

62. No penalty or imprisonment shall be a bar to the recovery of damages by the injured person. R.S.O. 1927, c. 251, s. 56.

63. Every penalty when collected shall be paid to the treasurer of the local municipality in which the offence was committed, if the offence was committed on other than the King's Highway or a county highway, and shall be applied to the general purposes thereof, and if the offence was committed on the King's Highway, the penalty, when collected, shall be paid to the Department and if on a county highway to the treasurer of the county. R.S.O. 1927, c. 251, s. 57; 1929, c. 68, s. 10.

64.—(1) A magistrate or justice of the peace, who makes a conviction under this Act, shall, if the offence was committed by an owner or driver of a motor vehicle, forthwith certify the same to the Minister, setting out the name, address and description of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the num-
Sec. 65 (3).  HIGHWAY TRAFFIC.  Chap. 288.

If any owner of a motor vehicle is served with a summons to appear in a county other than in which he resides for an offence against this Act, and his defence is that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate then and in that case only he may appear before a justice of the peace in the county in which he resides and in the same manner as if he were being tried for an offence against this Act, give evidence by himself and corroborated by the evidence of at least two other credible witnesses that neither he nor his motor vehicle was at the place of the alleged offence at the time such offence occurred, and that the summons must have been issued against him through an error of the informant as to the number on the official number plate.

The said justice, if satisfied of the truth of such evidence, shall forthwith make out a certificate in the form set out as Schedule A to this Act, and forward the same by registered letter post to the justice before whom the summons is returnable.

The justice before whom the summons is returnable shall, upon receiving such certificate, thereupon dismiss the charge unless he has reason to believe that the testimony is untrue in whole or in part, in which case he may adjourn the case and again summon the defendant, who shall then be re-
required to attend before him at the place and time mentioned in the summons. R.S.O. 1927, c. 251, s. 59.

66. Any person who violates any of the provisions of this Act or of any regulation made thereunder where a penalty for the violation is not provided for herein, shall incur for the first offence, a penalty of not more than $10; for the second offence a penalty of not more than $20; and for the third offence a penalty of not more than $30, and for any subsequent offence a penalty of not more than $50. R.S.O. 1927, c. 251, s. 60.

67. Any person who operates a motor vehicle while the permit for same is suspended and any chauffeur or operator who operates a motor vehicle while his license is suspended shall incur for the first offence a penalty of not less than $25 and not more than $100, and shall also be liable to imprisonment for a term not exceeding thirty days, and for any subsequent offence shall incur a penalty of not less than $100 and not more than $500 and shall also be liable to imprisonment for a term not exceeding six months. R.S.O. 1927, c. 251, s. 61; 1930, c. 48, s. 15.

68. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words “first,” “second,” “third,” or “subsequent” shall relate only to offences committed in the same calendar year; but this shall not apply to offences under section 51. R.S.O. 1927, c. 251, s. 62.

PART XI.

TRACTION ENGINES ON HIGHWAYS.

69.—(1) Traction engines, not exceeding fifteen tons in weight, may be used upon any highway subject to the provisions of this Part.

(2) The speed of a traction engine shall at no time in cities, towns and villages, exceed the rate of three miles per hour, or elsewhere, the rate of six miles per hour.

(3) The width of the driving wheels of all such engines shall be at least twelve inches and the wheels of the trucks or wagons drawn thereby shall be at least four inches in width for the first two tons capacity, load and weight of truck included, and at least an additional one-half inch for each additional ton.

(4) No traction engine manufactured after the 1st day of January, 1924, and having a weight in excess of three tons shall be operated upon any highway unless the cleats, if any, on
the rear wheels have a smooth surface and are not less than one and one-half inches in width of face, and if the cleats extend the full width of the rim of the wheel, they shall be placed at intervals of not more than six inches and if they do not extend the full width of the rim but are staggered diagonally, they shall be placed at intervals of not more than four and one-half inches, and in no case shall they be placed at an angle of more than thirty degrees with the horizontal axis of the wheel.

(5) No traction engine manufactured after the 1st day of January, 1924, shall be operated upon any highway unless the cleats or flanges, if any, on the wheels are such that the weight resting upon the surface of the highway does not exceed two hundreds pounds upon any square inch of cleat or flange, assuming the entire width of the face of the cleat or flange to bear on the highway. R.S.O. 1927, c. 251, s. 63.

