

1992 BILL 53

Fourth Session, 22nd Legislature, 41 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 53

HIGHWAY TRAFFIC ACT

MR. EVANS

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 53
Mr. Evans

BILL 53

1992

HIGHWAY TRAFFIC ACT

(Assented to , 1992)

Table of Contents

Interpretation	1
Part 1	
General	
Division 1	
Administration	
Staff	2
Delegation of power	3
Control of traffic in provincial park	4
Agreements	5
Regulations	6
Division 2	
Speed Limits and Traffic Control Devices	
Speed limits set by the Province	7
Speed limits set by an urban area	8
Speed limits set by municipal district or county	9
Speed limits set by a road authority	10
Lower speed limits	11
Setting speed limits for school and playground zones	12
Construction and maintenance	13
Speed limits of classes of vehicles	14
Speed limit signs	15
Speed limits set by regulation or by-law	16
Traffic control devices	17

**Division 3
Municipalities**

Powers of municipality	18
Private property	19
Restriction of powers	20
Parking authority	21

**Part 2
Vehicle and Equipment Standards**

Standards for vehicles on highways	22
Compliance with standards before sale or rental	23
Written-off vehicles	24
Standards for equipment	25
Maintenance of vehicles	26
Inspection of vehicles	27
Review by Court	28

**Part 3
Seat Belt Use**

Definitions	29
Requirement to wear seat belt	30
Children's seat belts	31
Removal of seat belts	32

**Part 4
Emergency and Maintenance Vehicles**

Use of siren	33
Operating and parking emergency vehicle	34
Police vehicles operating without siren	35
Yielding to vehicle with siren	36
Maintenance, etc. vehicles on highway	37
Maintenance, etc. vehicles parking	38
Negligence	39

**Part 5
Operation of Vehicles**

**Division 1
General**

Observance of rules of the road	40
Must obey traffic control device	41
Must obey directions of peace officer	42
Malfunctioning traffic control device	43
Directions given by sign or flagmen	44
Direction of traffic contrary to rules	45

Division 2	
Speed	
Speed appropriate to circumstances	46
Standard maximum speed	47
Posted speed limits	48
School and playground zones	49
Slow moving vehicles	50
Driving near centre line	51
Travelling at too slow speed	52
Division 3	
Driving on Roadway	
Driving on right side of roadway	53
Vehicular crossings	54
Narrow roadway	55
Rules for traffic lanes	56
Three-lane highways	57
One-way highways	58
Driving on shoulder	59
Division 4	
Overtaking and Passing	
Following other vehicles	60
Passing on hills, etc.	61
Passing when meeting oncoming vehicle	62
Overtaking and passing	63
Overtaking and passing on the right	64
Restrictions on overtaking and passing	65
Division 5	
Turns	
Signalling for turns	66
Right turns	67
Left turns	68
Directional arrows	69
Division 6	
U-Turns	
Interpretation	70
Must be done in safety	71
Restrictions on making U-turn	72
U-turns by school bus	73

Division 7
Backing Up

Must be done in safety, etc.	74
Prohibition	75

Division 8
Yielding and Stopping

Right of way at intersections	76
“T” intersection	77
Parking lots	78
Signalling stops	79
Stopping before entering highway	80
Stop signs	81
Proceeding after stopping	82
Yield signs	83
Traffic circles	84
Yielding to pedestrians	85
Railway crossing	86

Division 9
Parking and Stationary Vehicles

Parking outside of an urban area	87
Parking restrictions	88
Parallel parking	89
Angle parking	90
Parking on hills	91
Vehicle on jack	92
Stationary vehicles less than 4500 kilograms	93
Stationary vehicles 4500 kilograms or over, etc.	94

Division 10
Merging

Entering onto highway	95
Allow merging	96

Division 11
Traffic Lights

Green traffic lights	97
Yellow traffic lights	98
Red traffic lights	99

Division 12
Use of Lamps

Use of lamps, etc.	100
Use of high beam	101

Division 13
Improper Operation of Vehicles

Careless driving	102
Interference with driver	103
Racing	104
Stunts	105
Noise	106
Horn	107
Passengers in house trailers	108
Riding or being towed on outside of vehicle	109
Opening vehicle doors	110
Disturbance of residential area	111

Division 14
School Buses

Definition	112
Alternately flashing amber lights	113
Alternately flashing red lights	114
Activating flashing lights, etc.	115
Speed	116
Backing up on school ground, etc.	117

Division 15
Cycles

Rights and duties of operator	118
Restrictions re mopeds, etc.	119
Operation of cycle	120
Travel single file	121
Cycles used in exhibitions, etc.	122
Safety helmets	123

Division 16
Off-highway Vehicles

Operation	124
Duty of driver	125
Careless driving	126
Restriction on municipality	127

Division 17
Miscellaneous

Processions and parades	128
Air cushion vehicles	129
Tampering prohibited	130
Removal of damaged vehicle	131
Abandoning of vehicle	132
Advertising on highways	133

Unauthorized traffic signs	134
Damage to traffic control devices	135
Report re damage to traffic control devices, etc.	136

Part 6 Pedestrians

Pedestrians on roadway	137
Pedestrians crossing roadway	138
Yielding by pedestrians	139
Pedestrians' right of way	140
Pedestrians at green light	141
Pedestrians at yellow light	142
Pedestrians at red light	143
Walk and wait lights	144
Crossing at traffic lights	145
Malfunctioning traffic lights	146
Peace officer directing traffic	147
Parades and processions	148
Giving information to peace officer	149
Pedestrian crossings	150
Actions contrary to the rules	151

Part 7 Animals on Highway

Duty of person riding or driving animals	152
Riding animal on highway	153

Part 8 Enforcement, Prosecutions, Civil Rights and Remedies

Division 1 Peace Officers

Stopping for peace officer	154
Determination for consumption of alcohol, etc.	155
Arrest without warrant	156
Seizure of vehicle	157
Removal of vehicle	158
Abandoned vehicle	159
Costs of removal, etc.	160
Repair of damaged vehicle	161
Assistance to peace officer	162

Division 2 Prosecutions

Offence	163
Punishment	164
Owner liable	165
Dismissal of charge	166

Disposition of fines and penalties	167
Tester's certificate as evidence	168
Traffic sign or device under another Act	169
Proof of existence of traffic control device	170
Engineer's certificate as proof	171

Division 3
Civil Rights and Remedies

Action for negligence not affected	172
Onus where Act contravened	173
Onus on owner or driver	174
When driver deemed agent of owner	175

Part 9
Transitional, Consequential,
Repeal and Commencement

Transitional	176
RSA 1980 cM-22	177
RSA 1980 cO-4	178
RSA 1980 cP-28	179
Repeal	180
Coming into force	181

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

Interpretation **1(1)** In this Act,

- (a) "Administrator" means
 - (i) the Assistant Deputy Minister of the Motor Transport Services Division of the Department of Transportation and Utilities, or
 - (ii) such other person as designated by the Minister;
- (b) "air cushion vehicle" means a vehicle designed to derive support in the atmosphere primarily from reactions against the earth's surface resulting from the expulsion of air from the vehicle;
- (c) "all terrain vehicle" means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces, open country or marshland, but

does not include a snow vehicle, implement of husbandry or construction machinery;

- (d) “alley” means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
- (e) “antique motor vehicle” means a motor vehicle that
 - (i) is not used for general transportation,
 - (ii) is not less than 25 years old,
 - (iii) is maintained as a collector’s item, and
 - (iv) is used solely in exhibitions, club activities, parades or similar activities;
- (f) “approved warning device” means advance warning triangles, flares or reflectors that meet the requirements of the regulations;
- (g) “bicycle” includes any cycle propelled by human power on which a person may ride regardless of the number of wheels that the cycle may have;
- (h) “boulevard” means, in an urban area, that part of a highway that
 - (i) is not roadway, and
 - (ii) is that part of the sidewalk that is not especially adapted to the use of or ordinarily used by pedestrians;
- (i) “centre line” means
 - (i) the centre of a roadway measured from the curbs or, in the absence of curbs, from the edges of the roadway,
 - (ii) in the case of a highway
 - (A) that is an offset centre highway as designated by a traffic control device, or
 - (B) that is a highway having a certain number of traffic lanes for traffic moving in a certain direction at

all times or at specified times as designated by a traffic control device,

the line dividing the lanes for traffic moving in opposite directions, or

- (iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;
- (j) “certificate of registration” means a certificate of registration that is issued under the *Motor Vehicle Administration Act* and includes a document that is recognized under that Act as a certificate of registration;
- (k) “commercial vehicle” means a vehicle defined as a commercial vehicle under the *Motor Transport Act*;
- (l) “conversion unit” means a mechanical device consisting of one or more axles designed to convert a semi-trailer to a full trailer;
- (m) “crosswalk” means
 - (i) that part of a roadway at an intersection included within the connection of the lateral line of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
 - (ii) any part of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or by other markings on the road surface;
- (n) “cycle” means a bicycle, power bicycle, motor cycle or moped;
- (o) “daytime” means the period commencing one hour before sunrise and ending one hour after the following sunset;
- (p) “dealer” means any person who buys or sells motor vehicles as a business, either as principal or agent;

- (q) “driver” means a person who is driving or is in actual physical control of a vehicle;
- (r) “emergency vehicle” means
 - (i) a vehicle operated by a police service,
 - (ii) a fire fighting or other type of vehicle operated by the fire protection service of a municipality,
 - (iii) an ambulance operated by a person or organization providing ambulance services;
 - (iv) a vehicle operated as a gas disconnection unit of a public utility, or
 - (v) a vehicle designated by the regulations as an emergency response unit;
- (s) “full trailer” means
 - (i) a trailer that
 - (A) has all the weight of the trailer, including any load, resting only on the wheels of the trailer, and
 - (B) when connected to the towing vehicle or a preceding trailer, is connected by a method other than a 5th-wheel,
 - and
 - (ii) includes a semi-trailer equipped with a conversion unit;
- (t) “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of them, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes
 - (i) a sidewalk including a boulevard adjacent to the sidewalk,

- (ii) if a ditch lies adjacent to and parallel with the roadway, the ditch, and
- (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a highway;

- (u) “implement of husbandry” means
 - (i) a tractor designed and used for agricultural purposes, or
 - (ii) a vehicle designed and adapted exclusively for agricultural, horticultural, aquaculture or livestock raising operations;
- (v) “intersection” means the area embraced within the prolongation or connection of
 - (i) the lateral curb lines, or
 - (ii) if there are not any lateral curb lines, the exterior edges of the roadways,

of 2 or more highways which join one another at an angle whether or not one highway crosses the other;

- (w) “licence plate” means a licence plate that is issued under the *Motor Vehicle Administration Act* and includes an object that is recognized under that Act as a licence plate;
- (x) “median” means a physical barrier or area that separates lanes of traffic travelling on a highway;
- (y) “miniature motor vehicle” means a motor vehicle, other than a motor cycle, that meets the specifications prescribed by the regulations for a miniature motor vehicle;
- (z) “minibike” means a motor cycle that meets the specifications prescribed by the regulations for a minibike;

(aa) “Minister” means the Minister of Transportation and Utilities;

(bb) “moped” means a vehicle, regardless of the number of wheels it has, that

(i) may be propelled

(A) by muscular power,

(B) by mechanical power, or

(C) partly by muscular power and partly by mechanical power,

(ii) has a motor that is driven by electricity or has an engine with a displacement of not more than 50 cubic centimetres,

(iii) does not have a hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel,

(iv) does not have sufficient power to attain a speed greater than 50 kilometres per hour on level ground within a distance of 2 kilometres from a standing start, and

(v) weighs more than 35 kilograms but less than 55 kilograms,

but does not include a bicycle or power bicycle;

(cc) “motor cycle” means a motor vehicle, other than a moped, that is permitted to operate on a highway and that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters;

(dd) “motor vehicle” means

(i) a vehicle propelled by any power other than muscular power, or

(ii) a moped,

but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;

- (ee) “municipality” means a city, town, new town, village, summer village, county, municipal district or rural district and includes a Metis settlement;
- (ff) “night time” means the period commencing one hour after sunset and ending one hour before the following sunrise;
- (gg) “off-highway vehicle” means any motor vehicle built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,
 - (i) 4-wheel drive vehicles,
 - (ii) low pressure tire vehicles,
 - (iii) motor cycles and related 2-wheel vehicles,
 - (iv) amphibious machines,
 - (v) all terrain vehicles,
 - (vi) miniature motor vehicles,
 - (vii) snow vehicles,
 - (viii) minibikes, and
 - (ix) any other means of transportation that is propelled by any power other than muscular power or wind,but does not include
 - (x) motor boats, or
 - (xi) any other vehicle exempted from being an off-highway vehicle by the regulations;
- (hh) “one-way highway” means a highway on which traffic is permitted to travel only in one direction but does not include a highway that is divided by a median into 2 separate roadways with the traffic on one roadway travelling in one direction and the traffic on the other roadway travelling in the opposite direction;

- (ii) “operator’s licence” means an operator’s licence that is issued under the *Motor Vehicle Administration Act* and includes a document that is recognized under that Act as an operator’s licence;
- (jj) “over-dimensional vehicle” means a vehicle, including any load that is carried on the vehicle, that exceeds the dimensions prescribed by regulation;
- (kk) “owner” means the person who owns a vehicle and includes any person renting a vehicle or having the exclusive use of a vehicle under a lease that has a term of more than 30 days or otherwise having the exclusive use of a vehicle for a period of more than 30 days;
- (ll) “parking lane” means that portion of a primary highway between
 - (i) the edge of the roadway to the right of the direction of traffic, and
 - (ii) the nearest solid white line, not being the centre line, marked on the roadway;
- (mm) “peace officer” means
 - (i) a member of the Royal Canadian Mounted Police,
 - (ii) a member of a municipal police service,
 - (iii) a special constable if under that person’s appointment as a special constable that person is empowered to carry out the duties of a peace officer under or enforce the provisions of this Act,
 - (iv) a park warden appointed pursuant to the *National Parks Act* (Canada), while that person is carrying out duties under this Act in a national park established under the *National Parks Act*,
 - (v) a park ranger appointed pursuant to the *Provincial Parks Act*, and
 - (vi) a forest officer appointed under the *Forests Act* while carrying out duties under this Act for the purposes of enforcing this Act with

respect to off-highway vehicles and their operation;

