CHAPTER 207.

An Act to regulate the Speed and Operation of Motor Vehicles on Highways.

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

1. This Act may be cited as The Motor Vehicles Act. Short title. 2 Geo. V. c. 48, s. 1.

2. In this Act, Interpretation.
   (a) "Highway" shall include public park, parkway and "Highway." driveway;
   (b) "Motor vehicle" shall include automobile, locomobile, motor bicycle and any other vehicle propelled or driven otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails or a traction engine within the meaning of The Traction Engines Act; Rev. Stat. c. 212.
   (c) "Peace Officer" shall include a mayor, warden, "Peace officer." reeve, sheriff, deputy sheriff, sheriff’s officer, justice of the peace, gaoler or keeper of a prison, and a police officer, police constable, bailiff, constable or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process. 2 Geo. V. c. 48, s. 2.

3.—(1) The owner of every motor vehicle driven on a highway shall pay to the Provincial Secretary a registration fee for such motor vehicle.

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

(3) The Lieutenant-Governor in Council may make regulations regarding renewals and transfers of such permits, the payment of fees therefor, the amount and time of payment of such fees, and the registration and operation of motor...
vehicles owned by manufacturers or dealers and not kept by them for private use. 2 Geo. V. c. 48, s. 3.

Regulations.

(4) The Lieutenant-Governor in Council may make regulations

(a) For the appointment of permanent, special or temporary constables, servants or officers for enforcing or carrying out the provisions of this Act or of any regulations made thereunder;

(b) For defining the duties and powers of and for fixing the salaries, allowances and expenses to be paid to such constables, servants or officers.

(5) Such salaries allowances and expenses for the purposes mentioned in subsection 4 shall be payable out of any sum appropriated by this Legislature for the purposes mentioned in subsection 4. 3-4 Geo. V. c. 52, s. 1.

Licenses for paid drivers.

4.—(1) No person shall, for hire, pay or gain, drive a motor vehicle on a highway unless he is licensed to do so, and no person shall employ anyone so to drive a motor vehicle who is not so licensed.

(2) The license for such purpose may be issued by the Provincial Secretary to such person for such time and upon such terms and subject to such regulations and restrictions as the Lieutenant-Governor in Council may prescribe. 2 Geo. V. c. 48, s. 5.

Certificate from two members of Ontario Motor League prior to granting license.

(3) A license shall not be issued to a person who drives a motor vehicle for hire, pay or gain unless and until he files in the office of the Provincial Secretary a certificate signed by two members of the Ontario Motor League appointed for that purpose by the Lieutenant-Governor in Council and residing in the municipality in which the applicant for the license resides, and also by the chief constable of that municipality stating that they have examined the applicant and 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.

(4) If there are not two such appointed members residing in the municipality the certificate may be signed by two such appointed members residing in the municipality nearest to that in which the applicant resides. 3-4 Geo. V. c. 52, s. 2.

Production of license.

5. A license must be produced by any person driving a motor vehicle for hire, pay or gain when demanded by a peace officer. 2 Geo. V. c. 48, s. 5.

Alarm bell to be sounded at crossings, etc.

6.—(1) Every motor vehicle shall be equipped with an alarm bell, gong or horn, and the same shall be sounded when:
ever it shall be reasonably necessary to notify pedestrians or of its approach.

(2) Whenever on a highway, after dusk and before dawn, every motor vehicle shall carry on the front thereof a lighted lamp in a conspicuous position. 2 Geo. V. c. 48, s. 6.

7. A motor bicycle, while being driven on a highway, shall have exposed on the back thereof a marker furnished by the Provincial Secretary showing in plain figures, not less than three inches in height, the number of the permit of such motor bicycle. 2 Geo. V. c. 48, s. 7.

8.—(1) Every motor vehicle, other than a motor bicycle, while being driven on a highway, shall have attached to and exposed on the front and back thereof in a conspicuous position a marker furnished by the Provincial Secretary showing in plain figures, not less than five inches in height, the number of the permit.