70.—(1) Before it shall be lawful to run such engine over any highway, the person proposing to run the same shall, at his own expense, strengthen all bridges and culverts to be crossed by such engine, and keep the same in repair so long as the highway is so used.

(2) The cost of such repairs shall be borne by the owners of different engines in proportion to the number of engines run over such bridges or culverts.

(3) Subsections 1 and 2 shall not apply to engines of less than ten tons in weight, used for threshing purposes or for machinery for the construction of roadways.

(4) Before crossing any such bridge or culvert the person proposing to run any traction engine shall lay down on such bridge or culvert planks of sufficient width and thickness to fully protect the flooring or surface of such bridge or culvert from any injury that might otherwise result thereto from the contact of the wheels of such engine, and in default thereof the person in charge and his employer, if any, shall be liable to the incorporation of the municipality for all damage resulting to the flooring or surface of such bridge or culvert. R.S.O. 1927, c. 251, s. 64.

71. Any person who violates any of the provisions of this Part shall incur a penalty of not less than $5 and not more than $25. R.S.O. 1927, c. 251, s. 65.

PART XII.
OPERATOR'S LICENSE.

72.—(1) No person other than one holding a chauffeur's license shall operate or drive a motor vehicle on a highway
unless he holds an operator's license issued to him under this section.

(2) Any person who violates any of the provisions of subsection 1 shall incur for the first offence a penalty of not less than $10 and not more than $50; for the second offence a penalty of not less than $20 and not more than $100, and for any subsequent offence shall incur a penalty of not less than $50 and not more than $200 and shall also be liable to imprisonment for any term not exceeding thirty days.

(3) Operators' licenses may be issued by the Minister to such persons for such times and upon such terms and conditions and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe. R.S.O. 1927, c. 251, s. 66.

73.—(1) Every operator of a motor vehicle shall carry his license with him at all times while he is in charge of a motor vehicle and shall produce it when demanded by a constable or by an officer appointed for carrying out the provisions of this Act.

(2) Any person who violates any of the provisions of subsection 1 shall incur, for the first offence, a penalty of not more than $5; for the second offence, a penalty of not less than $5 and not more than $10, and for any subsequent offence a penalty of not less than $10 and not more than $25, and in addition his license or permit may be suspended for any period not exceeding thirty days.

(3) A person convicted of an offence under this Act, if he holds an operator's license shall forthwith produce his license for the purpose of endorsement.

(4) Any person who violates any of the provisions of subsection 3 shall incur, for the first offence, a penalty of not less than $5 and not more than $10; for the second offence a penalty of not less than $10 and not more than $25; and for any subsequent offence, a penalty of not less than $25 and not more than $50, and in addition his license or permit may be suspended for any period not exceeding sixty days. R.S.O. 1927, c. 251, s. 67.

74. A magistrate or justice of the peace by whom a person is convicted of a violation of this Act, if the person convicted is required to hold an operator's license and does not hold such license, may declare him disqualified to hold such a license for such time as the magistrate or justice of the peace thinks fit and shall so report with the certificate of conviction to the Minister. R.S.O. 1927, c. 251, s. 68.
75. The provisions of this Part and any regulations made thereunder shall not apply to residents of the other provinces of Canada, who do not reside or carry on business in Ontario for more than three consecutive months in each year, nor to residents of other countries or states who do not reside in Ontario for more than thirty days in any one year. R.S.O. 1927, c. 251, s. 69.

PART XIII.

FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS.

76. In this Part,—

(a) "Authorized insurer" means an insurer duly licensed under the provisions of The Insurance Act, to carry on in Ontario the business of automobile insurance;

(b) "Driver's license" means an operator's license and a chauffeur's license issued pursuant to the provisions of this Act;

(c) "Motor vehicle" includes "trailer," as defined in this "Motor vehicle;"

(d) "Proof of financial responsibility" means a certificate of insurance, a bond, or a deposit of money or securities given or made pursuant to section 84;

(e) "Treasurer" means the Treasurer of Ontario;

(f) "State" means any state of the United States of America or the District of Columbia;

(g) "Superintendent of Insurance" means the Superintendent of Insurance appointed under the authority of The Insurance Act. 1930, c. 47, s. 6, part; 1931, c. 54, s. 17.

77.—(1) Nothing in this Part shall prevent the plaintiff in any action from proceeding upon any other remedy or security available at law.

(2) This Part shall only apply to offences and violations of law committed and to convictions and judgments arising out of motor vehicle accidents occurring, and to motor vehicle liability policies issued or in force, after the 1st day of September, 1930. 1930, c. 47, s. 6, part.

