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c 71 The Highway Traffic Amendment Act, 1980 (No. 2)

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CHAPTER 71

An Act to amend The Highway Traffic Act

Assented to December 12th, 1980

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

1.—(1) Clause b of section 5a of The Highway Traffic Act, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 66, section 1, is repealed and the following substituted therefor:

(b) “permit” means a permit issued or validated under subsection 3 of section 6 and includes a CAVR cab card.

(2) The said section 5a, as enacted by the Statutes of Ontario, 1974, chapter 66, section 1 and amended by the Statutes of Ontario, 1979, chapter 103, section 1, is further amended by relettering clauses a and aa as clauses aa and ab, respectively, and by adding thereto the following clause:

(a) “CAVR cab card” means a cab card issued by the Ministry pursuant to the Canadian Agreement on Vehicle Registration.

2.—(1) Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 66, section 2, is amended by striking out “issued or validated under subsection 3” in the seventh and eighth lines.

(2) Clause a of subsection 3 of the said section 6, as re-enacted by the Statutes of Ontario, 1974, chapter 66, section 2, is amended by inserting after “and” in the second line “, except in the case where the permit is a CAVR cab card,”.

(3) The said section 6, as amended by the Statutes of Ontario, 1973, chapter 45, section 2 and 1974, chapter 66, section 2, is further amended by adding thereto the following subsections:

(4a) The Minister may, in his discretion, cancel or refuse to issue a permit, the fee for which is prorated under a
reciprocity agreement or arrangement with another jurisdiction, where the owner or lessee has been convicted of an offence under section 12a or if in his opinion the owner or lessee is not entitled to reciprocity privileges under the Canadian Agreement on Vehicle Registration.

(4b) Where the Minister proposes to cancel or refuse to issue a permit referred to in subsection 4a, he shall notify the permit holder or applicant, as the case may be, of his proposal.

(4c) A person who has received a notification under subsection 4b may, within thirty days after receiving the notification, submit to the Minister such documents and records as may show cause why the Minister should not cancel or refuse to issue the permit.

(4d) Upon the expiration of thirty days after the notification referred to in subsection 4b and consideration of any documents or records submitted under subsection 4c, the Minister may carry out his proposal or refrain from carrying out his proposal.

(5a) Prior to the issuance or validation of a permit under this section, the Minister may require production of such documentation as he considers necessary to enable him to determine whether a permit may be issued or validated and that documentation may be different for different vehicles or classes of vehicles or in respect of the same vehicles or classes of vehicles used for different purposes.

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

6a.—(1) Where the fee prescribed by the regulations for a permit or validated permit for a motor vehicle is calculated with regard to specific limitations or restrictions on the use of a vehicle, the owner of the vehicle shall not drive or cause or permit the vehicle to be driven on a highway except in accordance with such limitations or restrictions.

(2) Every person who contravenes the provisions of subsection 1 is guilty of an offence and on conviction is liable to a fine of not less than $50 and not more than $200.

4. Section 7 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 66, section 3, 1978, chapter 4, section 2 and 1980, chapter 37, section 3, is further amended by adding thereto the following subsection:

(2a) Where the name of a lessee is on a permit and the lessee changes his address from the address shown on the permit or from
that filed under this subsection, he shall within six days send by registered mail to or file with the Ministry notice of his new address.

5. Section 8 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 66, section 4, is amended by adding thereto the following subsection:

(3) Subsection 1 does not apply to a motor vehicle if the permit therefor is a CAVR cab card.

6. Subsection 3 of section 9 of the said Act is repealed and the following substituted therefor:

(3) Where the name of the lessee is on a permit and the lease terminates, the lessor shall, within six days, forward to the Ministry notice thereof together with the permit number.

(4) Every number plate, evidence of validation and CAVR cab card furnished by the Ministry under this Act or pursuant to the Canadian Agreement on Vehicle Registration is the property of the Crown and shall be returned to the Ministry when required by the Ministry.

7. Section 11 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 66, section 6, is amended by adding thereto the following subsection:

(2) Where a peace officer has reason to believe that a CAVR cab card produced by a driver as being the permit for the motor vehicle,

(a) was not furnished by the Ministry for that motor vehicle; or

(b) has been cancelled by the Ministry,

the peace officer may take possession of the CAVR cab card and retain it until the facts in respect of the card have been determined.

