1960

c 172 Highway Traffic Act

Ontario
CHAPTER 172

The Highway Traffic Act

1.—(1) In this Act,

1. “built-up area” means the territory contiguous to a highway not within a city, town, village or police village where,

i. not less than 50 per cent of the frontage upon one side of the highway for a distance of not less than 600 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

ii. not less than 50 per cent of the frontage upon both sides of the highway for a distance of not less than 300 feet is occupied by dwellings, buildings used for business purposes, schools or churches, or

iii. not more than 600 feet of the highway separates any territory described in subparagraph i or ii from any other territory described in subparagraph i or ii,

and signs are displayed as required by the regulations; R.S.O. 1950, c. 167, s. 1 (1), cl. (a); 1953, c. 46, s. 1; 1954, c. 35, s. 1.

2. “chauffeur” means any person who operates a motor vehicle and receives compensation therefor;

3. “commercial motor vehicle” means any motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, police patrols, motor buses and tractors used for hauling purposes on the highways;

4. “crosswalk” means,

i. that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
ii. any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface; R.S.O. 1950, c. 167, s. 1 (1), cls. (b-d).

5. "Department" means the Department of Transport; 1958, c. 36, s. 1 (1).

6. "farm tractor" means a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing-machines and other implements of husbandry and not designed or used for carrying a load;

7. "Fund" means the Unsatisfied Judgment Fund established under Part XIII;

8. "garage" means every place or premises where motor vehicles are received for housing, storage or repairs for compensation;

9. "gross weight" means the combined weight of vehicle and load;

10. "highway" includes 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;

11. "intersection" means 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 that join one another at an angle, whether or not one highway crosses the other; R.S.O. 1950, c. 167, s. 1 (1), cls. (f-k).

12. "King's Highway" includes the secondary highways and tertiary roads designated under The Highway Improvement Act; 1960, c. 45, s. 1.

13. "Minister" means the Minister of Transport; 1958, c. 36, s. 1 (2).

14. "motorcycle" means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a bicycle with a motor attached and a motor scooter; 1951, c. 34, s. 1.

15. "motor vehicle" includes an automobile, motorcycle, and any other vehicle propelled or driven otherwise than by muscular power; but does not include the
16. “official sign” means a sign approved by the Department;

17. “operator” means any person other than a chauffeur who operates a motor vehicle on a highway;

18. “peace officer” includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff’s officer, justice of the peace, jailer 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;

19. “public vehicle” has the same meaning as in *The Public Vehicles Act*;

20. “Registrar” means the Registrar of Motor Vehicles appointed under this Act;

21. “regulations” means the regulations made under this Act;

22. “road-building machine” means a self-propelled vehicle designed and used primarily in connection with the building or maintaining of highways and not designed or used for carrying a load; R.S.O. 1950, c. 167, s. 1 (1), cls. (m-t).

23. “roadway” means the part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term “roadway” refers to any one roadway separately and not to all of the roadways collectively; 1958, c. 36, s. 1 (4), part.

24. “safety glass” means 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;

25. “solid tires” means all tires other than pneumatic tires; R.S.O. 1950, c. 167, s. 1 (1), cls. (u,v).
26. "through highway" means any highway or part of a 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 by a stop sign or yield right-of-way sign in compliance with the regulations of the Department; 1957, c. 44, s. 1, part.

27. "trailer" means any vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, another motor vehicle or any device or apparatus not designed to transport persons or property, 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; R.S.O. 1950, c. 167, s. 1 (1), cl. (u); 1956, c. 29, s. 1.

28. "urban area" means the territory contiguous to a highway not within a city, town, village, police village or built-up area that is occupied by dwellings, buildings used for business purposes, schools or churches at intervals of less than 100 feet for a distance of a quarter of a mile or more and that is marked by signs displayed as required by the regulations; 1958, c. 36, s. 1 (4), part.

29. "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine 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. 1950, c. 167, s. 1 (1), cl. (x).

(2) Where in this Act the Minister or a magistrate or other official is authorized or directed to suspend or cancel the licence or permit of any person, and such person is the holder of both a licence and a permit issued under this Act, every such authority extends to both licence and permit and every such direction may in the discretion of the Minister, magistrate or other officer be made to apply to both licence and permit. R.S.O. 1950, c. 167, s. 1 (2).

**PART I**

**ADMINISTRATION**

2. Where by this Act powers are conferred or duties are imposed upon the Department, such powers may be exercised and such duties discharged by the Minister. 1951, c. 34, s. 2.
3.—(1) There shall be a Registrar of Motor Vehicles appointed by the Lieutenant Governor in Council. R.S.O. 1950, c. 167, s. 2 (1).

(2) The Registrar shall act under the instructions of the Minister and Deputy Minister and has 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 or Deputy Minister. R.S.O. 1950, c. 167, s. 2. (2); 1958, c. 36, s. 2.

(3) The Minister may authorize the Registrar to exercise and discharge in his place any of the powers conferred or the duties imposed upon him under this Act. 1951, c. 34, s. 3.

4. There shall be a Deputy Registrar appointed by the Lieutenant Governor in Council who shall have all the powers and may perform all the duties of the Registrar. 1958, c. 36, s. 3.

5. The Lieutenant Governor in Council may make regulations,

(a) providing for the payment of fees for the issue, renewal, replacement or transfer of permits, licences and number plates under this Act and prescribing the amount of such fees;

(b) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Department pursuant to this Act or any statement containing information from the records of the Department and prescribing the amount of such fees. 1957, c. 44, s. 2; 1958, c. 36, s. 3.

PART II
REGISTRATION AND PERMITS

6.—(1) The owner of every motor vehicle or trailer shall register it with the Department before driving or operating or causing it 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, is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent
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The Department shall issue for each motor vehicle or trailer so registered a numbered permit stating that the motor vehicle or trailer is registered in accordance with this Act, and shall cause the name of the owner, his address and the number of his permit, to be entered in a book to be kept for that purpose. R.S.O. 1950, c. 167, s. 3 (1, 2).

(3) The Minister may, in his discretion, refuse to accept the registration of, or cancel any permit issued for, any motor vehicle or trailer that is to be used or is used, (a) as a public vehicle within the meaning of The Public Vehicles Act; or

(b) as a public commercial vehicle within the meaning of The Public Commercial Vehicles Act,

unless the owner of such motor vehicle or trailer is in possession of an operating licence as required by such Acts. 1953, c. 46, s. 2.

(4) 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.

(5) Declarations or affidavits in connection with the issuance of permits and licences 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.

(6) 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. 1950, c. 167, s. 3 (3-5).

7.—(1) Every 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 addition to any other penalty or punishment to which he may be liable, is liable, for the first offence to a fine of not less than $20 and not more than $200, and in addition his licence or permit may be suspended for a period
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of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1950, c. 167, s. 4 (1); 1954, c. 35, s. 2.

(2) Where an owner changes his address as given under subsection 2 of section 6, he shall within six days send by registered mail or cause to be filed in the Department his change of address, and on failure to do so is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than 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 the obliteration or defacement, and, if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss, or attach permanently to the vehicle a special identification number or mark which thereafter shall be deemed sufficient for the purpose of registration of the vehicle. R.S.O. 1950, c. 167, s. 4 (2, 3).

8.—(1) Every motor vehicle other than a motorcycle, 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. 1950; c. 167, s. 5 (1); 1951, c. 34, s. 4 (1).

(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200, and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

(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 notice of change of address.

Where serial number obliterated.

Notice of change of address.

Number plate.

Penalty.

Number plate.

Penalty.
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.

Penalty

(4) Every person who contravenes any of the provisions of subsection 3 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1950, c. 167, s. 5 (2-4).

Number plate on motorcycle

(5) A motorcycle 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 motorcycle, 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 motorcycle. R.S.O. 1950, c. 167, s. 5 (5); 1951, c. 34, s. 4 (2).

Rear number plate on trailer

(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.

Penalty

(7) Every person who contravenes any of the provisions of subsection 5 or 6 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1950, c. 167, s. 5 (6, 7).

Violations as to number plates

9.—(1) Every person who,

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

(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;

(c) without the authority of the owner removes a number plate from a motor vehicle or trailer;
(d) uses or permits the use of any number plate upon a motor vehicle or trailer except the one issued by the Department for the 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,

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

(2) Every number plate furnished by the Department under this Act is the property of the Crown and shall be returned to the Department when required by the Department, and any person failing to so return the number plate without reasonable excuse is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days, and the Minister may also for such failure refuse to issue a licence or permit to such person. R.S.O. 1950, c. 167, s. 6.

10.—(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) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than 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) Every person who contravenes any of the provisions of subsection 3 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1950, c. 167, s. 7.

11. A peace officer who has reason to believe that a motor vehicle or trailer is carrying number plates that 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. 1950, c. 167, s. 8.

12.—(1) Sections 6 and 8 and subsection 1 of section 10 do not apply to a motor vehicle owned by a person who does not reside or carry on business in Ontario for more than six 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.

(2) Sections 6 and 8 and subsection 1 of section 10 do not apply to a motor vehicle owned by a person who does not reside or carry on business in Ontario for more than three months in any one year if the owner thereof is a resident of a country or state that grants similar exemptions and privileges with respect to motor vehicles registered under the laws of and owned by residents of Ontario and has complied with the provisions of the law of the country or state in which he resides as to registration of a motor vehicle and the display of registration plates thereon; but this subsection does not apply to commercial motor vehicles.

(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. R.S.O. 1950, c. 167, s. 9.

PART III

LICENCES

OPERATOR, CHAUFFEUR, DRIVING INSTRUCTOR

13.—(1) No person other than one holding a chauffeur's licence shall operate or drive a motor vehicle on a highway
unless he holds an operator's licence issued to him under this section, and no person who is the owner or in possession or control of a motor vehicle shall permit any person who is not the holder of a chauffeur’s or operator’s licence to operate or drive the motor vehicle.

(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days.

(3) Operators' licences 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. 1950, c. 167, s. 75.

(4) The holder of an operator's licence shall submit to such examination in respect of the operation of a motor vehicle as and when required by the Minister and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3. 1960, c. 45, s. 19.

14.—(1) Every operator of a motor vehicle shall carry his licence 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. R.S.O. 1950, c. 167, s. 76 (1).

(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days. R.S.O. 1950, c. 167, s. 76 (2); 1951, c. 34, s. 9.

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

(4) Every person who contravenes any of the provisions of subsection 3 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more...
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than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1950, c. 167, s. 76 (3, 4).

15. Sections 13 and 16 and any regulations made thereunder do not apply to residents of the other provinces of Canada who do not reside or carry on business in Ontario for more than six consecutive months in any one year, nor to residents of other countries or states who do not reside in Ontario for more than three months in any one year, provided such persons have complied with the provisions of the law of the province, country or state in which they reside as to the licensing of motor vehicle operators or chauffeurs. R.S.O. 1950, c. 167, s. 78; 1958, c. 36, s. 20.

16.—(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) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

(3) Chauffeurs' licences 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. R.S.O. 1950, c. 167, s. 21 (1-3).

(4) A licence 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 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 Minister and residing in the municipality in which the applicant resides. R.S.O. 1950, c. 167, s. 21 (4); 1953, c. 46, s. 6.

(5) The chief constable of a municipality may authorize any constable on the police force of the municipality to furnish certificates under subsection 4. 1958, c. 36, s. 7.
(6) 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.

(7) Before a person is appointed an examiner, he shall pass such an examination or furnish such evidence of his qualifications as the Minister may require. R.S.O. 1950, c. 167, s. 21 (5, 6).

(8) The holder of a chauffeur's licence shall submit to such examination in respect of the operation of a motor vehicle as and when required by the Minister and upon completing such examination his licence may be confirmed, suspended, cancelled or re-issued in accordance with subsection 3. 1960, c. 45, s. 8.

17.—(1) Every chauffeur shall carry his chauffeur's licence 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. R.S.O. 1950, c. 167, s. 23 (1), amended.

(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days.

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

(4) Every person who contravenes any of the provisions of subsection 3 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1950, c. 167, s. 23 (2-4).

18.—(1) No person under the age of sixteen years shall drive or operate a motor vehicle or farm tractor on a highway. R.S.O. 1950, c. 167, s. 52 (1); 1953, c. 46, s. 13 (1).

(2) No person shall employ or permit anyone under the age of sixteen years to drive or operate a motor vehicle or farm tractor on a highway. R.S.O. 1950, c. 167, s. 52 (2); 1953, c. 46, s. 13 (2).
(3) Subsections 1 and 2 do not apply in respect of the driving or operating of a farm tractor directly across a highway.

(4) Every person who contravenes any of the provisions of subsection 1 or 2 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50. R.S.O. 1950, c. 167, s. 52 (3, 4).

19.—(1) No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is a person licensed to drive a motor vehicle as required by this Act.

(2) Subsection 1 does not apply to a resident of any other province of Canada who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident of a country or state that grants similar exemptions and privileges to residents of Ontario, who does not reside in Ontario for more than three consecutive months in any one year, provided such person is the holder of a chauffeur's or operator's licence issued by the province, country or state in which he resides.

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

(4) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1950, c. 167, s. 53.

20. Subject to section 22, the licence of a person who is convicted of an offence under section 222 of the Criminal Code (Canada) is thereupon and hereby suspended for a period of,

(a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

(b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;
provided that, if an order is made under subsection 1 of section 225 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. 1955, c. 29, s. 9; 1956, c. 29, s. 11; 1957, c. 44, s. 10.

### 21. Subject to section 22, the licence of a person who is convicted of an offence under subsection 1 of section 221 or section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

(a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;

(b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 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. 1958, c. 36, s. 15.

### 22. Where the licence of a person is suspended for a period of one year under clause a of section 20 or of six months under clause a of section 21 by reason only of damage to property in connection with the offence, the magistrate may, if in his opinion the licence is essential to the licensee in carrying on the occupation by which he earns his living, recommend to the Minister that a restricted licence be issued to such person and upon such recommendation the Minister may issue a restricted licence to such person subject to such conditions as he may deem proper. 1957, c. 44, s. 11, part; 1958, c. 36, s. 16 (1).