- (nn) “pedestrian” means a person afoot or a person in a wheelchair;
- (oo) “pedestrian traffic control signal” means a traffic control signal by which pedestrians are specifically directed to proceed or not to proceed;
- (pp) “pole trailer” means a vehicle that
 - (i) is drawn by a towing vehicle to which it is attached by a “reach” or “pole” or by being “boomed” or by some similar method, and
 - (ii) is used for transporting a long or irregularly shaped load capable of sustaining itself as a beam between the supporting connections;
- (qq) “power bicycle” means a vehicle that
 - (i) may be propelled
 - (A) by muscular power,
 - (B) by mechanical power, or
 - (C) partly by muscular power and partly by mechanical power,
 - (ii) is fitted with pedals that are continually operable to propel it,
 - (iii) has a motor that produces not more than 750 watts and that is driven by electricity or has an engine with a displacement of not more than 50 cubic centimetres,
 - (iv) does not have a hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel,
 - (v) 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, and

- (vi) weighs not more than 35 kilograms;
- (rr) “primary highway” means a highway designated as a primary highway pursuant to the *Public Highways Development Act*;
- (ss) “road authority” means,
 - (i) in the case of a highway that is under the direction, control and management of the Minister, the Minister;
 - (ii) in the case of a highway that is under the direction, control and management of a municipality, the council of the municipality;
 - (iii) in the case of
 - (A) a highway that is located in an improvement district,
 - (B) a forestry road, or
 - (C) a highway within a city,and the title to which is vested in the Crown in right of Alberta pursuant to section 22 of the *Public Highways Development Act*, the Minister;
 - (iv) in the case of a highway that is located in a special area and that is under the direction, control and management of the Minister of Municipal Affairs, the Minister of Municipal Affairs;
 - (v) in the case of a highway that is located in a provincial park or recreation area and that is under the direction, control and management of the Minister of Tourism, Parks and Recreation, the Minister of Tourism, Parks and Recreation;
 - (vi) in the case of a licence of occupation road, the Minister of Forestry, Lands and Wildlife;
 - (vii) in the case of a highway that is located on an Indian reserve, if the title to the

highway is vested in the Crown in right of Alberta and the highway is not the subject of an agreement under the *Public Highways Development Act*, the Minister;

- (tt) “roadway” means that part of a highway intended for use by vehicular traffic;
- (uu) “school bus” means a motor vehicle used primarily for transporting persons to and from a school;
- (vv) “seat belt assembly” means a device or assembly that
 - (i) is securely fastened to a motor vehicle,
 - (ii) is composed of straps, webbing or similar material and includes a pelvic restraint or an upper torso restraint, or both,
 - (iii) is capable of restraining the movement of a person in order to prevent or mitigate injury to the person, and
 - (iv) meets the standards prescribed under the *Motor Vehicle Safety Act* (Canada);
- (ww) “semi-trailer” means a trailer that
 - (i) has axles that are located only at or near the rear end of the trailer,
 - (ii) while being towed, must be supported at its front end by the towing vehicle or an immediately preceding trailer, and
 - (iii) when connected to the towing vehicle or preceding trailer, is connected by means of a king pin and a 5th-wheel;
- (xx) “service brake” means the primary mechanism designed to stop a vehicle;
- (yy) “service road” means a road that runs parallel to a main road and is separated from the main road by a boulevard or curb;
- (zz) “shoulder” means that portion of a highway that is located between,

- (i) in the case of a highway with one traffic lane for traffic proceeding in one direction, the right edge of the traffic lane and the curb or, if there is not a curb, the ditch, or
 - (ii) in the case of a highway with more than one traffic lane for traffic proceeding in one direction, the right edge of the traffic lane located furthest to the right side of the roadway and the curb or, if there is not a curb, the ditch;
- (aaa) “sidewalk” means that part of a highway especially adapted to the use of or ordinarily used by pedestrians, and includes that part of a highway between
 - (i) the curb line, or
 - (ii) the edge of the roadway, where there is no curb line

and the adjacent property line, whether or not it is paved or improved;
- (bbb) “snow vehicle” means a motor vehicle designed or intended to be driven exclusively or chiefly on snow or ice, or both;
- (ccc) “traffic control device” means any sign, signal, marking or device placed, marked or erected under the authority of this Act for the purpose of regulating, warning or guiding traffic;
- (ddd) “traffic control signal” means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;
- (eee) “traffic lane” means
 - (i) outside an urban area, a longitudinal division of a roadway into a strip of sufficient width to accommodate the passage of a single line of vehicles but does not include a parking lane or a shoulder, and
 - (ii) inside an urban area, a longitudinal division of a roadway into a strip of sufficient width

to accommodate the passage of a single line of vehicles,

whether or not the division is indicated by lines on the road surface;

(fff) “trailer” means a vehicle so designed that it

- (i) may be attached to or drawn by a motor vehicle or tractor, and
- (ii) is intended to transport property or persons,

and includes

- (iii) a full trailer,
- (iv) a pole trailer,
- (v) a semi-trailer, or
- (vi) any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily,

but does not include machinery or equipment solely used in the construction or maintenance of highways;

(ggg) “urban area”

- (i) means a city, town, new town, village or summer village, and
- (ii) includes a hamlet with a population in excess of 10 000 persons;

(hhh) “vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles.

(2) Where under this Act or a regulation or a by-law made under this Act a driver of a vehicle is required to stop the vehicle, that vehicle has stopped only when there is a complete cessation of movement by the vehicle.

(3) Where under this Act or a regulation or a by-law made under this Act a vehicle is prohibited from stopping, that vehicle has stopped if there is a complete cessation of movement by the

vehicle even if momentarily, whether or not the vehicle is occupied.

(4) Notwithstanding subsection (3), where

- (a) under this Act or a regulation or a by-law made under this Act a vehicle is prohibited from stopping, but
- (b) there is a complete cessation of movement by the vehicle
 - (i) in order to avoid conflict with other traffic, or
 - (ii) in compliance with the directions of a peace officer,

the driver of that vehicle shall be deemed not to have contravened the prohibition from stopping.

(5) Where under this Act or a regulation or a by-law made under this Act a vehicle is prohibited from being parked, that vehicle is parked if the vehicle remains stationary in one place whether or not the vehicle is occupied.

(6) Notwithstanding subsection (5), where

- (a) under this Act or a regulation or a by-law made under this Act a vehicle is prohibited from being parked, but
- (b) the vehicle is stationary in one place
 - (i) while actually engaged in loading or unloading passengers, or
 - (ii) in compliance with a traffic control device or the directions of a peace officer,

the driver of that vehicle shall be deemed not to have contravened the prohibition from parking.

(7) Where

- (a) a highway is located both within an urban area and outside of an urban area, and
- (b) this Act or a regulation or a by-law made under this Act refers to the highway

- (i) as a highway in an urban area, that reference is a reference to that portion of the highway that is located in an urban area, or
- (ii) as a highway outside of an urban area, that reference is a reference to that portion of the highway that is located outside of an urban area.

(8) Any reference in this Act to a sign being erected means a sign erected under the authority of this Act or a regulation or a by-law made under this Act.

(9) Any reference in this Act to “driver’s vehicle” means the vehicle that a driver is driving whether or not that person is the owner of the vehicle.

PART 1

GENERAL

Division 1 Administration

Staff **2(1)** In accordance with the *Public Service Act* there may be appointed officers and any other employees that may be required for the administration of this Act.

(2) For the purposes of this Act the Minister may appoint or designate persons as engineers, district engineers and testers.

**Delegation of
power**

3(1) A person may in writing authorize

- (a) an employee of the Government, or
- (b) a peace officer,

to do any act or thing, other than make regulations, that the person is empowered to do or perform under this Act or the regulations.

(2) An authorization made under subsection (1) may be

- (a) general or applicable to a particular case, and
- (b) conditional or unconditional.

(3) Where an authorization

- (a) purports to be signed by the person giving the authorization, and
- (b) states that the person named in it is authorized to do the act or thing set forth in the written authorization,

that authorization or a copy of it shall be admitted in evidence as prima facie proof of that person's authorization to do the act or thing without proof of the signature or official character of the person appearing to have signed the authorization.

(4) Notwithstanding that a person has given an authorization under this section, that person may do that act or thing in respect of which the authorization was given.

Control of
traffic in
provincial park

4 With respect to a highway under the direction, control and management of the Minister of Tourism, Parks and Recreation, the Minister of Tourism, Parks and Recreation may make regulations

- (a) governing the movement of vehicular, pedestrian or other traffic on the highway by means of signs erected along the highway;
- (b) governing the opening or closing of highways.

Agreements

5 The Minister may on behalf of the Government of Alberta enter into agreements with a person, a municipality, the Government of Canada, the government of another province or the government of a jurisdiction outside of Canada with respect to the following matters:

- (a) equipment and safety standards to be complied with by vehicles registered in a jurisdiction outside of Alberta and operated in Alberta;
- (b) equipment and safety standards to be complied with by vehicles registered in Alberta and operated in a jurisdiction outside of Alberta;
- (c) the inspection of vehicles;
- (d) safety programs;
- (e) governing the operation of vehicles on highways.

6 The Minister may make regulations

- (a) establishing and governing standards and specifications in respect of vehicles and equipment, substances, safety equipment and safety apparel used in respect of vehicles;
- (b) governing the use of equipment, substances, safety equipment and safety apparel used in respect of vehicles;
- (c) governing the installation of equipment, substances and safety equipment on or in vehicles;
- (d) governing the modification of vehicles;
- (e) governing the use, repair, refurbishing and disposal of damaged or dilapidated vehicles or vehicles that have been written off;
- (f) governing the inspection and testing of vehicles and of equipment, substances, safety equipment and safety apparel used in respect of vehicles;
- (g) subject to this Act, governing the use, operation and towing of vehicles;
- (h) governing the loading of vehicles and carrying of loads, items, substances and things on or in vehicles;
- (i) designating vehicles as emergency response units;
- (j) subject to this Act, governing the use of emergency vehicles;
- (k) governing the information that must be provided with respect to the condition or state of a vehicle or any equipment, substances, safety equipment or safety apparel used in respect of a vehicle;
- (l) subject to this Act, governing the use of highways;
- (m) governing the establishment and operation of school and playground zones;
- (n) governing traffic control devices;
- (o) governing speed limits as they apply to certain vehicles;

- (p) providing that regulations made under this section apply to all or a class or type of vehicle or of equipment, substances, safety equipment or safety apparel used in respect of vehicles;
- (q) adopting in whole or in part any code governing any matter for which regulations may be made under this section;
- (r) modifying any code adopted under clause (q) to the extent that regulations may be made under this section;
- (s) governing the forms that may be used under this Act;
- (t) governing when returns are to be made and the persons to whom the returns are to be made;
- (u) with respect to campsites operated by the Minister, governing
 - (i) the conduct of the persons using the campsites, and
 - (ii) the terms and conditions under which the campsites may be used;
- (v) declaring a highway, any portion of a highway or a place not to be a highway;
- (w) exempting a vehicle or a class of vehicles from being an off-highway vehicle for the purposes of this Act;
- (x) governing the loading, unloading and the carrying of persons and equipment, cargo or other things on or in a school bus;
- (y) governing fees that may be charged for services provided in respect of this Act;
- (z) subject to this Act, governing the closing of highways;
- (aa) with respect to vehicles that are not commercial vehicles, governing the weights that may be borne by the vehicle, an axle or axle group of the vehicle or the tires of the vehicle;

- (bb) with respect to over-dimensional vehicles that are not commercial vehicles, governing the operation of those vehicles;
- (cc) with respect to vehicles that are not commercial vehicles, governing
 - (i) the issuance of permits permitting the operation of those vehicles in a manner other than that prescribed or permitted by this Act, the *Motor Vehicle Administration Act* or the regulations made under this Act or the *Motor Vehicle Administration Act*, and
 - (ii) the operation of those vehicles while they are being operated pursuant to a permit.

Division 2

Speed Limits and Traffic Control Devices

Speed limits
set by the
Province

7 The Minister may, with respect to all or any portion of a primary highway,

- (a) prescribe a maximum speed limit that is higher or lower than the maximum speed limit prescribed by section 47;
- (b) prescribe a minimum speed limit;
- (c) prescribe that a speed limit set under this section be applicable to
 - (i) daytime;
 - (ii) night time;
 - (iii) different periods of the year;
 - (iv) different traffic lanes for the same highway.

Speed limits
set by an
urban area

8 The council of an urban area may, with respect to all or any portion of a highway under its direction, control and management,

- (a) prescribe a maximum speed limit that is in excess of 50 kilometres per hour;

- (b) prescribe a maximum speed limit that is less than 50 kilometres per hour;
- (c) prescribe a minimum speed limit;
- (d) prescribe that a speed limit set under this section be applicable to
 - (i) daytime;
 - (ii) night time;
 - (iii) different periods of the year;
 - (iv) different traffic lanes for the same highway.

Speed limits
set by
municipal
district or
county

9 The council of a municipal district, a county, a rural district or Metis settlement may, with respect to all or any portion of a highway under its direction, control and management,

- (a) prescribe a maximum speed limit that is in excess of 80 kilometres per hour;
- (b) prescribe a maximum speed limit that is less than 80 kilometres per hour;
- (c) prescribe a minimum speed limit;
- (d) prescribe that a speed limit set under this section be applicable to
 - (i) daytime;
 - (ii) night time;
 - (iii) different periods of the year;
 - (iv) different traffic lanes for the same highway.

