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c 90 The Highway Traffic Amendment Act, 1978 (No. 4)

Ontario

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CHAPTER 90

An Act to amend The Highway Traffic Act

Assented to December 15th, 1978

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

1. Section 13 of The Highway Traffic Act, being chapter 202 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 4, and amended by the Statutes of Ontario, 1974, chapter 123, section 3, 1977, chapter 54, section 1 and 1978, chapter 24, section 2, is further amended by adding thereto the following subsection:

   (2a) No person shall drive a motor vehicle on a highway while contravening a condition contained in his driver's licence or imposed by the regulations.

2.-(1) Clauses a and b of subsection 1 of section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 54, section 4, are repealed and the following substituted therefor:

   (a) upon the first conviction, three months;
   
   (b) upon the first subsequent conviction, six months; and
   
   (c) upon an additional subsequent conviction, three years.

   (2) Subsection 2 of the said section 20, as re-enacted by the Statutes of Ontario, 1976, chapter 37, section 3, is amended by striking out "purpose of clause b" in the sixth line and inserting in lieu thereof "purposes of clauses b and c".

3. -(1) Subsection 9 of section 37 of the said Act, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is
further amended by striking out "outside a city, town or village" in the first line.

(2) Subsection 11 of the said section 37, as amended by the Statutes of Ontario, 1978, chapter 4, section 4, is further amended by striking out "outside a city, town or village" in the first line.

4. Subsection 2 of section 65 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 2, and amended by the Statutes of Ontario, 1978, chapter 4, section 11, is further amended by striking out "2.6 metres" in the fifth line of the amendment of 1978 and inserting in lieu thereof "2.7 metres".

5. Subsection 3 of section 70 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding at the end thereof "or to motor vehicles or to road building machines operated by or on behalf of a municipality or other authority having jurisdiction over highways when the vehicle or machine is equipped with a snow clearing device".

6. Subsection 2 of section 75 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is amended by adding at the end thereof "and the part of the province to which the designation shall apply".

7.—(1) Subsection 10 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1977, chapter 65, section 3, is repealed and the following substituted therefor:

(10) The municipal corporation or other authority having jurisdiction over any highway may declare the provisions of subsections 5, 7 and 13 to apply to highways under its jurisdiction during any period of the year, or that the provisions of subsections 5 and 7 do not apply to any or all highways under its jurisdiction.

(2) Subsection 12 of the said section 77 is amended by inserting after "by-law" in the second line "approved by the Ministry".

8. Subsection 17 of section 82 of the said Act, as amended by the Statutes of Ontario, 1977, chapter 19, section 3, is further amended by striking out "provincial" in the first line and inserting in lieu thereof "court or".

9. Section 86 of the said Act is amended by adding thereto the following subsections:
For the purposes of subsection 1, a constable or other police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations.

Where signs or traffic control devices have been posted or placed under subsection 2, no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices.

Subsection 3 does not apply to a vehicle or road-building machine while it is being used for maintenance of the highway or an ambulance, a fire department vehicle, a public utility emergency vehicle or a police vehicle.

Every person using a highway closed to traffic in accordance with this section does so at his own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic.

The Lieutenant Governor in Council may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices.

Subsection 3 of section 92 of the said Act, as re-enacted by s. 92 (3), 1977, chapter 19, section 6, is repealed and the following substituted therefor:

When a vehicle or street car is approaching a pedestrian crossover and is within 30 metres thereof, the driver of any other vehicle or street car approaching from the rear shall not allow the front extremity of his vehicle or streetcar to pass beyond the front extremity of the other vehicle or street car.

Subsection 5 of section 96 of the said Act is repealed and the following substituted therefor:

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, but the driver or operator may, after bringing the vehicle or car to a full stop,

(a) turn to the right; or

(b) turn to the left from a one-way street into a one-way street.

(2) The said section 96, as amended by the Statutes of Ontario, 1974, chapter 123, section 25, 1977, chapter 19, section 9 and 1977, chapter 54, section 13, is further amended by adding thereto the following subsection:

(9a) Where a signal-light traffic control system shows a green arrow without the red signal-light illuminated at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing the arrow, may proceed into the intersection only to follow the direction indicated by the arrow.

(3) Subsection 17 of the said section 96, as amended by the Statutes of Ontario, 1977, chapter 19, section 9, is repealed and the following substituted therefor:

(17) Every signal-light traffic control system shall consist of a minimum of two sets of,

(a) green, amber and red signal-lights;

(b) green arrow, amber and red signal-lights;

(c) green arrow, green, amber and red signal-lights; or

(d) any combination thereof.