(2) Notwithstanding sections 13 and 16, a restricted licence issued under subsection 1 authorizes the person to whom it is issued to operate or drive a motor vehicle for the last six-month period of the suspension under clause a of section 20 or for the last three-month period of the suspension under clause a of section 21, as the case may be. 1957, c. 44, s. 11, part; 1958, c. 36, s. 16 (2).

(3) Every person to whom a restricted licence is issued who operates or drives a motor vehicle in contravention of the conditions of the licence is guilty of an offence and liable to a fine of not less than $25 and not more than $100, and in addition the licence shall be cancelled. 1957, c. 44, s. 11, part.
23.—(1) The judge, magistrate or justice of the peace by whom a person is convicted of a contravention of this Act or of the Criminal Code (Canada) involving the use of a motor vehicle shall cause particulars of the conviction to be endorsed on the chauffeur’s licence or operator’s licence, as the case may be, and, if the licence or permit is suspended by the judge, magistrate or justice of the peace or by the operation of this Act, shall take and forward to the Registrar such licence or permit. 1957, c. 44, s. 5.

(2) Any such endorsement signed by the convicting justice is prima facie evidence of such conviction. R.S.O. 1950, c. 167, s. 24 (2).

24. A magistrate or justice of the peace by whom a person is convicted of a contravention of this Act, if the person convicted is required to hold an operator’s licence or a chauffeur’s licence and does not hold such licence, may declare him disqualified to hold such a licence 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. 1950, c. 167, ss. 22, 77.

25.—(1) The Minister may, at any time for misconduct or contravention of the provisions of this Act, The Public Vehicles Act or The Public Commercial Vehicles Act or of any regulation thereunder by an owner, operator or chauffeur of a motor vehicle or for any reason that he may deem sufficient, suspend or cancel any permit or licence, and no further or other licence or permit shall be issued to such owner, operator or chauffeur during such suspension or, in the case of a cancellation, until the Minister approves, and the Minister may also for such misconduct or contravention or reason prohibit any person from driving a motor vehicle for such period as he may deem advisable and every such person who drives a motor vehicle during the prohibited period is liable to a fine of not more than $500. R.S.O. 1950, c. 167, s. 25 (1); 1953, c. 46, s. 7.

(2) Every person whose permit has been suspended or cancelled and who, while prohibited from having a motor vehicle registered in his name, applies for or procures the issue to him or has in his possession a permit issued to him is liable to a fine of not less than $25 and not more than $100 and to imprisonment for a term of not more than thirty days. R.S.O. 1950, c. 167, s. 25 (2); 1958, c. 36, s. 8.

(3) Every person whose licence has been suspended or cancelled and who, while prohibited from driving a motor vehicle, applies for or procures the issue to him or has in his possession a licence is liable to a fine of not less than $25 and
not more than $100 and to imprisonment for a term of not more than thirty days. R.S.O. 1950, c. 167, s. 25 (3).

26. Every person who operates a motor vehicle the permit for which is under suspension or has been cancelled is liable, for a first offence to a fine of not less than $25 and not more than $100 and is also liable to imprisonment for a term of not more than thirty days; and for any subsequent offence to a fine of not less than $100 and not more than $500 and is also liable to imprisonment for a term of not more than six months. R.S.O. 1950, c. 167, s. 68 (1); 1956, c. 29, s. 14.

27. Where by or under the provisions of this Act a permit or licence is suspended and the person to whom the suspension applies is not the holder of a permit or licence, as the case may be, such person shall be deemed for all the purposes of this Act to be a person whose permit or licence, as the case may be, has been suspended. R.S.O. 1950, c. 167, s. 69.

28. If a person whose licence has been suspended enters an appeal against his conviction and there is filed proof of financial responsibility under section 111, the suspension does not apply unless the conviction is sustained on appeal. 1957, c. 44, s. 14, part.

29. The Lieutenant Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles and under such system may provide for the cancellation and suspension of licences and may require the attendance of any driver before any official of the Department to show cause why his licence should not be cancelled or suspended. 1958, c. 36, s. 26.

30.—(1) In this section, “driving instructor” means a person who teaches persons to operate motor vehicles and receives compensation therefor.

(2) The Lieutenant Governor in Council may make regulations licensing, regulating and governing driving instructors and the teaching of persons to operate motor vehicles.

(3) Where there is a conflict between this section and the regulations and a by-law of a municipal council or board of police commissioners regulating or governing driving instructors, this Act and the regulations prevail. 1958, c. 36, s. 27.

PART IV

GARAGE AND STORAGE LICENCES

31.—(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 or the wrecking or dismantling...
of vehicles 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, but this section does not apply to a temporary parking lot that is being operated for a period of not more than two consecutive weeks. R.S.O. 1950, c. 167, s. 26 (1); 1960, c. 45, s. 9 (1).

(2) The fee for the licence shall be such as may be fixed from time to time by the Lieutenant Governor in Council on the recommendation of the Minister. R.S.O. 1950, c. 167, s. 26 (2).

(3) Every person who stores or deals in motor vehicles or conducts a garage business, parking station, parking lot or used car lot or the wrecking or dismantling of vehicles without a licence is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second or any subsequent offence to a fine of not less than $50 and not more than $200, and for the third or any subsequent offence is also liable to imprisonment for a term of not more than three months. R.S.O. 1950, c. 167, s. 26 (3); 1960, c. 45, s. 9 (2).

(4) Any constable or any officer appointed for carrying out the provisions of this Part may enter into any place where motor vehicles or bicycles are stored or dealt in, or into any garage, parking station, parking lot or used car lot or premises used for the wrecking or dismantling of vehicles required to be licensed, and make such investigation and inspection as he thinks proper. R.S.O. 1950, c. 167, s. 26 (4); 1960, c. 45, s. 9 (3).

(5) Every person who obstructs, molests or interferes with any such constable or officer in the performance of his duty under subsection 4 is liable, for the first offence to a fine of not less than $25 and not more than $100; for the second offence to a fine of not less than $100 and not more than $300; and for any subsequent offence to a fine of not less than $300 and not more than $500 and is also liable to imprisonment for a term of not more than six months. R.S.O. 1950, c. 167, s. 26 (5).

(6) The Minister may suspend or cancel the licence issued for a garage business, parking station, parking lot or used car lot or premises used for the wrecking or dismantling of vehicles 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 licence or by any of his employees or for any other reason appearing to him to be sufficient. R.S.O. 1950, c. 167, s. 26 (6); 1960, c. 45, s. 9 (4).

(7) The Lieutenant Governor in Council, upon the recommendation of the Minister, may make regulations controlling and governing the conduct of a garage business, parking sta-
32.—(1) All persons who buy, sell, wreck or otherwise deal in second-hand motor vehicles or bicycles shall keep a correct record of all motor vehicles and bicycles bought, sold or wrecked and of such information as will enable such motor vehicles and bicycles 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 or bicycle 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 or from a bicycle.

(4) Where any motor vehicle is placed in the possession of a 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 such period of two weeks, make a report thereof to the Department.

(5) If a motor vehicle that 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.

(6) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days. R.S.O. 1950, c. 167, s. 27.

PART V
EQUIPMENT

33.—(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every motor vehicle shall carry three lighted lamps in a conspicuous posi-
tion, 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 motorcycle 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 500 feet from the front or rear, as the case may be.

(2) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1962, other than a commercial motor vehicle, unless there is affixed to the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Department, or red reflective material covering a surface of not less than 16 square inches.

(3) 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 300 feet ahead of the motor vehicle.

(4) Subsection 3 does not apply to a motor vehicle parked on a highway and subsections 1, 6, 9 and 10 do not apply to a motor vehicle parked on a highway upon which the speed limit is not greater than 30 miles per hour and which is so lighted by the means of any system of street or highway lighting that the vehicle is clearly discernible within a distance of 200 feet.

(5) No motor vehicle shall carry on the front thereof more than four lighted lamps that project a beam having an intensity of over 300 candle-power.

(6) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every commercial motor vehicle and every trailer having a width at any part in excess of 80 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 or amber 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 500 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.
(7) No person shall sell, offer or expose for sale a new motor vehicle manufactured after the 1st day of January, 1961, other than a commercial motor vehicle, having a width in excess of 80 inches unless it is equipped with clearance lamps as prescribed in subsection 6.

(8) Every person who contravenes subsection 2 or 7 is liable to a fine of not less than $50 and not more than $300.

(9) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 30 feet or a width in excess of 80 inches shall carry three lamps displaying green or amber lights at the front, except in the case of a public vehicle which shall display amber lights at the front, and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits and shall be visible for distances of 500 feet from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer.

(10) When on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise, every motor vehicle or combination of vehicles having a length in excess of 20 feet shall carry not less than four side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 500 feet from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Department in lieu of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 500 feet from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle.

(11) Every person who contravenes subsection 1, 3, 5, 6, 9 or 10 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25, and in addition his
(12) In the case of an ambulance, fire or police department vehicle or public utility emergency vehicle, the lamps on the front may cast a red light only or such other colour of light as may be designated by a by-law of the municipality in which the vehicle is operated, approved by the Department, but no other motor vehicle shall carry on the front thereof any lamp that casts a red light.

(13) A volunteer fire fighter under The Fire Departments Act may carry on his motor vehicle a lamp not exceeding 4 inches in diameter displaying an amber light showing the letters “V.F.F.”, which lamps shall be illuminated only when such motor vehicle is proceeding to a fire or other emergency and no other motor vehicle shall carry any such lamp.

(14) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every bicycle or tricycle shall carry on the front thereof a white or amber lighted lamp and on the back thereof a red lighted lamp or reflector approved by the Department, and in addition there shall be placed on the front forks thereof white reflective material, and on the back thereof red reflective material covering a surface of not less than ten inches in length and one inch in width.

(15) Every person who contravenes subsection 14 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25.

(16) The lamp on the back of a motor vehicle or trailer shall be of at least three candle-power and shall be so placed that it will illuminate at any time from one-half hour after sunset to one-half hour before sunrise the numbers on the 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.

(17) A motor vehicle, other than a commercial motor vehicle, while standing upon a highway at such times as lights are required by this section for the vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the vehicle in such a manner as to be clearly visible to the front and rear for a distance of at least 200 feet and to show white to the front and red to the rear of the vehicle; provided that such light shall not be displayed while the motor vehicle is in motion.
(18) The Lieutenant Governor in Council may make regulations,

(a) prescribing the type and maximum strength of lights that shall be carried by vehicles, and regulating the location, direction, focus and use of such lights;

(b) regulating or prohibiting the use of lights on vehicles that automatically produce intermittent flashes of light.

(19) No motor vehicle shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from such lamp will be directed to the left of the prolongation of the extreme left side, nor more than 100 feet ahead, of the vehicle to which it is attached.

(20) Every traction engine shall, at any time from one-half hour after sunset to one-half hour before sunrise, 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 that may be attached to it which shall cast from its face a red light only.

(21) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every trailer and every object or contrivance drawn by a vehicle shall carry on the back thereof one lighted lamp which shall cast from its face a red light only.

(22) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 96 inches, shall carry at the rear two lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle, and such lamps or reflectors shall be clearly visible at a distance of at least 500 feet from the rear of the vehicle.

(23) Every person who contravenes subsection 16, 17, 19, 20, 21 or 22, or the regulations made under subsection 18 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days.
Subject to subsection 26, every vehicle other than a motor vehicle or a bicycle or tricycle, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise, shall carry in a conspicuous position on the left side thereof a lighted lamp showing white to the front and red to the rear or a lighted lamp showing white to the front and a lighted lamp showing red to the rear, and any lamp so used shall be clearly visible at a distance of at least 500 feet from the front and from the rear of the vehicle.

Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system, when on a highway at any time from one-half hour after sunset to one-half hour before sunrise, shall carry the lighted lamps required for motor vehicles under subsection 1.

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 flammable materials or vehicles that are structurally unsuitable for carrying lighted lamps.

Every person who contravenes subsection 24 or 25 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25.

No person shall sell a new motor vehicle, other than a motorcycle, unless it is equipped with mechanical or electrical signalling devices that comply with subsections 4 and 5 of section 69.

Every motor vehicle or combination of motor vehicle and trailer having a width at any part in excess of 80 inches or having a length in excess of 20 feet shall be equipped with mechanical or electrical signalling devices that comply with subsections 4 and 5 of section 69.

Where any light is required by any provision of this Act to be visible for a specified distance, such requirement shall be deemed to apply during the times indicated in such provision upon level ground and under normal atmospheric conditions.

Every vehicle that is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device as described in subsection 4 of section 69, have prominently displayed on the rear thereof, in bold face
letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words,  

"RIGHT HAND DRIVE VEHICLE".  

R.S.O. 1950, c. 167, s. 11; 1951, c. 34, s. 6.

35.—(1) Every motor vehicle, other than a motorcycle, when operated on a highway shall be equipped with at least two braking systems, each with a separate means of application and effective on at least two wheels, one of which shall be adequate to stop the vehicle as required by regulations made by the Department and the other of which shall be adequate to hold the vehicle stationary. 1956, c. 29, s. 3.

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

(3) Every trailer or semi-trailer having a gross weight of 3,000 pounds or more shall be equipped with brakes adequate to stop and to hold the vehicle.

(4) 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.

(5) 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 the brakes do not conform to the regulations of the Department, require the driver of the motor vehicle to proceed forthwith to make or have such brakes made to comply with such regulations.

(6) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1950, c. 167, s. 12 (2-6).

36.—(1) No person shall sell or offer for sale hydraulic brake fluid, for use in vehicles upon a highway, that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations.
Regulations (2) The Lieutenant Governor in Council may make regulations,

(a) prescribing the standards and specifications of hydraulic brake fluid or any type or class thereof for use in vehicles;

(b) providing for the identification and labelling of containers used for hydraulic brake fluid or any type or class thereof. 1960, c. 45, s. 3.