78.—(1) The driver's license and owner's permit or permits of every person who has been convicted of, or who has forfeited his bail after having been arrested for any one of the following offences or violations of law, namely:

[Text continues with definitions and applications as per the document structure.]
Reckless driving. (a) Any offence for which a penalty is provided in section 27, if any injury to any person or property occurs in connection therewith;

Racing. (b) Any offence for which a penalty is provided in section 28;

Speeding. (c) Exceeding the speed limit fixed by section 26, if any injury to any person or property occurs in connection therewith;

Leaving scene of accident. (d) An accident having occurred, failing to remain at or return to the scene of the accident in violation of the provisions of section 45;

Driving without a license. (e) Driving a motor vehicle on a highway without holding a driver’s license required by this Act if involved in an accident in which any injury to any person or damage to any property occurs;

Criminal offence. (f) Any criminal offence involving the use of a motor vehicle;

Other offences. (g) Any offence against public safety on highways as may be designated by the Lieutenant-Governor in Council;

shall be forthwith suspended by the Minister, and shall remain so suspended, and shall not, at any time thereafter, be renewed, nor shall any new driver’s license, or owner’s permit, be thereafter issued to such person until he shall have given to the Registrar proof of his financial responsibility. 1930, c. 47, s. 6, part; 1931, c. 54, s. 18 (1); 1934, c. 21, s. 9.

Conviction in other provinces or states. (2) Upon receipt by the Registrar of official notice that the holder of a driver’s license, or owner’s permit under this Act, has been convicted, or forfeited his bail, in any other province or state in respect of an offence, which, if committed in Ontario would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in subsection 1, the Minister shall suspend every driver’s license and owner’s permit or permits, of such person issued pursuant to this Act, until that person shall have given proof of financial responsibility in the same manner as if the said conviction had been made or the bail forfeited in Ontario. 1930, c. 47, s. 6, part.

Non-residents. (3) If any person to whom subsection 1 applies is not a resident of Ontario, the privilege of operating any motor vehicle within Ontario, and the privilege of operation within Ontario of any motor vehicle owned by him, is suspended and withdrawn forthwith, by virtue of such conviction or
forfeiture of bail, until he has given proof of financial responsibility; provided that the magistrate or justice of the peace before whom such person was charged may, in his discretion, by a written permit signed by him, authorize the operation of such motor vehicle to the boundaries of the province by such route and by such person as the permit may describe. 1930. c. 47, s. 6, part; 1931, c. 54, s. 18 (2).

79.—(1) Subject to the provisions of section 87, the driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him by any court in Ontario, or in any other province of Canada, which has become final by affirmation on appeal or by expiry without appeal, of the time allowed for appeal, for damages on account of injury to, or death of any person, or on account of damage to property in excess of $100, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Minister, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged (otherwise than by a discharge in bankruptcy) to the extent for which financial responsibility is required to be given under section 83 hereof, and until such person gives proof of his financial responsibility. 1930, c. 47, s. 6. part; 1935, c. 26, s. 14.

(2) The Lieutenant-Governor in Council, upon the report of the Minister that a state has enacted legislation similar in effect to subsection 1 and that such legislation extends and applies to judgments rendered and become final against residents of that state by any court of competent jurisdiction in Ontario, may, by proclamation, declare that the provisions of subsection 1 shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in such state. 1931, c. 54, s. 19.

(Nota.—The provisions of subsection 1 were made applicable to the State of New York by Order-in-Council dated the 26th August, 1931; to the State of New Jersey by Order-in-Council dated the 15th September, 1931; to the State of Pennsylvania by Order-in-Council dated the 9th January, 1934; to the States of Colorado, Indiana, Kentucky, Maryland, Oregon, West Virginia and the District of Columbia by Order-in-Council dated the 16th January, 1937, and to the State of Montana by Order-in-Council dated the 15th May, 1937.)
(3) If, after such proof of financial responsibility has been given, any other judgment against such person, for any accident which occurred before such proof was furnished, and after the coming into force of this Part, is reported to the Registrar, the driver's license and owner's permit or permits of such person shall again be, and remain, suspended until such judgment is satisfied and discharged (otherwise than by a discharge in bankruptcy) to the extent set out in subsection 1.

(4) If any person to whom subsection 1 applies is not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation in Ontario of any motor vehicle registered in his name, shall be, and is, suspended and withdrawn, forthwith by virtue of such judgment until he has complied with the provisions of subsection 1. 1930, c. 47, s. 6, part.

