

1979 BILL 68

---

---

First Session, 19th Legislature, 28 Elizabeth II

---

---

THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 68**

**THE HIGHWAY TRAFFIC AMENDMENT ACT, 1979**

---

---

MR. PAYNE

---

---

~~UNIVERSITY OF ALBERTA~~

First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

*Bill 68*  
*Mr. Payne*

## **BILL 68**

1979

### **THE HIGHWAY TRAFFIC AMENDMENT ACT, 1979**

*(Assented to , 1979)*

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

*1 The Highway Traffic Act, 1975 is amended by this Act.*

*2 Section 1 is amended*

*(a) by adding the following after clause 2:*

2.1 “antique motor vehicle” means a motor vehicle that is 25 years of age or older, is owned as a collector’s item and is operated solely for use in exhibitions, club activities, parades and other similar functions and is not used for general transportation;

*(b) in clause 3*

*(i) in subclause (iii) by striking out “75 pounds” and substituting “35 kilograms”, and*

*(ii) in subclause (iv) by striking out “one horsepower” and substituting “750 watts”,*

*(c) in clause 16.1, subclause (iii) by striking out “75 pounds” and substituting “35 kilograms” and by striking out “121 pounds” and substituting “55 kilograms”,*

*(d) by adding the following after clause 18:*

18.1 “multi-purpose passenger vehicle” means a vehicle that has a seating capacity of 10 or less and is constructed on a truck-chassis or with special features for off-highway operation, but does not include an air cushion vehicle, an all terrain vehicle as defined in *The Off-highway Vehicle Act*, a passenger car or a truck;

## **Explanatory Notes**

**1** This Bill will amend chapter 56 of the Statutes of Alberta, 1975 (Second Session).

**2** Definitions.

(e) by adding the following after clause 24:

24.1 “passenger car” means a motor vehicle that has a seating capacity of 10 or less but does not include an off-highway vehicle as defined in *The Off-highway Vehicle Act*, a truck, a multi-purpose passenger vehicle, a chassis cab, a moped or a motor cycle;

(f) by adding the following after clause 26:

26.1 “power bicycle” means a vehicle that

(i) may be propelled by muscular or mechanical power,

(ii) is fitted with pedals that are continually operable to propel it,

(iii) weighs not more than 35 kilograms,

(iv) has a motor that produces not more than 750 watts and that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres,

(v) has no hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel, and

(vi) does not have sufficient power to enable it to attain a speed greater than 35 kilometres per hour on level ground within a distance of 2 kilometres from a standing start.

(g) by renumbering clause 30.1 as 30.2 and by adding the following after clause 30:

30.1 “service brake” means the primary mechanism designed to stop a vehicle;

and

(h) by adding the following after clause 36:

36.1 “truck” means a vehicle designed primarily for the transportation of property or equipment but does not include a chassis-cab, crawler mounted vehicle, trailer, machinery or equipment used in the construction or maintenance of highways or an off-highway vehicle as defined in *The Off-highway Vehicle Act*.

36.2 “truck tractor” means a truck that is designed primarily for drawing another vehicle and that is not designed to carry any load other than part of the weight of the vehicle drawn, and includes a vehicle that is



designed to accommodate a 5th wheel coupling, but does not include a crane equipment breakdown vehicle;

*3 Section 8 is amended by adding the following after clause 2.2:*

2.3 respecting the requirements and use of alternately flashing red lights on vehicles bearing the sign “school bus”;

*4 The following is added after section 10:*

**10.1** At least 15 days before the date of a cancellation or expiration of a motor vehicle liability policy or passenger hazard endorsement referred to in regulations made under section 10, the insurer shall notify the Director as defined in those regulations of the impending cancellation or expiration and, in the absence of that notification being given, the policy or endorsement, as the case may be, shall remain in full force and effect until the required 15 day notice has been given.

*5 Section 12 is amended by adding the following after subsection (2):*

(2.1) With respect to highways subject to its direction, control and management, the council of a municipal district or county, by by-law, may

(a) prescribe a maximum speed in excess of 80 kilometres per hour for all or any part of a highway,

(b) prescribe a maximum speed of less than 80 kilometres per hour for all or any part of a highway, and

(c) prescribe a minimum speed for all or any part of any highway designated in the by-law or prescribe different minimum speeds

(i) for daytime and night time;

(ii) for different periods of the year;

(iii) for different traffic lanes on the same highway.

*6 Section 16(2)(b) is repealed.*

**3** Lieutenant Governor in Council may make regulations.

**4** Insurer must notify Director of cancellation of insurance respecting driver training school.

**5** Section 12(2) presently reads:

*(2) With respect to highways subject to its direction, control and management, the council of an urban area, by by-law, may*

*(a) prescribe a maximum speed in excess of 50 kilometres per hour for all or any part of a highway,*

*(b) prescribe a maximum speed of less than 50 kilometres per hour for all or any part of a highway, and*

*(c) prescribe a minimum speed for all or any part of any highway designated in the by-law or prescribe different minimum speeds*

*(i) for daytime and night time;*

*(ii) for different periods of the year;*

*(iii) for different traffic lanes on the same highway.*

**6** Consequential to the amendment in section 2(f) of this Bill. Definition of “power bicycle” moved to general definition section.