Windshield wiper, mirror 37.—(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 the 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. R.S.O. 1950, c. 167, s. 13 (1).

Mudguards (2) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle. R.S.O. 1950, c. 167, s. 13 (2); 1960, c. 45, s. 4.

Exception (3) Subsection 2 does not apply to motor vehicles or trailers in an unfinished condition while proceeding to a works for completion.

Penalty (4) Every person who contravenes any of the provisions of subsection 1 or 2 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days. R.S.O. 1950, c. 167, s. 13 (3, 4).

38.—(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) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. R.S.O. 1950, c. 167, s. 14.

39.—(1) In this section, “rebuild” means to make or impose a new tread or new surface or to otherwise alter the surface of a used tire so that it will resemble a new tire, by cutting into or adding rubber to the surface thereof, or by a combination of both.

(2) No person shall rebuild any tire designed for use upon a motor vehicle unless he causes it to be indicated in letters of not less than one-half inch in height, clearly embossed upon or imposed or cut into the outside surface of each wall of the tire, that it has been rebuilt.

(3) No person shall sell, offer or expose for sale, or have in his possession with intent to sell, any tire designed for use upon a motor vehicle that has been rebuilt unless it is indicated in letters of not less than one-half inch in height, clearly embossed upon or imposed or cut into the outside surface of each wall of the tire, that it has been rebuilt.

(4) Every person who contravenes any of the provisions of subsection 2 or 3 is liable, for the first offence to a fine of not more than $25; for a second offence to a fine of not more than $50; and for any subsequent offence to a fine of not more than $100. R.S.O. 1950, c. 167, s. 15.

40.—(1) 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.

(2) No person shall install glass other than safety glass in the door, window or windshield of any motor vehicle. R.S.O. 1950, c. 167, s. 16.
41.—(1) No person shall drive a motor vehicle upon a highway,

(a) with any sign, poster or other non-transparent material or object placed on the windshield or on any window of such motor vehicle; or

(b) with any object placed in, hung on or attached to such motor vehicle,

in such manner as will obstruct the driver’s view of the highway or any intersecting highway.

(2) This section does not prevent the use of signs, markers or equipment required under this Act or the regulations. 1959, c. 43, s. 1.

42.—(1) Every motor vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, by-pass or similar device upon a motor vehicle. R.S.O. 1950, c. 167, s. 17 (1).

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. 1958, c. 36, s. 5.

(3) 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 motor vehicle, nor shall such operator or chauffeur at any time, by cutting out the muffler or otherwise, cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call.

(4) Every motor vehicle, bicycle and tricycle shall be equipped with an alarm bell, gong or horn, which shall be kept in good working order and sounded whenever it is reasonably necessary to notify pedestrians or others of its approach.

(5) No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by 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.

(6) Every person who contravenes any of the provisions of subsection 1, 3, 4 or 5 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subse-
sequent offence to a fine of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days. R.S.O. 1950, c. 167, s. 17 (2-5).

43.-(1) Every person travelling on 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) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25. R.S.O. 1950, c. 167, s. 18.

44. No person shall drive on a highway a motor vehicle that is equipped with a television receiving set. 1953, c. 46, s. 4.

45.-(1) No motor vehicle, other than a motor vehicle in which there is a person licensed to operate a motor vehicle on a highway, trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless there are two separate means of attachment so constructed and attached that the failure of one such means will not permit the motor vehicle, trailer, object or device being drawn to become detached; but this subsection does 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 or to a trailer or other object or device when drawn directly across a highway by a farm tractor. 1960, c. 45, s. 5.

(2) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $5 and not more than $50; for the second offence to a fine of not less than $10 and not more than $100, and in addition his permit may be suspended for a period not exceeding thirty days; and for any subsequent offence to a fine of not less than $20 and not more than $200, and in addition his permit may be suspended for a period of not more than six months. 1959, c. 43, s. 2.

46. The Lieutenant Governor in Council may make regulations requiring any type or class of commercial motor vehicle or trailer to be equipped with rear bumpers and prescribing the location and means of attachment of such bumpers and prescribing the specifications for such bumpers. 1954, c. 35, s. 4.
47.—(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 the 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 the vehicle to proceed to have the vehicle, equipment or trailer placed in a safe condition and may order the vehicle or trailer to be removed from the highway and may prohibit the operation of the vehicle or trailer on the highway until the vehicle, equipment or trailer has been placed in a safe condition. R.S.O. 1950, c. 167, s. 20.

48. No person shall drive or operate or permit the driving or operation upon a highway of a vehicle that is in such a dangerous or unsafe condition as to endanger the driver or operator or any occupant thereof, or any person upon the highway. 1953, c. 46, s. 5.

49.—(1) When a used motor vehicle is sold by a dealer in used motor vehicles, the dealer shall deliver to the purchaser at the time of the sale a certificate of mechanical fitness signed by the dealer stating that the motor vehicle is, or is not, in a safe condition to be operated on a highway, and such certificate shall be on a separate form from any bill of sale or other document.

(2) Every dealer who contravenes any of the provisions of subsection 1 or who makes a false statement in any such certificate is liable to a fine of not less than $50 and not more than $300. 1957, c. 44, s. 4.

(3) The Lieutenant Governor in Council may make regulations prescribing the form and content of the certificate of mechanical fitness required under subsection 1. 1960, c. 45, s. 6.

50. The Lieutenant Governor in Council may make regulations,

(a) requiring the use of any accessory, or any type or class thereof, on vehicles, regulating the use thereof and prescribing the specifications thereof;

(b) prohibiting the use on vehicles of any accessory or ornament, or any type or class thereof;

(c) prohibiting the sale or offering for sale of any accessory or ornament, or any type or class thereof, that is designed for use on vehicles. 1960, c. 45, s. 7.
51.—(1) Every commercial motor vehicle shall have attached to or painted on both sides of the vehicle in a clearly visible position a sign showing the name of the owner, but that the Department may by regulation designate any vehicle or classes of vehicles to which this subsection does not apply. 1957,c.44,s.8.

(2) Every commercial motor vehicle and every trailer shall have securely attached to the back thereof, within six inches of the left side of the body in such a position as to reflect the light from the headlights of a vehicle approaching from the rear, a red reflector approved by the Department. R.S.O. 1950, c. 167, s. 40 (2).

(3) Every road-building machine when on a highway shall have attached to or painted on both sides of the machine in a clearly visible position a sign showing the name and address of the owner. 1960, c. 45, s. 14.

(4) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not more than $5; for the second offence to a fine of not less than $5 and not more than $10; and for any subsequent offence to a fine of not less than $10 and not more than $25, and in addition his licence or permit may be suspended for a period of not more than thirty days. R.S.O. 1950, c. 167, s. 40 (3).

PART VI
WEIGHT, LOAD AND SIZE

52.—(1) In this section,

(a) "Class A Highway" means a highway designated as such by the Minister;

(b) "Class B Highway" means a highway not designated by the Minister as a "Class A Highway". R.S.O. 1950, c. 167, s. 34 (1).

(2) Unless a special permit has been issued pursuant to section 53, no vehicle having a gross weight in excess of the following shall be moved upon wheels, rollers or otherwise over or upon a Class A Highway:

1. The gross weight of a vehicle other than those mentioned in clauses b, c and d shall not exceed 28,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds.
2. The gross weight of a vehicle of three axles 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 40,000 pounds and the weight on one axle shall not exceed 16,000 pounds.

3. When a conversion-unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in paragraph 2 is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 40,000 pounds.

4. The gross weight of a vehicle equipped wholly or in part with non-pneumatic tires shall not exceed 16,000 pounds and the weight upon one axle shall not exceed 12,000 pounds.

5. The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 30,000 pounds. 1955, c. 29, s. 5, part; 1956, c. 29, s. 6; 1958, c. 36, s. 11.

(3) Unless a special permit has been issued pursuant to section 53, no vehicle having a gross weight in excess of the following shall be moved upon wheels, rollers or otherwise over or upon a Class B Highway:

1. The gross weight of a vehicle shall not exceed 22,000 pounds and the weight upon one axle shall not exceed 16,000 pounds, and if axes are spaced less than eight feet apart the weight on one axle shall not exceed 10,000 pounds. 1955, c. 29, s. 5, part.

(4) No vehicle, object or contrivance for moving loads that 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 500 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 600 pounds upon any inch in width of the tire, shall be so operated without first obtaining a permit as provided by section 53.

(5) The Lieutenant Governor in Council may make regulations prescribing the minimum width of tires with which any vehicle operated upon a highway shall be equipped.

(6) For the purpose of this section, the width of solid rubber or pneumatic tires shall be as stamped thereon by the manu-
facturer and approved by the Department. R.S.O. 1950, c. 167, s. 34 (4-6).

(7) Every person who contravenes any of the provisions of this section or any by-law passed or regulation made under this section is liable, for the first offence to a fine of not less than $25 and not more than $50; for the second offence to a fine of not less than $50 and not more than $100, and in addition his licence or permit may be suspended for a period not exceeding thirty days; and for any subsequent offence to a fine of not less than $100 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1950, c. 167, s. 34 (7); 1956, c. 29, s. 6 (2).

(8) The municipal corporation or other authority having jurisdiction over a bridge may by by-law approved by the Department make regulations limiting the gross weight of any vehicle or combination of vehicles or any class thereof passing over such bridge and notice of the limit of the weight fixed by such regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge.

(9) The Lieutenant Governor in Council may make regulations limiting the gross weight of any vehicle or combination of vehicles or any class thereof passing over a bridge forming part of a provincial highway or a highway in territory without municipal organization and the requirements of subsection 8 with respect to the posting up of notice apply thereto. 1956, c. 29, s. 6 (3).

53.—(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 52 or 58.

(2) Such permit may be general or may limit the time and the particular highway that may be used, and may contain any special conditions or provisions that may be deemed necessary for the protection of the 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 is 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 that may be used, and may contain any special conditions or provisions that 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 is nevertheless responsible for all damages that may be caused to the highway by reason of the driving, operating or moving of any such vehicle, object or contrivance. R.S.O. 1950, c. 167, s. 35.

(6) Every person to whom a permit has been issued under this section who operates or permits the operation of a vehicle contrary to any of the conditions of such permit is liable to a fine of not less than $50 and not more than $500, and in addition the permit for the vehicle concerned issued under section 6 may be suspended for a period of not more than six months. 1956, c. 29, s. 7.

54.—(1) Subject to subsection 1 of section 16 of The Public Vehicles Act, 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 on a highway carry a load in excess of that for which the permit was issued as stated upon the permit, and for which the fee therefor was estimated. R.S.O. 1950, c. 167, s. 36 (1).

(2) The permit issued for a commercial motor vehicle and for every trailer drawn by it, or a true copy thereof, shall, whenever such vehicle is on a highway, be carried by the driver thereof or 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 Public Commercial Vehicles Act. 1960, c. 45, s. 12.

(3) Subsection 2 does not apply when a permit has been surrendered for transfer of registration or when such surrender is required by law.

(4) 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 following limits without obtaining a permit as provided by section 53:
1. 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.

2. 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.

3. 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.

(5) 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 250 pounds upon any inch in width of tire without obtaining a permit as provided by section 53.

(6) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months.

(7) The council of a city or separated town may, by by-law, declare the provisions of subsections 4, 5 and 6 to be in force in respect of highways within the city or separated town.

(8) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 4, 5 and 6 to extend and apply to highways under its jurisdiction during any period of the year or that the provisions of subsection 4 and 5 do not apply to any or all highways under its jurisdiction; but a by-law of a municipality passed under this subsection does not take effect until it has received the approval of the Minister.

(9) In the case of highways under the jurisdiction of the Department and highways in territory without municipal organization, the Lieutenant Governor in Council may, upon the recommendation of the Minister, declare the provisions of...
subsections 4, 5 and 6 to extend and apply during any period of the year. R.S.O. 1950, c. 167, s. 36 (3-9).

55.—(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 ten 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. R.S.O. 1950, c. 167, s. 37 (1); 1953, c. 46, s. 8.

(2) Every driver who, when so required to proceed to a weighing machine, refuses or fails to do so is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1950, c. 167, s. 37 (2).

(3) When a weighing machine capable of weighing a vehicle is distant more than ten miles from the vehicle, the driver of the vehicle, in lieu of proceeding to a weighing machine, 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 the vehicle or by a person authorized in writing by the owner to make such verification. 1960, c. 45, s. 13.

(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 officer, and it is the duty of the driver of the vehicle to facilitate the weighing of the vehicle and load by such device.

(5) Every person who contravenes any of the provisions of subsection 3 or 4 is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days.
For the purposes of this section,

(a) a combination of vehicles consisting of a motor vehicle and semi-trailer shall be deemed to be one vehicle; and

(b) "semi-trailer" means any trailer that is so designed that, when operated, the forward part of its body or chassis rests upon the body or chassis of the towing vehicle. R.S.O. 1950, c. 167, s. 37 (4-6).

56.—(1) Every vehicle carrying a load that 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 any time from one-half hour after sunset to one-half hour before sunrise 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. 1950, c. 167, s. 38 (1), amended.

(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 the commercial motor vehicle or trailer during transit. R.S.O. 1950, c. 167, s. 38 (2).

(3) Every person who contravenes any of the provisions of subsection 1 or 2 is liable, for the first offence to a fine of not less than $5 and not more than $50; for the second offence to a fine of not less than $10 and not more than $100; and for any subsequent offence to a fine of not less than $20 and not more than $200, and in addition his licence or permit may be suspended for a period of not more than sixty days. 1959, c. 43, s. 4.

57.—(1) The Lieutenant Governor in Council may make regulations classifying or defining explosives or dangerous articles and regulating or prohibiting the transportation of any explosives or dangerous articles. 1953, c. 46, s. 9.

(2) Every person who contravenes any of the provisions of the regulations made under this section is liable to a fine of not less than $25 and not more than $250, or to imprisonment for a term of not more than three months, or to both. R.S.O. 1950, c. 167, s. 39 (2).