Speed limits
set by a road
authority

10 A road authority with respect to a road or highway referred to in section 47(4) that is not a primary highway may

- (a) prescribe a maximum speed limit that is not in excess of 100 kilometres per hour;
- (b) prescribe a minimum speed limit;

(c) prescribe that a speed limit set under this section be applicable to

- (i) daytime;
- (ii) night time;
- (iii) different periods of the year;
- (iv) different traffic lanes for the same highway.

Lower speed limits

11 Where a speed limit is prescribed under this Division or section 47, a road authority, in respect of a highway over which it may prescribe speed limits, may for all or any portion of that highway prescribe a lower maximum speed limit by erecting signs along the highway setting forth the lower speed limit.

Setting speed limits for school and playground zones

12(1) Notwithstanding this Division or section 49, a road authority may, with respect to school zones or playground zones located on a highway over which it may prescribe speed limits, prescribe for those school zones or playground zones a maximum speed limit that is lower than that prescribed under section 49.

(2) Notwithstanding subsection (1), a speed limit prescribed under this section shall not be lower than 20 kilometres per hour.

Construction and maintenance

13 Where a highway

- (a) is under construction or repair, or
- (b) is in a state of disrepair,

a maximum speed limit may, with respect to that portion of the highway that is under construction or repair or in disrepair, be prescribed by

- (c) an engineer under the administration of or providing services on behalf of the Minister if
 - (i) the highway is one in respect of which the Minister may set speed limits, or
 - (ii) the highway is being constructed or repaired by or on behalf of the Government,

or

- (d) a person authorized by a road authority if, subject to clause (c)(ii), the highway is one in respect of which the road authority may prescribe speed limits,

by erecting signs along the highway setting forth the maximum speed limit.

Speed limits of
classes of
vehicles

14 Where a road authority or other person is empowered to prescribe a speed limit, the road authority or other person prescribing the speed limit may make that speed limit applicable to all vehicles or to only a certain class or classes of vehicles.

Speed limit
signs

15 Where a speed limit is prescribed under this Division,

- (a) the road authority, in respect of a highway over which it may set or prescribe speed limits, or
- (b) the person setting a speed limit under section 13,

shall erect signs along the highway setting forth whichever of the following is applicable to the speed limit being prescribed:

- (c) the maximum speed limit;
- (d) the minimum speed limit;
- (e) that the speed limit is only applicable to daytime or night time, as the case may be;
- (f) the class or classes of vehicles to which the speed limit is applicable if the speed limit is applicable to only a certain class or classes of vehicles.

Speed limits
set by
regulation or
by-law

16 Except where a speed limit may be prescribed by the erecting of signs along a highway,

- (a) the Minister of the Crown who is empowered to prescribe a speed limit may prescribe that speed limit by regulation, and
- (b) a council of a municipality that is empowered to prescribe a speed limit may prescribe that speed limit by by-law.

Traffic control
devices

17 A road authority may in respect of a highway over which it has the direction, control and management place, erect or otherwise display traffic control devices at any location on or adjacent to the highway for the purposes of controlling and regulating traffic that is

- (a) on or entering that highway, or
- (b) crossing a railway track at railway crossings located on that highway.

Division 3 Municipalities

Powers of
municipality

18 Subject to this Act and the *Transportation of Dangerous Goods Control Act*, the council of a municipality may, with respect to a highway under its direction, control and management make by-laws that are not inconsistent with this Act, doing the following:

- (a) governing the use of highways;
- (b) governing speed limits;
- (c) governing the parking of vehicles;
- (d) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a handicap placard or licence plate that is issued or recognized by the Solicitor General;
- (e) governing the access to highways from private land;
- (f) governing fees charged with respect to the parking of vehicles;
- (g) with respect to noise produced in connection with a vehicle,
 - (i) defining what constitutes an objectionable noise,
 - (ii) establishing a method of determining or measuring noise, and
 - (iii) prohibiting the use or operation of a vehicle where the noise produced in

connection with that vehicle is
objectionable noise;

- (h) governing the turning of vehicles at intersections;
- (i) governing the encumbering of highways;
- (j) governing the impounding and removal of vehicles
 - (i) in respect of which parking fees are payable,
 - (ii) that are parked in an area where parking is prohibited, or
 - (iii) that are parked in contravention of a by-law or this Act;
- (k) governing the use of bicycles;
- (l) governing the licensing of bicycles;
- (m) governing the impounding of bicycles;
- (n) governing parades and processions;
- (o) subject to the *Municipal Government Act*, governing the closing or restricting the use of a highway;
- (p) restricting the use of specific traffic lanes to vehicles carrying a prescribed number of passengers;
- (q) restricting the use of specific traffic lanes to specific vehicles or class of vehicles;
- (r) governing the placing of tags, tickets or other documents on vehicles;
- (s) governing the marking of tires on vehicles for the purpose of enforcing parking by-laws;
- (t) governing the employing of or engaging the services of persons to enforce by-laws made with respect to the parking of vehicles;
- (u) designating routes for vehicles or classes of vehicles.

Private
property

19 Subject to this Act and the *Provincial Offences Procedure Act*, the council of a municipality may, with respect to privately owned property that is located within the municipality and to which vehicles generally have access, make by-laws doing the following:

- (a) governing the parking on the property without the permission or authorization of the owner of the property or a person having possession or control of the property;
- (b) governing the parking of vehicles in trailer parks;
- (c) governing the establishment and use of parking places that are for the exclusive use of persons with disabilities who display on their vehicles a handicap placard or licence plate that is issued or recognized by the Solicitor General;
- (d) governing the issuing of tags or tickets or other documents in respect of vehicles parked in contravention of a by-law made under this section;
- (e) governing the placing of tags, tickets or other documents on vehicles;
- (f) governing the removal and impounding of vehicles parked in contravention of a by-law made under this section;
- (g) providing for the laying of an information and complaint against the owner of a vehicle parked or a person who parked a vehicle in contravention of a by-law made under this section;
- (h) prescribing speed limits in respect of lanes or other thoroughfares used by vehicles.

Restriction of
powers

20 Unless specifically permitted by statute, a council of a municipality does not have any power to make a by-law

- (a) imposing any tax, fee, licence or permit respecting the use of highways;
- (b) excluding persons generally from the use of highways;
- (c) prohibiting the use of highways except as otherwise permitted under this Act.

Parking
authority

21 The council of an urban area may by by-law establish a commission to be known as a parking authority and give it power

- (a) to operate off-street parking areas, structures or facilities owned by the municipality or established on land to which the municipality has title, and
- (b) to enter into agreements with any person for the construction, operation or management of off-street parking areas, structures or facilities, whether or not the municipality owns the land or has an interest in it.

PART 2

VEHICLE AND EQUIPMENT STANDARDS

Standards for
vehicles on
highways

22 A person shall not

- (a) drive or operate or intend to drive or operate on a highway, or
- (b) permit or require another person to drive or operate on a highway,

a motor vehicle, a trailer, an implement of husbandry, an off-highway vehicle, a bicycle or any other vehicle unless that vehicle complies with the vehicle and equipment standards set out in the regulations for that vehicle.

Compliance
with standards
before sale or
rental

23(1) A person shall not sell or offer for sale in Alberta a new motor vehicle unless that motor vehicle meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act.

(2) A person shall not sell or offer for sale in Alberta a new trailer unless that trailer meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act.

(3) A person shall not sell or offer for sale in Alberta a new conversion unit unless the conversion unit meets the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act.

(4) A dealer shall not sell or offer for sale in Alberta a used motor vehicle while any of the equipment that was required in Canada in respect of that vehicle at the time of the vehicle's manufacture is disconnected or inoperative or is removed from the vehicle.

(5) A person who is in the business of selling trailers shall not sell or offer for sale in Alberta a used trailer unless that trailer meets the requirements of the regulations, if any, made under section 6.

(6) A dealer shall not enter into a contract to sell a used motor vehicle unless prior to the entering into the contract the dealer furnishes to the prospective purchaser of the vehicle a certificate of mechanical condition in the form and setting forth the information prescribed by the regulations.

(7) A person shall not rent to another person a motor vehicle, trailer or conversion unit that does not comply with this Act or the regulations.

(8) A dealer shall not sell a used motor vehicle unless

- (a) the vehicle has passed the inspections and tests required under this Act or the regulations within the period of time preceding the sale that is prescribed by the regulations, and
- (b) the dealer furnishes to the buyer a certificate, in the form prescribed by the regulations, certifying that the vehicle passed those inspections and tests.

(9) Subsection (8) does not apply if the dealer furnishes to the buyer a signed statement as prescribed by the regulations disclosing the information about the condition of the vehicle.

(10) This section does not apply to the sale of a used motor vehicle from

- (a) a dealer to another dealer, or
- (b) a dealer to a person who is engaged in the business of wrecking, dismantling or repairing motor vehicles.

Written off
vehicles

24 Where a person sells or offers for sale a motor vehicle, other than an off-highway vehicle, that the person knows or ought to know has at any time in the past been written off as a total loss for insurance purposes and then repaired, that person shall when selling the vehicle

- (a) advise the purchaser in writing of the fact that the vehicle was written off and then repaired, and
- (b) provide to the purchaser any documentation required to be provided under the regulations.

Standards for
equipment

25 A person shall not, in respect of vehicles that may be on a highway, sell or offer for sale for use in or on those vehicles any equipment that does not comply with the standards or specifications set out in the regulations for that equipment.

Maintenance
of vehicles

26(1) Subject to subsection (2), the owner of a vehicle shall maintain the vehicle and its equipment

- (a) in good working order, and
- (b) in a condition that meets the requirements of this Act and the regulations.

(2) Subsection (1) does not apply to a vehicle while that vehicle is being operated on private property that is not a highway.

Inspection of
vehicles

27(1) A peace officer may, for the purposes of

- (a) ensuring that a vehicle and its equipment
 - (i) is safe to operate, and
 - (ii) meets the vehicle and equipment standards and requirements of this Act and the regulations,

or

- (b) determining whether the condition of a vehicle or its equipment contributed in any manner to an accident,

do one or more of the following:

- (c) direct that the vehicle or its equipment, or both, be subjected to an inspection, examination or test by the peace officer;
- (d) direct that the vehicle or its equipment, or both, be subjected to an examination or test at a place and by a person specified by the peace officer;
- (e) direct that the vehicle and its equipment or any specific part of the vehicle or equipment be repaired;
- (f) direct that the vehicle or its equipment be removed off the highway or from operation and that it not be

returned to a highway or operation until the vehicle and its equipment has been, as the case may be,

- (i) rendered safe to operate,
 - (ii) repaired, serviced, altered or otherwise dealt with so that it meets the requirements of this Act and the regulations, or
 - (iii) repaired in accordance with the directions of the peace officer;
- (g) direct that the directions given under this section be completed within a time limit specified by the peace officer;
- (h) direct that after the directions given under this section have been complied with the vehicle and its equipment be reinspected by a peace officer at a time and place specified by the peace officer.

(2) A direction given under this section shall

- (a) be in writing, and
- (b) be served on the person to whom the direction is made.

(3) Notwithstanding subsection (2), a direction given under subsection (1)(c) may be given orally if a peace officer inspects or tests the vehicle and its equipment forthwith after the direction is given.

(4) If a driver or an owner of a vehicle is given a direction under subsection (1)(f), a peace officer may seize the licence plates and certificate of registration issued in respect of that vehicle and hold the licence plates and certificate of registration until the vehicle and its equipment is, as the case may be,

- (a) rendered safe to operate,
- (b) repaired, serviced, altered or otherwise dealt with so that it meets the requirements of this Act and the regulations, or
- (c) repaired in accordance with the directions of the peace officer.

(5) A person

- (a) shall comply with the directions given by a peace officer under this section;
- (b) shall not operate a vehicle on a highway in contravention of a direction given under subsection (1)(f);
- (c) shall not put a vehicle into operation in contravention of a direction given under subsection (1)(f).

(6) If, in respect of a vehicle,

- (a) a person refuses to allow a peace officer to carry out the peace officer's powers and duties under this section, or
- (b) a peace officer
 - (i) gives a direction under subsection (1), and
 - (ii) has reasonable grounds to believe that the matters referred to in the direction may not be carried out,

a peace officer may detain the vehicle for not more than 72 hours or such longer period that is reasonable under the circumstances.

(7) Where a vehicle is detained under subsection (6), a peace officer may

- (a) cause the vehicle to be removed and stored in a suitable place, and
- (b) arrange for a person to carry out an inspection of the vehicle or the matters referred to in the direction.

(8) All costs

- (a) of removal, transportation and storage of the detained vehicle and its contents and load, and
- (b) of carrying out the inspection of the vehicle or the subject-matter of the direction, as the case may be,

are a lien on the vehicle and section 93 of the *Motor Vehicle Administration Act* applies with all necessary modifications.

Review by
Court

28(1) Where

- (a) a person is given a direction under section 27, a person's vehicle is detained under section 27 or a person's licence plates and certificate of registration are seized under section 27, and
- (b) the person disputes the direction, detention or seizure in whole or in part,

that person may apply to the Court of Queen's Bench for an order granting relief as provided for under subsection (6).

(2) Where

- (a) a person fails to comply with a direction given under section 27,
- (b) a person fails to permit a peace officer to carry out the peace officer's powers or duties under section 27, or
- (c) a peace officer wishes to detain a vehicle for a period of time that is greater than that permitted under section 27,

a peace officer may apply to the Court of Queen's Bench for an order granting relief as provided for under subsection (6).

(3) An application under this section shall be by way of an originating notice.

(4) On the filing of an originating notice with the clerk of the Court of Queen's Bench, the Court may, if it considers it necessary in the circumstances, hear an interim application on 2 days' notice and make an interim order granting such relief as the Court considers appropriate pending the determination of the application.

(5) An interim application under subsection (4) may be made ex parte if the Court considers it appropriate to do so in the circumstances.