7 *Section 26 is amended*

(a) *by adding the following after subsection (1):*

(1.1) When stop lamps are used on a vehicle

(a) they shall be permanently mounted on a rigid part of the vehicle other than glazing, and the distance between the ground and the centre of the lamp when the vehicle is unloaded shall not be less than 38 centimetres or more than 185 centimetres, and

(b) they shall be located,

(i) in the case of a motor cycle, moped or power bicycle, on the vertical centre line unless more than one stop lamp is used and, in that case, they shall be symmetrically disposed about the vertical centre line,

(ii) in the case of every other motor vehicle and every trailer and the rearmost vehicle in a train of vehicles, at the same height and as far apart as practicable and shall be symmetrically disposed about the vertical centre line.

(1.2) Subsection (1.1) does not apply to vehicles manufactured before January 1, 1971.

(b) *in subsection (2) by striking out “30” and substituting “250”*

8 *Section 29 is amended*

(a) *by adding the following after subsection (1):*

(1.1) No person shall operate a motor vehicle or pull a trailer that is not equipped with lamps or mechanical signal devices to indicate an intention to turn the motor vehicle or trailer if the motor vehicle or trailer was manufactured before January 1, 1971.

(b) *by adding the following after subsection (2):*

(2.1) A motor vehicle or trailer manufactured on or after January 1, 1971 shall be equipped with lamps used for the purpose of indicating turns that comply with the requirements of this section.

(2.2) Subsection (2.1) does not apply to a moped or an implement of husbandry or to a trailer that is less than 76 centimetres in overall width.



**7** Section 26 presently reads:

*26(1) Unless otherwise provided by the regulations*

*(a) every motor cycle, moped and power bicycle shall be equipped with at least one stop lamp mounted on the rear of the vehicle, and*

*(b) every other motor vehicle and every trailer and the rearmost vehicle in a train of vehicles shall be equipped with at least two stop lamps mounted on the rear of the vehicle.*

*(2) A stop lamp shall light up when the service brake is applied and when lit shall emit a red light plainly visible from a distance of not less than 30 metres to the rear of the vehicle in normal sunlight.*

**8** Section 29 presently reads in part:

*(3) When lamps are used for the purpose of indicating turns*

*(a) the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light visible from a distance of not less than 30 metres to the front in normal sunlight, and*

*(b) the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light visible at a distance of not less than 30 metres to the rear in normal sunlight.*

This amendment updates turn signal requirements.

(2.3) If a motor vehicle to which subsection (2.1) applies is less than 205 centimetres in overall width, the turn signal operating unit shall be self-cancelling.

(c) *by repealing subsection (3) and substituting the following:*

(3) When lamps are used for the purpose of indicating turns

(a) they shall be mounted on a rigid part of the motor vehicle or trailer, other than glazing,

(b) in the case of a motor vehicle or trailer manufactured on or after January 1, 1971, the distance between the ground and the centre of the lamp when the motor vehicle or trailer is unloaded shall not be less than 38 centimetres or more than 211 centimetres,

(c) the lamps showing to the front shall be located at or near the front on the same level and as widely spaced laterally as practicable and when in use shall emit a white or amber light that is plainly visible from the front in normal sunlight for a distance of at least 250 metres, and

(d) the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall emit a red or amber light that is plainly visible from the rear in normal sunlight for a distance of at least 250 metres.

(3.1) Nothing in this section requires a truck tractor to be equipped with lamps to indicate an intention to turn on the rear of the tractor if the lamps that are located at or near the front of the tractor are of double face construction and are located so they meet the visibility requirements set out in subsection (3)(c) and (d).

9 *The following is added after section 30:*

**30.1**(1) A motor vehicle or trailer manufactured on or after January 1, 1971 shall, on and from January 1, 1981, be equipped with, on each side of it,

(a) one amber side marker lamp as close to the front of the motor vehicle or trailer, exclusive of the trailer tongue, as is practicable,

**9** Brings vehicle lighting and reflector requirements in line with current day new vehicle safety standards.

(b) one red side marker lamp as close to the rear of the motor vehicle or trailer as is practicable, and

(c) if the motor vehicle or trailer is greater than 9.2 metres in length, one amber intermediate side marker lamp at or near the midpoint of the motor vehicle or trailer

and the lamps shall be located not less than 0.4 metres above ground level when the motor vehicle or trailer is unloaded.

(2) Notwithstanding subsection (1), a motor vehicle or trailer that is greater than 9.2 metres in length and was manufactured before January 1, 1971 shall be equipped so that it complies with the requirements of subsection (1) on and from January 1, 1981.

(3) Subsection (1)(a) does not apply to a trailer that is less than 183 centimetres in length, including the trailer tongue.