58.—(1) No vehicle, including load or contents, shall have a greater width than 96 inches, except traction engines or threshing machines which may have a total width of 110 inches, and except loads of loose fodder.

(2) No vehicle, other than a public vehicle or a semi-trailer as defined in clause b of subsection 6 of section 55, including load or contents, shall exceed the length of 33 feet and no combination of vehicles, including load or contents, coupled together shall exceed the total length of 50 feet.
Length of public vehicle (3) No public vehicle, including load or contents, shall exceed the length of 35 feet. R.S.O. 1950, c. 167, s. 19 (1-3).

Height of vehicle (4) No vehicle, including load or contents, shall have a greater height than 13 feet 6 inches. 1958, c. 36, s. 6.

Penalty (5) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $5 and not more than $50; for the second offence to a fine of not less than $10 and not more than $100, and in addition his permit may be suspended for a period not exceeding thirty days; and for any subsequent offence to a fine of not less than $20 and not more than $200, and in addition his permit may be suspended for a period of not more than six months. 1959, c. 43, s. 2.

PART VII
RATE OF SPEED

59.—(1) No person shall drive a motor vehicle at a greater rate of speed than,

(a) 50 miles per hour,

(i) on a highway not within a city, town, village, police village, built-up area or urban area, or

(ii) on a highway designated by the Lieutenant Governor in Council as a controlled-access highway under The Highway Improvement Act, whether or not such highway is within a city, town, village, police village, built-up area or urban area;

(b) subject to clause a, 30 miles per hour on a highway within a city, town, village, police village or built-up area;

(c) subject to clause a, 40 miles per hour on a highway within an urban area;

(d) 20 miles per hour over a level railway crossing;

(e) 15 miles per hour if equipped wholly or in part with solid tires;

(f) the speed limit prescribed upon a highway in accordance with the provisions of subsections 2, 3, 4, 5, 6, 9 and 10; or

(g) the speed limit prescribed upon a metropolitan road in accordance with section 89 of The Municipality of Metropolitan Toronto Act. R.S.O. 1950, c. 167, s. 28 (1); 1954, c. 35, s. 5 (1); 1958, c. 36, s. 9 (1, 2); 1960, c. 45, s. 10 (1).
(2) The council of a city, town or village and the trustees of a police village may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven on any highway or portion of a highway under its jurisdiction, and the council of a township or county may by by-law prescribe a speed limit of 25 miles per hour for motor vehicles driven on highways under its jurisdiction in any built-up area within the municipality. 1954, c. 35, s. 5 (2), part; 1957, c. 44, s. 6 (1).

(3) The council of a township having a population exceeding 60,000 may pass by-laws designating any part or parts of the township as a suburban district or districts and prescribing a speed limit of 30 miles per hour for motor vehicles driven on the highways under its jurisdiction within such district or districts subject to any by-law decreasing or increasing the speed limit under subsection 2, 4 or 6. 1959, c. 43, s. 3 (1).

(4) The council of a city, town, village or township and the trustees of a police village may by by-law prescribe a lower rate of speed for motor vehicles driven in any public park or exhibition ground than is prescribed in subsection 1, but such lower rate of speed shall not be less than 15 miles per hour. 1954, c. 35, s. 5 (2), part; 1955, c. 29, s. 3 (1).

(5) The council of a city, town or village and the trustees of a police village may by by-law prescribe a higher rate of speed for motor vehicles driven on any highway or portion of a highway under its jurisdiction than is prescribed in subsection 1, but such increased rate of speed shall not be more than 50 miles per hour. 1954, c. 35, s. 5 (2), part; 1956, c. 29, s. 5 (1).

(6) The council of a township or county may by by-law prescribe a higher rate of speed for motor vehicles driven on a highway or portion of a highway under its jurisdiction within a built-up area or urban area than is prescribed in subsection 1 or within a suburban district than is prescribed in such district for motor vehicles driven on a highway within a built-up area, urban area or suburban district, but such increased rate of speed shall not be more than 50 miles per hour. 1959, c. 43, s. 3 (2).

(7) No by-law passed under subsection 2, 3, 5 or 6 becomes effective until approved by the Department and the highways or portions thereof affected by the by-law shall be marked to comply with the regulations. 1959, c. 43, s. 3 (3).

(8) The speed limits prescribed under this Act or the regulations or any by-law passed under this Act do not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. 1959, c. 43, s. 3 (4).
(9) The Lieutenant Governor in Council may make regulations prescribing a lower rate of speed than 50 miles per hour for motor vehicles driven upon a highway or any part thereof in any provincial park. 1956, c. 29, s. 5 (3), part.

(10) The Lieutenant Governor in Council may make regulations prescribing a higher or lower rate of speed than the rate of speed prescribed in this Act or any by-law for any class or classes of motor vehicles upon the King's Highway or any part thereof whether or not the King's Highway or the part thereof is within a city, town, village, police village, built-up area or urban area, and such rate of speed may be different for any period or periods of the day or night. 1958, c. 36, s. 9 (4).

(11) Where a by-law is passed under subsection 2, 3, 4 or 5 or a regulation is made under subsection 9 or 10, or a by-law is passed under section 89 of The Municipality of Metropolitan Toronto Act, the rates of speed prescribed in subsection 1 do not apply to the highway or portion of the highway affected by the by-law or regulation. 1956, c. 29, s. 5 (3), part; 1959, c. 43, s. 3 (5); 1960, c. 45, s. 10 (2).

(12) Every person who contravenes any of the provisions of this section or any by-law passed or regulation made under this section is liable, for the first offence to a fine of not less than $5 and not more than $50; for the second offence to a fine of not less than $10 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than three months; and for any subsequent offence to a fine of not less than $20 and not more than $200, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1950, c. 167, s. 28 (4); 1956, c. 29, s. 5 (4).

60. Every person is guilty of the offence of driving carelessly who drives a vehicle on a highway without due care and attention or without reasonable consideration for other persons using the highway and is liable to a fine of not less than $10 and not more than $500 or to imprisonment for a term of not more than three months, and in addition his licence or permit may be suspended for a period of not more than two years. 1955, c. 29, s. 4, part; 1958, c. 36, s. 10.

61.—(1) The municipal corporation or other authority having jurisdiction over the highway and, in the case of a provincial highway or a highway in territory without municipal organization, the Lieutenant Governor in Council may make regulations limiting any vehicle passing over a bridge to a speed of not less than 5 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.

(2) Every person who injures or interferes with such notice is liable to a fine of not less than $1 and not more than $10. R.S.O. 1950, c. 167, s. 31.

62.—(1) No motor vehicle shall be driven on 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) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $5 and not more than $50; and for any subsequent offence to a fine of not less than $10 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days. R.S.O. 1950, c. 167, s. 32.

PART VIII

RULES OF THE ROAD

63. Subject to sections 64 and 66, a driver or operator of a vehicle approaching an intersection shall yield the right of way to a vehicle that has entered the intersection from a different highway and, when two vehicles enter an intersection from different highways at approximately the same time, the driver or operator on the left shall yield the right of way to the vehicle on the right. 1958, c. 36, s. 12.

64. The driver or operator of a vehicle or car of an electric railway,

(a) upon approaching a stop sign at an intersection, shall bring the vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and

(b) upon entering the intersection, shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right of way to the vehicle so proceeding in the intersection. 1958, c. 36, s. 12 (5); 1960, c. 45, s. 15 (7, 8).
65. In addition to stop signs required at intersections on through highways, 

(a) the council of a municipality and the trustees of a police village may by by-law approved by the Department provide for the erection of stop signs at intersections on highways under its jurisdiction; and 

(b) the Lieutenant Governor in Council may by regulation designate intersections on the King’s Highway at which stop signs shall be erected, 

and every sign so erected shall comply with the regulations of the Department. 1960, c. 45, s. 18.

66.—(1) The driver or operator of a vehicle or car of an electric railway approaching a yield right-of-way sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary as provided in clause a of section 64 and shall yield the right of way to traffic in the intersection or approaching on the intersecting highway so closely that it constitutes an immediate hazard and having so yielded may proceed with caution. 1958, c. 36, s. 12 (6), part. 

(2) No yield right-of-way sign shall be erected without the approval of the Department and every sign so erected shall comply with the regulations of the Department. 1958, c. 36, s. 12 (6), part.

67. The driver or operator of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on the highway. 1955, c. 29, s. 6 (3), part.

68.—(1) 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 roadway. R.S.O. 1950, c. 167, s. 41 (1), cl. (b).

(2) 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 shall not make such left turn until he has afforded a reasonable opportunity to the driver or operator of such other vehicle to avoid a collision. 1960, c. 45, s. 15 (1).

(3) The driver or operator of a vehicle intending to turn to the left into an intersecting highway at an intersection where traffic is permitted to move in both directions on each highway entering the intersection shall approach such intersection as closely as practicable to the centre line of the highway and the
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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.

(4) The driver or operator of a vehicle intending to turn
left to the left from a highway designated for use of one-way
traffic into an intersecting highway on which traffic is per-
mitted to move in both directions shall approach the intersec-
tion as closely as practicable to the left curb or edge of the
roadway and on entering the intersection shall pass as closely
as practicable to the centre line of the highway being entered
where it enters the intersection.

(5) The driver or operator of a vehicle intending to turn
left to the left from a highway on which traffic is permitted to
move in both directions into an intersecting highway desig-
nated for the use of one-way traffic shall approach the inter-
section as closely as practicable to the centre line of the high-
way and on entering the intersection the left turn shall be
made by passing as closely as practicable to the left hand
curb or edge of the roadway designated for the use of one-way
traffic. 1953, c. 46, s. 10.

(6) The driver or operator of a vehicle intending to turn
from the left from a highway designated for use of one-way
traffic into an intersecting highway designated for use of one-way
traffic shall approach the intersection as closely as practicable
to the left-hand curb or edge of the roadway and on entering
the intersection the left turn shall be made by passing as
closely as practicable to the left-hand curb or edge of the
roadway being entered. 1960, c. 45, s. 15 (2).

69.—(1) The driver or operator of a vehicle upon a high-
way before turning to the left or right 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 move-
ment shall give a signal plainly visible to the driver or operator
of such other vehicle of the intention to make such movement.
R.S.O. 1950, c. 167, s. 41 (1), cl. (d); 1954, c. 35, s. 6 (2).

(2) The signal required in subsection 1 shall be given either
by means of the hand and arm in the manner herein specified
or by a mechanical or electrical signal device as described in
subsection 4. R.S.O. 1950, c. 167, s. 41 (1), cl. (e); 1951,
c. 34, s. 7 (1).

(3) When the signal is given by means of the hand and
arm, the driver or operator shall indicate his intention to turn,
(a) to the left, by extending the hand and arm horizon-
tally and beyond the left side of the vehicle; or
(b) to the right, by extending the hand and arm upward and beyond the left side of the vehicle. 1954, c. 35, s. 6 (3).

(4) A mechanical or electrical signal device shall clearly indicate the intention to turn, shall be visible and understandable during day-time and night-time from the front and from the rear of the vehicle for a distance of 100 feet, and shall be self-illuminated when used at any time from one-half hour after sunset to one-half hour before sunrise. 1951, c. 34, s. 7 (2), amended.

(5) The driver or operator of a vehicle upon a highway before stopping or suddenly decreasing the speed of the vehicle, if the operation of any other vehicle may be affected by such stopping or decreasing of speed, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to stop or decrease speed,

(a) by means of the hand and arm extended downward beyond the left side of the vehicle; or

(b) by means of a stop lamp or lamps on the rear of the vehicle which shall emit a red or yellow light and which shall be actuated upon application of the service or foot brake and which may or may not be incorporated with one or more rear lamps. 1954, c. 35, s. 6 (4).

70.—(1) In this section, “intersection” includes any portion of a highway distinctly indicated as a crossing place for pedestrians by lines or other markings on the surface of the highway. R.S.O. 1950, c. 167, s. 41 (4); 1956, c. 29, s. 8 (2).

(2) Green arrow, green, amber and red lights may be used for signal-light traffic control systems and such lights shall be arranged vertically in the following order commencing at the bottom, green arrow, green, amber and red. 1960, c. 45, s. 15 (3).

(3) When a green signal-light is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light may proceed across the intersection or turn left or right. R.S.O. 1950, c. 167, s. 41 (2), cl. (b).

(4) When a red signal-light is shown at an intersection, every driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, and shall not proceed until a green light is shown,
provided that the driver or operator may turn to the right after bringing the vehicle or car to a full stop. R.S.O. 1950, c. 167, s. 41 (2), cl. (c); 1958 c. 36, s. 12 (2).

(5) 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 that is approaching the intersection and facing such lights shall bring his vehicle or car to a full stop immediately before entering the nearest crosswalk at 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. R.S.O. 1950, c. 167, s. 41 (2), cl. (d).

(6) When a red signal-light illuminated by rapid intermittent flashes is shown at an intersection, the driver or operator of a vehicle, or a 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 the right to proceed is subject to the rules applicable after making a full stop at a through highway.

(7) When an amber light illuminated by rapid intermittent flashes is shown at the intersection, the driver or operator of a vehicle, or a car of an electric railway, which is approaching the intersection and facing such light, may proceed through the intersection only with caution.

(8) When a red signal-light with a green arrow is shown at an intersection, the driver or operator of a vehicle, or a car of an electric railway, which is approaching the intersection and facing such light, may proceed with caution into the intersection only to make the movement indicated by such arrow, but shall yield the right of way to pedestrians and other traffic lawfully using the intersection. R.S.O. 1950, c. 167, s. 41 (2), cl. (g); 1960, c. 45, s. 15 (5).

(9) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right of way to pedestrians and other traffic lawfully within the intersection. 1960, c. 45, s. 15 (4).

(10) The provisions of this section are subject to any sign or notice forbidding a left or right turn or both that may be conspicuously posted at any intersection and to any direction of a constable or other person who is authorized to direct traffic. R.S.O. 1950, c. 167, s. 41 (2), cl. (h).