(17a) Where a signal-light traffic control system is installed one signal-light shall be located to the right side of the roadway used by the traffic controlled by it and to the side of the intersection that is remote from the traffic as it approaches, and at least two sets of signal-lights shall be installed facing each direction from which traffic approaches the intersection.

(17b) Where traffic is controlled in separate lanes by signal-lights, one set may be suspended over the centre point of each lane separately controlled to the side of the intersecting roadway that is remote from traffic as it approaches.

(17c) Traffic signal-lights, where installed, shall be not less than 2.75 metres from the level of the roadway when adjacent
to the travelled portion of the roadway and not less than 4.5
metres from the level of the roadway when suspended over
the travelled portion of the roadway.

(17d) Where traffic signal-lights are installed at a location
other than an intersection, the arrangement of the lights
shall comply as nearly as possible with the provisions of
subsections 17a, 17b and 17c.

12.—(1) Subsection 1 of section 98 of the said Act is amended by s. 98 (1),
striking out “making” in the sixth line and inserting in
lieu thereof “marking”.

(2) Subsection 3 of the said section 98 is repealed and the
following substituted therefor:

(3) Where a person in charge of a vehicle or on horseback
on a highway is overtaken by a vehicle or horseman trav-
elling at a greater speed, the person so overtaken shall turn
out to the right and allow the overtaking vehicle or horseman
to pass, but this does not apply to a vehicle, road-building
machine or apparatus while engaged in the construction,
maintenance or marking of a highway.

13. Subsection 2 of section 105 of the said Act, as amended by
the Statutes of Ontario, 1977, chapter 19, section 11, is
repealed and the following substituted therefor:

(2) The driver or operator of a commercial motor vehicle
when driving on a highway at a speed exceeding 60 kilo-
metres per hour shall not follow within 60 metres of another
motor vehicle, but this shall not be construed to prevent a
commercial motor vehicle overtaking and passing another
motor vehicle.

14.—(1) Subsection 8 of section 116 of the said Act, as amended by
the Statutes of Ontario, 1977, chapter 19, section 16,
is further amended by striking out “outside a city, town
or village” in the second line and inserting in lieu thereof
“on which the maximum speed limit is in excess of 60
kilometres per hour”.

(2) Subsection 9 of the said section 116, as amended by s. 116 (9),
is further amended by striking out “outside a city, town
or village” in the fourth line and inserting in lieu thereof
“on which the maximum speed limit is in excess of 60
kilometres per hour”.

Vehicles or
horsemen
overtaken by
others.

Headway for
commercial
vehicles.
Section 129 of the said Act is repealed and the following substituted therefor:

129.—(1) Where an aircraft has made an emergency landing on a highway, the pilot in command thereof, if he is physically capable, shall, as soon after landing as is reasonably possible, remove or cause it to be removed from the roadway.

(2) Subject to subsection 3, no aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway.

(3) Where an aircraft has landed on a highway because of an emergency related to the operation of the aircraft, the aircraft may take off from the highway provided,

(a) a commercial licensed pilot, not being the owner of the aircraft, who is qualified to fly that class and category of aircraft, and the pilot in command of the aircraft are both satisfied that the aircraft is airworthy and that there are no physical obstructions on or over the highway which would make such take off unsafe;

(b) the pilot in command of the aircraft is satisfied that weather conditions are satisfactory for the purpose and that the minimum requirements are met under the visual flight rules established by the regulations made under the Aeronautics Act (Canada) or, if the flight is to be continued under instrument flight rules, that adequate arrangements can be made for obtaining a clearance from an air traffic control unit prior to entering instrument flight weather conditions;

(c) traffic control is provided by the appropriate police force; and

(d) the police force consents to the take off.

(4) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than $5,000.

(5) No action or other proceeding for damages shall be instituted against a police force, police officer or pilot, for an act or an omission done or omitted to be done by it or him
in respect of the subject-matter of subsection 3 where the force, officer or pilot was acting in good faith.

16. Subsection 1 of section 152a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 66, section 8, is amended by adding thereto the following clause:

(c) “Ministry” means the Ministry of the Attorney General.

17.—(1) This Act, except sections 3 and 13, comes into force on the day it receives Royal Assent.

(2) Sections 3 and 13 come into force on a day to be named by proclamation of the Lieutenant Governor.

18. The short title of this Act is The Highway Traffic Amendment Act, 1978 (No. 4).