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

12a.—(1) A person to whom a permit is issued for a prorated fee under a reciprocity agreement or arrangement with another jurisdiction shall maintain and preserve such records as are required by regulation during the period of validity of the permit and for the four years immediately following expiry thereof and shall submit such reports to the Ministry as arc prescribed by the regulations within the prescribed times.
(2) A person to whom subsection 1 applies shall produce for inspection, within a reasonable time under the prevailing circumstances, the records required under subsection 1 upon the demand of an officer appointed by the Minister to carry out the provisions of this Part.

(3) An officer appointed by the Minister for carrying out the provisions of this Part may, at any reasonable time, enter the business premises of a person referred to in subsection 1 and examine those books, records and documents of that person that relate to his business of operating commercial vehicles.

(4) Any person making an investigation under this section may, upon giving a receipt therefor, remove, for the purpose of making copies, any records produced under subsection 2 or examined under subsection 3 and when he does remove any records, the copies shall be made with reasonable dispatch and the records promptly returned.

(5) Any copy made under subsection 4 and certified to be a true copy by the person making the copy is admissible in evidence in any action, proceeding or prosecution as prima facie proof of the original book, paper or document and its contents.

(6) Every person who contravenes subsection 1 or 2 or obstructs, or interferes with an officer in the performance of his duties under subsection 3, is guilty of an offence and on conviction is liable to a fine of not more than $200 or to imprisonment for a term of not more than six months, or to both.

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

(a) prescribing the records to be kept by persons referred to in subsection 1;

(b) governing reports to be made to the Ministry by persons referred to in subsection 1.

12b.—(1) Where the fee paid under subsection 3 of section 6 was prorated under a reciprocity agreement or arrangement with another jurisdiction and the appropriate fees are not paid within sixty days after the issue of the permit, the permit shall be deemed to be cancelled upon notice of the cancellation being given to the permit holder.

(2) Where the notice referred to in subsection 1 is sent by prepaid mail addressed to the person to whom the permit was issued at his latest address appearing on the records of the Ministry, notice shall be deemed to have been given on the fifth day after the day of mailing.
9. Subsections 1 and 2 of section 29 of the said Act are repealed and the following substituted therefor:

(1) Every person aggrieved by a decision of the Minister under subclause i of clause b of subsection 4 of section 13 or a decision of the Registrar under section 27 may appeal the decision to the Licence Suspension Appeal Board.

(2) The Board may confirm, modify or set aside the decision of the Minister or Registrar.

10.—(1) Subsection 1 of section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1978, chapter 24, section 4, is amended by inserting after “vehicles” in the first line “or trailers”.

(2) Subsection 3 of the said section 35, as re-enacted by the Statutes of Ontario, 1978, chapter 24, section 4, is amended by inserting after “vehicles” in the first line “or trailers”.

(3) Subsection 4 of the said section 35, as re-enacted by the Statutes of Ontario, 1978, chapter 24, section 4, is amended by inserting after “vehicles” in the third line “, trailers”.

(4) Subsection 6 of the said section 35, as re-enacted by the Statutes of Ontario, 1978, chapter 24, section 4, is amended by inserting after “vehicles” in the second line “or trailers”.

(5) Subsection 7 of the said section 35, as re-enacted by the Statutes of Ontario, 1978, chapter 24, section 4, is amended by inserting after “vehicles” in the third line “or trailers”.

11. Subsection 1 of section 36 of the said Act is repealed and the following substituted therefor:

(1) Every person who buys, sells, wrecks or otherwise deals in second-hand motor vehicles, trailers or bicycles shall keep a complete record of all motor vehicles, trailers and bicycles bought, sold or wrecked and of such information as will enable the motor vehicles, trailers and bicycles to be readily identified, and shall transmit to the Ministry, within six days after the event, on forms furnished by the Ministry, a statement of each motor vehicle or trailer bought, sold or wrecked by him and such information with reference thereto as may be required by the Ministry.