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

(12) When a red signal-light is shown, and where green and amber signal-lights are shown simultaneously, at an intersection a pedestrian approaching such intersection and facing such light or lights shall not enter the roadway until a green light only is shown. R.S.O. 1950, c. 167, s. 41 (2), cl. (f); 1958, c. 36, s. 12 (3).

(13) Notwithstanding subsections 11 and 12,

(a) when a “walk” pedestrian control signal is shown, a pedestrian 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,

(i) a pedestrian facing the signal shall not commence to cross the roadway until a “walk” pedestrian control signal is shown,

(ii) a pedestrian 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 a right of way for that purpose over all vehicles. 1958, c. 36, s. 12 (4).

(14) Every signal-light traffic control system installed after the 9th day of April, 1936, shall consist of sets of green, amber and red or green arrow, green, amber and red signal-lights, each of which sets shall be mounted on or suspended from or by means of a bracket or extended arm attached to a post or other standard located to the right side of the roadway used by the traffic controlled by it and to the side of the intersecting roadway that is remote from such traffic as it approaches, and the lower portion of each of such sets shall be not less than 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. R.S.O. 1950, c. 167, s. 41 (2), cl. (i), subcl. (i); 1951, c. 34, s. 7 (3); 1960, c. 45, s. 15 (6).

(15) A signal-light traffic control system may be erected and maintained at a place other than an intersection, in which event the provisions of this section, except those that by their
nature can have no application, are applicable, and any stop
required shall be made at a sign or marking on the roadway
indicating where the stop shall be made or, in the absence of
any such sign or marking, at the signal.

(16) No signal-light traffic control system shall be erected
unless the approval of the Department has been obtained.
R.S.O. 1950, c. 167, s. 41 (2), cl. (i), subcls. (ii, iii).

(17) Additional signal-lights may be installed with the
approval of the Department for use in conjunction with any
signal-light traffic control system. 1957, c. 44, s. 9 (2).

71.-(1) Where a person in charge of a vehicle on a high-
way meets another vehicle, he shall turn out to the right from
the centre of the roadway, allowing to the vehicle so met one-
half of the roadway free, but this does not apply to a vehicle,
road-building machine or apparatus while engaged in the con-
struction, maintenance or marking of a highway. R.S.O.
1950, c. 167, s. 41 (8); 1956, c. 29, s. 8 (3).

(2) Where a person in charge of a vehicle on a highway
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 roadway to pass.

(3) Where a person in charge of a vehicle or on horseback
on a highway is overtaken by a vehicle or horseman travelling
at a greater speed, the person so overtaken shall turn out to the
right and allow such vehicle or horseman to pass. R.S.O.
1950, c. 167, s. 41 (9, 10).

(4) 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 overtaken, and the
person overtaken is not required to leave more than one-half
of the roadway free. R.S.O. 1950, c. 167, s. 41 (11); 1958, c. 36,
s. 12 (8), amended.

(5) Where a person on a bicycle or a tricycle on a highway
is overtaken by a vehicle or horseman travelling at a greater
speed, the person so overtaken shall turn out to the right and
allow such vehicle or horseman to pass and the person so over-
taking a bicycle or tricycle shall turn out to the left so far as
may be necessary to avoid a collision. R.S.O. 1950, c. 167,
s. 41 (12).

(6) 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. R.S.O. 1950, c. 167, s. 41 (15).

(7) No person in charge of a vehicle shall pass or attempt
to pass another vehicle going in the same direction on a high-
way unless the roadway,

(a) in front of and to the left of the vehicle to be passed
is safely free from approaching traffic; and

(b) to the left of the vehicle passing or attempting to
pass is safely free from overtaking traffic. 1955,
c. 29, s. 6 (4).

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

(a) when approaching the crest of a grade or upon a
curve in the roadway or within 100 feet of a bridge,
viaduct or tunnel where the driver's view is obstruc-
ted within such distance as to create a hazard in the
event another vehicle might approach from the
opposite direction; or

(b) when approaching within 100 feet of or traversing
any intersection or level railway crossing, except
where a left turn is to be made at an intersection,
but this section does not apply to a highway designated
for the use of one-way traffic or to a highway divided into
clearly marked lanes as provided in section 76. 1955, c. 29,
s. 6 (3), part.

73.—(1) Notwithstanding section 71 and subject to sub-
section 2, the driver of a motor vehicle may overtake and pass
to the right of another vehicle within a city, town or village
only under the following conditions:

(a) when the vehicle overtaken is making or about to
make a left turn or its driver has signalled his inten-
tion to make a left turn; or

(b) upon a highway with unobstructed pavement of
sufficient width for two or more lines of vehicles in
each direction; or

(c) upon a highway designated for the use of one-way
traffic only.

(2) The driver of a motor vehicle shall not overtake and
pass to the right of another vehicle where such movement
cannot be made in safety and in no event shall a driver make
such movement by driving off the roadway. 1958, c. 36,
s. 12 (7).
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(3) The Lieutenant Governor in Council may make regulations designating a highway or part thereof outside a city, town or village to which the provisions of subsections 1 and 2 shall apply. 1959, c. 43, s. 5.

74. For the purposes of sections 75 and 76, "designated" means designated by the Minister or by any person authorized by him to make such designation or designated by by-law of a municipality, approved by the Department. R.S.O. 1950, c. 167, s. 41 (7).

75. 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. R.S.O. 1950, c. 167, s. 41 (6).

76. Where a highway has been divided into 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 that is divided into three lanes, a vehicle shall not be driven in the centre lane except when overtaking and passing another vehicle where the roadway 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. R.S.O. 1950, c. 167, s. 41 (5).

77.—(1) When a highway has been divided into traffic lanes by an unpaved portion lying between two parallel paved roadways, no person shall operate or drive a vehicle or lead, ride or drive an animal,

(a) along or on such highway except on the roadway on the right-hand side, having regard to the direction
in which the vehicle is being operated or drawn or the animal is being led, ridden or driven; or

\[(b)\] on, over or across the unpaved portion of the highway except at those points where crossings are marked or provided.

Penalty

(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not more than $10; for the second offence to a fine of not more than $20; for the third offence to a fine of not more than $30; and for any subsequent offence to a fine of not more than $50. R.S.O. 1950, c. 167, s. 42.

78.—(1) The driver or operator of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of such vehicle and the traffic on and the conditions of the highway. 1953, c. 46, s. 11 (1).

(2) The driver or operator of a commercial motor vehicle when driving on a highway outside of a city, town or village shall not follow within 200 feet of another commercial motor vehicle; but this shall not be construed to prevent one commercial motor vehicle overtaking and passing another such vehicle. R.S.O. 1950, c. 167, s. 41 (17); 1953, c. 46, s. 11 (2).

79.—(1) 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. 1957, c. 44, s. 9 (5).

(2) No driver of a vehicle shall follow a fire department vehicle when responding to an alarm at a distance of less than 500 feet. R.S.O. 1950, c. 167, s. 41 (19).

80. No driver of a vehicle or street car shall permit any person riding upon a bicycle, coaster, roller skates, skis, toboggan, sled or toy vehicle to attach the same or himself to the vehicle or street car. 1960, c. 45, s. 15 (9).

81. No person shall operate 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 motor vehicle. 1960, c. 45, s. 15 (10), part.

82. When the driver of a vehicle is approaching a railway crossing at a time when a clearly visible electrical or mechanical signal device or a flagman is giving warning of the approach of a railway train, he shall stop the vehicle not less
than 15 feet from the nearest rail of the railway and shall not proceed until he can do so safely. 1960, c. 45, s. 15 (10), part.

83. No person shall drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed. 1960, c. 45, s. 15 (10), part.

84. No person shall,

(a) open the door of a motor vehicle on a highway without first taking due precautions to ensure that his act will not interfere with the movement of or endanger any other person or vehicle; or

(b) leave a door of a motor vehicle on a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers. 1958, c. 36, s. 12 (10).

85. Every person who contravenes any of the provisions of sections 63 to 76 and 78 to 84 is liable, for the first offence to a fine of not less than $5 and not more than $50; for the second offence to a fine of not less than $10 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than three months; and for any subsequent offence to a fine of not less than $20 and not more than $200, and in addition his licence or permit may be suspended for a period of not more than six months. 1957, c. 44, s. 9 (6).

86.—(1) Where a person in charge of a vehicle or on a bicycle or tricycle or on horseback or leading a horse on a highway overtakes a street car or a car of an electric railway, operated in or near the centre of the roadway, 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; but this sub-section does not apply where a safety zone has been set aside and designated by a by-law passed under paragraph 107 of subsection 1 of section 379 of The Municipal Act. R.S.O. 1900, c. 167, s. 45 (1).

(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 roadway, which is stationary or in motion, shall pass on the left side of such car, having reference to the
direction in which such car is travelling; but this subsection does not apply to a vehicle belonging to a municipal fire department while proceeding to a fire or answering a fire alarm call or where the street car or car of an electric railway is being operated on a highway designated for the use of one-way traffic. R.S.O. 1950, c. 167, s. 45 (2); 1956, c. 29, s. 9.

**Penalty**

(3) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1950, c. 167, s. 45 (3).

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

**Penalty**

(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than six months. R.S.O. 1950, c. 167, s. 46.

88. When on a highway at any time from one-half hour after sunset to one-half hour before sunrise, the driver of a motor vehicle equipped with multiple beam headlamps shall use the lower or passing beam when,

(a) approaching an oncoming vehicle within 500 feet; or

(b) following another vehicle within 200 feet, except when in the act of overtaking and passing. 1959, c. 43, s. 6, amended.
89.—(1) No person shall park or leave standing any vehicle, whether attended or unattended, on the roadway when it is practicable to park or leave such vehicle off the roadway, and, in any event, no person shall park or leave standing any vehicle, whether attended or unattended, on such a highway unless a clear view of such vehicle and of the highway for at least 400 feet beyond the vehicle may be obtained from a distance of at least 400 feet from the vehicle in each direction upon such highway. R.S.O. 1950, c. 167, s. 43 (1); 1953, c. 46, s. 12 (1).

(2) Subsection 1 does not apply to a portion of a roadway within a city, town or village or in respect of which a by-law regulating or prohibiting parking has been passed by the council of a township or county or by trustees of a police village. 1953, c. 46, s. 12 (2).

(3) The Lieutenant Governor in Council may make regulations prohibiting or regulating the parking of vehicles upon the King’s Highway, and on any other highway within a distance of 300 feet from the intersection of such highway with the King’s Highway.

(4) Whenever a constable or an officer appointed for carrying out the provisions of this Act finds a vehicle on a highway in contravention of the provisions of this section or the regulations, he may move the vehicle or require the driver or operator or other person in charge of the vehicle to move it.

(5) The provisions of this section do not apply to the driver or operator of a vehicle that is so disabled while on a highway that it is impossible to avoid temporarily a contravention of such provisions.

(6) No person shall park or leave a vehicle on a highway unless he has taken such action as may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion. R.S.O. 1950, c. 167, s. 43 (2-5).

(7) Every commercial motor vehicle, when on a highway outside a city, town or village at any time from one-half hour after sunset to one-half hour before sunrise, shall be equipped with a sufficient number of,

(a) flares, lamps or lanterns that have been approved by the Department, capable of continuously producing two warning lights, each visible from a distance of at least 500 feet for a period of at least eight hours; or

(b) portable reflectors that have been approved by the Department. 1953, c. 46, s. 12 (3), amended.
(8) When any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the roadway outside a city, town or village, the driver or other person in charge of the vehicle shall cause such flares, lamps or lanterns to be lighted, and shall cause them or portable reflectors approved by the Department to be placed and maintained on the highway until one-half hour before sunrise or the removal of the vehicle, one at a distance of approximately 100 feet in advance of the vehicle and one at a distance of approximately 100 feet to the rear of the vehicle. R.S.O. 1950, c. 167, s. 43 (7); 1953, c. 46, s. 12 (4), amended.

(9) Notwithstanding the other provisions of this section, no person shall park or leave standing any vehicle whether attended or unattended on a highway in such a manner as to interfere with the movement of other traffic or the clearing of snow from the highway.

(10) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $5 and not more than $50; and for any subsequent offence to a fine of not less than $10 and not more than $100, and in addition his licence or permit may be suspended for a period of not more than thirty days.

(11) A constable or an officer appointed for the carrying out of the provisions of this Act, upon discovery of any vehicle parked or left in contravention of subsection 9 or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for removing, care and storage thereof, if any, are a lien upon the vehicle, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act. R.S.O. 1950, c. 167, s. 43 (8-10).

90. 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 or being on the highway, he is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days. R.S.O. 1950, c. 167, s. 55.

91.—(1) No person shall drive a motor vehicle on a highway in a race or on a bet or wager.
(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not less than $25 and not more than $100 and is also liable to imprisonment for a term of not more than thirty days, and in addition his licence or permit may be suspended for a period of not more than sixty days; and for any subsequent offence to a fine of not less than $100 and not more than $500 and is also liable to imprisonment for a term of not more than six months, and in addition his licence or permit may be suspended for a period of not more than one year. R.S.O. 1950, c. 167, s. 30.

92.—(1) No person shall race or drive furiously any horse or other animal on a highway.

(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not less than $10 and not more than $50; for the second offence to a fine of not less than $20 and not more than $100; and for any subsequent offence to a fine of not less than $50 and not more than $200 and is also liable to imprisonment for a term of not more than thirty days. R.S.O. 1950, c. 167, s. 56, amended.

93.—(1) The driver of,

(a) a motor vehicle having a seating capacity for ten or more persons, when transporting children to and from school; or

(b) a public vehicle,

upon approaching on a highway a railway crossing that is not protected by gates or unless otherwise directed by a flagman, shall stop such vehicle not less than 15 feet from the nearest rail of the railway and, having stopped, shall look in both directions along the track and open a door of the vehicle and listen for any approaching train and, when it is safe to do so, shall cross the railway track in a gear that he will not need to change while crossing the track and he shall not change gears while crossing.