80. The Minister may require proof of financial responsibility before issue of an owner's permit or driver's license, or the renewal thereof to any person under the age of twenty-one years or over the age of sixty-five years. 1930, c. 47, s. 6, part.

81. The Minister may require proof of financial responsibility from any person who, while operating any motor vehicle, shall have been involved in, and, in the opinion of the Minister, is responsible in whole or in part, for any motor vehicle accident resulting in the death of, or injury to, any person, or damage to property in excess of $100, or from the person in whose name such motor vehicle is registered, or from both, and the Minister may suspend all owner's permits and driver's licenses in such cases until such proof of financial responsibility has been given. 1930, c. 47, s. 6, part.

82. (1) An owner's permit and driver's license, or, in the case of a person not resident in Ontario, the privilege of operating any motor vehicle in Ontario, and the privilege of operation within Ontario of any motor vehicle owned by such non-resident, shall not be suspended or withdrawn under the provisions of this Part, if such owner, driver, or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence or accident, out of which any conviction arises, proof of financial responsibility, which, at the date of such conviction, is valid and sufficient for the requirements of this Part. 1930, c. 47, s. 6, part; 1936, c. 27, s. 6.

(2) The Registrar shall receive and record proof of financial responsibility voluntarily offered, and if any conviction or judgment against such person is thereafter notified to the Registrar which, in the absence of such proof of financial
responsibility would have caused the suspension of the driver’s license or owner’s permit under this Part, the Registrar shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported. 1930, c. 47, s. 6, part.

83. Subject to the provisions of subsection 3 of section 84, proof of financial responsibility shall be given in the following amounts by every driver, and, in the case of an owner, in the said amounts for each motor vehicle registered in his name, by every owner, to whom this Part applies, namely,—

(a) at least $5,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of any one person and, subject to such limit for any one person so injured or killed, at least $10,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or death of two or more persons in any one accident; and

(b) at least $1,000 (exclusive of interest and costs) for damage to property, except property carried in or upon the motor vehicle, resulting from any one accident. 1930, c. 47, s. 6, part; 1931, c. 54, s. 20; 1932, c. 32, s. 6; 1935, c. 26, s. 15.

84.—(1) Subject to the provisions of subsection 3 of section 84 proof of financial responsibility may be given in any one of the following forms,—

(a) the written certificate or certificates filed with the Registrar, of any authorized insurer that it has issued, or for the benefit of the person named therein, a motor vehicle liability policy or policies in form hereinafter prescribed, which, at the date of the certificate or certificates, is in full force and effect, and which designates therein, by explicit description, or by other adequate reference, all motor vehicles to which the policy applies, and any such certificate or certificates shall be in the form approved by the Registrar and shall cover all motor vehicles registered in the name of the person furnishing such proof, and the said certificate, or certificates, shall certify that the motor vehicle liability policy or policies therein mentioned shall not be cancelled or expire, except upon ten days’ prior written notice thereof to the Registrar, and until such notice is duly given the said certificate or certificates shall be valid, and sufficient to cover the term of any renewal of such motor
vehicle liability policy by the insurer, or any renewal or extension of the term of such driver’s license or owner’s permit by the Minister;

(b) the bond of a guarantee insurance or surety company, duly licensed in Ontario pursuant to The Insurance Act, or a bond with personal sureties, approved as adequate security hereunder, upon application to a judge of the county or district court of the county or district in which such sureties reside, and the bond shall be in form approved by the Registrar and shall be conditioned upon the payment of the amounts specified in this Part, and shall not be cancelled or expire except after ten days’ written notice to the Registrar, but not after the happening of the injury or damage secured by the bond as to such accident, injury, or damage, and the said bond shall be filed with the Registrar;

(c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of $11,000 for each motor vehicle registered in the name of such person, and the Treasurer shall accept any such deposits and issue a certificate therefor, if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the city, county, or district in which the depositor resides. 1930, c. 47, s. 6, part; 1931, c. 54, s. 21 (1); 1932, c. 32, s. 7.

(2) The Minister may, in his discretion, at any time, require additional proof of financial responsibility, to that filed or deposited by any driver or owner pursuant to this Part, and may suspend the driver’s license and owner’s permit or permits pending such additional proof. 1930, c. 47, s. 6, part.