(4) Subsection (1)(b) does not apply to a truck tractor.

(5) The lamps required by subsection (1) shall comply with any other requirements and standards that are prescribed in the regulations.

**30.2(1)** A motor vehicle and a trailer shall, on and from January 1, 1981, be equipped with, on each side of it,

(a) one amber side reflex reflector as close to the front of the motor vehicle or trailer, exclusive of the trailer tongue, as is practicable,

(b) one red side reflex reflector as close to the rear of the motor vehicle or trailer as is practicable, and

(c) if the motor vehicle or trailer is greater than 9.2 metres in length, one amber intermediate side reflex reflector at or near the midpoint of the motor vehicle or trailer.

(2) A motor vehicle and a trailer shall, on and from January 1, 1981, be equipped with,

(a) if the motor vehicle or trailer is less than 0.8 metres in overall width, one red rear reflex reflector on the rear of the motor vehicle or trailer that is mounted permanently on a rigid part of the motor vehicle or trailer, other than glazing, and on the vertical centre line of it, or

(b) if the motor vehicle or trailer is 0.8 metres or greater in overall width, one red rear reflex reflector mounted permanently on a rigid part of the motor vehicle or trailer, other than glazing, on each side of



the vertical centre line, at the same height above the ground and as close as practicable to the vertical edge of the rear of the motor vehicle or trailer.

(3) Subsection (2)(a) does not prohibit a motor vehicle or trailer that is less than 0.8 metres in overall width from being equipped with more than one red rear reflex reflector but in that case the motor vehicle or trailer shall comply with the requirements of subsection (2)(b).

(4) The reflex reflectors required by subsections (1) and (2) shall

(a) be located so that the distance between the centre of the reflector and ground level is not less than 0.4 metres or more than 1.6 metres when the motor vehicle or trailer is unloaded,

(b) be visible at a distance of 150 metres in normal darkness when the highbeam of a motor vehicle is shone directly toward them, and

(c) comply with any other requirements and standards that are prescribed in the regulations.

(5) Subsection (1)(a) does not apply to a trailer that is less than 183 centimetres in length including the trailer tongue.

(6) Subsection (1)(b) does not apply to a truck tractor.

(7) Notwithstanding subsection (4), the reflex reflectors required by subsection (2) may, on a truck tractor, be mounted on the back of the cab not less than 10 centimetres above the top of the rear tires or more than 1.6 metres above ground level when the truck tractor is unloaded.

**30.3(1)** A motor vehicle, other than a motor cycle or moped, shall be equipped with vehicle hazard warning lamps that comply with the requirements of section 29(3) and that, when activated, all flash simultaneously.

(2) Subsection (1) does not apply to a motor vehicle that was manufactured before January 1, 1971 and was not originally equipped with a vehicle hazard warning lamp system.

(3) A trailer that is being towed by a motor vehicle to which subsection (1) applies shall be equipped with vehicle hazard warning lamps showing to the rear that comply with the requirements of section 29(3)(a) and (d) and flash



simultaneously with each other and with the vehicle hazard warning lamps of the tow vehicle.

**30.4(1)** A motor vehicle that is 2.05 metres or more in overall width, including any load, shall, on and from January 1, 1981, be equipped with 3 amber identification lamps on the front of the motor vehicle and 3 red identification lamps on the rear of the motor vehicle.

(2) The lamps referred to in subsection (1) shall be located

(a) symmetrically about the motor vehicle centre line in a horizontal row as close as practicable to the top of the vehicle, and

(b) so that no 2 lamp centres are closer together than 0.15 metres or farther apart than 0.3 metres.

(3) A trailer that is 2.05 metres or more in overall width, including any load, shall, on and from January 1, 1981, be equipped with 3 red identification lamps on the rear of the trailer that comply with the requirements of subsection (2).

(4) The identification lamps required by subsections (1) and (3) shall

(a) be controlled by a circuit that is independent from the circuit that controls the headlamps and tail lamps of the motor vehicle or trailer, and

(b) comply with any other requirements and standards that are prescribed in the regulations.

(5) This section does not apply to a motor vehicle or trailer that was manufactured before January 1, 1971 and was not equipped with the lamps referred to in this section at the time it was manufactured.

(6) Nothing in this section requires a truck tractor to be equipped with rear identification lamps.

**30.5(1)** A motor vehicle or trailer that is 2.05 metres or more in overall width, including any load, shall, on and from January 1, 1981, be equipped with 2 amber clearance lamps on the front of the motor vehicle or trailer and 2 red clearance lamps on the rear of the motor vehicle or trailer.

(2) The clearance lamps required by subsection (1) shall be located so they indicate the overall width of the motor vehicle, trailer or load and be

(a) as close to the top of the motor vehicle, trailer or load as practicable, and





(b) at the same height and symmetrically disposed about the vertical centre line of the motor vehicle or trailer.