(2) Every person who contravenes subsection 1 is liable to a fine of not less than $10 and not more than $50, and in addition his licence may be suspended for a period of not more than six months.

(3) Every vehicle to which subsection 1 applies shall bear a sign on the rear thereof clearly legible to a driver approaching from the rear in the following words:

"THIS VEHICLE STOPS AT ALL RAILWAY CROSSINGS".

1960, c. 45, s. 17.
94.—(1) In this section, "school bus" means a motor vehicle used exclusively for the transportation of children to and from school and of such a type and design and colour and displaying such markings and having such equipment, lights and signalling devices as may be prescribed by the regulations made by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may make regulations prescribing the type, design and colour of the markings to be displayed on and the equipment, lights and signalling devices to be attached to or carried by a school bus. 1955, c. 27, s. 7 (1, 2).

(3) The driver of a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children shall actuate the signalling device on the bus and shall continue it in operation while stopped for such purpose and shall not otherwise actuate the signalling device while on a highway.

(4) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children and the signalling device on the bus required by the regulations is operating, the driver of a vehicle,

(a) on overtaking such school bus, shall stop the vehicle before reaching the bus and shall not proceed until the bus resumes motion or the signalling device is no longer operating;

(b) on meeting such school bus on such a highway, other than a highway with separate roadways, shall, at a distance of not less than 100 feet from the school bus, reduce the speed of the vehicle and proceed past the school bus at a speed not greater than is reasonable or proper, and with due caution for the safety of pedestrians, and shall not increase the speed of the vehicle until he has reached a distance of at least 100 feet from the school bus.

(5) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school, all markings thereon indicating "school bus" shall be covered or concealed.

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

(a) respecting the operation of vehicles or any class or type thereof used for transporting children to and
(a) No person, while on the roadway, shall, from school and operated by or under contract with a school board or other authority in charge of a school;

(b) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;

(c) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by unqualified persons;

(d) requiring the inspection of such vehicles or any class or type thereof. 1960, c. 45, s. 16.

95.—(1) No person, while on the roadway, shall, Soliciting rides, etc., prohibited

(a) solicit a ride from the driver of a motor vehicle other than a public passenger conveyance; or

(b) stop or attempt to stop a motor vehicle for the purpose of selling or offering to sell any commodity or service to the driver or any other person in the motor vehicle.

(2) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50, and in addition his licence or permit may be suspended for a period of not more than sixty days. 1956, c. 29, s. 10, part.

96.—(1) A person riding upon a bicycle, a coaster, roller skates, skis, a toboggan, a sled or a toy vehicle shall not attach it or them or himself to a vehicle or street car on a roadway. 1958, c. 36, s. 12 (9).

(2) No person riding on a bicycle designed for carrying one person only shall carry any other person thereon. R.S.O. 1950, c. 167, s. 41 (14).

97. Where sidewalks are not provided on a highway, a pedestrian walking along or on the highway, when practicable, shall walk on the left side of the highway facing traffic that may approach from the opposite direction. 1955, c. 29, s. 6 (5).

98. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is
guilty of the offence of littering the highway and is liable, for
the first offence to a fine of not less than $5 and not more than
$50; for the second offence to a fine of not less than $10 and not
more than $100; and for any subsequent offence to a fine of
not less than $20 and not more than $200, and in addition
his licence or permit may be suspended for a period of not
more than sixty days. 1958, c. 36, s. 13.

99.—(1) The Lieutenant Governor in Council may make
regulations providing for the erection of signs on any highways
and prescribing the types of signs to be erected and the location
of each type of sign.

(2) Every driver or operator of a vehicle shall obey the
instructions or directions indicated on any sign so erected.
1954, c. 35, s. 7.

100. Every person who removes, defaces or in any manner
interferes with any notice or obstruction lawfully placed on a
highway is liable, for the first offence to a fine of not less
than $25 and not more than $100 and is also liable to impris­
one for a term of not more than thirty days; and for
any subsequent offence to a fine of not less than $100 and not
more than $500 and is also liable to imprisonment for a term
of not more than six months. R.S.O. 1950, c. 167, s. 33.

PART IX

TRACTION ENGINES ON HIGHWAYS

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

(2) The speed of a traction engine in cities, towns and
villages shall not exceed the rate of 3 miles per hour, or else­
where the rate of 6 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 on a 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 on a 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 200 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. 1950, c. 167, s. 72.

102.—(1) Before it is lawful to run such engine over a highway, the person proposing to run the engine shall, at his own expense, strengthen all bridges and culverts to be crossed by the 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 do 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 the bridge or culvert planks of sufficient width and thickness to fully protect the flooring or surface of the bridge or culvert from any injury that might otherwise result therefrom the contact of the wheels of the engine, and in default thereof the person in charge and his employer, if any, is liable to the corporation of the municipality for all damage resulting to the flooring or surface of the bridge or culvert. R.S.O. 1950, c. 167, s. 73.

103. Every person who contravenes any of the provisions of section 101 or 102 is liable to a fine of not less than $5 and not more than $25. R.S.O. 1950, c. 167, s. 74.

104.—(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.
(2) It is 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 engine on any highway.

(3) Every person who contravenes any of the provisions of this section is liable, for the first offence to a fine of not less than $5 and not more than $10; for the second offence to a fine of not less than $10 and not more than $25; and for any subsequent offence to a fine of not less than $25 and not more than $50. R.S.O. 1950, c. 167, s. 44.

PART X

CIVIL ACTIONS

105.—(1) The owner of a motor vehicle is liable for loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle on a highway unless the 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 is liable to the same extent as the owner.

(2) Notwithstanding subsection 1, the owner or driver of a motor vehicle, other than a vehicle operated in the business of carrying passengers for compensation, is not 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 the motor vehicle. R.S.O. 1950, c. 167, s. 50.

106.—(1) When loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that the loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle is upon the owner or driver. R.S.O. 1950, c. 167, s. 51 (1).

(2) This section does not apply in case of a collision between motor vehicles or between motor vehicles and cars of electric or steam railways or other motor vehicles running only on stationary rails 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. 1950, c. 167, s. 51 (2); 1955, c. 29, s. 8.

107. 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 an action in Ontario arising out of a motor vehicle accident in Ontario in which such person is involved, subject to the following conditions:

1. 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.

2. Such service is 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. R.S.O. 1950, c. 167, s. 57.

PART XI

APPROVAL OF MUNICIPAL BY-LAWS

108.—(1) Every 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; or

(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, that is inconsistent with this Act, is deemed to be repealed and hereafter all by-laws passed for any of the purposes mentioned in clauses a, b and c shall not become operative until approved by the Department. 1958, c. 36, s. 17.

(2) Any by-law for regulating traffic on highways that is submitted to the Department for approval may be approved in whole or in part and, where part of a by-law is approved only, that part shall become operative. R.S.O. 1950, c. 167, s. 60 (2).

(3) The Department may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1957, c. 44, s. 12.
PART XII

FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS

109. In this Part,

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

(b) "driver's licence" means an operator's licence or a chauffeur's licence issued pursuant to this Act;

(c) "motor vehicle", in addition to the meaning given in section 1, includes "trailer", as defined in section 1;

(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 118;

(e) "state" means a state of the United States of America or the District of Columbia;

(f) "Superintendent of Insurance" means the Superintendent of Insurance appointed under The Insurance Act;

(g) "Treasurer" means the Treasurer of Ontario. R.S.O. 1950, c. 167, s. 79.

110. Nothing in this Part prevents the plaintiff in an action from proceeding upon any other remedy or security available at law. R.S.O. 1950, c. 167, s. 80.

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

(a) any offence for which a penalty is provided in this Act, if injury to or the death of any person or damage to property occurs in connection therewith;

(b) any offence under this Act if the penalty imposed includes suspension or revocation of the driver's licence or owner's permit; or

(c) any offence under section 192, 193, 207, 221, 222 or 223 of the Criminal Code (Canada) as amended or re-enacted from time to time involving the use of a motor vehicle,

shall be forthwith suspended by the Registrar, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's licence or owner's permit
be thereafter issued to such person, until he has given to the Registrar proof of his financial responsibility. R.S.O. 1950, c. 167, s. 81 (1); 1957, c. 44, s. 15.

(2) Where a person pleads guilty to any of the offences mentioned in subsection 1, subsection 1 does not apply unless such person has been given notice,

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"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 and owner's permit shall be forthwith suspended by the Minister of Transport".

(3) Upon receipt by the Registrar of official notice that the holder of a driver's licence or owner's permit under this Act has been convicted of, or committed for trial, or has 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 contravention of the provisions of law mentioned in subsection 1, the Registrar shall suspend every driver's licence and owner's permit or permits of such person issued pursuant to this Act, until that person has given proof of financial responsibility in the same manner as if the conviction or committal has been made or the bail forfeited in Ontario.

(4) If any person to whom subsection 1 applies is not a resident of Ontario, the privilege of operating a motor vehicle within Ontario and the privilege of operation within Ontario of a motor vehicle owned by him is suspended and withdrawn forthwith by virtue of such conviction, committal for trial 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. R.S.O. 1950, c. 167, s. 81 (2-4).

112. An owner's permit and driver's licence, or, in the case of a person not a resident of Ontario, the privilege of operating a motor vehicle in Ontario and the privilege of operation within Ontario of a motor vehicle owned by such non-resident, shall not be suspended or withdrawn under this
Part in respect of an offence under clause a of subsection 1 of section 111 if such owner, driver or non-resident satisfies the Registrar that at the time of the offence out of which any conviction, committal for trial or forfeiture of bail arose there was in effect,

(a) for the benefit of such owner or driver, a motor vehicle liability policy in the form required by subsection 1 of section 127; or

(b) for the benefit of such non-resident, a motor vehicle liability policy sufficient for the requirements of this Part in respect of proof of financial responsibility issued by an insurer authorized to transact insurance in the state or province in which such non-resident resides and which insurer has filed the power of attorney and undertakings referred to in clauses a, b and c of subsection 5 of section 118. 1953, c. 46, s. 16.

113.—(1) Subject to section 121, the driver's licence and owner's permit or permits of every person who fails to satisfy a judgment rendered against him by any court in Ontario that 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, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final shall be forthwith suspended by the Registrar, 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 licence 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 117, and until such person gives proof of his financial responsibility. R.S.O. 1950, c. 167, s. 82 (1); 1956, c. 29, s. 16 (1).

(2) The Lieutenant Governor in Council, upon the report of the Minister that a state or province 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 or province by any court of competent jurisdiction in Ontario, may 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 or province. R.S.O. 1950, c. 167, s. 82 (2); 1956, c. 29, s. 16 (2).
NOTE.—By regulations made under this Act, the provisions of subsection 1 of section 118 extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in the province of

1. Alberta,
2. British Columbia,
3. Manitoba,
4. New Brunswick,
5. Newfoundland,
6. Nova Scotia,
7. Prince Edward Island, and
8. Saskatchewan,

and the state of

1. Alabama,
2. Arizona,
3. Arkansas,
4. Colorado,
5. Connecticut,
6. Delaware,
7. Idaho,
8. Illinois,
9. Indiana,
10. Iowa,
11. Kansas,
12. Kentucky,
13. Louisiana,
14. Maryland,
15. Michigan,
16. Minnesota,
17. Mississippi,
18. Missouri,
19. Montana,
20. Nebraska,
21. New Hampshire,
22. New Jersey,
23. New Mexico,
24. New York,
25. North Carolina,
26. North Dakota,
27. Ohio,
28. Oklahoma,
29. Oregon,
30. Pennsylvania,
31. Rhode Island,
32. South Carolina,
33. Tennessee,
34. Texas,
35. Utah,
36. Virginia,
37. Washington,
38. West Virginia,
39. Wisconsin,
40. Wyoming, and
41. the District of Columbia.

(3) If, after such proof of financial responsibility has been given, any other judgment against such person, for any accident that occurred before such proof was furnished, and after the 1st day of September, 1930, is reported to the Registrar, the driver's licence 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 a resident of Ontario, the privilege of operating a motor vehicle in Ontario and the privilege of operation in Ontario of a motor vehicle registered in his name is suspended and withdrawn forthwith by virtue of such judgment until he has complied with the provisions of subsection 1. R.S.O. 1950, c. 167, s. 82 (3, 4).

114. The Minister may require proof of financial responsibility before issue of an owner's permit or driver's licence, or the renewal thereof, to any person under the age of twenty-one years or over the age of sixty-five years. R.S.O. 1950, c. 167, s. 83.
115. The Minister may require proof of financial responsibility from any person where,

(a) in the opinion of the Minister such person is responsible in whole or in part for a motor vehicle accident; or

(b) having regard to the records of the Department relating to such person, the Minister is of the opinion that such requirement is desirable,

and may suspend all owners' permits and drivers' licences in such cases until proof of financial responsibility has been given. R.S.O. 1950, c. 167, s. 84.

116.—(1) An owner's permit and driver's licence, or, in the case of a person not a resident of Ontario, the privilege of operating a motor vehicle in Ontario and the privilege of operation within Ontario of a 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 out of which any conviction, committal for trial or forfeiture of bail arose, proof of financial responsibility which, at the date of such conviction, is valid and sufficient for the requirements of this Part. R.S.O. 1950, c. 167, s. 85 (1); 1953, c. 46, s. 17.

(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 licence 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. R.S.O. 1950, c. 167, s. 85 (2).

117. Subject to subsection 3 of section 118, 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,

(a) at least $10,000 (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 $20,000 (exclusive of interest and costs) against loss or damage resulting from bodily injury to or the death of two or more persons in any one accident; and
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(b) at least $5,000 (exclusive of interest and costs) for damage to property, except property carried in or upon the motor vehicle, resulting from any one accident. R.S.O. 1950, c. 167, s. 86; 1957, c. 44, s. 16.

118.—(1) Subject to subsection 3, 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, to 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 the proof, and the 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 certificate or certificates are 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 licence 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, 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 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 $25,000 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 de-
positor registered in the office of the sheriff for the county or district in which the depositor resides. R.S.O. 1950, c. 167, s. 87 (1); 1957, c. 44, s. 17 (1, 2).