(6) On hearing an application the Court may do one or more of the following:

- (a) confirm, rescind or vary the direction of the peace officer;
- (b) direct the person to comply with the direction of the peace officer;

- (c) give those directions that it considers necessary in order to ensure compliance with the direction of the peace officer;
- (d) direct that a vehicle be detained, seized so that it can be detained, released from detention or detained for a period of time that is greater than that permitted under section 27, as the case may be;
- (e) direct that seized licence plates and certificate of registration be returned;
- (f) make its order subject to any terms or conditions that the Court considers appropriate in the circumstances;
- (g) dismiss the application;
- (h) award costs.

PART 3

SEAT BELT USE

Definitions

29 In this Part,

- (a) “child” means a child under the age of 6 years whose weight does not exceed 18 kilograms;
- (b) “motor vehicle” does not include a motor cycle or moped.

Requirement to wear seat belt

30(1) Where a motor vehicle is operated on a highway and it is equipped with a seat belt assembly

- (a) in the seating position that is occupied by the driver, the driver shall wear the complete seat belt assembly, and
- (b) in a seating position that is occupied by a passenger over the age of 15 years, the passenger shall wear the complete seat belt assembly.

(2) A person shall not operate on a highway a motor vehicle in which a passenger,

- (a) who has attained the age of 6 years but is under the age of 16 years, or

- (b) who has not attained the age of 6 years but weighs more than 18 kilograms,

occupies a seating position for which a seat belt assembly is provided unless that passenger is wearing the complete seat belt assembly.

(3) A person who is required to wear a seat belt assembly shall wear the complete seat belt assembly properly adjusted and securely fastened.

Children's seat
belts

31 A person shall not operate on a highway a motor vehicle registered under the *Motor Vehicle Administration Act* in which a child is a passenger unless

- (a) the motor vehicle is equipped with the prescribed child seating assembly,
- (b) the child seating assembly is properly installed, and
- (c) the child is occupying and is properly secured in the child seating assembly.

Removal of
seat belts

32(1) A person shall not, with respect to a seat belt assembly in a motor vehicle,

- (a) remove the seat belt assembly,
- (b) render the seat belt assembly partly or wholly inoperative, or
- (c) modify the seat belt assembly so as to reduce its effectiveness,

if the motor vehicle was equipped with the seat belt assembly as required by the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act at the time that the motor vehicle was manufactured.

(2) A person shall not operate on a highway a motor vehicle that was equipped with a seat belt assembly as required by the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act at the time the motor vehicle was manufactured if the seat belt assembly has been

- (a) removed,
- (b) rendered partly or wholly inoperative, or

(c) modified so as to reduce its effectiveness.

(3) A person shall not operate on a highway a motor vehicle in which a seat belt assembly has been replaced, unless the replacement seat belt assembly meets at least the standards required by the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act at the time that the motor vehicle was manufactured.

PART 4

EMERGENCY AND MAINTENANCE VEHICLES

Use of siren **33** A siren on an emergency vehicle shall be operated only when the vehicle is being used in response to an emergency, an emergency call or an alarm.

Operating and parking emergency vehicle **34(1)** A driver of an emergency vehicle may, while the vehicle's siren is operating,

- (a) drive the vehicle in excess of the speed limit,
- (b) proceed past a traffic control signal indicating stop or a stop sign without stopping, and
- (c) contravene any other provision that is prescribed by this Act, the regulations or a municipal by-law governing the use of the highways,

where, considering the circumstances, it is reasonable and safe to do so.

(2) An emergency vehicle, while its siren is operating, has the right of way over all other vehicles.

(3) Notwithstanding subsection (2), when sirens are operating on emergency vehicles, the drivers of the emergency vehicles shall drive the vehicles in such a manner so that the vehicles, with respect to each other, have the right of way in the following order:

- (a) firstly, a vehicle operated by a fire protection service;
- (b) secondly, an ambulance;
- (c) thirdly, a vehicle operated by a police service;
- (d) fourthly, a vehicle operated as a gas disconnection unit of a public utility;

- (e) fifthly, a vehicle designated by regulation as an emergency response unit.

(4) Where, considering the circumstances, it is reasonable and safe, an emergency vehicle may, while its flashing lights are operating, be parked contrary to any provision that is prescribed by this Act, the regulations or a municipal by-law governing the parking of motor vehicles.

(5) Where a peace officer is not present, the driver and the other personnel of an emergency vehicle, if the circumstances so require, have the powers of a peace officer under this Act with respect to traffic control and direction to the extent necessary to enable them to efficiently perform their duties.

Police vehicles
operating
without siren

35(1) A peace officer driving a motor vehicle may, if required to do so for the purpose of carrying out the peace officer's duties,

- (a) drive the motor vehicle in excess of the speed limit,
- (b) proceed past a traffic control signal indicating stop or a stop sign without stopping, and
- (c) contravene any other provision that is prescribed by this Act, the regulations or a municipal by-law governing the use of the highways,

while not operating a siren where, considering the circumstances, it is reasonable and safe to do so.

(2) Where, considering the circumstances, it is reasonable and safe, a peace officer may, if required to do so for the purposes of carrying out the peace officer's duties, park a motor vehicle, while not operating any flashing lights or siren, contrary to any provision that is prescribed by this Act, the regulations or a municipal by-law governing the parking of motor vehicles.

Yielding to
vehicle with
siren

36(1) When an emergency vehicle on which a siren is operating is overtaking, approaching or meeting another vehicle, the driver of that other vehicle shall, unless otherwise directed by a peace officer, yield the right of way to the emergency vehicle, and

- (a) the driver of the other vehicle shall forthwith drive the vehicle,
 - (i) in the case of a highway

(A) that is not divided by a median into separate roadways, or

(B) that is divided by a median into 2 separate roadways each having not more than 2 traffic lanes,

to a position that is clear of any intersection and parallel to and as close as practicable to the right hand curb or edge of the roadway,

(ii) in the case of a highway that is divided by a median into 2 separate roadways each having more than 2 traffic lanes, to a position that is clear of any intersection and parallel to and as close as practicable to the curb or edge of the roadway that is nearest to the driver, or

(iii) in the case of a one-way highway that is not divided by a median into separate roadways, to a position that is clear of any intersection and parallel to and as close as practicable to the curb or edge of the roadway that is nearest to the driver,

and stop and remain stopped in that position until the emergency vehicle has passed and the driver of the other vehicle has determined that no other emergency vehicles are approaching, or

(b) if the other vehicle is in an intersection and it is not safe or possible to clear the intersection, the driver of the other vehicle shall

(i) forthwith position the vehicle as far as practicable from the centre of the intersection so as to leave the largest direct passage possible in the circumstances for the emergency vehicle to pass, and

(ii) stop and remain stopped in that position until the emergency vehicle has passed and the driver of the other vehicle has determined that no other emergency vehicles are approaching.

(2) A driver of a vehicle shall not, unless otherwise directed by a peace officer, follow within 100 metres of an emergency vehicle on which a siren or flashing lights, or both, are operating.

(3) Subsection (2) does not apply to the driver of an emergency vehicle on which the siren or flashing lights, or both, are in operation.

Maintenance,
etc. vehicles
on highway

37(1) Vehicles being used

- (a) for highway maintenance or highway construction work, or
- (b) in respect of a highway or vehicle safety program that is under the administration of the Minister,

may be operated on any portion of a highway during the time that the vehicles are actually engaged for the purposes of highway maintenance or highway construction or in respect of a highway or vehicle safety program or matters related thereto.

(2) A driver of a vehicle referred to in subsection (1) and any person carrying out work in relation to that vehicle may

- (a) while the vehicle is being used in accordance with subsection (1), and
- (b) if it is reasonable to do so in the circumstances,

contravene any provision of this Act, the regulations or a municipal by-law governing the use of the highway.

Maintenance,
etc. vehicles
parking

38 Notwithstanding section 87,

- (a) an emergency vehicle, or
- (b) a vehicle used in respect of
 - (i) highway maintenance or highway construction work, or
 - (ii) a highway or vehicle safety program carried out under the administration of the Minister,

may be parked on the roadway when it is necessary in the circumstances to do so for the following purposes:

- (c) to direct traffic;
- (d) to give warning of hazards or of persons on the highway;
- (e) to remove injured persons;
- (f) to repair the roadway;
- (g) to inspect vehicles;
- (h) to check persons operating vehicles;
- (i) for any similar purpose not referred to in clauses (c) to (h).

Negligence

39 Nothing in this Part shall be construed to permit

- (a) a driver of an emergency vehicle or a vehicle referred to in section 37 or 38 to drive, operate or park the motor vehicle,
- (b) a person to control or direct traffic, or
- (c) a person to carry out work relating to a matter for which the vehicle referred to in clause (a) is used,

in a manner that, considering the circumstances, is negligent.

PART 5

OPERATION OF VEHICLES

Division 1 General

Observance of
rules of the
road

40 A driver of a vehicle shall insofar as applicable, obey the provisions of this Act governing the use of the highway as set out in this Act, except when otherwise

- (a) instructed by any applicable traffic control device, or
- (b) directed by a peace officer.

Must obey
traffic control
device

41 A driver of a vehicle shall obey the instructions of any applicable traffic control device.

Must obey
directions of
peace officer

42 Notwithstanding anything in this Part, a driver of a vehicle shall obey the directions of any peace officer directing traffic.

Malfunctioning
traffic control
device

43 If a traffic control signal is not operating or is not operating properly, a driver of a vehicle that is located on a roadway in the vicinity of the traffic control signal shall use the roadway with caution.

Directions
given by sign
or flagmen

44 Notwithstanding anything in this Part,

(a) when

(i) a person is giving directions, or

(ii) a barricade or sign is erected,

on a highway for the purposes of directing traffic in connection with an accident, an emergency or any construction, repair or other work on the highway or land adjacent to the highway, or

(b) when

(i) a person is giving directions, or

(ii) a sign is displayed,

for the purpose of directing traffic with respect to the operation of an over-dimensional vehicle on a highway or land adjacent to a highway,

a driver of a vehicle shall obey the directions given by the person or, where no person is giving directions, the directions shown on the sign or barricade.

Direction of
traffic contrary
to rules

45 When a peace officer considers it necessary

(a) to ensure orderly movement of traffic,

(b) to prevent injury or damage to persons or property,
or

- (c) to permit an emergency to be dealt with,

the peace officer may, notwithstanding anything in this Part, direct traffic according to the peace officer's discretion.

Division 2 Speed

Speed
appropriate to
circumstances

46 Notwithstanding that a speed limit is prescribed by or pursuant to this or any other Act in respect of a highway, a driver of a vehicle shall not drive the vehicle on that highway at any rate of speed that is unreasonable having regard to all the circumstances, including without restricting the generality of the foregoing, the following:

- (a) the nature, condition and use of the highway;
- (b) the atmospheric, weather or other conditions that might affect the visibility of the driver or the control of the vehicle;
- (c) the amount of traffic that is or that might reasonably be expected to be on the highway;
- (d) the mechanical condition of the vehicle or any equipment on the vehicle;
- (e) the load, if any, being carried by the vehicle.

Standard
maximum
speed

47(1) Except where a higher rate of speed is prescribed or set pursuant to Division 2 of Part 1, a driver of a vehicle shall not drive the vehicle on a primary highway outside an urban area at a greater rate of speed than 100 kilometres per hour.

(2) Except where a higher rate of speed is prescribed pursuant to Division 2 of Part 1, a driver of a vehicle shall not drive the vehicle in an urban area at a greater rate of speed than 50 kilometres per hour.

(3) Notwithstanding subsection (2), a driver of a vehicle shall not drive the vehicle in an alley that is located in an urban area at a greater rate of speed than the maximum rate prescribed pursuant to section 18.

(4) Except where a higher rate of speed is designated by signs that are erected pursuant to section 15, a driver of a vehicle shall not drive the vehicle at a greater rate of speed than 80 kilometres per hour on the following highways:

- (a) a highway that is subject to the direction, control and management of
 - (i) the council of a municipal district, county or Metis settlement, or
 - (ii) the Minister of Municipal Affairs in the case of a special area;
- (b) a highway that is within a city where the title to the highway is vested in the Crown in right of Alberta pursuant to section 21 of the *Public Highways Development Act*;
- (c) a highway that
 - (i) is located on an Indian reserve where the title to the highway is vested in the Crown in right of Alberta, and
 - (ii) is not the subject of an agreement entered into pursuant to section 13 of the *Public Highways Development Act*;
- (d) a forestry road;
- (e) a licence of occupation road;
- (f) a highway located within an improvement district;
- (g) a highway that is subject to the direction, control and management of the Minister of Tourism, Parks and Recreation.

Posted speed
limits

48(1) A driver of a vehicle shall not drive the vehicle on a highway at a greater rate of speed than the maximum rate of speed designated by the signs erected along the highway.

(2) Where a speed limit is prescribed pursuant to

- (a) Division 2 of Part 1 or section 47 of this Act,
- (b) the *Government Property Traffic Act* (Canada), or
- (c) the *National Parks Act* (Canada),

that speed limit applies to all that portion of the highway that lies between the point at which a sign is erected indicating the prescribed speed limit and the next point at which a sign is erected

indicating a greater or lesser speed or indicating that the prescribed speed limit has ceased to apply.

**School and
playground
zones**

49(1) In this section, “school zone” and “playground zone” mean the portion of a highway identified by a traffic control device in the manner as prescribed by regulation as a school zone or a playground zone.

(2) On any day on which school is held, a driver of a vehicle shall not drive the vehicle within a school zone, other than a school zone referred to in subsection (4), at a rate of speed that is greater than 30 kilometres per hour during the following periods of time:

- (a) the period between 8:00 a.m. and 9:30 a.m.;
- (b) the period between 11:30 a.m. and 1:30 p.m.;
- (c) the period between 3:00 p.m. and 4:30 p.m.

(3) A driver of a vehicle shall not drive the vehicle within a playground zone, other than a playground zone referred to in subsection (4), at a rate of speed that is greater than 30 kilometres per hour during the period of time commencing at 8:00 a.m. and terminating one hour after sunset.