(3) The clearance lamps required by subsection (1) shall

(a) be controlled by a circuit that is independent from the circuit that controls the headlamps and tail lamps of the motor vehicle or trailer, and

(b) comply with any other requirements and standards that are prescribed by the regulations.

(4) Nothing in this section requires a truck tractor to be equipped with rear clearance lamps.

(5) Notwithstanding subsection (2), the front clearance lamps on a truck tractor may be located so that they indicate the width of the cab.

(6) A boat trailer less than 6 metres in overall length, including the tongue, is deemed to comply with subsections (1) and (2) if it is equipped with a clearance lamp on each side of the trailer that emits an amber light to the front and a red light to the rear and is located so that it indicates the overall width of the boat and trailer.

**30.6** The lamps required by sections 30.1, 30.3, 30.4 and 30.5 shall be visible at a distance of 150 metres in normal darkness.

*10 Section 32 is amended*

(a) in subsection (3) by striking out “three” and substituting “4”, and

(b) by repealing subsection (4) and substituting the following:

(4) An auxiliary lamp or fog lamp on a motor vehicle shall be adjusted and aimed so that when the vehicle is unloaded none of the high-intensity portion of the light to the left of the centre of the vehicle projects, at a distance of 8 metres ahead, higher than 100 millimetres below the centre of the lamp from which the beam of light is projected.

*11 The following is added after section 32:*

**32.1**(1) Subject to subsection (2), a lamp or reflective device that is required or permitted by this Act or the regulations shall be located so that its visibility as required by this Act or the regulations is not impaired by the body of

**10** Section 32 presently reads in part:

*(3) In no event shall the number of auxiliary and fog lamps upon a motor vehicle exceed a combined total of three and in no event shall more than two of those lamps be lighted for use with lighted headlamps.*

*(4) Every auxiliary lamp and every fog lamp used upon a motor vehicle shall be so adjusted and aimed that the top of the main substantial portion of the beam will strike the road at approximately 25 metres in advance of the vehicle and will not project a glaring or dazzling light into the eyes of approaching drivers.*

**11** Visibility of lamps and reflective devices must be unimpaired.  
Lamp or reflective device may serve more than one function.

the vehicle that it is located on, by any load on the vehicle or by any component of or equipment on the vehicle.

(2) If the visibility of a lamp or reflective device is impaired in the manner referred to in subsection (1), the vehicle shall be equipped with an additional auxiliary lamp or reflective device at an alternate location and the auxiliary lamp or reflective device shall comply in all other respects with the requirements of this Act and the regulations that are applicable to the lamp or reflective device the visibility of which is impaired.

**32.2(1)** Subject to subsection (2), a lamp or reflective device may be used so that it serves more than one function as a lamp or reflective device as long as it meets the requirements of this Act and the regulations that apply to all functions that it is intended to serve.

(2) A clearance lamp shall not be combined optically with a tail lamp or an identification lamp.

*12 Section 33(2) is repealed and the following is substituted:*

(2) No tractor or self-propelled implement of husbandry shall be operated on a highway unless it is equipped with an adequate service brake.

(3) No motor cycle, moped or power bicycle shall be operated on a highway unless each wheel of the vehicle is equipped with an adequate service brake.

*13 Section 34 is amended*

*(a) in subsection (1) by adding “and a power bicycle” after “husbandry”,*

*(b) in subsection (3) by striking out “of a motor vehicle equipped with two-wheel brakes” and substituting “on a motor cycle, moped or power bicycle, or the service brake on an implement of husbandry”, and*

*(c) by repealing subsection (6) and substituting the following:*

(6) The emergency or parking brake system of a motor vehicle or combination of vehicles shall be capable of holding the motor vehicle or combination of vehicles at a standstill while they are fully loaded and facing up or down a 20% grade.

**12** Section 33 presently reads:

*33(1) No motor vehicle, other than a motor cycle, moped or power bicycle shall be operated upon a highway unless it has*

*(a) an adequate service brake, and*

*(b) an adequate emergency or parking brake*

*capable of being operated separately.*

*(2) No motor cycle, moped or power bicycle or tractor or self-propelled implement of husbandry shall be operated upon a highway unless it has an adequate service brake.*

**13** Section 34 presently reads in part:

*34(1) In this section "motor vehicle" includes a self-propelled implement of husbandry.*

*(3) Where the service brakes of a motor vehicle equipped with two-wheel brakes are not capable of bringing the vehicle to a standstill*

*(a) within 12 metres from the point at which the brakes were applied when the brakes are applied while the vehicle is loaded to its full capacity and moving,*

*(b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and*

*(c) at a speed of 30 kilometres per hour,*  
*the service brakes of the vehicle are inadequate.*

*(6) The emergency or parking brake of a motor vehicle or combination of vehicles shall be capable of holding the vehicle or combination of vehicles at a standstill upon any grade upon which the motor vehicle or combination of vehicles is operated.*

*14 Section 37 is repealed and the following is substituted:*

**37(1)** A motor vehicle that is equipped with a windshield, other than a motor cycle, moped or antique motor vehicle, shall be equipped with

- (a) a self-operating windshield wiper system, and
- (b) a self-operating windshield washer system

that will clean moisture, road splash and other opaque material from the outside windshield glazing surface so that the operator of the motor vehicle has a clear view of the roadway in front of the motor vehicle from the operator's normal seating position.

