

1974

## c 123 The Highway Traffic Amendment Act, 1974 (No. 2)

Ontario

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## CHAPTER 123

**An Act to amend The Highway Traffic Act***Assented to February 6th, 1975*

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

- 1.—(1) Paragraph 14 of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1 (1) par. 14, re-enacted

14. "median strip" means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or an unpaved strip of ground.

- (2) Subsection 1 of the said section 1, as amended by the Statutes of Ontario, 1973, chapter 45, section 1 and 1973, chapter 167, section 1, is further amended by adding thereto the following paragraph: s. 1 (1), amended

15c. "motor assisted bicycle" means a bicycle with an attached motor which is driven by electricity or which has a piston displacement of not more than fifty cubic centimetres and which does not have sufficient power to enable the bicycle to attain a speed greater than thirty miles per hour on level ground within a distance of one mile from a standing start.

- (3) Paragraph 16 of subsection 1 of the said section 1 is amended by striking out "a bicycle with a motor attached and" in the fourth and fifth lines and by adding at the end thereof "but does not include a motor assisted bicycle". s. 1 (1) par. 16, amended

- (4) Paragraph 17 of subsection 1 of the said section 1 is repealed and the following substituted therefor: s. 1 (1) par. 17, re-enacted

17. "motor vehicle" includes an automobile, motorcycle and any other vehicle propelled or driven otherwise

than by muscular power, but does not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a motorized snow vehicle, a motor assisted bicycle, traction engine, farm tractor, self-propelled implement of husbandry or road-building machine within the meaning of this Act.

s. 1 (1)  
par. 33,  
amended

- (5) Paragraph 33 of subsection 1 of the said section 1 is amended by striking out "approved by the Ministry" in the third line.

s. 1 (1)  
par. 35,  
amended

- (6) Paragraph 35 of subsection 1 of the said section 1 is amended by inserting after "vehicle" in the first line "motor assisted bicycle".

s. 1 (1),  
amended

- (7) Subsection 1 of the said section 1 is further amended by adding thereto the following paragraph:

36. "wheelchair" means a chair mounted on wheels driven by muscular or any other kind of power and used for the carriage of a person who has a physical defect or disability.

s. 9 (1),  
amended

2. Subsection 1 of section 9 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 4 and 1974, chapter 66, section 5, is further amended by adding "or" at the end of clause *c*, by striking out "or" at the end of clause *d* and by striking out clause *e*.

s. 13 (6),  
amended

3. Subsection 6 of section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, is amended by adding thereto the following clauses:

(*g*) prescribing the qualifications of applicants for and holders of drivers' licences or any class or classes of drivers' licences and authorizing the Minister to waive such qualifications as are specified in the regulations under the circumstances prescribed therein;

(*h*) respecting documents required to be filed with the Ministry prior to the issuance of a driver's licence or any class or classes of drivers' licences or as a condition of retention thereof by the holder of a driver's licence.

ss. 15a, 15b,  
enacted

4. The said Act is amended by adding thereto the following sections:

15a. No person shall,

Displaying  
licence  
which has  
been  
suspended,  
altered, etc.

- (*a*) display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended,

fictitious or fraudulently obtained or altered driver's licence;

- (b) lend his driver's licence to any other person or permit the use of it by another person;
- (c) display or represent as his own any driver's licence not issued to him;
- (d) fail or refuse to surrender to the Ministry upon its demand any driver's licence that has been suspended, revoked or cancelled; or
- (e) apply for, secure or retain in his possession more than one driver's licence.

15b. A person whose driver's licence or privilege to drive a motor vehicle in Ontario has been suspended shall not drive a motor vehicle in Ontario under a driver's licence or permit issued by any other jurisdiction during such suspension.

Driving prohibited while licence suspended

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

s. 18a. enacted

18a. No person under the age of fourteen years shall drive a motor assisted bicycle on a highway.