(2) The marker on the front shall be as far forward and as high from the ground as may be necessary to render it distinctly visible, and the marker on the back shall be so placed that the lower edge thereof shall not be lower than the body of the motor vehicle.

(3) Every such motor vehicle shall carry a lamp so placed as to illuminate conspicuously at all times between dusk and dawn the number placed on the back of the vehicle. 2 Geo. V. c. 48, s. 8.

9.—(1) No number other than that upon the marker furnished by the Provincial Secretary shall be exposed on any part of a motor vehicle.

(2) The numbers shall be kept free from dirt and obstruction, and the markers shall be so affixed that the numbers may be at all times plainly visible.

(3) No motor vehicle shall carry what is known to the search light trade as a search light. 2 Geo. V. c. 48, s. 9.

10.—(1) The provisions of sections 3, 7, 8 and 9, shall not apply to a motor vehicle owned by any person who does not reside or carry on business in Ontario for more than three consecutive months in each year, if the owner thereof is a resident of some other Province of Canada, and has complied with the provisions of the law of the Province in which he resides as to registration of a motor vehicle and the display of the registration number thereon.

(2) This section shall apply to such person only to the extent to which under the laws of the Province in which he resides like exemptions and privileges are granted with respect to a motor vehicle registered under the laws of and owned by residents of Ontario. 3-4 Geo. V. c. 52, s. 3.
11.—(1) No motor vehicle shall be driven upon any highway within a city, town or village at a greater rate of speed than fifteen miles an hour, or upon any highway outside of a city, town or village at a greater rate of speed than twenty miles an hour; but the council of a city, town, township or village may by by-law set apart any highway or any part thereof on which motor vehicles may be driven at a greater rate of speed for the purpose of testing the same, and may pass by-laws for regulating and governing the use of any such highway or part thereof for such purpose. 2 Geo. V. c. 48, s. 10.

(2) Notwithstanding the provisions of subsection 1, any person who drives a motor vehicle on a highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances, including the nature, condition and use of the highway and the amount of traffic which actually is at the time, or which might reasonably be expected to be on the highway, shall be guilty of an offence under this Act. 2 Geo. V. c. 48, s. 11.

12. No person shall drive a motor vehicle upon a highway in a race or on a bet or wager. 2 Geo. V. c. 48, s. 12.

13. No person under the age of eighteen years shall drive a motor vehicle. 2 Geo. V. c. 48, s. 13.

14. No intoxicated person shall drive a motor vehicle. 2 Geo. V. c. 48, s. 14.

15. When a motor vehicle meets or overtakes a street car which is stationary for the purpose of taking on or discharging passengers, the motor vehicle shall not pass 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. 3 & 4 Geo. V. c. 52, s. 4.

16.—(1) Every person having the control or charge of a motor vehicle shall, when upon a highway and approaching any vehicle drawn by a horse, or a horse upon which any person is riding, operate, manage and control such motor vehicle in such manner as to exercise every reasonable precaution to prevent the frightening of such horse and to ensure the safety and protection of any person riding or driving the same, and, outside the limits of any city or town, shall not approach such horse within one hundred yards, or pass the same going in the opposite direction at a greater rate of speed than seven miles an hour, and, if going in the same direction, shall signal his desire to pass and give the rider or driver an opportunity to turn out so that he may be passed with safety, and if any such horse going in the opposite direction appears to be frightened or if such person is signalled so to do he shall
stop such motor vehicle, including the motor, and shall remain stationary so long as may be necessary to allow such rider or driver to pass or until directed by him to proceed; and in case any animal ridden or driven by such rider or driver appears to be frightened such person and the occupants of the motor vehicle shall render assistance to such rider or driver. 2 Geo. V. c. 48, s. 16.

(2) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and an operator of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the said motor vehicle, nor shall such operator at any time, by cutting out the muffler or otherwise, cause such motor vehicle to make any unnecessary noise. 3-4 Geo. V. c. 52, s. 5.