(2) A motor vehicle that is equipped with a windshield, other than a motor cycle, moped or antique motor vehicle, shall be equipped with a self-operating defrosting and defogging system on each half of the windshield that will clean moisture and frost from the inside of the windshield.

(3) The controls for the equipment required by this section shall be located so that the equipment can be operated by the operator of the motor vehicle from the operator's normal seating position.

(4) A motor vehicle to which this section applies that was manufactured before January 1, 1971 shall be equipped so that it complies with this section on and from January 1, 1981.

**37.1** Notwithstanding section 37, the operator of an antique motor vehicle that is equipped with a windshield shall ensure that, while the antique motor vehicle is being operated on a highway, it is equipped, when weather conditions require it, with a self-operating or manual windshield wiper system that complies with section 37(1).

*15 Section 38 is repealed and the following is substituted:*

**38(1)** A motor vehicle and a trailer shall, on and from January 1, 1981, be equipped with a body, fenders, mudguards or other similar devices that are located as far as practicable behind the front and rear wheels of the motor

**14** Requirements for windshield wipers, washers and defrosters on vehicles. Section 37 presently reads:

*37(1) Every motor vehicle equipped with a windshield, other than a motor cycle or moped, shall be equipped with a mechanically or electrically operated device*

*(a) for cleaning rain, snow or other moisture from the windshield, and*

*(b) that can in each case be controlled or operated by the driver of the motor vehicle.*

*(2) The owner of a motor vehicle shall maintain in good working order the device required by subsection (1).*

**15** Requirements respecting mudguards, hood latches, door latches and material on windows. Section 38 presently reads:

*38(1) 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.*

*(2) Subsection (1) does not apply to a motor vehicle or trailer in an unfinished condition while proceeding to a works for completion.*

vehicle or trailer and extend laterally for at least the width of the tire or tires.

(2) The vertical distance from the ground to the bottom edge of the body, fenders, mudguards or other devices required by subsection (1) shall not, when the motor vehicle or trailer is unloaded, be greater than

(a) 15 centimetres, or

(b)  $\frac{1}{3}$  the horizontal distance between the body, fenders, mudguards or other devices and the vertical centre line of the wheel.

(3) No person shall, after January 1, 1981, sell or offer for sale a motor vehicle or trailer in Alberta that is not equipped as required by this section.

**38.1**(1) A motor vehicle that has a hood that opens from the front of the vehicle shall be equipped with a primary and secondary hood latch mechanism.

(2) The secondary hood latch mechanism referred to in subsection (1) shall operate so that it prevents the hood from opening if the primary latch mechanism fails.

(3) This section does not apply to motor vehicles manufactured before January 1, 1971.

**38.2**(1) A hinged door on a motor vehicle that leads directly to a compartment containing seating accommodation shall be equipped with a door latch and striker assembly that has a fully latched closed position and a secondary latched position.

(2) Subsection (1) does not apply to a

(a) cargo door,

(b) sliding door,

(c) rolling door,

(d) folding door, or

(e) two-part door that closes by one part latching to the other part.

(3) This section does not apply to motor vehicles manufactured before January 1, 1971.





**38.3**(1) Subject to this section, no person shall place or install in a motor vehicle a transparent, translucent or opaque material on or in place of the

(a) windshield glazing,

(b) side window glazing that is beside or forward of the driver on the right and left hand side of the motor vehicle, or

(c) rear window glazing.

(2) No person shall place or install a transparent, translucent or opaque material on or in place of the rear window glazing of a motor vehicle unless the motor vehicle is equipped with outside rear view mirrors on the left and right of the motor vehicle that comply with the requirements of section 39(2).

(3) Subsections (1) and (2) do not

(a) apply to the equivalent replacement of the glazing installed by the manufacturer of the motor vehicle,

(b) prohibit the use of clear untinted frost shields, or

(c) prohibit the use of window stickers as long as they do not impair the operator's field of vision or otherwise impair the safe operation of the motor vehicle.

(4) The owner of a motor vehicle shall ensure that the view through all frost shields on the motor vehicle is not impaired by discoloration, scratches or other damage.

(5) No person shall place or install any material on or in place of any window glazing that, by reason of sunlight or the headlights of other vehicles, casts a glare at other vehicles on the highway.

(6) No person shall, after January 1, 1981 operate on a highway a motor vehicle that contains material that is prohibited by this section.

*16 Section 47 is amended by adding the following after subsection (2):*

(2.1) A peace officer who on reasonable and probable grounds believes that a device or equipment referred to in subsection (1) is being operated in a vehicle may, without warrant, search the vehicle and seize the device or equipment pursuant to subsection (3).