Motor assisted bicycle drivers under 14 prohibited

- 6.—(1) Sections 20 and 21 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, sections 9 and 10, are repealed and the following substituted therefor:

s. 20. re-enacted  
s. 21. repealed

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

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

(a) upon the first conviction, three months; and

(b) upon a subsequent conviction, six months,

provided that, if an order is made under subsection 1 of section 238 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five

Subsequent offence within five year period



years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause *b* of subsection 1.

Licences  
now under  
suspension

(2) Where the driver's licence of a person was suspended upon conviction of any of the offences set out in subsection 1 of section 20 of *The Highway Traffic Act*, as re-enacted by subsection 1 of this section, and the suspension is in force on the day this section comes into force, the suspension shall terminate after the period of suspension set out in clause *a* or *b*, as the case may require, of subsection 1 of the said section 20.

s. 22,  
repealed

7. Section 22 of the said Act is repealed.

s. 23,  
repealed

8. Section 23 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 11, is repealed.

s. 25,  
repealed

9. Section 25 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 167, section 7, is repealed.

ss 30a, 30b,  
enacted

10. The said Act is further amended by adding thereto the following sections:

Service

30a. Notice to a person of the suspension of his driver's licence is sufficiently given if delivered personally or sent by registered mail addressed to the person to whom the licence was issued at the latest current address of the person appearing on the records of the Ministry and where notice is given by registered mail it shall be deemed to have been given on the fifth day after the mailing unless the person to whom notice is given establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice.

Driving  
while  
driver's  
licence  
suspended

30b. Every person who drives a motor vehicle on a highway when his driver's licence is suspended by operation of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 and to the suspension of his driver's licence for a period of six months in addition to the period of suspension with respect to which he is convicted under this section.

s. 37 (14),  
amended

11.—(1) Subsection 14 of section 37 of the said Act is amended by inserting after "every" in the fifth line "motor assisted bicycle".

s. 37 (23),  
amended

(2) Subsection 23 of the said section 37 is amended by inserting after "vehicle" in the first instance in the second line "motor assisted bicycle".

- 12.** Subsection 2 of section 39 of the said Act is amended by inserting after "motorcycle" in the first line "or motor assisted bicycle". <sup>s. 39 (2), amended</sup>
- 13.** —(1) Subsection 1 of section 49 of the said Act is amended by inserting after "vehicle" in the first line and in the sixth line "or motor assisted bicycle". <sup>s. 49 (1), amended</sup>
- (2) Section 49 of the said Act is amended by adding thereto the following subsection: <sup>s. 49, amended</sup>
- (1a) Subsection 1 does not apply to a motor assisted bicycle with an attached motor which is driven by electricity. <sup>Idem</sup>
- (3) Subsection 4 of the said section 49 is amended by inserting after "vehicle" in the first line "motor assisted bicycle". <sup>s. 49 (4), amended</sup>
- 14.**—(1) Subsection 1 of section 55 of the said Act is repealed and the following substituted therefor: <sup>s. 55 (1), re-enacted</sup>
- (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 or motor assisted bicycle to submit such motor vehicle or motor assisted bicycle, together with its equipment and any trailer attached thereto, to such examinations and tests as the constable or officer may consider expedient. <sup>Examination of vehicle</sup>
- (2) Subsection 3 of the said section 55 is amended by inserting after "vehicle" in the first line and in the second line "or motor assisted bicycle". <sup>s. 55 (3), amended</sup>
- (3) Subsection 4 of the said section 55 is amended by inserting after "vehicle" in the second line and in the fourth line "or motor assisted bicycle". <sup>s. 55 (4), amended</sup>
- 15.** —(1) Clause *a* of section 56 of the said Act is amended by inserting after "vehicles" in the second line and in the third line "or motor assisted bicycles". <sup>s. 56 (a), amended</sup>
- (2) Clause *b* of the said section 56 is amended by adding at the end thereof "and motor assisted bicycles". <sup>s. 56 (b), amended</sup>
- (3) Clause *c* of the said section 56 is amended by inserting after "vehicles" in the first and second lines "and motor assisted bicycles". <sup>s. 56 (c), amended</sup>
- 16.** Section 58<sup>l</sup> of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following subsection: <sup>s. 58<sup>l</sup>, amended</sup>
- (3) A provincial judge or justice of the peace who makes a conviction for an offence under sections 58 to 58<sup>m</sup> or any regulation made under section 58<sup>m</sup>, or the clerk of the court <sup>Report on conviction to Director</sup>