17. The driver of a motor vehicle upon any highway outside the limits of a city shall upon meeting or overtaking a funeral procession stop his vehicle, including the motor, or, where practicable, shall turn out into an intersecting highway or lane until the funeral procession has passed. 2 Geo. V. c. 48, s. 17.

18. If an accident occurs to any person on foot or horseback, or in a vehicle, or to any horse or vehicle in charge of any person, owing to the presence of a motor vehicle on a highway the person in charge of such motor vehicle shall return to the scene of the accident and give in writing to anyone sustaining loss or injury his name and address, and also the name and address of the owner of such motor vehicle, and the number of the permit. 2 Geo. V. c. 48, s. 18.

19. The owner of a motor vehicle shall be responsible for any violation of this Act or of any regulation prescribed by the Lieutenant-Governor in Council. 2 Geo. V. c. 48, s. 19.

20. No provision of any by-law heretofore or hereafter passed under paragraph 1 of section 406 of The Municipal Act which is inconsistent with the provisions of this Act shall affect or apply to motor vehicles. 2 Geo. V. c. 48, s. 20; 3-4 Geo. V. c. 52, s. 6.

21. The Provincial Secretary may at any time, for misconduct or infraction of the provisions of this Act or of any regulation thereunder by an owner or driver of a motor vehicle, suspend or revoke any permit or license. 2 Geo. V. c. 48, s. 21.

22. The Provincial Secretary shall furnish all clerks of the peace with copies of this Act and of the regulations thereunder for distribution to the constables of all counties, districts and local municipalities, and he shall also furnish copies of this Act to the clerks of all local municipalities to
be posted up in conspicuous places, and shall also furnish on the first days of May and September in each year to the clerks of all such municipalities lists of all persons to whom permits and licenses are issued. 2 Geo. V. c. 48, s. 22.

23. When loss or damage is sustained by any person by reason of a motor vehicle on a highway the onus of proof that such loss or damage did not arise through the negligence or improper conduct of the owner or driver of the motor vehicle shall be upon the owner or driver. 2 Geo. V. c. 48, s. 23.

24.—(1) Any person who violates any of the provisions of subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18 shall be liable for the first offence to a penalty of $50 or one week's imprisonment or both, for the second offence to a penalty of $100 or one month's imprisonment or both, and for the third or any subsequent offence to imprisonment not exceeding six months. 2 Geo. V. c. 48, s. 24 (1); 3-4 Geo. V. c. 52, s. 7.

(2) On a charge for a second, third or subsequent offence under this section a conviction need not be shown to be for an offence against the same section, but a conviction for an offence against subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18 shall be deemed to be a prior conviction. 2 Geo. V. c. 48, s. 24 (2); 3-4 Geo. V. c. 52, s. 8.

25.—(1) A Police Magistrate or Justice of the Peace before whom a person is convicted of an offence under this Act, if the person convicted is required to hold a license under section 4 and does not hold such license, may declare him disqualified to hold such a license for such time as the Police Magistrate or Justice of the Peace thinks fit and shall so report with the certificate of the conviction to the Provincial Secretary.

(2) If the person convicted holds a license issued under section 4 the Police Magistrate or Justice of the Peace shall cause particulars of the conviction, if for an offence against section 4, subsections 1 or 2 of section 8, subsections 1 or 2 of section 9, sections 11, 12, 14, 16, 17 or 18, to be endorsed upon such license, and if such conviction is a third conviction shall confiscate such license and any badge issued therewith, and shall forward the same with the certificate of the conviction to the Provincial Secretary.

(3) A person so convicted, if he holds a license issued under section 4, shall produce the license within a reasonable time for the purpose of endorsement, and if he fails to do so shall be guilty of an offence under this Act. 2 Geo. V. c. 48, s. 25.
26.—(1) A Police Magistrate or Justice of the Peace who makes a conviction under this Act shall forthwith certify to the same of the Provincial Secretary setting out the name, address and description of the person so convicted, the number of the permit of the motor vehicle with which the offence was committed, the number of the section of the Act contravened and the time the offence was committed, and if such offence was committed by a person licensed under section 4 the number of the licence and the name, address and description of his employer, and if three such convictions for an offence against subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18 are made against the same person the permit of the motor vehicle with which the offence, for which such third conviction was made, was committed, or the licence issued under section 4, or both, may be cancelled and the offender shall not be entitled to a permit or licence for a period of two years thereafter. 2 Geo. V. c. 48, s. 26 (1); 3-4 Geo. V. c. 52, s. 9.