**16** Section 47 presently reads in part:

*47(1) No person shall drive upon a highway a vehicle that is equipped with or that carries or contains a device capable of detecting or interfering with radar or any other electronic equipment as may be used from time to time for measuring the speed of vehicles.*

*(2) Subsection (1) does not apply to*

*(a) a vehicle used by a peace officer in the course of his duties, or*

*17 The following is added after section 47:*

**47.1**(1) A passenger car shall be equipped with a front and rear bumper.

(2) No person shall install or alter a bumper on a passenger car unless the design of the bumper is equivalent to, and the bumper is mounted in substantially the same manner as, the bumper installed by the manufacturer of the passenger car.

**47.2**(1) No person shall alter a passenger car so that the main structural component of a bumper is more than 50 centimetres or less than 40 centimetres above ground level when the passenger car is unloaded.

(2) A bumper that has at least 6.25 centimetres of projected vertical facing within the height restriction referred to in subsection (1) when viewed in elevation is deemed to comply with that subsection.

(3) For the purpose of subsections (1) and (2), components that are commonly known as bumperettes or over-riders are not part of the main structural component of a bumper or of the projected vertical facing.

(4) Subsection (1) does not apply to passenger cars manufactured before April 1, 1976 but no person shall alter such a car so that the bumper is more than 10 centimetres higher or lower than it was at the time the car was manufactured.

**47.3** A person who, at any time after one year after the coming into force of this section, operates on a highway a passenger car that

(a) is not equipped with bumpers as required by section 47.1(1), or

(b) is equipped with a bumper that does not comply with the requirements of section 47.1(2) or 47.2

is guilty of an offence.

*(b) a vehicle used by a person in conducting a traffic survey authorized by the Minister.*

*(3) Where a peace officer apprehends a person operating a motor vehicle contrary to subsection (1), the peace officer may seize the device or equipment and it is forfeited to the Crown.*

*(4) No person shall, without the approval of the Minister, sell or offer for sale any device capable of detecting or interfering with radar or such other electronic equipment as may be used from time to time for measuring the speed of vehicles.*

**17** Alterations to suspension system and seat belt assembly prohibited.

**47.4** No person shall remove or render inoperative a seat belt assembly or passive restraint device in a motor vehicle if the seat belt assembly or passive restraint device was provided with the motor vehicle at the time it was manufactured as required by the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act.

*18 Section 52 is amended*

(a) in subsection (2) by adding “5 or” after “section”, and

(b) in subsection (6) by striking out “then” and substituting “than”.

*19 Section 53(1) and (2) is amended by striking out “5 or 12” and substituting “5, 12 or 52 of this Act, the Government Property Traffic Act (Canada) or the National Parks Act (Canada)”.*

*20 Section 87 is repealed and the following is substituted:*

**87(1)** If a vehicle bearing the sign “school bus” and displaying alternately flashing red lights is stopped on a highway, the operator of a vehicle approaching the school bus

(a) from the rear, if the highway is physically divided by a median into 2 separate roadways, or

(b) from the front or the rear, if the highway is not divided as described in clause (a),

shall stop before he reaches the school bus.

(2) An operator who is required by subsection (1) to stop shall not pass the school bus until the driver of the school bus indicates by signal that he may proceed or the alternately flashing red lights stop flashing.

(3) The operator of a vehicle bearing the sign “school bus” shall not activate the alternately flashing red lights on the vehicle unless he is loading or unloading passengers

**18** Section 52 presently reads in part:

*(2) Except where a higher rate of speed is prescribed pursuant to section 12, no person shall drive in an urban area at a greater rate of speed than 50 kilometres per hour.*

*(6) Except where a higher rate of speed is authorized pursuant to section 12, no person shall drive on a road or highway that is subject to the direction, control and management of the Minister of Recreation and Parks at a greater speed than 80 kilometres per hour.*

**19** Section 53 presently reads:

*53(1) No person shall drive at a greater rate of speed than the maximum rate designated by signs erected along the highway pursuant to section 5 or 12.*

*(2) Where a speed limit is prescribed pursuant to section 5 or 12 the speed limit applies to all that part of the highway between the point where the first sign indicating the prescribed speed limit is posted and the point where a sign is posted indicating a greater or lesser speed or indicating that the prescribed speed limit has ceased to apply.*

**20** Section 87 presently reads:

*87(1) When a vehicle bearing the sign "school bus" has stopped on a highway outside an urban area to receive or discharge passengers or while the vehicle is displaying alternately flashing red lights, a driver approaching the school bus*

*(a) from the rear, if the highway is physically divided by a median into two separate roadways, or*

*(b) from either direction, if the highway is not so divided,*

*shall stop before reaching the school bus.*

*(2) A person who is required by subsection (1) to stop before reaching a school bus shall not proceed to pass the school bus*

*(a) until the school bus resumes motion, or*

*(b) until the driver of the school bus indicates by a signal that he may proceed, or*

*(c) where the school bus is displaying alternately flashing red lights, until the lights stop flashing.*

*(3) Notwithstanding subsection (1), where upon a highway within a city the maximum speed limit is higher than 50 kilometres per hour the council of the city may by by-law make the stopping and proceeding requirements of this section applicable to all vehicles travelling on that highway and in that case the council shall cause warning signs to be posted at all appropriate locations thereon.*

(a) on a highway, except a highway within the corporate limits of a city, on which the posted speed limit exceeds 50 kilometres per hour, or

(b) on a highway within the corporate limits of a city in respect of which a by-law has been passed under subsection (4).