in which the conviction is made, shall forthwith certify the conviction to the Director setting out the name, address and description of the person convicted and the provision of this Act contravened.

s. 66 (8),  
amended

17. Subsection 8 of section 66 of the said Act is amended by striking out "but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister" in the sixth, seventh and eighth lines.

s. 68 (1),  
amended

18. Subsection 1 of section 68 of the said Act is amended by inserting after "more" in the second line "while on a highway".

s. 70 (1),  
amended

- 19.—(1) Subsection 1 of section 70 of the said Act is amended by inserting after "contents" in the first line "while on a highway".

s. 70 (3),  
amended

- (2) Subsection 3 of the said section 70, as amended by the Statutes of Ontario, 1973, chapter 45, section 24, is further amended by inserting after "contents" in the third line "while on a highway" and by inserting after "together" in the fourth line "while on a highway".

s. 70 (4),  
amended

- (3) Subsection 4 of the said section 70 is amended by inserting after "vehicles" in the third line "while on a highway".

s. 70 (7),  
amended

- (4) Subsection 7 of the said section 70, as re-enacted by the Statutes of Ontario, 1973, chapter 45, section 24, is amended by inserting after "contents" in the first line "while on a highway".

s. 70 (8),  
amended

- (5) Subsection 8 of the said section 70 is amended by inserting after "contents" in the first line "while on a highway".

s. 77 (8),  
amended

20. Subsection 8 of section 77 of the said Act is amended by striking out "but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister" in the sixth, seventh and eighth lines.

s. 82,  
amended

- 21.—(1) Section 82 of the said Act is amended by adding thereto the following subsection:

Interpre-  
tation

- (1a) In this section, "motor vehicle" includes "motor assisted bicycle".

s. 82 (8),  
amended

- (2) Subsection 8 of the said section 82 is amended by striking out "approved by the Ministry and" in the second line.



22. Clause *a* of section 89 of the said Act is amended by striking out "approved by the Ministry" in the second line. s. 89 (a), amended
23. Subsection 2 of section 90 of the said Act is repealed and the following substituted therefor: s. 90 (2), re-enacted
- (2) No yield right-of-way sign shall be erected except in compliance with the regulations. Erection of yield signs
- 24.—(1) Subsection 1 of section 92 of the said Act is amended by inserting after "pedestrian" in the first line and in the tenth line "or a person in a wheelchair". s. 92 (1), amended
- (2) Subsection 2 of the said section 92 is amended by inserting after "pedestrian" in the fifth line "or a person in a wheelchair". s. 92 (2), amended
- (3) Subsection 4 of the said section 92 is repealed and the following substituted therefor: s. 92 (4), re-enacted
- (4) No pedestrian or person in a wheelchair shall leave the curb or other place of safety at a pedestrian crossover and walk, run or move the wheelchair into the path of a vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way. Duty of pedestrian or person in wheelchair
- 25.—(1) Subsection 10 of section 96 of the said Act is amended by inserting after "pedestrians" in the fourth line "or any person in a wheelchair". s. 96 (10), amended
- (2) Subsection 12 of the said section 96 is repealed and the following substituted therefor: s. 96 (12), re-enacted
- (12) Subject to subsection 13, a pedestrian or a person in a wheelchair approaching and facing a green light at an intersection 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 or the person in the wheelchair shall proceed within the marked portion. Pedestrian rules re green signal
- (3) Subsection 13 of the said section 96 is amended by inserting after "pedestrian" in the first line "or a person in a wheelchair". s. 96 (13), amended
- (4) Subsection 14 of the said section 96 is amended by inserting after "pedestrian" in the second line "or a person in a wheelchair". s. 96 (14), amended



s. 96 (15),  
re-enacted

(5) Subsection 15 of the said section 96 is repealed and the following substituted therefor:

Pedestrian  
control  
signals

(15) Notwithstanding subsection 12,

- (a) when a "walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal may proceed across the roadway in the direction of the signal and while so proceeding across the roadway has the right of way over all vehicles;
- (b) when a "wait" or "don't walk" pedestrian control signal is shown, a pedestrian or a person in a wheelchair facing the signal shall not commence to cross the roadway until a "walk" pedestrian control signal is shown;
- (c) a pedestrian or a person in a wheelchair proceeding across the roadway when a "wait" or "don't walk" signal is shown after he entered the roadway shall quickly proceed across the roadway and has the right of way for that purpose over all vehicles.

s. 98 (5),  
amended

**26.** Subsection 5 of section 98 of the said Act is amended by inserting after "bicycle" in the first line and in the fifth line "motor assisted bicycle".

s. 101,  
amended

**27.** Section 101 of the said Act is amended by striking out "approved by the Ministry" in the fourth line.

s. 114,  
amended

**28.** Section 114 of the said Act is amended by inserting after "vehicle" in the second line and in the fourth line "or motor assisted bicycle".

s. 120 (1),  
re-enacted

**29.**—(1) Subsection 1 of section 120 of the said Act is repealed and the following substituted therefor:

Interpre-  
tation

(1) In this section, "school bus" means a bus used for the transportation of children to and from school that,

- (a) bears on the rear thereof the words "do not pass when signals flashing";
- (b) is equipped with two red signal-lights on the rear thereof and two red signal-lights on the front thereof; and

(c) is painted chrome yellow with black lettering and trim,

as required by the regulations.

(1a) No bus, other than a school bus, shall be painted chrome yellow. Prohibition

(1b) No motor vehicle, other than a school bus, shall bear the words "do not pass when signals flashing". Idem

(2) Subsection 2 of the said section 120 is amended by striking out "or part of a highway on which the maximum speed limit is greater than 35 miles per hour for the purpose of receiving or discharging school children" in the first, second, third and fourth lines. s. 120 (2), amended

(3) Subsections 3 and 4 of the said section 120 are repealed and the following substituted therefor: s. 120 (3, 4), re-enacted

(3) The driver of a school bus on a highway, when he is about to stop the school bus for the purpose of receiving or discharging school children, except at a stopping place where a signal-light traffic control system is in operation, shall actuate the red signal-lights on the school bus and shall continue them in operation while stopped for such purpose and, in the case of a highway that does not have a median strip, until those children who of necessity must cross the highway have completed the crossing. Duty of driver of school bus as to signal-lights

(4) The driver of a school bus on a highway shall not actuate the red signal-lights on the school bus under any circumstances other than those set out in subsection 3. Idem

(4) Clause *b* of subsection 6 of the said section 120 is repealed and the following substituted therefor: s. 120 (6) (b), re-enacted

(b) prescribing the type, design and colour of such vehicles or any class or type thereof and the markings to be displayed thereon.