(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 licence and owner's permit or permits pending such additional proof. R.S.O. 1950, c. 167, s. 87 (2).

(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 $100,000, satisfactory to the Minister, may be accepted as sufficient for the purposes of this Part. R.S.O. 1950, c. 167, s. 87 (3); 1957, c. 44, s. 17 (3).

(4) An owner of a motor vehicle to whom this Part applies who holds a licence in respect of the vehicle under The Public Vehicles Act or The Public Commercial Vehicles Act and who has on file with the Minister a certificate of insurance in good standing shall not be required to give proof of financial responsibility under this Part in respect of the vehicle.

(5) 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 that might not be set up if the 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.

(6) If an insurer that has filed the documents described in subsection 5 defaults thereunder, certificates of any such insurer shall not thereafter be accepted as proof of financial
responsibility under this Part so long as the 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. R.S.O. 1950, c. 167, s. 87 (4-6).

119.—(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 the filing or deposit by the operation of a motor vehicle.

(2) Money and securities so deposited with the Treasurer are not subject to any claim or demand, except an execution on a judgment for damages for personal injuries, 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 the judgment is not satisfied within fifteen days after it has been rendered, the judgment creditor may, for his own use and benefit, and at his sole expense, bring an action on the bond in the name of the Treasurer against the persons executing the bond. R.S.O. 1950, c. 167, s. 88.

120. 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 the 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. R.S.O. 1950, c. 167, s. 89.

121. 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 the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the 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 licence and owner's permits of the judgment debtor, but such driver's licence and owner's permits shall again be suspended and remain suspended, as provided in section 113, if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order. R.S.O. 1950, c. 167, s. 90.

122.—(1) It is the duty of the clerk or registrar of the court, or of the court where there is no clerk or registrar, to forward to the Registrar a certified copy or certificate in the form prescribed by the Registrar of,

(a) every judgment that has become final by affirmation upon appeal or by expiry of the time allowed for taking an appeal and is unsatisfied; and

(b) every order committing for trial and every conviction, to which this Part applies, fifteen days after the judgment becomes final or forthwith upon the making of the order or conviction, as the case may be, and every such certified copy or certificate is prima facie evidence of the judgment, order or conviction.

(2) The clerk or official required to send a certified copy or certificate of a judgment is entitled to a fee of $1 for each certified copy or certificate, which fee shall be paid by the person for whose benefit the judgment is issued.

(3) If the defendant is not resident in Ontario, it is 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 order, judgment or conviction. R.S.O. 1950, c. 167, s. 91.

123.—(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 contravention 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 $2. R.S.O. 1950, c. 167, s. 92 (1); 1957, c. 44, s. 18.

(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. R.S.O. 1950, c. 167, s. 92 (2).

124.—(1) Any owner or driver whose permit or licence 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 licence, his motor vehicle permit or permits, and all licence plates issued thereunder.

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

(3) Every person failing to return his licence, permits and plates when so required, or refusing to deliver the same when requested to do so by the police officer, is liable to a fine of not less than $10 and not more than $100 for each offence. R.S.O. 1950, c. 167, s. 93.

125. If an owner’s permit has been suspended under this Part, the permit shall not be transferred nor the motor vehicle in respect of which the permit was issued registered in any other name until the Minister is satisfied that the transfer or registration is proposed in good faith and not for the purpose, or with the effect, of defeating the purposes of this Part. R.S.O. 1950, c. 167, s. 94.

126.—(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 two 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 such period, or any two-year period immediately preceding the request, been convicted of any offence mentioned in section 111, 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 resulting from the
operation of a motor vehicle, and a statutory declaration of the applicant under this section is sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

(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. R.S.O. 1950, c. 167, s. 95 (1, 2).

(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 upon the surrender of the last owner's permit or driver's licence issued to such person, if no written notice has been received by the Registrar 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 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 a motor vehicle in Ontario within a period of one or more years. R.S.O. 1950, c. 167, s. 95 (3); 1953, c. 46, s. 18 (1).

(4) In the event of the death of the person on whose behalf any bond, moneys or securities were deposited under this Part, the Minister may direct the return of such bond, moneys or securities. 1953, c. 46, s. 18 (2).

127.—(1) A motor vehicle liability policy referred to in this Part shall be in the form prescribed by The Insurance Act and approved thereunder by the Superintendent of Insurance for the purposes of this Part.

(2) An insurer that 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 the cancellation or expiry, and, in the absence of such notice of cancellation or expiry, the policy remains 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 the 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, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer that fails to comply with subsection 5. R.S.O. 1950, c. 167, s. 96.

PART XIII

UNSATISFIED JUDGMENT FUND

128.—(1) Upon the issue or renewal of a chauffeur’s licence or operator’s licence, there is payable to the Minister by the person to whom the licence or renewal is issued, in addition to the fee prescribed for the licence or renewal, such further fee, referred to in this section as the Unsatisfied Judgment Fund fee, as the Lieutenant Governor in Council may prescribe and the Unsatisfied Judgment Fund fees constitute a fund to be known as the Unsatisfied Judgment Fund. R.S.O. 1950, c. 167, s. 97 (1).

(2) The Lieutenant Governor in Council, having regard to the condition of the Fund and the amount paid out of the Fund during any period, may,

(a) prescribe such Unsatisfied Judgment Fund fee not exceeding $1 as he may deem adequate; or

(b) suspend payment of the Unsatisfied Judgment Fund fee for such period as he may prescribe; or

(c) direct payment out of the Consolidated Revenue Fund of such an amount as may be deemed necessary or advisable to subsidize the Fund. R.S.O. 1950, c. 167, s. 97 (2); 1953, c. 46, s. 19.

(3) Unless the owner of a motor vehicle,

(a) satisfies the Registrar that the motor vehicle is insured under a motor vehicle liability policy in a form prescribed by The Insurance Act and approved thereunder by the Superintendent of Insurance for not less than the amounts prescribed under clauses a and b of section 117; or

Fee to be paid by uninsured owners on issue or transfer of permit
R.S.O. 1960, c. 190
has given a bond as required by clause b of subsection 1 of section 118; or

(c) has deposited with the Treasurer of Ontario a sum of money or securities for money as required by clause c of subsection 1 of section 118; or

(d) has deposited proof of financial responsibility in a form and in an amount satisfactory to the Minister under subsection 3 of section 118; or

(e) is a government or other body or person exempt from paying registration fees under the regulations or a municipality,

upon the issuance or transfer of a permit for the motor vehicle there shall be paid to the Minister by the person to whom the permit or transfer is issued, in addition to any other fee, a further fee of $5 or such other fee as may be prescribed by the Lieutenant Governor in Council which shall be paid into and form part of the Unsatisfied Judgment Fund. 1958, c. 36, s. 21.

129.—(1) Subject to section 130, where a person recovers in any court in Ontario a judgment for damages on account of injury to or the death of any person or damage to property occasioned in Ontario by a motor vehicle owned or operated by the judgment debtor within Ontario, upon the determination of all proceedings including appeals, he may apply for and the Minister shall pay to him the amount of the judgment or of the unsatisfied portion thereof out of the Fund upon the deposit with the Minister of an affidavit of the judgment creditor in the form prescribed by the Lieutenant Governor in Council.

(2) Where an application to the Minister is made under subsection 1, the Minister may at any time within thirty days of the receipt of such application apply by way of originating notice to a judge of the Supreme Court for a finding or determination with respect to any matter in connection with the application for payment out of the Fund.

(3) The Minister shall not pay any amount out of the Fund in respect of a judgment unless the judgment was given in an action brought against all persons against whom the applicant might reasonably be considered as having a cause of action in respect of the damages in question and prosecuted against every such person to judgment or dismissal.

(4) No application shall be made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act and no
part of the amount sought to be paid out of the Fund shall be sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act and no part of the amount so sought shall be sought for payment to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act. 1958, c. 36, s. 22 (1).

(5) The Minister shall not pay out of the Fund,

(a) more than $10,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than $20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and

(b) not more than $2,000, exclusive of costs, for damage to property resulting from any one accident;

provided that, where any amount is recovered from any other source in partial discharge of the judgment debt, the maximum amount prescribed in this section shall be reduced by the amount so paid and any amount paid out of the Fund in excess of the amount authorized by this section may be recovered by action brought by the Minister. R.S.O. 1950, c. 167, s. 98 (5); 1957, c. 44, s. 20 (2, 3); 1958, c. 36, s. 22 (2).

(6) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs.

(7) The Minister shall not pay out of the Fund any amount in respect of a judgment in favour of a person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario. 1953, c. 46, s. 20 (4).

(8) The Minister shall not pay out of the Fund costs of more than actual disbursements and fees as taxed on a party and party basis. R.S.O. 1950, c. 167, s. 98 (6); 1958, c. 36, s. 22 (3).

(9) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the party and party costs of the action that bears the same proportion to the whole of such costs as the part of the judgment to be paid

Amount of payment from Fund

Interest
Payment to non-residents
Costs
Idem
out of the Fund bears to the total amount of the judgment. R.S.O. 1950, c. 167, s. 98 (7); 1958, c. 36, s. 22 (4).

**Solicitor's fee**

(10) Where a solicitor has completed the affidavit referred to in subsection 1 and the assignment of judgment and has issued execution and filed it with the sheriff, he is entitled to a fee of $30 out of the Fund, and such fee includes disbursements. 1958, c. 36, s. 22 (5).

**Direction of Minister for payment of solicitor's fee**

(11) If the Minister is satisfied that it is not feasible to issue and file execution as required under subsection 10, he may waive such requirements and in such case the solicitor is entitled to the fee under subsection 10. 1959, c. 43, s. 10.

**Application of s. 129**

**130.**—(1) Section 129 does not apply in the case of a judgment that has been signed in an action in which,

(a) the defendant did not enter an appearance; or

(b) the defendant did not file a statement of defence; or

(c) the defendant did not appear in person or by counsel at the trial; or

(d) judgment was signed upon the consent or with the agreement of the defendant,

unless the Minister has been given notice of such failure, consent or agreement and has been afforded an opportunity to take such action as he may deem advisable under subsection 2. R.S.O. 1950, c. 167, s. 99 (1).

**Rights of Minister**

(2) Where the Minister receives notice under subsection 1, he may, if he deems it advisable, enter an appearance, file a defence, appear by counsel at the trial or take such other action as he may deem appropriate on behalf and in the name of the defendant, and may thereupon, on behalf and in the name of the defendant, conduct his defence, and may, where he deems it advisable to do so, consent to judgment in such amount as he may deem proper in all the circumstances, and all acts done in accordance therewith shall be deemed to be the acts of such defendant. R.S.O. 1950, c. 167, s. 99 (2); 1953, c. 46, s. 21.

**Re-opening pleadings**

(3) Where pleadings have been noted closed, the Minister may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf and in the name of the defendant, re-open the pleadings upon praeclipse. R.S.O. 1950, c. 167, s. 99 (3).

**Assignment of judgment to Minister**

**131.**—(1) The Minister shall not pay from the Fund any sum under section 129 until the judgment creditor assigns the judgment to him. R.S.O. 1950, c. 167, s. 100 (1); 1958, c. 36, s. 23.
(2) Upon lodging a copy of the assignment of judgment, certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

(3) Where execution is issued in the name of the judgment creditor and a copy of the assignment of judgment certified as prescribed in subsection 2 is lodged with the sheriff having the writ of execution, the provisions of subsection 2 apply mutatis mutandis. R.S.O. 1950, c. 167, s. 100 (2, 3).

132. Subject to section 133, where the chauffeur’s licence or operator’s licence of any person, or the owner’s permit of a motor vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister has paid out of the Fund any amount in or towards satisfaction of a judgment or costs, or both, obtained against that person, the cancellation or suspension shall not be removed, nor the licence or permit restored, nor shall any new licence or permit be issued to such person until he has,

(a) repaid in full to the Fund the amount paid out; and

(b) filed proof of his financial responsibility as required by Part XII. R.S.O. 1950, c. 167, s. 101; 1955, c. 29, s. 12; 1958, c. 36, s. 24.

133.—(1) The Lieutenant Governor in Council may make regulations providing for the restoration of the drivers’ licences and owners’ permits of persons indebted to the Fund who are making repayment to the Fund in instalments.

(2) The regulations shall prescribe the classes of cases to which they apply, and shall provide for the manner of determining the amount of the instalment payments, the time and place of payment, and the terms and conditions, including proof of financial responsibility, of the restoration of the licences and permits.

(3) Upon default of ten days duration occurring in the making of any such payment, all drivers’ licences and owners’ permits held by the person in default shall be deemed to be suspended. 1955, c. 29, s. 13.

134.—(1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury may, upon notice to the Registrar of
Motor Vehicles, apply by way of originating notice, provided he has within ten months of the occurrence given notice in writing of his claim, with particulars thereof, to the Registrar,

(a) to a judge or local judge of the Supreme Court for an order permitting him to bring an action against the Registrar in the Supreme Court; or

(b) to a judge of a county or district court for an order permitting him to bring an action against the Registrar in such court or in a division court of the same county or district. R.S.O. 1950, c. 167, s. 102 (1); 1958, c. 36, s. 25.

(2) No such order permitting the applicant to bring an action against the Registrar shall be made unless the judge is satisfied,

(a) that the applicant would have a cause of action against the owner or driver of the motor vehicle in respect of the death or personal injury occasioned by the motor vehicle;

(b) that all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof;

(c) that the identity of the motor vehicle and the owner and driver thereof cannot be established; and

(d) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act and that no part of the amount sought to be recovered in the intended action is sought in lieu of making a claim or receiving a payment that is payable by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of The Insurance Act;

provided that the order of such judge is not binding upon the trial judge with respect to the matters enumerated in clauses a, b, c and d and does not preclude him from making a finding inconsistent therewith. 1959, c. 43, s. 11.