12.—(1) Subsection 2 of section 58b of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by inserting after “permit” in the first line “other than a CAVR cab card”.
(2) Subsection 3 of the said section 58b is amended by inserting after “permit” in the first line “other than a CAVR cab card”.

13. - (1) Clause a of subsection 1 of section 60 of the said Act is repealed and the following substituted therefor:

(a) requiring the use or incorporation of any device or any equipment, in or on any vehicle or any class of vehicle, that may affect the safe operation of the vehicle on the highway or that may reduce or prevent injury to persons using the highway, and prescribing the specifications and regulating the installation thereof.

(2) Subsection 1 of the said section 60, as amended by the Statutes of Ontario, 1973, chapter 45, section 19 and 1977, chapter 54, section 10, is further amended by adding thereto the following clause:

(f) exempting any type or class of vehicle or any class of driver or passenger in a vehicle from the provisions of any regulations made under this section.

14. - (1) Subsection 2 of section 75 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, and amended by the Statutes of Ontario, 1978, chapter 90, section 6, is repealed and the following substituted therefor:

(2) For the purposes of this section, an official of the Ministry authorized by the Minister in writing may designate the date on which a “freeze-up” shall commence and the date on which a “freeze-up” shall terminate and the part of the Province to which the designation shall apply.

(2) The said section 75 is amended by adding thereto the following subsection:

(2a) A designation under subsection 2 is not a regulation within the meaning of The Regulations Act.

15. Section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding thereto the following subsection:

(2a) Where the permit referred to in subsection 2 is a CAVR cab card, the requirements of subsection 2 apply to the original permit and not to any copy thereof and to the permit from the jurisdiction that issued the number plates for the vehicle.

16. Subsection 6 of section 78 of the said Act, as enacted by the Statutes of Ontario, 1977, chapter 65, section 3 and amended by the
Statutes of Ontario, 1979, chapter 57, section 9, is repealed and the following substituted therefor:

(6) Every driver who, when required pursuant to subsection 1 or 3 to proceed to a weigh scale, refuses or fails to do so is guilty of an offence and on conviction is liable to a fine of not less than $100 and not more than $500 and to the suspension of his driver's licence for a period of not more than thirty days.

(7) Every driver who,

(a) when required, pursuant to subsection 5, to redistribute or remove part of a load refuses or fails to do so or to make arrangements to do so; or

(b) obstructs any weighing, measuring or examination authorized by this section,

is guilty of an offence and on conviction is liable to a fine of not less than $50 and not more than $100.

17. Clause b of section 89 of the said Act is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister".

18. Subsection 2 of section 100a of the said Act, as enacted by the Statutes of Ontario, 1976, chapter 37, section 14, is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister".

19. Clause c of section 103 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 37, section 15, is repealed and the following substituted therefor:

(c) any lane may be designated for slowly moving traffic, traffic moving in a particular direction or classes or types of vehicles provided that official signs are erected to indicate such designation, and, notwithstanding section 93, where a highway is so designated every driver of a vehicle shall obey the instructions on the official signs but this does not apply to a motor vehicle or road-building machine, operated by or on behalf of an authority having jurisdiction and control of the highway, while the vehicle or machine is engaged in construction, marking or maintenance activities on a highway including the removal of snow from a highway.

20. Subsection 3 of section 116 of the said Act is amended by striking out "Lieutenant Governor in Council" in the first line and inserting in lieu thereof "Minister".
21. Subsection 5 of section 120 of the said Act, as amended by the Statutes of Ontario, 1979, chapter 57, section 12, is repealed and the following substituted therefor:

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

22. Subsection 1 of section 156 of the said Act is amended by inserting after "Ministry" in the second line "or any other ministry of the Government of Ontario".

23.—(1) This Act, except section 1, section 2 (other than subsection 5a of section 6 of the Act as set out in subsection 3 of section 2) and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 22, comes into force on the day it receives Royal Assent.

(2) Section 1, section 2 (other than subsection 5a of section 6 of the Act as set out in subsection 3 of section 2) and sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 22, come into force on a day to be named by proclamation of the Lieutenant Governor.

24. The short title of this Act is The Highway Traffic Amendment Act, 1980 (No. 2).