(4) Where a school zone or a playground zone is identified by a traffic control device that when activated will show rapid intermittent flashes of yellow light as provided for in section 98(5), a driver of a vehicle shall not drive the vehicle within the zone at a rate of speed that is greater than 30 kilometres per hour during any period when the traffic control device is showing rapid intermittent flashes of yellow light.

(5) When driving a vehicle in a school zone or a playground zone, a driver of a vehicle shall not pass or attempt to pass another vehicle that is moving in the same direction in the school zone or the playground zone during any period of time that the speed limit prescribed by or under this section for the school zone or playground zone is in effect.

(6) Notwithstanding subsection (2), the council of a municipality may, for a highway in respect of which it may prescribe speed limits, increase the length of times from those referred to in subsection (2) during which the speed limit for a school zone that is located within the municipality is in effect having regard to the hours of opening and closing of the school for which the school zone exists.

(7) Where a council enacts a by-law under subsection (6), the council shall cause traffic control devices to be displayed identifying the hours during which the speed limit for the school zone is in effect.

Slow moving
vehicles

50(1) If a driver of a vehicle is driving the vehicle on a highway at a speed that is less than the normal speed of the traffic on the highway at that time and place and under the conditions then existing, the driver shall drive the vehicle

- (a) in the right hand traffic lane then available for traffic, or
- (b) as close as practicable to the right hand curb or edge of the roadway,

except when either

- (c) overtaking and passing another vehicle travelling in the same direction, or
- (d) preparing for a left turn at an intersection or into a private road or driveway.

(2) If a traffic control device directs slow moving traffic to use a designated traffic lane, a driver when driving a vehicle slowly shall drive the vehicle only in that lane.

Driving near
centre line

51(1) Subject to this Part, where a highway that is located outside an urban area has 2 or more traffic lanes on the same side of the centre line for use by vehicles travelling in the same direction, a driver of a vehicle shall not drive the vehicle in the traffic lane nearest the centre line unless the vehicle is being driven at or near the maximum speed permitted.

(2) Notwithstanding subsection (1), a driver of a slower moving vehicle may drive the vehicle in the traffic lane nearest to the centre line for the purpose of overtaking and passing another vehicle.

Travelling at
too slow
speed

52(1) A driver of a vehicle shall not drive the vehicle at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic then existing on a highway except when it is necessary to do so for the safe operation of the vehicle or to comply with this Part.

(2) A driver of a vehicle shall not drive the vehicle on a highway or in traffic at a slower rate of speed than the minimum speed designated by signs erected along the highway.

(3) A peace officer may direct a driver who is driving a vehicle in contravention of this section to do one or more of the following:

- (a) increase the rate of speed at which the vehicle is travelling;
- (b) remove the vehicle from the roadway;
- (c) drive the vehicle in a different traffic lane.

(4) Where a peace officer gives a direction to a driver of a vehicle under subsection (3), the driver shall operate the vehicle in accordance with the direction.

Division 3 Driving on Roadway

Driving on
right side of
roadway

53(1) A driver of a vehicle shall not drive the vehicle to the left of the centre line of a highway except

- (a) when overtaking and passing another vehicle travelling in the same direction;
- (b) when the roadway to the right of the centre line is obstructed by a parked vehicle or other object;
- (c) when the roadway to the right of the centre line is closed to traffic;
- (d) when turning left off the highway onto another highway or into a private road or driveway;
- (e) when a traffic control device otherwise requires or permits;
- (f) when the vehicle is being operated on a one-way highway.

(2) If a highway is divided into 2 or more roadways by a boulevard, ditch or other physical barrier, a driver of a vehicle shall not drive the vehicle into, across or on the boulevard, ditch or physical barrier.

(3) If a portion of a divided highway exists between the centre line and a median, boulevard, ditch or other physical barrier, a

driver of a vehicle shall not drive the vehicle on that portion of the highway.

Vehicular crossings

54 Except as may be provided for by a municipal by-law, a driver of a vehicle shall not drive the vehicle onto, across or on any boulevard, ditch or sidewalk except at vehicular crossings provided for that purpose.

Narrow roadway

55 When the condition of a portion of a roadway is such that it is impractical or unsafe for 2 vehicles being driven in opposite directions to pass each other in a normal manner,

- (a) in the case where a vehicle is being driven on that portion of the roadway, the driver of a vehicle that is approaching that portion of the roadway from the opposite direction shall
 - (i) stop the vehicle before entering on that portion of the roadway, and
 - (ii) not proceed until the oncoming vehicle reaches and passes by,

or

- (b) in the case where 2 or more vehicles are being driven on that portion of the roadway in opposite directions and meet on that portion of the roadway, the driver of each vehicle shall
 - (i) stop the vehicle immediately before proceeding to pass the other vehicle,
 - (ii) take all reasonable steps to determine whether the vehicles can pass in safety, and
 - (iii) if necessary, assist the other driver to pass in safety.

Rules for traffic lanes

56(1) When operating a vehicle on a highway,

- (a) in the case where double solid lines exist between traffic lanes, a driver shall not drive the vehicle so as to cross the double solid lines from one traffic lane to another;

- (b) in the case of a highway in an urban area where a single solid line only exists between traffic lanes, a driver shall not drive the vehicle so as to cross the single solid line from one traffic lane to another except when overtaking and passing another vehicle;
- (c) in the case of a highway outside an urban area where a single solid line only exists between traffic lanes, a driver shall not drive the vehicle so as to cross the single solid line from one traffic lane to another;
- (d) in the case where a single solid line and a broken line exist together between traffic lanes, a driver
 - (i) shall not, except as permitted under subclause (ii), drive the vehicle so as to cross the solid line from the traffic lane next to which the solid line is located, and
 - (ii) may only drive the vehicle so as to cross to the left over the broken and solid lines from the traffic lane next to which the broken line is located for the purpose of and when overtaking and passing another vehicle in that traffic lane and shall, as soon as that other vehicle is past, recross both lines and return to the traffic lane on the right in which the driver's vehicle was originally travelling;
- (e) in the case where
 - (i) the roadway consists of only 2 traffic lanes that carry traffic in opposite directions, and
 - (ii) only one or more broken lines exist between the 2 traffic lanes,

the driver may only drive the vehicle so as to cross to the left over the broken line from the driver's traffic lane to the traffic lane carrying the oncoming traffic for the purpose of overtaking and passing another vehicle that is travelling in the right traffic lane and shall as soon as that other vehicle is passed return to the traffic lane in which the driver's vehicle was originally travelling;

- (f) in the case where

- (i) the roadway consists of 2 or more traffic lanes that carry traffic in one direction only, and
- (ii) only one or more broken lines exist between the traffic lanes,

the driver may, with respect to those traffic lanes, drive the vehicle so as to cross the broken lines from one traffic lane to another traffic lane.

(2) Before driving a vehicle from one traffic lane into another or from a curb lane or a parking lane into a traffic lane, a driver shall

- (a) signal the driver's intention to do so in the manner prescribed by the regulations, and
- (b) give the signal in sufficient time to provide a reasonable warning to other persons of the driver's intentions.

(3) Notwithstanding subsection (1) and unless prohibited by a traffic control device, a driver of a vehicle may drive the vehicle on a highway so as to cross a single solid line or, if outside an urban area, a double solid line for the following purposes:

- (a) when necessary to turn left onto a highway or into a private road or driveway;
- (b) when necessary on entering the highway from a private road or driveway;
- (c) when necessary to enter a parking lane on the right side of the centre line.

(4) Notwithstanding anything in this section, when the movement cannot be made in safety, the driver of a vehicle shall not do the following:

- (a) drive the vehicle from one traffic lane to another;
- (b) drive the vehicle so as to cross a solid or broken line;
- (c) drive the vehicle from a curb lane into a traffic lane;
- (d) drive the vehicle from a parking lane into a traffic lane.

(5) When a highway has been divided into traffic lanes by clearly visible lines marked on the road surface, the driver of a vehicle other than a cycle shall drive the vehicle as closely as practical in the centre of the traffic lane so marked.

(6) A driver of a vehicle shall not drive the vehicle in such a manner so as to occupy space in 2 traffic lanes

- (a) except during the act of passing another vehicle or changing lanes, or
- (b) unless road conditions make the use of a single traffic lane impractical.

Three-lane
highways

57(1) Where a roadway consists of 3 traffic lanes, a driver of a vehicle shall not drive the vehicle in the centre traffic lane except for the following purposes:

- (a) when passing another vehicle travelling in the same direction;
- (b) when approaching an intersection where the driver intends to turn left;
- (c) when a traffic control device otherwise permits.

(2) Subsection (1) does not apply to a one-way highway.

One-way
highways

58 Where a driver of a vehicle drives the vehicle on a one-way highway, the driver shall only drive the vehicle in the direction designated by the signs erected on or along the highway.

Driving on
shoulder

59(1) A driver of a motor vehicle shall not drive the vehicle onto or along the shoulder, other than a parking lane, of a highway except

- (a) where permitted to do so by a traffic control device,
- (b) for the purpose of parking the vehicle on the shoulder where the parking of a vehicle on the shoulder is permitted, or
- (c) to allow faster moving vehicles to pass in the adjacent traffic lane.

(2) Where a driver of a motor vehicle drives the vehicle onto or along the shoulder to allow faster moving vehicles to pass in the adjacent traffic lane, the driver shall drive the vehicle back onto the

adjacent traffic lane once the faster moving vehicles have passed by.

Division 4 Overtaking and Passing

Following
other vehicles

60(1) A driver of a vehicle shall not drive the vehicle so as to follow another vehicle more closely than is reasonable and prudent having regard for the following:

- (a) the speed of the vehicles;
- (b) the amount and nature of traffic on the highway;
- (c) the condition of the highway.

(2) Other than in a funeral procession, a driver driving a vehicle in a caravan or motorcade on a highway outside an urban area, hamlet or a built-up area along the highway shall leave sufficient space between the driver's vehicle and the other vehicles in the caravan or motorcade so as to enable a vehicle to enter and occupy that space without danger.

Passing on
hills, etc.

61(1) Unless a traffic control device otherwise directs or permits, a driver of a vehicle shall not drive the vehicle so as to pass or attempt to pass another vehicle travelling in the same direction,

- (a) when proceeding uphill,
- (b) when on a curve in the highway, or
- (c) when approaching within 30 metres of or traversing a level railway crossing.

(2) Subsection (1) does not apply where

- (a) there are 2 or more traffic lanes on the same side of the centre line for vehicles proceeding in the same direction, and
- (b) the driver of a vehicle intending to pass another vehicle can do so by continuing to drive the vehicle on the right hand side of the centre line.

(3) Notwithstanding subsection (1), where a curve or grade on a highway is divided into traffic lanes by a broken line or by a broken line and a solid line existing together, a driver of a vehicle may drive the vehicle past another vehicle on the curve or grade

if the driver drives the vehicle so as to cross the solid line from the lane next to which the broken line is located.

Passing when
meeting
oncoming
vehicle

62 A driver of a vehicle shall not drive the vehicle to or on the left of the centre line of a highway while overtaking and passing another vehicle or an obstruction unless

- (a) the view along the left side is unobstructed, and
- (b) the left side is free of oncoming and overtaking traffic,

for a sufficient distance to permit the overtaking and passing to be completely made without interfering with the safe operation of another vehicle.

Overtaking
and passing

63(1) Subject to section 64, a driver of a vehicle that is overtaking another vehicle

- (a) shall, at a safe distance, pass to the left of the other vehicle, and
- (b) shall not return the overtaking vehicle to the right side of the roadway until safely clear of the overtaken vehicle whereupon the driver shall return the overtaking vehicle to the right side of the roadway.

(2) Except when overtaking and passing on the right is permitted, a driver of a vehicle that is being overtaken by another vehicle

- (a) shall give way to the right in favour of the overtaking vehicle, and
- (b) shall not increase the speed of the overtaken vehicle until the overtaken vehicle is completely passed by the overtaking vehicle.

Overtaking
and passing
on the right

64(1) A driver of a vehicle may drive the vehicle so as to overtake and pass on the right of another vehicle

- (a) when the vehicle being overtaken is making a left turn or its driver has signalled the driver's intention to make a left turn, or
- (b) in the case of a one-way highway, where the roadway

(i) is of sufficient width for 2 or more lines of moving vehicles, and

(ii) is free from obstructions.

(2) Where a highway has 2 or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction, a driver of a vehicle that is

(a) overtaking another vehicle travelling in the same direction may drive the overtaking vehicle so that the overtaking vehicle will pass on the right or left of the other vehicle if there is a traffic lane available for passing to the right or the left of the traffic lane being used by the vehicle being overtaken, or

(b) being overtaken by another vehicle travelling in the same direction shall keep the vehicle being overtaken in the traffic lane in which the driver is driving so as to allow the overtaking vehicle free passage in the traffic lane to the right or the left of the traffic lane in which the vehicle being overtaken is travelling.

Restrictions on
overtaking and
passing

65(1) Notwithstanding anything in this Part, a driver of a vehicle shall not drive the vehicle so as to overtake and pass or attempt to overtake or to pass another vehicle

(a) by driving off the roadway,

(b) by driving in a parking lane or shoulder, or

(c) when the movement cannot be made safely.

(2) Nothing in subsection (1)(b) shall be construed so as to prohibit a driver of a motor vehicle from

(a) driving the vehicle in a parking lane where the parking lane is unobstructed, or

(b) driving the vehicle over onto a parking lane to allow faster moving traffic to pass in the adjacent traffic lane.

Division 5 Turns

Signalling for
turns

66(1) Before turning a vehicle to the left or right, the driver of the vehicle shall

- (a) signal the driver's intention to do so in a manner prescribed by the regulations, and
- (b) give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the driver.

(2) Notwithstanding subsection (1), a driver of a vehicle shall not turn the vehicle unless the turn can be made safely.