**30.**—(1) Subsection 1 of section 122 of the said Act is amended by inserting after "upon" in the first line "a motor assisted bicycle". s. 122 (1), amended

(2) Subsection 2 of the said section 122 is amended by inserting after "on" in the first line "a motor assisted bicycle or". s. 122 (2), amended

s. 128 (1),  
amended

**31.**—(1) Subsection 1 of section 128 of the said Act is amended by striking out “part of the King’s Highway” in the second and third lines and inserting in lieu thereof “highway or part thereof”.

s. 128 (2),  
amended

(2) Subsection 2 of the said section 128 is amended by inserting after “bicycles” in the second line “wheelchairs”.

s. 135 (1),  
re-enacted

**32.** Subsection 1 of section 135 of the said Act is repealed and the following substituted therefor:

Inconsistent  
by-laws  
may be  
deemed  
invalid

(1) If a provision of a municipal by-law passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for,

(a) regulating traffic on the highways;

(b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or

(c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

is inconsistent with this Act and the by-law would have required the approval of the Minister or of the Ministry prior to the coming into force of this subsection, the provision of the by-law shall be deemed to be repealed.

Filing of  
municipal  
by-laws  
with  
Ministry

(1a) Subject to subsection 1b, a copy of every municipal by-law passed for any of the purposes mentioned in clause a or c of subsection 1 except by-laws regulating or prohibiting parking, stopping or standing shall be filed with the Ministry by the clerk of the municipality within fifteen days of the passing thereof.

Approval of  
traffic  
by-laws of  
connecting  
links

(1b) All by-laws passed by the council of a municipality, a board of commissioners of police or the trustees of a police village for the purposes mentioned in clause a or c of subsection 1 which affect traffic on highways designated as connecting links pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act* shall not become operative until approved by the Ministry.

R.S.O. 1970,  
c. 201

s. 139 (1),  
amended

**33.** Subsection 1 of section 139 of the said Act is amended by inserting after “vehicle” in the first line “or motor assisted bicycle”.



**34.** Subsection 2 of section 147 of the said Act is amended by inserting after "vehicle" in the first line "or motor assisted bicycle". s. 147 (2),  
amended

**35.** The said Act is further amended by adding thereto the following sections: ss. 150a,  
150b,  
enacted

150a.—(1) In this section, "judge" means a judge, provincial judge or justice of the peace. Interpre-  
tation

(2) Subject to subsection 3, a person whose driver's licence is suspended by a judge or by operation of this Act shall immediately forward the driver's licence to the Registrar. Return of  
suspended  
driver's  
licence to  
Registrar

(3) Where a judge makes a conviction and the driver's licence of the person convicted is suspended by the judge or by operation of this Act, the judge shall take the driver's licence and forward it to the Registrar. Judge to  
secure  
possession

150b.—(1) Where by or under the provisions of this Act a driver's licence is suspended and the person to whom the suspension applies refuses or fails to surrender his licence to the Registrar forthwith, any police officer or constable may take possession of the licence and return it to the Registrar and the Registrar may direct any police officer or constable to take possession of the licence and return it to the Registrar. Police  
officer,  
constable  
may secure  
possession

(2) Every person who fails or refuses to surrender his driver's licence when required by a police officer or constable pursuant to subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. Penalty

**36.** The said Act is further amended by adding thereto the following section: s. 153a,  
enacted

153a.—(1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 1 of section 20, and before the court accepts the plea of such person, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect: Suspension  
of licence  
upon  
conviction

*"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended forthwith for the period prescribed by statute".*

(2) The suspension of a driver's licence by operation of this Act shall not be held to be invalid by reason of failure of Idem

the clerk or registrar of the court to give the notice provided for in subsection 1.

s. 154 (2).  
re-enacted

**37.** Subsection 2 of section 154 of the said Act is repealed and the following substituted therefor:

Second  
conviction

(2) Where there is a conviction under the section mentioned in clause *b* of subsection 1 and a previous conviction under a section mentioned in clause *a* of subsection 1, such first-mentioned conviction shall be deemed a second conviction.

Commence-  
ment

**38.**—(1) This Act, except sections 3, 6, 7, 8, 9 and 29, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 3, 6, 7, 8 and 9 come into force on a day to be named by proclamation of the Lieutenant Governor.

Idem

(3) Section 29 comes into force on the 1st day of April, 1975.

Short title

**39.** This Act may be cited as *The Highway Traffic Amendment Act, 1974 (No. 2)*.