(4) The council of a city may, with respect to a highway within the corporate limits of the city on which the posted speed limit exceeds 50 kilometres per hour, pass a by-law requiring the operator of a vehicle bearing the sign "school bus" to activate the alternately flashing red lights on the vehicle when he is loading or unloading passengers on the highway.

(5) If the council of a city passes a by-law under subsection (4) it shall cause signs indicating the requirement to be posted at appropriate locations on the highway.

*21 Section 89(5) is amended by striking out "together with a sign or symbol indicating that it is an advanced light or a delayed light".*

*22 Section 93(1) is amended*

*(a) by repealing clauses (c), (d) and (e) and substituting the following:*

(c) no vehicle shall be in motion on a highway unless the tail lamps, side marker lamps, identification lamps and clearance lamps with which it is required to be equipped are alight;

(d) no vehicle shall be stationary on a highway outside the corporate limits of a city, town or village unless

(i) the tail lamps with which it is required to be equipped are alight,



**21** Section 89(5) presently reads:

*(5) Where rapid intermittent flashes of green light are shown at an intersection by a traffic control signal together with a sign or symbol indicating that it is an advanced light or delayed light, the driver of a vehicle facing the flashes of green light*

*(a) has the right of way over any vehicles facing him across the intersection and may enter the intersection and turn left, or*

*(b) may proceed straight through the intersection or turn right,*

*while the light is flashing, but he shall yield the right of way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection at the time the flashing green light is shown.*

**22** Consequential to new equipment requirements of this Bill.

(ii) it is equipped with the reflectors with which it is required to be equipped or that are of a type approved by the regulations and that reflect the lights of a motor vehicle approaching the stationary vehicle from the rear, or

(iii) the vehicle hazard warning lamps with which it is required to be equipped are alight;

(e) no vehicle shall be in motion on a highway unless,

(i) in the case of a self-propelled vehicle that is less than 0.8 metres in overall width, it is equipped with one headlamp that complies with the requirements of section 22 and that is alight,

(ii) in the case of a self-propelled vehicle that is 0.8 metres or more in overall width, it is equipped with 2 headlamps that comply with the requirements of section 22 and that are alight, and

(iii) in the case of a vehicle that is 2.05 metres or more in overall width, it is equipped with clearance lamps on the rear of the vehicle that comply with the requirements of section 30.5 and that are alight;

(b) in clause (f)

(i) by striking out “trailer” and substituting “vehicle”,

(ii) in paragraph (i) by adding “required by this Act or” before “approved”,

(iii) in paragraph (ii) by adding “required by this Act or” before “prescribed”,

(c) by repealing clauses (g) and (h).

23 The following is added after section 101.2:

**101.3(1)** A peace officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached to it, to examination and tests

(a) to ensure that the motor vehicle, its equipment and trailer, if any, is fit and safe for operation, or

(b) in the case of an accident, to determine whether or not the condition of the motor vehicle, its equipment or trailer, if any, contributed in any way to the accident.

**23** This section is presently in The Motor Vehicle Administration Act. It is more appropriate to have it in this Act. Section 94 of The Motor Vehicle Administration Act reads as follows:

*94(1) A peace officer may require the owner or operator of a motor vehicle to submit the motor vehicle, together with its equipment and the trailer, if any, attached thereto, to examination and tests*

*(a) to ensure that the motor vehicle, its equipment and trailer, if any, is fit and safe for transportation, or*

*(b) in the case of an accident, to determine whether or not the condition of the motor vehicle, its equipment or trailer, if any, contributed in any way to the accident.*

(2) If the motor vehicle, equipment or trailer is found to be unfit or unsafe for operation or dangerous to passengers or the public, the peace officer requiring the examination or test may do either or both of the following:

(a) require the operator of the motor vehicle to have the motor vehicle, equipment or trailer rendered fit and safe for operation;

(b) order that the motor vehicle or trailer be removed from the highway until the motor vehicle, equipment or trailer has been rendered fit and safe for operation.

(3) If a peace officer believes, on reasonable and probable grounds, that a motor vehicle, equipment or trailer is unfit or unsafe for operation or is dangerous to passengers or the public he may, without requiring any examination or test, exercise the powers conferred on him under subsection (2).

(4) An operator

(a) who fails to comply with a requirement of subsection (1) or (2),

(b) who, in contravention of a requirement or order under subsection (2) or (3), operates a motor vehicle, equipment or trailer on a highway before it has been rendered fit and safe for operation, or

(c) who fails to comply with the direction of a peace officer given pursuant to subsection (6),

is guilty of an offence.