Right turns

67(1) For the purpose of making a right turn with a vehicle from a 2-way highway onto another 2-way highway, the driver of the vehicle shall, unless a traffic control device otherwise directs or permits,

- (a) drive the vehicle as closely as practicable to the right curb or edge of the roadway while approaching the intersection,
- (b) turn the vehicle to the right at the intersection, and
- (c) leave the intersection on completing the turn by driving the vehicle as closely as practicable to the right curb or edge of the roadway then entered.

(2) For the purpose of making a right turn with a vehicle when entering or leaving a one-way highway, the driver of the vehicle shall, unless a traffic control device otherwise directs or permits, drive the vehicle as closely as practicable to the right curb or edge of the roadway when entering and leaving the intersection.

(3) Where

- (a) a highway is divided into traffic lanes, and
- (b) a driver of a vehicle is approaching an intersection and intending to make a right turn with the vehicle,

the driver, for the purpose of making the right turn,

- (c) shall drive the vehicle in the traffic lane nearest to the right hand side of the roadway, and

- (d) may pass any other vehicle travelling in the same direction in a traffic lane to the left of the driver,

unless a traffic control device otherwise directs or permits.

(4) A driver of a vehicle that is approaching an intersection and who is intending to turn right with the vehicle shall, wherever practicable, drive the vehicle into the position required by this section at least 15 metres before reaching that intersection.

Left turns

68(1) For the purpose of making a left turn with a vehicle from a 2-way highway onto another 2-way highway, the driver of the vehicle shall, unless a traffic control device otherwise directs or permits,

- (a) drive the vehicle to the right side of and as closely as practicable to the centre line of the highway while approaching the intersection,
- (b) turn the vehicle to the left at the intersection, and
- (c) leave the intersection on completing the turn by driving the vehicle to the right side of and as closely as practicable to the centre line of the highway then entered.

(2) For the purpose of making a left turn with a vehicle from a 2-way highway onto a one-way highway, the driver of the vehicle shall, unless a traffic control device otherwise directs or permits,

- (a) drive the vehicle to the right side of and as closely as practicable to the centre line of the 2-way highway where it enters the intersection,
- (b) turn the vehicle to the left at the intersection, and
- (c) leave the intersection on completing the turn by driving the vehicle as closely as practicable to the left hand side of the one-way highway entered.

(3) For the purpose of making a left turn with a vehicle from a one-way highway onto a 2-way highway, the driver of the vehicle shall, unless a traffic control device otherwise directs or permits,

- (a) drive the vehicle as closely as practicable to the left side of the one-way highway where it enters the intersection,
- (b) turn the vehicle to the left at the intersection, and

- (c) leave the intersection on completing the turn by driving the vehicle to the right side of and as closely as practicable to the centre line of the 2-way highway entered.
- (4) For the purpose of making a left turn with a vehicle from a one-way highway onto another one-way highway, the driver of the vehicle shall, unless a traffic control device otherwise directs or permits,
- (a) drive the vehicle as closely as practicable to the left hand side of the one-way highway where it enters the intersection,
 - (b) turn the vehicle to the left at the intersection, and
 - (c) leave the intersection on completing the turn by driving the vehicle as closely as practicable to the left hand side of the other one-way highway entered.
- (5) A driver of a vehicle that is approaching an intersection and who is intending to turn left with the vehicle shall, wherever practicable, drive the vehicle into the position required by this section at least 15 metres before reaching that intersection.

**Directional
arrows**

69(1) When a traffic lane is marked by a traffic control device showing a directional arrow or arrows with or without accompanying words, a driver of a vehicle travelling in that traffic lane shall make only the movement indicated or permitted by the traffic control device at the intersection or other place to which the traffic control device applies.

(2) When a traffic lane is marked by a traffic control device prohibiting a turn, a driver of a vehicle travelling in that traffic lane and approaching the traffic control device shall not make the turn that is prohibited by the device.

(3) A driver of a vehicle that approaches a traffic control device showing a downward pointing illuminated green arrow symbol marking the traffic lane in which the vehicle is travelling may continue to drive the vehicle in that traffic lane.

(4) A driver of a vehicle that approaches a traffic control device showing an illuminated red "X" symbol marking the traffic lane in which the vehicle is travelling shall not drive the vehicle into or continue to drive the vehicle in that traffic lane.

Division 6 U-Turns

- Interpretation** **70** The turns referred to in this Division include what are commonly known as “U-turns”.
- Must be done in safety** **71(1)** A driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction unless the driver can do so in safety and without interfering with other traffic.
- (2)** A driver of a vehicle shall not turn the vehicle so as to proceed in the opposite direction
- (a) on a curve, or
- (b) on the approach to or near the crest of a grade,
- if the vehicle cannot be seen by the driver of another vehicle approaching within 150 metres from either direction.
- Restrictions on making U-turn** **72** A driver of a vehicle shall not turn the vehicle so as to travel in the opposite direction at the following locations:
- (a) in the case of an urban area,
- (i) on a roadway between intersections, or
- (ii) at an alley intersection;
- (b) in the case of an urban area or a non-urban area,
- (i) at a place where a sign prohibits making a U-turn, or
- (ii) at an intersection controlled by a traffic control signal unless specifically permitted by a traffic control device.
- U-turns by school bus** **73** The driver of a school bus shall not do the following:
- (a) make a U-turn with the school bus on any highway other than on a 4-lane divided highway;
- (b) make a U-turn with a school bus on a 4-lane divided highway if the total length of the school bus exceeds the shortest distance separating the traffic lanes for

traffic proceeding in one direction from the traffic lanes for traffic proceeding in the opposite direction;

- (c) make a U-turn with a school bus on a 4-lane divided highway unless, before completing the turn, the driver brings the school bus to a stop on the cross-road across the median so that no part of the bus projects over the traffic lanes on either side of the centre strip of the divided highway.

Division 7 Backing Up

Must be done
in safety, etc.

74 A driver of a vehicle shall not drive the vehicle in reverse

- (a) unless the movement can be made in safety, or
- (b) if the movement interferes or would interfere with other traffic on the highway.

Prohibition

75 In an urban area a driver of a vehicle shall not drive the vehicle in reverse into an intersection or crosswalk.

Division 8 Yielding and Stopping

Right of way
at
intersections

76(1) Except as otherwise provided in this Part, when 2 vehicles approach or enter an intersection from different highways at approximately the same time, the driver of the vehicle to the left shall yield the right of way to the vehicle on the right.

(2) A driver of a vehicle shall not turn or attempt to turn the vehicle to the left across the path of an approaching vehicle unless the turn can be completed in safety.

"T"
intersection

77 A driver who is driving a vehicle on a highway that joins onto another highway at a "T" intersection shall before driving the vehicle into the "T" intersection yield the right of way to any other vehicle that is travelling on the through highway and proceeding through the "T" intersection.

Parking lots	<p>78 When 2 vehicles approach or enter an intersection from different highways within a parking lot at approximately the same time, the driver of the vehicle that is travelling on the portion of the highway that intersects with the through highway shall yield the right of way to the vehicle on the through highway.</p>
Signalling stops	<p>79 Before stopping a vehicle, the driver of the vehicle shall</p> <ul style="list-style-type: none"> (a) signal the driver's intention to do so in such manner as may be prescribed by the regulations, and (b) give the signal in sufficient time to provide a reasonable warning to other persons of the driver's intention.
Stopping before entering highway	<p>80(1) In this section, "street" means a street within the meaning of the <i>Public Highways Development Act</i>.</p> <p>(2) A driver of a vehicle that is about to enter</p> <ul style="list-style-type: none"> (a) onto a primary highway or street from a road, service road, alley or driveway, or (b) into an alley or onto a road from a driveway, <p>shall, unless the intersection of the 2 roadways is marked with a "yield" sign or a "merge" sign, bring the vehicle to a stop</p> <ul style="list-style-type: none"> (c) before entering on the intersecting roadway and at a point no further than 3 metres back from the intersecting roadway, or (d) in the case where there is <ul style="list-style-type: none"> (i) a marked crosswalk on the near side of the intersection, immediately before entering on the crosswalk, or (ii) a marked stop line on the near side of the intersection, at the stop line. <p>(3) Notwithstanding subsection (2), a driver of a vehicle</p> <ul style="list-style-type: none"> (a) that is emerging from an alley or driveway shall <ul style="list-style-type: none"> (i) stop the vehicle before driving onto a sidewalk or a sidewalk crossing, and

- (ii) yield the right of way to any pedestrian on the sidewalk or sidewalk crossing,

or

- (b) that is entering an alley or driveway shall yield the right of way to any pedestrian on a sidewalk or sidewalk crossing.

Stop signs

81 A driver of a vehicle that is about to enter onto a highway from another highway that is marked by a “stop” sign shall bring the vehicle to a stop

- (a) before entering on the intersecting roadway and at a point no further than 3 metres back from the intersecting roadway, or
- (b) in the case where there is
 - (i) a marked crosswalk on the near side of the intersection, immediately before entering on the crosswalk, or
 - (ii) a marked stop line on the near side of the intersection, at the stop line.

Proceeding
after stopping

82 When a driver of a vehicle is required to stop the vehicle pursuant to section 80 or 81, the driver

- (a) shall not cause the vehicle to proceed until the condition of the traffic on the highway being entered on is such that the vehicle can enter onto the highway in safety, and
- (b) shall yield the right of way to all vehicles and pedestrians approaching the driver’s vehicle and that are on the highway being entered.

Yield signs

83 A driver of a vehicle that is about to enter onto a highway that is marked by a “yield” sign need not stop the vehicle before entering onto the highway but the driver shall yield the right of way to all vehicles and pedestrians that are on the highway being entered and approaching the driver’s vehicle.

Traffic circles	<p>84 Unless otherwise directed by a traffic control device, a driver of a vehicle that is travelling in a traffic circle shall yield the right of way to any other vehicle that is in the circle and that is travelling to the left of the driver's vehicle.</p>
Yielding to pedestrians	<p>85(1) A driver of a vehicle shall yield the right of way to a pedestrian crossing the roadway within a crosswalk.</p> <p>(2) Where a vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle that is approaching the stopped vehicle from the rear shall not overtake and pass the stopped vehicle.</p> <p>(3) At any place on a roadway other than at a crosswalk, the driver of a vehicle has the right of way over pedestrians unless otherwise directed by a peace officer or a traffic control device.</p> <p>(4) Nothing in subsection (3) relieves a driver of a vehicle from the duty of exercising due care for the safety of pedestrians.</p>
Railway crossing	<p>86(1) For the purposes of this section a railway train is approaching a railway crossing if</p> <ul style="list-style-type: none"> (a) a clearly visible electrical or mechanical signal device gives warning of the approach of a railway train, (b) a crossing gate is lowered or a flagman is giving a signal of the approach or passage of a railway train, (c) a railway train <ul style="list-style-type: none"> (i) is within approximately 500 metres of the crossing, (ii) is approaching the crossing, and (iii) either sounds an audible signal or is visible, <p>or</p> <ul style="list-style-type: none"> (d) a railway train is visible and approaching the crossing and by reason of its speed or nearness is an immediate hazard. <p>(2) Where a railway train is approaching a railway crossing, the driver of a vehicle that is approaching the railway crossing</p>

- (a) shall stop the vehicle no closer than 5 metres back from the nearest rail of the railway, and
- (b) shall not proceed to drive the vehicle across the railway crossing until the train has passed by the railway crossing or has come to a stop and the vehicle can be driven in safety across the railway crossing.

(3) Where a driver of a vehicle has stopped the vehicle at a railway crossing pursuant to subsection (2) but the approaching railway train

- (a) is travelling so slowly, and
- (b) is sufficiently far from the railway crossing,

so as not to be a hazard to the vehicle, the driver may, notwithstanding subsection (2)(b), proceed to drive the vehicle across the railway crossing if the driver is able to do so in safety.

(4) A driver of a vehicle shall not drive the vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed.

(5) If a stop sign is erected at a railway crossing, the driver of a vehicle that is approaching the railway crossing

- (a) shall stop the vehicle no closer than 5 metres and no further than 15 metres back from the nearest rail of the railway, and
- (b) shall not proceed to drive the vehicle across the railway crossing until the vehicle can be driven in safety across the railway crossing.

(6) In the case of a railway crossing that is not controlled by a traffic control signal, the driver of a vehicle that

- (a) is a school bus, or
- (b) is carrying dangerous goods under the *Transportation of Dangerous Goods Control Act*,

shall stop the vehicle no closer than 5 metres or further than 15 metres back from the nearest rail of the railway and

- (c) remaining stopped, shall listen and look in both directions along the railway for an approaching

railway train and for signals indicating the approach of a railway train,

- (d) shall not proceed to drive the vehicle across the railway crossing until it is safe to do so, and
- (e) in the case of a school bus, shall before proceeding to drive the school bus across the railway crossing
 - (i) open the front door of the bus, and
 - (ii) if practicable to do so with one hand, also open the window of the bus that is located immediately to the left of the driver.

(7) Subsection (6) does not apply when a peace officer or a flagman otherwise directs.

(8) The council of a city may, by by-law, provide that subsection (6) does not apply to all or any railway crossings located within the city.

(9) When a driver of a vehicle has stopped the vehicle in accordance with this section, the driver

- (a) shall drive the vehicle across the railway tracks with the vehicle in a gear that will not need to be changed while crossing the tracks, and
- (b) shall not shift gears of the vehicle while crossing the railway tracks.

(10) Except where required to stop a vehicle pursuant to this section, the driver of a vehicle shall not, in respect of a railway crossing that is located on a highway outside of an urban area and that is controlled by a traffic control signal, stop or park the vehicle within 50 metres of the nearest rail of the railway.

Division 9 Parking and Stationary Vehicles

Parking
outside of an
urban area

87(1) This section only applies to a highway that is outside of an urban area.

(2) A driver of a vehicle shall not park the vehicle on a roadway when it is practicable to park the vehicle off the roadway.