(3) In the case of an owner of ten or more motor vehicles to whom this Part applies, proof of financial responsibility in a form and in an amount, not less than $50,000, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part. 1931, c. 54, s. 21 (2).

(4) A person who is not a resident of Ontario may, for the purposes of this Part, give proof of financial responsibility as provided in subsection 1, or by filing a certificate of insurance in form approved by the Registrar issued by any insurer authorized to transact insurance in the state or province in
which such person resides, provided such insurer has filed with the Registrar, in the form prescribed by him,—

(a) a power of attorney authorizing the Registrar to accept service of notice or process for itself and for its insured in any action or proceeding arising out of a motor vehicle accident in Ontario;

(b) an undertaking to appear in any such action or proceeding of which it has knowledge; and

(c) an undertaking not to set up as a defence to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence which might not be set up if such policy had been issued in Ontario in accordance with the law of Ontario relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy, any judgment rendered and become final against it or its insured by a court in Ontario in any such action or proceeding. 1931, c. 54, s. 21 (3).

(5) If an insurer which has filed the documents described in subsection 4 defaults thereunder, certificates of any such insurer shall not thereafter be accepted as proof of financial responsibility under this Part so long as such default continues, and the Registrar shall forthwith notify the superintendent of insurance and the registrar of motor vehicles or other officer or officers, if any, in charge of registration of motor vehicles and the licensing of operators in all provinces and states where the certificates of such insurer are accepted as proof of financial responsibility. 1931, c. 54, s. 21 (4).

85.—(1) The bond filed with the Registrar and the money or securities deposited with the Treasurer shall be held by him in accordance with the provisions of this Part, as security for any judgment against the owner or driver filing the bond or making the deposit, in any action arising out of damage caused after such filing or deposit, by the operation of any motor vehicle.

(2) Money and securities so deposited with the Treasurer shall not be subject to any claim or demand, except an execution on a judgment for damages, for personal injuries, or death, or injury to property, occurring after such deposit, as a result of the operation of a motor vehicle.

(3) If a judgment to which this Part applies is rendered against the principal named in the bond filed with the Registrar, and such judgment is not satisfied within fifteen days after it has been rendered, the judgment creditor may, for his own
86. If the Registrar finds that any driver to whom this Part applies, was, at the time of the offence for which he was convicted, employed by the owner of the motor vehicle involved therein as chauffeur, or motor vehicle operator, whether or not so designated, or was a member of the family or household of the owner, and that there is no motor vehicle registered in Ontario in the name of such driver as an owner, then, if the owner of such motor vehicle submits to the Registrar (who is hereby authorized to accept it) proof of his financial responsibility, as provided by this Part, such chauffeur, operator, or other person, shall be relieved of the requirement of giving proof of financial responsibility on his own behalf. 1930, c. 47, s. 6, part; 1932, c. 32, s. 8.

87. A judgment debtor to whom this Part applies may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained, for the privilege of paying such judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of such instalments, and while the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default for the purposes of this Part in payment of the judgment, and upon proof of financial responsibility for future accidents pursuant to this Part, the Minister may restore the driver's license, and owner's permits of such judgment debtor, but such driver's license and owner's permits shall again be suspended and remain suspended, as provided in section 79, if the Registrar is satisfied of default made by the judgment debtor, in compliance with the terms of the court order. 1930, c. 47, s. 6, part.

88.—(1) It shall be the duty of the clerk or registrar of the court (or of the court where there is no clerk or registrar) in which any final order, judgment, or conviction to which this Part applies, is rendered, to forward to the Registrar, immediately after the date upon which the order, judgment, or conviction becomes final by affirmation upon appeal, or by expiry without appeal of the time allowed for appeal, a certified copy of such order, judgment, or conviction, or a certificate thereof, in form prescribed by the Registrar and any such copy of certificate shall be prima facie evidence of such order, judgment, or conviction, and the clerk, or other official charged with this duty of reporting to the Registrar shall be entitled to collect and receive a fee of $1 for each copy or certificate hereby
required, which fee shall be paid as part of the court costs, in case of a conviction, by the person convicted, and, in case of an order or judgment, by the person for whose benefit judgment is issued.

(2) If the defendant is not resident in Ontario it shall be the duty of the Registrar to transmit to the registrar of motor vehicles, or other officer or officers, if any, in charge of the registration of motor vehicles, and the licensing of operators in the province or state in which the defendant resides, a certificate of the said order, judgment, or conviction. 1930, c. 47, s. 6, part.