(2) The Police Magistrate or Justice of the Peace shall be entitled to add to the costs of the conviction twenty-five cents for his costs of the certificate.

(3) A copy of the certificate, certified by the Provincial Secretary or Assistant Provincial Secretary under the seal of the Provincial Secretary, shall be prima facie evidence of the conviction. 2 Geo. V. c. 48, s. 26 (2-3).

27.—(1) In the event of a third or subsequent conviction under sections 3, 4, 12, 13, 14 or 18, the motor vehicle driven by the person convicted at the time of committing the offence of which he was convicted shall be seized, impounded and taken into the custody of the law for a period of three months. 2 Geo. V. c. 48, s. 27 (1); 3-4 Geo. V. c. 52, s. 10.

(2) Such motor vehicle shall be stored where the convicting Police Magistrate or Justice of the Peace shall direct, and all costs and charges for the care or storage thereof shall be a lien upon such motor vehicle, and the same may be enforced in the manner provided by The Mechanics’ and Wage Earners’ Lien Act.

(3) If the person so convicted gives sufficient security to the convicting Police Magistrate or Justice of the Peace by bond, recognizance or otherwise, that such motor vehicle shall not be operated upon any highway during such period of three months, the same may be delivered to the person so convicted or the owner thereof, and if such motor vehicle is operated upon a highway during such period it shall be deemed to be operated without a permit. 2 Geo. V. c. 48, s. 27 (2-3).

28. If the employer of a person driving a motor vehicle for hire, pay or gain is present in the motor vehicle at the time of the committing of any offence against this Act such
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employer as well as the driver shall be liable to conviction for such offence. 2 Geo. V. c. 48, s. 28.

29. Any person who violates any of the provisions of this Act or of any regulation made thereunder, where a penalty for the offence is not hereinbefore provided, shall incur a penalty not exceeding $10 for the first offence, not exceeding $20 for the second offence, not exceeding $30 for the third offence, and not exceeding $50 for any subsequent offence. 2 Geo. V. c. 48, s. 29; 3-4 Geo. V. c. 52, s. 11.

30. Where a constable or other officer of a municipality is the prosecutor any penalty imposed under this Act shall, when received, be paid over by the convicting Police Magistrate or Justice of the Peace to the treasurer of the municipality. 2 Geo. V. c. 48, s. 30.

31.—(1) Every peace officer who, on reasonable and probable grounds, believes that an offence against any of the provisions of subsections 1 or 2 of section 8, subsection 1 of section 9, or sections 12, 14 or 18 has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes that any person has committed that offence, may arrest such person without warrant whether such person is guilty or not. 2 Geo. V. c. 48, s. 31 (1); 3-4 Geo. V. c. 52, s. 12.

(2) Every person called upon to assist a peace officer in the arrest of a person suspected of having committed any such offence may assist, if he knows that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion.

(3) Every person may arrest without warrant any person whom he finds committing any such offence. 2 Geo. V. c. 48, s. 31 (2-3).

32. A peace officer or other person making an arrest without warrant may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act, but such motor vehicle may be released on security for its production being given to the satisfaction of a Justice of the Peace. 2 Geo. V. c. 48, s. 32.

33. A peace officer or other person making an arrest without warrant shall, with reasonable diligence, take the person arrested before a Justice of the Peace to be dealt with according to law. 2 Geo. V. c. 48, s. 33.

34. The penalties provided by this Act shall be recoverable under The Ontario Summary Convictions Act. 2 Geo. V. c. 48, s. 34.

Section 285 of the Criminal Code reads as follows:
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Every one is guilty of an indictable offence and liable to two years' imprisonment who, having the charge of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person.