(3) Notwithstanding subsection (2), a driver of a vehicle shall not park the vehicle on the roadway, parking lane or shoulder of a primary highway except where

- (a) the vehicle is incapable of moving under its own power,
- (b) an emergency arises, or
- (c) it is otherwise permitted by law.

(4) Where a driver of a vehicle must park the vehicle on a roadway, that driver shall only do so if there is

- (a) a clear and unobstructed space opposite the vehicle for free passage of other vehicles on the roadway, and
- (b) a clear view of the parked vehicle for a distance of 60 metres along the roadway in both directions.

(5) Where a vehicle is on a highway, the driver of the vehicle shall not allow the vehicle to remain at a standstill for longer than one minute at any place that is within 10 metres of the point of intersection of that highway with any other highway.

(6) Notwithstanding this section, the driver of a vehicle,

- (a) in the case of a vehicle operated by a public utility, may park the vehicle on the roadway when it is advisable or necessary to do so for the purpose of the construction, repair, maintenance or inspection of public utility facilities that are located adjacent to, along, over or under the highway,
- (b) in the case of a school bus, may park the school bus on the roadway for the purpose of loading or unloading passengers if the driver cannot park the school bus off the roadway and still have a suitable space available on the ground for the passengers being loaded or unloaded, or
- (c) in the case of a pilot or trail vehicle escorting an over-dimensional vehicle on a highway, may park the pilot or trail vehicle on the roadway while the driver performs the duties of a flagman with respect to the movement of the over-dimensional vehicle.

88 A driver of a vehicle shall not, unless

- (a) required or permitted by this Act or by a traffic control device,
- (b) in compliance with the directions of a peace officer, or
- (c) to avoid conflict with other traffic,

stop or park the vehicle at the following locations:

- (d) on a sidewalk or boulevard;
- (e) on a crosswalk or on any part of a crosswalk;
- (f) within an intersection other than immediately next to the curb in a “T” intersection;
- (g) at an intersection nearer than 5 metres to the projection of the corner property line immediately ahead or immediately to the rear, except when the vehicle is parked in a space where a parking meter or other traffic control device indicates parking is permitted;
- (h) in the case of an approach to a stop sign or yield sign, within 5 metres from the stop sign or yield sign;
- (i) within 5 metres from any fire hydrant, or when the hydrant is not located at the curb, within 5 metres from the point on the curb nearest the hydrant;
- (j) within 1.5 metres from an access to a garage, private road or driveway or a vehicle crossway over a sidewalk;
- (k) within 5 metres from the near side of a marked crosswalk;
- (l) alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic;
- (m) on any bridge or in any subway or on the approaches to either of them;

- (n) at any place where a traffic control device prohibits stopping or parking, during the times stopping or parking is so prohibited;
- (o) on the roadway side of a vehicle parked or stopped at the curb or edge of the roadway;
- (p) at or near the site of any fire, accident or other emergency, if stopping or parking would obstruct traffic or hinder emergency vehicles or peace officers, firemen, ambulance drivers or assistants or rescue officers or volunteers;
- (q) if a portion of a divided highway exists between the centre line and a median, boulevard, ditch or other physical barrier, on that portion of the divided highway.

Parallel
parking

89(1) When parking a vehicle on a roadway, the driver of the vehicle may only park the vehicle

(a) with

- (i) the sides of the vehicle parallel to the curb or edge of the roadway, and
- (ii) the right hand wheels of the vehicle not more than 500 millimetres from the right hand curb or edge of the roadway,

or

(b) in the case of a one-way highway where parking on either side is permitted, with

- (i) the wheels that are the closest to a curb or edge of the roadway not more than 500 millimetres from that curb or edge, and
- (ii) the vehicle facing the direction of travel authorized for the highway.

(2) This section does not apply where angle parking is permitted or required.

Angle parking **90(1)** When

- (a) a sign indicates that angle parking is permitted or required, and
- (b) parking guide lines are visible on the roadway,

a driver of a vehicle may only park the vehicle with

- (c) the vehicle's sides between and parallel to any 2 of the guide lines, and
- (d) one front wheel not more than 500 millimetres from the curb or edge of the roadway.

(2) When

- (a) a sign indicates that angle parking is permitted or required, and
- (b) no parking guide lines are visible on the roadway,

a driver of a vehicle may only park the vehicle with

- (c) the vehicle's sides at an angle of between 30 and 60 degrees to the curb or edge of the roadway, and
- (d) one front wheel not more than 500 millimetres from the curb or edge of the roadway.

Parking on hills

91 A driver of a vehicle shall not permit the vehicle that the driver was driving to stand unattended on any grade or slope without

- (a) turning the front wheels of the vehicle towards the nearest curb or edge of the roadway in such a manner so as to impede any movement of the vehicle, and
- (b) effectively
 - (i) setting the vehicle's parking brake, or
 - (ii) if the vehicle is not equipped with a parking brake or the parking brake is not operating properly, blocking the wheels.

Vehicle on
jack

92 A driver of a vehicle shall not leave the vehicle that the driver was driving unattended on a highway if

- (a) the vehicle is on a jack or a similar device, and
- (b) one or more wheels have been removed from the vehicle or part of the vehicle is raised.

Stationary
vehicles less
than 4500
kilograms

93(1) This section applies only to vehicles registered pursuant to the *Motor Vehicle Administration Act* for a gross weight of less than 4500 kilograms.

(2) If a vehicle is stationary on a highway outside of an urban area

- (a) during the period of time commencing $\frac{1}{2}$ hour before sunset and terminating $\frac{1}{2}$ hour after sunrise, or
- (b) at any time when there is not sufficient light to clearly see persons or vehicles on the highway at a distance of at least 150 metres,

the driver of the vehicle shall

- (c) forthwith cause the vehicle hazard warning lamps and the other lighting equipment, other than the headlamps, to be put into operation, and
- (d) ensure that the reflectors with which the vehicle is equipped are clean and unobstructed.

Stationary
vehicles 4500
kilograms or
over, etc.

94(1) This section applies only to vehicles registered pursuant to the *Motor Vehicle Administration Act* for a gross weight of not less than 4500 kilograms.

(2) When, during the period of time commencing $\frac{1}{2}$ hour after sunrise and terminating $\frac{1}{2}$ hour before sunset, a vehicle is stationary on a highway outside of an urban area, the driver of the vehicle shall forthwith

- (a) cause the vehicle hazard warning lamps on the vehicle to be activated, and
- (b) place approved warning devices on the highway in line with the vehicle
 - (i) at a distance of approximately 30 metres behind the vehicle, and

- (ii) in the case of a 2-way highway that is not divided, at a distance of approximately 30 metres in front of the vehicle.

(3) If a vehicle is stationary on a highway outside of an urban area,

- (a) during the period of time commencing ½ hour before sunset and terminating ½ hour after sunrise, or
- (b) at any time when there is not sufficient light to clearly see persons or vehicles on a highway at a distance of at least 150 metres,

the driver of the vehicle shall,

- (c) where the lighting equipment on the vehicle that is required under this Act is not functional, forthwith place approved warning devices on the highway in line with the vehicle,
 - (i) at a distance of approximately 75 metres behind the vehicle, and
 - (ii) in the case of a 2-way highway that is not divided, at a distance of approximately 75 metres in front of the vehicle,

and

- (d) where the lighting equipment on the vehicle that is required under this Act is functional,
 - (i) forthwith cause the vehicle hazard warning lamps and the lighting equipment, other than the headlamps, to be put into operation, and
 - (ii) within 10 minutes from the time that the vehicle became stationary, place an approved warning device on the highway in line with the vehicle
 - (A) at a distance of approximately 75 metres behind the vehicle, and
 - (B) in the case of a 2-way highway that is not divided, at a distance of approximately 75 metres in front of the vehicle.

(4) Subsections (2) and (3) do not apply to a bus, taxi or livery if

- (a) that vehicle is stopped on a highway outside of an urban area for the purpose of loading or unloading passengers, luggage, goods or express onto or off of the vehicle, and
- (b) while stopped the driver has activated the vehicle's vehicle hazard warning lamps.

(5) Notwithstanding subsection (1), a council of a municipality may, with respect to any bus, taxi or livery or any class of bus, taxi or livery that is stopped on a highway in an urban area for the purpose of loading or unloading passengers, luggage, goods or express onto or off of the vehicle, by by-law require the driver of the vehicle to activate the vehicle's vehicle hazard warning lamps during the period of time that the vehicle is stopped.

Division 10 Merging

Entering onto
highway

95 A driver of a vehicle who is about to drive the vehicle onto an intersecting highway from another highway that is marked by a "merge" sign need not stop the vehicle before driving the vehicle onto the intersecting highway but shall take all necessary precautions and merge the vehicle safely with the traffic on the intersecting highway.

Allow merging

96 A driver of a vehicle that is on a highway that is marked by a "merging traffic" sign near the intersection of another highway marked by a "merge" sign shall take all reasonable precautions to allow a merging vehicle to enter in safety onto the highway on which the merging is to take place.

Division 11 Traffic Lights

Green traffic
lights

97(1) When, at an intersection, a green light alone is shown by a traffic control signal, the driver of a vehicle that is facing the green light may

- (a) drive the vehicle straight through the intersection, or
- (b) turn the vehicle left or right, subject to any sign or signal prohibiting a left or right turn, or both, or designating the turning movement permitted,

but shall yield the right of way

- (c) to any pedestrians that are lawfully within the intersection or an adjacent crosswalk at the time that the green light is shown, and
- (d) to any other vehicles that are lawfully within the intersection at the time that the green light is shown.

(2) When, at a place other than an intersection, a green light alone is shown by a traffic control signal, the driver of a vehicle that is facing the green light

- (a) may drive the vehicle past the signal, but
- (b) shall yield the right of way to any pedestrian that is still in the roadway or on a crosswalk in the vicinity of the signal at the time that the green light is shown.

(3) When, at an intersection, a green arrow is shown by a traffic control signal, the driver of a vehicle that is facing the green arrow

- (a) may drive the vehicle into the intersection, and
- (b) on entering the intersection, shall make only the movement that is indicated by the green arrow,

but shall yield the right of way

- (c) to any pedestrians that are lawfully within the intersection or within an adjacent crosswalk, and
- (d) to any other vehicles that are lawfully within the intersection.

(4) When, at an intersection, a green arrow and a red light are shown at the same time by a traffic control signal, the driver of a vehicle that is approaching the intersection and facing the green arrow and red light

- (a) may, without stopping, drive the vehicle into the intersection, and
- (b) on entering the intersection shall make only the movement indicated by the green arrow,

but shall yield the right of way

- (c) to any pedestrians that are lawfully within the intersection or within an adjacent crosswalk, and
- (d) to any other vehicles that are lawfully within the intersection.

(5) When, at an intersection, rapid intermittent flashes of green light are shown by a traffic control signal, the driver of a vehicle that is facing the flashes of green light has the right of way over any vehicles that are facing the driver from across the intersection and the driver

- (a) may drive the vehicle into the intersection and on entering the intersection turn left while the light is flashing, or
- (b) may drive the vehicle straight through the intersection or turn right while the light is flashing,

but shall yield the right of way

- (c) to any pedestrians that are lawfully within the intersection or within an adjacent crosswalk at the time the flashing green light is shown, and
- (d) to any other vehicles that are lawfully within the intersection at the time the flashing green light is shown.

(6) This section does not apply so as to prohibit a driver of a bus that forms part of the municipal bus system of a municipality from turning the bus at an intersection in the direction determined by the transportation officials of the municipality.

Yellow traffic
lights

98(1) When, at an intersection, a yellow light is shown by a traffic control signal at the same time as or following the showing of a green light, the driver of a vehicle that is approaching the intersection and facing the yellow light shall not, unless the vehicle cannot be stopped in a safe manner, drive the vehicle into

- (a) the marked crosswalk on the near side of the intersection, or
- (b) if there is no marked crosswalk, the intersection.

(2) When, at a place other than an intersection, a yellow light is shown by a traffic control signal at the same time as or following the showing of a green light, the driver of a vehicle that is

approaching the signal shall not, unless the vehicle cannot be stopped in a safe manner, drive the vehicle into

- (a) the area that is subject to the signal, or
- (b) the nearest crosswalk that is in the vicinity of the signal.

(3) When, at an intersection, rapid intermittent flashes of yellow light are shown by a traffic control signal, the driver of a vehicle that is facing the flashes of yellow light may drive the vehicle into the intersection but shall only proceed to do so with caution and shall yield the right of way

- (a) to any pedestrians that are lawfully within the intersection or an adjacent crosswalk, and
- (b) to any other vehicles that are lawfully within the intersection.

(4) When, at a place other than an intersection, rapid intermittent flashes of yellow light are shown by a traffic control signal, the driver of a vehicle that is approaching the signal

- (a) may, with caution, drive the vehicle past the signal, but
- (b) shall yield the right of way to any pedestrians that are lawfully in the roadway or on a crosswalk that is in the vicinity of the signal.

(5) When, at an intersection or other place, rapid intermittent flashes of yellow light are shown together with a sign reading or symbol indicating “school zone”, “playground zone”, “school crossing”, “pedestrian crossing”, “pedestrian zone” or other wording or symbol indicating a pedestrian hazard, the driver of a vehicle that is approaching the signal may, with caution, drive the vehicle

- (a) across the intersection, or
- (b) if at a place other than an intersection, past the sign,

but when so doing

- (c) shall not drive the vehicle across the intersection or past the sign at a rate of speed that is greater than 30 kilometres per hour, and

- (d) shall yield the right of way to any pedestrians that are in the intersection or on the roadway that is in the vicinity of the sign or signal.

Red traffic
lights

99(1) When, at an intersection, a red light alone is shown by a traffic control signal, the driver of a vehicle that is approaching the intersection and facing the red light

- (a) shall stop the vehicle
 - (i) immediately before the marked crosswalk that is on the near side of the intersection, or
 - (ii) if there is not any marked crosswalk, then immediately before the intersection,

and

- (b) shall not, until a traffic control signal instructs the driver that the driver is permitted to do so, drive the vehicle
 - (i) across the marked crosswalk and into the intersection, or
 - (ii) if there is not any marked crosswalk, into the intersection.