89.—(1) The Registrar shall, upon request, furnish to any insurer, surety or other person, a certified abstract of the operating record of any person, subject to the provisions of this Part, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any provision of any statute relating to the operation of motor vehicles, or any judgment against such person for any injury or damage caused by such person, according to the records of the Registrar, and if there is no record of any such conviction or judgment in the office of the Registrar, the Registrar shall so certify, and the Registrar shall collect as a fee for each such certificate, the sum of $1.

(2) The Registrar, upon written request, shall furnish any person who may have been injured in person or property by any motor vehicle, with all information of record in his office pertaining to the proof of financial responsibility of any owner or driver of any motor vehicle furnished pursuant to this Part. 1930, c. 47, s. 6, part.

90.—(1) Any owner or driver whose permit or license has been suspended, as herein provided, or whose policy of insurance or surety bond has been cancelled or terminated as herein provided, or who neglects to furnish additional proof of financial responsibility upon the request of the Registrar, as herein provided, shall immediately return to the Registrar his driver's license, his motor vehicle permit or permits, and all license plates issued thereunder.

(2) If any such person fails to return his license, permits and plates as provided herein, the Registrar may direct any police officer to secure possession thereof and return the same to the office of the Registrar.

(3) Any person failing to return his license, permits and plates when so required, or refusing to deliver the same when requested to do so by the police officer, shall be guilty of an
offence and incur a penalty of not less than $10, and not more than $100 for each offence. 1930, c. 47, s. 6, \textit{part}.

\textbf{Transfer of suspended permit.} 

91. If an owner's permit has been suspended under the provisions of this Part, such permit shall not be transferred nor the motor vehicle in respect of which such permit was issued, registered in any other name until the Minister is satisfied that such transfer or registration is proposed in good faith, and not for the purpose, or with the effect, of defeating the purposes of this Part. 1930, c. 47, s. 6, \textit{part}.

\textbf{Cancellation and return of security.} 

92.—(1) The Minister may waive the requirement of filing proof of financial responsibility or may cancel any bond or return any certificate of insurance, or the Treasurer may, at the request of the Minister, return any money or securities deposited pursuant to this Part, as proof of financial responsibility at any time after three years from the date upon which such proof was required to be given, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three year period immediately preceding the request, been convicted of any offence mentioned in section 78, and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of personal injury or damage to property in excess of $100 resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar. 1930, c. 47, s. 6, \textit{part}; 1935, c. 26, s. 16.

(2) The Minister may direct the return of any bond, money, or securities, to the person who furnished the same, upon the acceptance and substitution of other adequate proof of financial responsibility, pursuant to this Part.

(3) The Minister may direct the return of any bond, money or securities deposited under this Part to the person who furnished the same at any time after three years from the date of the expiration or surrender of the last owner's permit or driver's license issued to such person, if no written notice has been received by the Registrar within such period of any action brought against such person in respect of the ownership, maintenance, or operation of a motor vehicle, and upon the filing by such person with the Registrar, of a statutory declaration that such person no longer resides in Ontario, or that such person had made a \textit{bona fide} sale of any and all motor vehicles owned by him, naming the purchaser thereof, and that he does not intend to own or operate any motor vehicle in Ontario within a period of one or more years. 1930, c. 47, s. 6, \textit{part}.
93.—(1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by The Insurance Act, for an owner's policy or a driver's policy, as the case may be, and approved thereunder by the Superintendent of Insurance for the purposes of this Part.

(2) Any insurer which has issued a motor vehicle liability policy shall, as and when the insured may request, deliver to him for filing, or file direct with the Registrar, a certificate for the purposes of this Part.

(3) A certificate filed with the Registrar for the purposes of this Part shall be deemed to be a conclusive admission by the insurer that a policy has been issued in the form prescribed by subsection 1 and in accordance with the terms of the certificate.

(4) Every insurer shall notify the Registrar of the cancellation or expiry of any motor vehicle liability policy, for which a certificate has been issued to the Registrar under this Part, at least ten days before the effective date of such cancellation or expiry, and, in the absence of such notice of cancellation or expiry, such policy shall remain in full force and effect.

(5) Where a person, who is not a resident of Ontario, is a party to an action for damages arising out of a motor vehicle accident in Ontario for which indemnity is provided by a motor vehicle liability policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under such policy is admitted, notify the Registrar in writing, specifying the date and place of the accident and the names and addresses of the parties to the action and of the insurer, which notification shall be open to inspection by parties to the action.