(5) If a motor vehicle or trailer is ordered removed from the highway under subsection (2) or (3), a peace officer may seize the licence plates of the motor vehicle or trailer and hold the plates until the motor vehicle, equipment or trailer has been rendered fit and safe for operation.

(6) For the purpose of examination of the motor vehicle, equipment or trailer as provided by this section the operator of a vehicle shall on the direction of a peace officer drive the vehicle to and park it at any place designated by the peace officer.

*24 Section 114 is repealed and the following is substituted:*

**114** No person shall operate a vehicle on a highway in a residential area between the hours of 10 p.m. and 7 a.m. in a manner that unduly disturbs the residents of the residential area.

*(2) If the vehicle, equipment or trailer is found to be unfit or unsafe for transportation or dangerous to passengers or the public, the peace officer making the examination or test may*

*(a) require the operator of the vehicle to have the vehicle, equipment or trailer rendered fit and safe for transportation, and*

*(b) order that the vehicle or trailer be removed from the highway until the vehicle, equipment or trailer has been rendered fit and safe for transportation.*

*(3) An operator*

*(a) who fails to comply with a requirement of subsection (1) or (2), or*

*(b) who in contravention of an order under subsection (2) operates a vehicle, equipment or trailer on a highway before it has been rendered fit and safe for transportation, or*

*(c) who fails to comply with the direction of a peace officer given pursuant to subsection (5),*

*is guilty of an offence.*

*(4) Where a motor vehicle or trailer is ordered removed from the highway under subsection (2), a peace officer may seize the licence plates of the motor vehicle or trailer and hold the plates until the motor vehicle, equipment or trailer has been rendered fit and safe for transportation.*

*(5) For the purposes of examination of the vehicle, equipment or trailer as provided by this section the operator of a vehicle shall on the direction of a peace officer drive the vehicle to and park it at any place designated by the peace officer.*

**24** Section 114 presently reads:

*114 No person shall operate a vehicle on a residential street within an urban area between the hours of 10:00 o'clock in the evening and 7:00 o'clock of the next morning so as to unduly disturb residents of any such street or any part thereof.*

25 *Section 121(2)(c) is repealed.*

26 *Section 126 is amended*

- (a) in subsection (1) by striking out “, scooter”,*
- (b) in subsection (2) by striking out “scooter, a”,*
- (c) in subsection (4) by striking out “scooter, a”,*
- (d) by repealing subsection (5), and*
- (e) in subsection (6) by striking out “, scooters”.*

27 *The following is added after section 152:*

**152.1** For the purposes of this Act, a traffic sign or device marked or erected pursuant to regulations under the *Government Property Traffic Act* (Canada) or the *National Parks Act* (Canada) is deemed to be a traffic control device as defined in this Act and to have been erected under the authority of this Act.

**25** Consequential to the amendment in section 2(f) of this Bill. Section 121 presently reads in part:

*(2) In this Part,*

*(c) "power bicycle" means a vehicle that*

*(i) may be propelled by muscular or mechanical power,*

*(ii) is fitted with pedals that are continually operable to propel it,*

*(iii) weighs not more than 75 pounds,*

*(iv) has a motor that produces not more than one horsepower and that is driven by electricity or has an engine displacement of not more than 50 cubic centimetres,*

*(v) has no hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel, and*

*(vi) does not have sufficient power to enable it to attain a speed greater than 35 kilometres per hour on level ground within a distance of two kilometres from a standing start.*

**26** Section 126 presently reads:

*126(1) No person shall operate a motor cycle, scooter or power bicycle unless he is wearing a safety helmet securely attached on his head.*

*(2) No person shall ride as a passenger on a motor cycle, scooter, a moped or power bicycle unless he is wearing a safety helmet securely attached on his head.*

*(3) Subsections (1) and (2) do not apply to the operator or passengers of a motor cycle which is manufactured with a cab that encloses and protects the operator and passengers.*

*(4) No person shall operate a motor cycle, scooter, a moped or power bicycle on which a passenger is riding unless the passenger is wearing a safety helmet securely attached to his head.*

*(5) Subsections (2) and (4) do not apply to a person who is riding as a passenger in a side car.*

*(6) No person shall buy, sell or offer for sale any safety helmet intended for the use of operators or passengers of motor cycles, scooters or power bicycles unless it conforms to the specifications prescribed by the regulations.*

**27** Consequential to section 19 of this Bill.

*28 The Motor Vehicle Administration Act is amended by repealing section 94.*

*29 The Summary Convictions Act, 1978 is amended by repealing section 48(6).*

*30(1) Subject to subsection (2) this Act comes into force on the day upon which it is assented to.*

*(2) Section 47.3 of The Highway Traffic Act, 1975 as enacted by section 17 of this Act comes into force on a date to be fixed by Proclamation.*



**28** Consequential to section 23 of this Bill.

**29** Consequential to section 19 of this Bill.