(3) Where the death or personal injury is occasioned at a time when the motor vehicle is without the owner's consent in the possession of some person other than the owner or his
chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established. R.S.O. 1950, c. 167, s. 102 (3).

135. No action may be brought against the Registrar by or on behalf of any person who ordinarily resides outside of Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario. 1954, c. 35, s. 11 (1).

136.—(1) Where an action in respect of the death of or personal injury to any person occasioned in Ontario by a motor vehicle has been dismissed and the judge in dismissing such action has stated in writing that such death or personal injury was occasioned by a motor vehicle,

(a) the identity of which and of the owner and driver of which has not been established; or

(b) at a time when such motor vehicle was without the consent of the owner in the possession of some person other than the owner or his chauffeur and the identity of the driver has not been established,

the provisions of section 134 shall be available for a period of three months from the date of such dismissal, notwithstanding the provisions of section 147.

(2) Where, pursuant to subsection 1, an application is made under section 134, the applicant is not, by reason of subsection 1, relieved of establishing proof of any of the matters set out in subsection 2 of section 134. R.S.O. 1950, c. 167, s. 103.

137.—(1) In an action brought under section 134, the Registrar shall for all purposes of the action be deemed to be the defendant.

(2) The Registrar may deny generally the allegations contained in the statement of claim and shall not be required to set forth the facts upon which he relies. R.S.O. 1950, c. 167, s. 104.

138.—(1) Where an action has been commenced in respect of the death of or injury to any person occasioned in Ontario by a motor vehicle, an application may be made by the plaintiff to add the Registrar as a defendant and the provisions of sections 134 and 137 apply mutatis mutandis.

(2) This section shall be deemed not to derogate from the right of any party to an action to add or join any person as a party to the action in accordance with the practice of the court in which the action is pending. R.S.O. 1950, c. 167, s. 105.
Where judgment obtained against Registrar

139.—(1) Where judgment is obtained against the Registrar in an action brought under section 134 upon the determination of all proceedings including appeals, the Minister may, subject to subsection 2, pay out of the Fund to the plaintiff in the action the amount thereof. R.S.O. 1950, c. 167, s. 107 (1).

(2) The Minister shall not pay out of the Fund under any judgment, more than $10,000, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than $20,000, exclusive of costs, on account of injury to or the death of two or more persons in any one accident. R.S.O. 1950, c. 167, s. 107 (2); 1957, c. 44, s. 21.

(3) The Minister shall not pay out of the Fund, costs, including costs of the application made under section 134, of more than actual disbursements and fees as taxed on a party and party basis. R.S.O. 1950, c. 167, s. 107 (3).

(4) The Minister shall not pay out of the Fund any amount for interest on a judgment or interest on costs. 1954, c. 35, s. 13 (1).

Amount of payment out of Fund

Costs

Interest

Order of Supreme Court as to owner or driver

140.—(1) Where judgment has been obtained against the Registrar in an action brought under section 134, the Registrar may at any time thereafter, by originating notice, apply,

(a) where judgment has been obtained in the Supreme Court, to a judge or local judge thereof;

(b) where judgment has been obtained in a county or district court, to a judge thereof; and

(c) where judgment has been obtained in a division court of a county or district, to a judge of the county or district court of the county or district,

for an order declaring that any person was, at the time of the accident, the owner or driver of the motor vehicle that occasioned the death or injury in respect of which the judgment was obtained.

Owner or driver defendant in action

(2) Upon the making of an order declaring that any person was the owner or driver of a motor vehicle,

(a) such person shall for the purposes of this Act be deemed to be the defendant in the action in which judgment was given against the Registrar, and the judgment against the Registrar shall be deemed to be a judgment against such person; and
(b) the Minister shall be deemed to have a judgment against such person for the amount of all moneys paid out of the Fund in respect of the judgment and accordingly has all the rights of a judgment creditor including the right to recover any moneys that would have been payable in respect of the death or injury under any policy of insurance that was in force at the time of the accident.

(3) Where the death or injury was occasioned at a time when the motor vehicle was without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established. R.S.O. 1950, c. 167, s. 108.

141.—(1) No moneys shall be paid out of the Fund under or in respect of an order or judgment until the bill or bills of costs of the barrister or solicitor acting or who acted for the applicant in the application or action that resulted in the order or judgment, as taxed on a solicitor and client basis, is filed with the Minister.

(2) No amount shall be charged or received either directly or indirectly for legal services in connection with any application or action referred to in subsection 1 other than the amounts as taxed on a solicitor and client basis in the bill or bills of costs. 1951, c. 34, s. 10.

(3) No order is required to tax such a bill. 1953, c. 46, s. 22.

142. The practice and procedure of the Supreme Court or the court in which the application or action is brought, including the right of appeal and the practice and procedure relating to appeals, apply to an application or action brought under this Part. R.S.O. 1950, c. 167, s. 109.

PART XIV

RECORDS AND REPORTING OF ACCIDENTS AND CONVICTIONS

143.—(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 $100, report the 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. R.S.O. 1950, c. 167, s. 110 (1); 1954, c. 35, s. 14.
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. R.S.O. 1950, c. 167, s. 110 (1, 2).

(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 and shall forward such report to the Registrar within ten days of the accident. R.S.O. 1950, c. 167, s. 110 (3); 1960, c. 45, s. 20.

(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.

(5) Any written reports or statements made or furnished under this section are without prejudice, are 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 is admissible in evidence solely to prove compliance with this section, and no such reports or statements, or any parts thereof or statement contained therein, are admissible in evidence for any other purpose in any trial arising out of a motor vehicle accident.

(6) Every person who fails to report or furnish any information or written statement required by this section is liable to a fine of not less than $10 and not more than $50, and in addition the Minister may suspend his licence or permit. R.S.O. 1950, c. 167, s. 110 (4-6).

(1) Every person who, as a result of an accident or otherwise, operates or drives any vehicle or leads, rides or drives any animal upon the unpaved portion of any highway and thereby damages any shrub, tree, pole, light, sign, sod or other property on the highway shall forthwith report such damage to a police officer or constable or to the Registrar.

(2) Every person who contravenes any of the provisions of subsection 1 is liable, for the first offence to a fine of not more than $10; for the second offence to a fine of not more than $20;
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...for the third offence to a fine of not more than $30; and for any subsequent offence to a fine of not more than $50. R.S.O. 1950, c. 167, s. 111.

145.- (1) Every coroner who investigates, and every Crown attorney and police officer having 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 the report forthwith to the Registrar.

(2) Every provincial or municipal official or employee of a hospital, 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. R.S.O. 1950, c. 167, s. 112.

146. 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,

(i) a record of all motor vehicle accidents in Ontario, 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 (Canada) relating to driving on highways, reported to him pursuant to section 152, and of such other convictions as he may deem proper,
(iii) a record of all drivers' licences and owners' permits issued, suspended, revoked, cancelled or revived under this Act,

(iv) a record of all unsatisfied judgments rendered against persons holding owners' permits or drivers' licences under this Act, or non-residents reported to him pursuant to this Act,

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

(vi) an operating record of every chauffeur and operator, which record shall show all reported convictions of such chauffeur or operator for a contravention 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;

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

(e) 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. R.S.O. 1950, c. 167, s. 113.

PART XV

PROCEDURE, ARRESTS AND PENALTIES

147.—(1) Subject to 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.
(2) Where death is caused, the action may be brought within the time limited by The Fatal Accidents Act.

(3) Notwithstanding 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 or third party proceedings are instituted by a defendant in respect of damages occasioned in the same accident, the lapse of time herein limited is not a bar to the counterclaim or third party proceedings. R.S.O. 1950, c. 167, s. 61.

148.—(1) Subject to subsection 2, the owner of a motor vehicle shall incur the penalties provided for any contravention of this Act or of any regulation made by the Lieutenant Governor in Council or of any municipal by-law for regulating traffic approved by the Department unless at the time of the contravention 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 contravention. R.S.O. 1950, c. 167, s. 49; 1958, c. 36, s. 14 (1).

(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of sections 59 to 87, 91, 94, 99 and 143 or any regulation or by-law made or passed thereunder. 1958, c. 36, s. 14 (2).

149. Every person who contravenes any provision of this Act or of the regulations is guilty of an offence and the penalties imposed by or under the authority of this Act are recoverable under The Summary Convictions Act. R.S.O. 1950, c. 167, s. 62.

150. No penalty or imprisonment is a bar to the recovery of damages by the injured person. R.S.O. 1950, c. 167, s. 63.

151.—(1) The fines collected for offences under this Act shall be paid over,

(a) where the offence was committed in a city or town on any highway except a controlled-access highway, to the city or town;

(b) where the offence was committed in a village or township,

(i) on any highway except the King’s Highway, or

(ii) that has an agreement under subsection 2,

to the village or township; and
(c) in every other case, to the Department.

Agreement with villages and townships

(2) The Minister and the council of any village or township may enter into agreement upon such terms and conditions as the Minister deems proper, including the right of the Minister to terminate the agreement at any time, for the payment over to the village or township of the fines collected for offences under this Act where the offence was committed on the King's Highway except a controlled-access highway in the village or township and where the information and complaint was laid by a constable of a village or township. 1956, c. 29, s. 13.

Report on conviction to Registrar

152.—(1) A judge, magistrate or justice of the peace who makes a conviction under this Act or under any other Act of the Legislature or the Criminal Code (Canada) involving the use of a motor vehicle or under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his operator's or chauffeur's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the Act or by-law contravened. 1959, c. 43, s. 9.

Evidence

(2) A copy of any writing, paper or document filed in the Department pursuant to this Act, or any statement containing information from the records required to be kept under this Act, purporting to be certified by the Registrar under the seal of the Department, shall be received in evidence in all courts without proof of the seal or signature and is prima facie evidence of the facts contained therein.

Signature of Registrar

(3) An engraved, lithographed, printed or otherwise mechanically reproduced facsimile signature of the Registrar is sufficient authentication of any such copy or statement. 1953, c. 46, s. 14.

When owner may appear before justice of the peace

153.—(1) If an owner of a motor vehicle is served with a summons to appear in a local municipality other than that 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 local municipality 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
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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.  R.S.O. 1950, c. 167, s. 66 (1); 1951, c. 34, s. 8.

(2) The justice, if satisfied of the truth of such evidence, shall forthwith make out a certificate in the form set out in the Schedule to this Act and forward it by registered mail to the justice before whom the summons is returnable.

(3) 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 required to attend before him at the place and time mentioned in the summons.  R.S.O. 1950, c. 167, s. 66 (2, 3).

154. Every person who contravenes any of the provisions of this Act or of any regulation where a penalty for the contravention is not otherwise provided for herein is liable, for the first offence to a fine of not less than $5 and not more than $50; for the second offence to a fine of not less than $10 and not more than $100; and for any subsequent offence to a fine of not less than $20 and not more than $200. 1957, c. 44, s. 13.

155. Where a penalty is provided in this Act for a first, second, third or subsequent offence, the words “first”, “second”, “third” or “subsequent” relate only to offences committed in any twelve-month period; but this does not apply to offences under the sections referred to in subsection 1 of section 157. R.S.O. 1950, c. 167, s. 71; 1958, c. 36, s. 19.

156.—(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 contravention of any of the provisions of subsections 1 and 2 of section 7; subsections 1 and 3 of section 8; subsection 1 of section 9; subsection 1 of section 10; subsection 2 or 3 of section 25; section 26, 60, 91 or 100 has been committed, whether it has been committed or not, and
who, on reasonable and probable grounds, believes that any person has committed such contravention, 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 contravention.

(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 or under the Criminal Code (Canada), but the 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) All costs and charges for the care and storage of a motor vehicle detained under subsection 4 are a lien upon the motor vehicle, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act.

(6) 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. 1950, c. 167, s. 58.

157.—(1) In the event of,

(a) a conviction under section 25 or 26 of this Act or section 222 or subsection 3 of section 225 of the Criminal Code (Canada); or

(b) a second conviction under subsection 2 of section 221 of the Criminal Code (Canada); or

(c) a third conviction under section 6, 13, 16, 18, 60 or 91, or any of them,

the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided the motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person. R.S.O. 1950, c. 167, s. 59 (1); 1955, c. 29, s. 11; 1959, c. 43, s. 8.

(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, and,
where there is a conviction under a section mentioned in clause c of subsection 1 and a previous conviction or two previous convictions under a section or sections mentioned in clause a or b of subsection 1, such first-mentioned conviction shall be deemed to be a second or third conviction, as the case may be.

(3) Where a person pleads guilty to any of the offences mentioned in subsection 1, the provisions of subsection 1 do not apply unless the person has been given notice,

(a) by a printed or written statement upon or accompanying the summons; or

(b) by the magistrate or judge verbally before accepting the plea,

in the following form or to the like effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, the motor vehicle which was driven by you or under your care or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law".

(4) All costs and charges for the care and storage of the motor vehicle are a lien upon the motor vehicle, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act.

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

(6) A constable or an officer appointed for carrying out the provisions of this Act, upon the discovery of a motor vehicle apparently abandoned on or near a highway or of a motor vehicle without proper registration plates, shall take the motor vehicle into his custody and may cause it to be taken to and stored in a suitable place and all costs and charges for removal, care or storage thereof are a lien upon the motor vehicle, which may be enforced in the manner provided by section 48 of The Mechanics' Lien Act. R.S.O. 1950, c. 167, s. 59 (2-6).
158. If a person to whom section 157 applies enters an appeal against his conviction and there is filed with the convicting magistrate sufficient security for the production of the motor vehicle if the appeal should fail, section 157 does not apply unless the conviction is sustained on appeal. 1957, c. 44, s. 14, pari.
SCHEDULE

(Section 153 (2))

CERTIFICATE OF JUSTICE

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, the offence being alleged to have been committed on the........................................
of ........................................ in the county of.............................. on the.............................. day of........................................

2. That the (name of defendant) has deposed before me that neither he nor his motor vehicle was at such place on the.............................. 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 defendant and of the witnesses referred to in paragraph 2 of this certificate 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 153 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. 1950, c. 167, Sched.