(6) Notwithstanding anything in this Part contained, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with the provisions of subsection 5. 1932, c. 32, s. 9.

PART XIV.
ACCIDENT REPORTING, STATISTICS AND RATING.

94.—(1) Every person in charge of a motor vehicle who is directly or indirectly involved in an accident shall, if the accident results in personal injuries, or in damage to property apparently exceeding $50, report such accident forthwith to the nearest provincial or municipal police officer, and furnish him with such information or written statement concerning the accident as may be required by the officer or by the Registrar.
Where person unable to report.

(2) Where such person is physically incapable of making a report, and there is another occupant of the motor vehicle, such occupant shall make the report.

Duty of police officer.

(3) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, such particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may be necessary to complete a written report concerning the accident to the Registrar.

Registrar may require additional information.

(4) The Registrar may require any person involved in an accident, or having knowledge of an accident, the parties thereto, or any personal injuries or property damage resulting therefrom, to furnish, and any police officer to secure, such additional information and make such supplementary reports of the accident as he may deem necessary to complete his records, and to establish, as far as possible, the causes of the accident, the persons responsible, and the extent of the personal injuries and property damage, if any, resulting therefrom.

Reports and statements without prejudice.

(5) Any written reports or statements made or furnished under this section shall be without prejudice, shall be for the information of the Registrar, and shall not be open to public inspection, and the fact that such reports and statements have been so made or furnished shall be admissible in evidence solely to prove compliance with this section, and no such reports or statements, or any parts thereof or statement contained therein, shall be admissible in evidence for any other purpose in any trial, civil or criminal, arising out of a motor vehicle accident.

Penalty.

(6) Any person who fails to report or furnish any information or written statement required by this section shall incur a penalty of not less than $10, and not more than $50, and in addition the Minister may suspend the operator’s or chauffeur’s license and owner’s permit or permits of any such persons. 1930, c. 47, s. 6, part.

Reports by coroners.

95.—(1) Every coroner who investigates, and every Crown attorney and police officer having a knowledge of a fatal accident in which a motor-vehicle is involved, shall secure such particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit such report forthwith to the Registrar. 1930, c. 47, s. 6, part; 1931, c. 54, s. 23.
(2) Every provincial or municipal official or employee, hospital, or charitable institution, insurer, or other person or organization shall furnish to the Registrar such reports and other information relating to motor vehicle accident statistics and traffic control generally, as may be required by the regulations.

(3) The Lieutenant-Governor in Council, by regulation, may allow any person or organization making reports or furnishing information under this section, such compensation for so doing as may be deemed proper. 1930, c. 47, s. 6, part.

96. The Registrar shall,—

(a) prepare and supply to police officers and other persons and organizations, blank forms approved by the Minister for accident and other reports which shall call for such particulars concerning accidents, the person involved, and the extent of the personal injuries and property damage, if any, resulting therefrom, and such other information as may be required by the regulations;

(b) make such investigation of, and call for such written reports concerning, motor vehicle accidents, traffic conditions, and other matters, as he may deem necessary and proper, and for that purpose may require the assistance of any provincial or municipal police officer;

(c) keep the following records,—

(i) a record of all motor vehicle accidents in the Province, reported to him or concerning which he procures information;

(ii) a record of all convictions for offences under this Act or under the provisions of the Criminal Code of Canada, relating to driving on highways, reported to him pursuant to section 64, and of such other convictions as he may deem proper;

(iii) a record of all drivers’ licenses and owners’ permits issued, suspended, revoked, cancelled or re- vived, under this Act;

(iv) a record of all unsatisfied judgments rendered against persons holding owners’ permits or drivers’ licenses under this Act, or non-residents reported to him pursuant to the provisions of this Act;
Persons required to prove financial responsibility.

Operating records of all drivers.

(v) a record of all persons required to show evidence of financial responsibility pursuant to the provisions of Part XIII;

(vi) an operating record of every chauffeur and operator, which record shall show all reported convictions of such chauffeur or operator for a violation of any provision of any statute relating to the operation of motor vehicles, and all reported unsatisfied judgments against such person for any injury or damage caused by such person while operating a motor vehicle and all accidents in which the records of the Registrar indicate such chauffeur or operator has been involved, and such other information as the Registrar may deem proper; and

(vii) such other records as he may be directed to keep by the Minister;

To collect and analyze accident and traffic statistics.

To prepare annual report for Minister.

(d) develop adequate uniform methods of accident and traffic statistics, and study accident causes and trends, traffic problems, and regulations;

(c) prepare for the Minister an annual report showing the results of such reporting, collection, analysis, and study, and embodying his recommendations for the prevention of motor vehicle accidents and the solution of traffic problems, and such report shall be printed and published forthwith upon completion. 1930, c. 47, s. 6, part.

97.—(1) The Lieutenant-Governor in Council upon report by the Minister that, in his opinion, the records of his Department are sufficient to warrant classification based thereon, may make regulations in accordance with which the Registrar shall classify persons who have been convicted for a violation of any statute relating to the operation of motor vehicles, or who have been responsible for accidents or who have been required to prove their financial responsibility under this Act, or whose operating record has otherwise shown them to be extra-hazardous risks for the purposes of motor vehicle liability insurance, and as such, liable to demerit rating under this section.

Demerit rating.

(2) When a person becomes liable to demerit rating he shall be classified by the Registrar in accordance with the regulations in any one of the three classes, to be known as Classes "A", "B", and "C", in accordance with the seriousness of his offence, or the character of his operating record.
Sec. 97 (10).  HIGHWAY TRAFFIC.  Chap. 288.  3941

(3) Where a person has been classified in Class "A", he shall be charged and shall pay for motor vehicle liability insurance ten per centum in excess of the standard premium rate, and when classified in Class "B", twenty-five per centum in excess of the standard premium rate, and when classified in Class "C", fifty per centum in excess of the standard premium rate.

(4) The names of persons who have been classified for demerit rating under this section shall be published by the Registrar within one week in the Ontario Gazette.

(5) Upon request of the Registrar, any authorized insurer shall certify to him the premium rate which has been charged any person for motor vehicle liability insurance and furnish him with a certified copy of any motor vehicle liability insurance policy issued to such person.

(6) Any officer or employee or agent of an authorized insurer who charges a premium rate lower than the rate a person whose name has been published in the Ontario Gazette is liable to pay upon being classified under this section, or who, wilfully, at any time, certifies that a premium rate has been charged such a person other than the rate actually charged, shall incur a penalty of not less than $25 and not more than $500.

(7) The Registrar shall, upon application after the expiration of twelve months, re-classify any person classified under this section, whose operating record during the intervening period has been satisfactory, in the next lower class for demerit rating, or, if such person is classified in Class "A", eliminate him from classification.

(8) When any person classified under this section commits an additional offence, or otherwise so acts as to make him liable, if unclassified, to classification under this section, the Registrar shall re-classify him in a higher class for demerit rating in the same manner as though he had not previously been classified, or, if such person is already classified in Class "C", the Minister shall suspend his driver's license for a period of not less than twelve months.

(9) The expression "standard premium rate" used in this section means the rate which would be charged in the absence of demerit rating under this section according to the schedules of rates and rules filed by an authorized insurer with the Superintendent of Insurance pursuant to The Insurance Act, c. 286.

(10) Any person aggrieved by a decision of the Registrar under this section, may appeal to the Minister and the decision
of the Minister shall be final and binding and without appeal.
1930, c. 47, s. 6, part.

SCHEDULE A.

CERTIFICATE OF JUSTICE.

(Referred to in Section 65).

I (name of Justice), a Justice of the Peace in and for the County of hereby certify

1. That (name of defendant), of the
   of in the county of (occupation), this day appeared before me and produced to me a summons issued by (name of Justice issuing summons), a Justice of the Peace in and for the county of , for an offence against The Highway Traffic Act, said to have been committed with respect to a car bearing the official number plate number for this year, said offence being alleged to have been committed on the of in the county of on the day of .

2. That the said (name of defendant) has deposed before me that neither he nor his motor vehicle was at the said place on the said day of , 19 , and that the summons must have been issued against him through an error of the informant as to the number on the official number plate, and his testimony in this respect has been corroborated by the testimony of two credible witnesses, namely (here insert the names of two witnesses).

3. The depositions of the said defendant and of the witnesses in paragraph two of this certificate referred to are attached hereto.

4. That I am satisfied of the truth of the testimony given before me this day by (name of defendant and two witnesses), and give this certificate in pursuance of subsection 2 of section 65 of The Highway Traffic Act.

Dated at this day of , 19 .

.......................... J.P.

(Note.—Attach depositions of defendant and witnesses to this certificate.)

R.S.O. 1927, c. 251, Sch. A.