(2) Notwithstanding subsection (1), unless a traffic control device prohibits a right turn from being made on the red light, a driver of a vehicle may turn the vehicle and proceed right at the intersection if the driver first stops the vehicle and yields the right of way

- (a) to any pedestrians that are lawfully in the intersection, and
- (b) to any vehicles that are lawfully in or approaching the intersection.

(3) Notwithstanding subsection (1), at the intersection of 2 one-way streets, a driver of a vehicle may, unless a traffic control device otherwise directs or prohibits a left turn from being made on the red light, turn the vehicle and proceed left at the intersection, if the driver first stops and yields the right of way

- (a) to any pedestrians that are lawfully in the intersection, and

- (b) to any vehicles that are lawfully in or approaching the intersection.

(4) When, at a place other than an intersection, a red light is shown by a traffic control signal, the driver of a vehicle that is approaching the signal

- (a) shall stop the vehicle before reaching the signal or the nearest marked crosswalk, if any, whichever is closer, and that is in the vicinity of the signal, and
- (b) shall not, until a traffic control signal instructs the driver that the driver is permitted to do so, drive the vehicle
 - (i) past the signal, or
 - (ii) if there is a marked crosswalk, across the marked crosswalk and past the signal.

(5) When, at an intersection, rapid intermittent flashes of red light are shown by a traffic control signal, the driver of a vehicle that is approaching the intersection and facing the flashes of red light

- (a) shall stop the vehicle
 - (i) immediately before the marked crosswalk on the near side of the intersection, or
 - (ii) if there is no marked crosswalk, immediately before the intersection,

and

- (b) shall not drive the vehicle into the intersection until it is safe to do so.

(6) When, at a place other than an intersection, rapid intermittent flashes of red light are shown by a traffic control signal, the driver of a vehicle that is approaching the signal,

- (a) shall stop the vehicle
 - (i) immediately before reaching the signal, or
 - (ii) if there is a crosswalk in the vicinity of the signal, immediately before entering the crosswalk,

and

- (b) may drive the vehicle past the signal and across the crosswalk, if any,
 - (i) after having stopped the vehicle, and
 - (ii) if the pedestrian traffic that is located in the roadway or, if there is a marked crosswalk in the vicinity of the signal, the crosswalk is such that the vehicle can proceed with safety.

(7) When, at an intersection, an amber light in the shape of a “T” or an “I” on a dark background and a red light are shown at the same time by a traffic control signal, the driver of a municipal transit bus that is facing the signal may drive the bus into the intersection and proceed to drive the bus through the intersection without stopping so long as there is not another vehicle lawfully within the intersection that would obstruct the progress of the bus through the intersection.

Division 12 Use of Lamps

Use of lamps,
etc.

100(1) A driver of a vehicle shall not, at any time

- (a) during the period of time commencing ½ hour before sunset and terminating ½ hour after sunrise, or
- (b) when, due to insufficient light or unfavourable atmospheric conditions, objects are not clearly discernible on the highway at a distance of at least 150 metres ahead,

drive the vehicle on a highway unless the vehicle’s headlamps and tail lamps and, if the vehicle is equipped with clearance lamps, the vehicle’s clearance lamps are alight.

(2) A driver of a motorcycle or moped shall not, at any time, drive the motor cycle or moped on a highway unless all the lamps that the vehicle is required to be equipped with are alight.

(3) The Minister may, in substitution for or in addition to the lamps required to be alight under this section, prescribe by regulations the lamps of a vehicle that are to be alight under this section.

Use of high
beam

101(1) Subject to this section, when a vehicle is being driven on a highway at any time during which the vehicle's headlamps are required to be alight under section 100, the driver of the vehicle shall use a distribution of light or composite beam that is directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the driver's vehicle.

(2) Notwithstanding subsection (1), when a vehicle with its headlamps alight

- (a) is approaching an oncoming vehicle and is within 300 metres of that oncoming vehicle, or
- (b) is approaching the rear of another vehicle that is travelling in the same direction or following another vehicle and is within 150 metres of that other vehicle,

the driver of the approaching vehicle shall use the lowermost distribution of light or composite beam of the headlamps of the vehicle.

Division 13 Improper Operation of Vehicles

Careless
driving

102(1) A driver of a vehicle is driving carelessly if that driver drives the vehicle

- (a) without due care and attention, or
- (b) without reasonable consideration for persons using the highway.

(2) A driver of a vehicle shall not drive the vehicle on a highway in a manner that constitutes driving carelessly.

Interference
with driver

103(1) A driver of a vehicle shall not permit

- (a) any person, animal or thing to occupy the front seat of the vehicle in such a manner so as to impede the driver in the free and uninterrupted access to and use of the steering wheel, brakes and other equipment required to be used for the safe operation of the vehicle, or
- (b) any person, animal or thing in the vehicle to cause any obstruction to the driver's clear vision in any direction.

(2) A person shall not ride in a position in a vehicle that interferes with the driver's control over the driving mechanism of the vehicle or that obstructs the driver's clear vision in any direction.

(3) When a vehicle is in motion,

- (a) the driver of the vehicle shall not exchange places with any other person, and
- (b) no person shall exchange places with the driver.

Racing

104(1) A driver of a vehicle shall not drive the vehicle on a highway

- (a) on a bet or wager, or
- (b) unless authorized by a permit, in a race.

(2) Notwithstanding subsection (1)(b), the Minister or a road authority may issue a permit authorizing a race to be held on a highway subject to any conditions that the Minister or the road authority considers appropriate.

Stunts

105 A person shall not

- (a) in respect of a vehicle on a highway, perform or engage in any stunt or other activity, or
- (b) drive a vehicle so as to perform or engage in any stunt or other activity on a highway

that is likely to distract, startle or interfere with other users of the highway.

Noise

106 A person shall not create or cause the emission of any loud and unnecessary noise from

- (a) a vehicle or any part of it, or
- (b) any thing or substance that the vehicle or a part of it comes into contact with.

- Horn **107** A person shall not use the horn or other audible warning device of the vehicle
- (a) except for the purposes of giving notice to other persons that are on or approaching a highway or within the vicinity of the vehicle, or
 - (b) so that it makes more noise than is reasonably necessary to give notice to other persons that are on or approaching a highway or within the vicinity of the vehicle.
- Passengers in house trailers **108(1)** In this section, "house trailer" means a vehicle that
- (a) is capable of being attached to and drawn by a motor vehicle, and
 - (b) is designed, constructed or equipped as a dwelling place, living abode or sleeping place.
- (2)** A person shall not occupy or permit any other person to occupy a house trailer while the house trailer is being moved on a highway.
- Riding or being towed on outside of vehicle **109(1)** A person shall not ride or permit any other person to ride on the outside of a motor vehicle.
- (2)** Subsection (1) does not apply to a person riding
- (a) on a regular seat on a cycle;
 - (b) in the box of a truck if the person is being transported in such a manner so that the person will be safe;
 - (c) in or on a fire-fighting vehicle;
 - (d) in or on a vehicle engaged in highway construction or maintenance;
 - (e) in or on a vehicle forming part of an entertainment exhibition that has been approved by the council of the municipality within which the exhibition is taking place;
 - (f) on a maintenance or service vehicle on which a special seat or stand has been affixed providing for the safety of the person so riding.

(3) Where a vehicle is on a highway, the driver of the vehicle shall not knowingly draw or tow by that vehicle any person riding a sled, toboggan, skis, cycle or other thing.

(4) Where a vehicle is on a highway, a person shall not directly or indirectly be attached to that vehicle by means of a device or any part of that person's body and

(a) be pushed or towed by the vehicle, or

(b) ride a sled, toboggan, skis, cycle or other thing that is being pushed or towed by the vehicle.

(5) This section does not apply to the towing or pushing of a vehicle, other than a cycle, by another vehicle.

Opening
vehicle doors

110(1) A person shall not open a door of a vehicle unless it is reasonably safe to do so.

(2) A person shall not leave a door open on a vehicle where it may constitute a hazard to moving traffic.

Disturbance of
residential
area

111 A driver of a vehicle shall not, during the period of time commencing at 10 p.m. and terminating at 7 a.m., drive the vehicle on a highway in a residential area in a manner that unduly disturbs the residents of the residential area.

Division 14 School Buses

Definition

112 In this Division, "school bus" means a vehicle on which are displayed the words "school bus".

Alternately
flashing amber
lights

113 Where a school bus is operating alternately flashing amber lamps, the driver of a vehicle that is approaching the school bus shall,

(a) when approaching the school bus from the rear, if the school bus is on a highway that is divided by a median into 2 separate roadways, or

(b) when approaching the school bus from the front or rear, if the school bus is on a highway that is not divided by a median into 2 separate roadways,

reduce the speed of the approaching vehicle so that if the approaching vehicle passes the school bus it does so in a cautious manner.

Alternately
flashing red
lights

114(1) Where a school bus is operating alternately flashing red lamps, the driver of a vehicle that is approaching the school bus shall,

- (a) when approaching the school bus from the rear, if the school bus is on a highway that is divided by a median into 2 separate roadways, or
- (b) when approaching the school bus from the front or rear, if the school bus is on a highway that is not divided by a median into 2 separate roadways,

stop the approaching vehicle before it reaches the school bus.

(2) After stopping an approaching vehicle pursuant to subsection (1), the driver of the vehicle shall not proceed to drive the vehicle past the school bus until

- (a) the driver of the school bus indicates by a signal that the vehicle may proceed, or
- (b) the alternately flashing red lamps on the school bus stop flashing.

Activating
flashing lights,
etc.

115(1) The driver of a school bus shall

- (a) activate the alternately flashing amber lamps when the driver begins to slow down the school bus for the purpose of stopping on a highway to load or unload passengers, and
- (b) activate
 - (i) the alternately flashing red lamps, and
 - (ii) the stop arm,

when the school bus is stopped on a highway for the purpose of loading or unloading passengers.

(2) Subsection (1)(a) and (b)(ii) apply only in respect of school buses that are equipped with alternately flashing amber lamps and stop arms.

(3) Notwithstanding subsection (1),

- (a) in the case of a highway or a portion of a highway that is under the direction, control and management of the Minister, the Minister may make a regulation, or
- (b) in the case of a highway or a portion of a highway that is under the direction, control and management of a municipality, the council of the municipality may pass a by-law,

governing the times during which, the locations at which or the circumstances under which, as the case may be, the alternately flashing lamps and stop arm on a school bus may be, shall be or shall not be used while the school bus is operating on that highway or that portion of highway.

(4) A person shall not operate the alternately flashing lamps or the stop arm located on a school bus other than as provided for under subsection (1) or a regulation or a by-law referred to in subsection (3), whichever is applicable.

(5) Notwithstanding a regulation or a by-law referred to in subsection (3), when the alternately flashing lamps and stop arm are used pursuant to that regulation or by-law they shall be used in the sequence as provided for under subsection (1).

Speed

116 Notwithstanding anything in this Act, a driver of a school bus shall not drive the school bus at a speed that is greater than

- (a) the speed limit prescribed in the regulations, or
- (b) the speed limit prescribed in respect of the highway,

whichever is the slower speed.

Backing up on
school ground,
etc.

117 A driver of a school bus shall not drive the school bus in reverse when the school bus is

- (a) on a school ground, or
- (b) at a location adjacent to a school ground at which the school bus is loaded or unloaded,

unless there is a responsible person located outside at the rear of the school bus giving directions with respect to the driving of the school bus in reverse.

Division 15 Cycles

Rights and duties of operator	118 Unless the context otherwise requires, a person who is driving a cycle on a highway has all the rights and is subject to all the duties of a driver of a motor vehicle under this Part.
Restrictions re mopeds, etc.	119 A person who is under the age of 16 years and is operating a moped or power bicycle shall not carry any passengers on the moped or power bicycle.
Operation of cycle	<p>120(1) A person who is driving a cycle on a highway</p> <ul style="list-style-type: none">(a) shall keep both hands on the handlebars of the cycle, except when making a signal in accordance with this Act or shifting the gears of the cycle,(b) shall keep both feet on the pedals or foot rests of the cycle other than when stopped,(c) shall not ride other than on or astride a regular seat of the cycle, and(d) shall not use the cycle to carry more persons at one time than the number for which the cycle is designed and equipped. <p>(2) A person who is driving a cycle, other than a motor cycle, on a highway shall ride as near as practicable to the right hand curb or edge of the roadway unless the person is in the process of making a left turn with the cycle.</p> <p>(3) Notwithstanding subsection (2), a person who is driving a cycle, other than a motor cycle, on a one-way highway shall ride as near as practicable to either curb or edge of the roadway unless the person is in the process of crossing from one curb or edge of the roadway to the opposite curb or edge of the roadway.</p> <p>(4) A person who is riding as a passenger on a cycle</p> <ul style="list-style-type: none">(a) shall not ride other than on a regular seat of the cycle intended for a passenger, and(b) shall keep both feet on the foot rests provided for the use of the passenger riding on the seat.

Travel single
file

121(1) A person who is driving a cycle on a highway, except when overtaking and passing another cycle,

- (a) shall not ride the cycle to the side of another cycle travelling in the same direction, and
- (b) where more than one cycle is travelling in the near vicinity of and in the same direction as another cycle, shall ride the cycle directly in line with and to the rear or front of the other cycle.

(2) Notwithstanding subsection (1), a person who is driving a motor cycle on a highway may ride to the side of one other motor cycle travelling in the same direction if the 2 motor cycles remain within the same traffic lane.

Cycles used in
exhibitions,
etc.

122 Notwithstanding sections 109, 120 and 121, a road authority may, with respect to a highway under its direction, control and management permit persons operating cycles as part of an entertainment show or an exhibition to operate the cycles in a manner permitted by the road authority for the period of time during which the cycles are actually being used as part of the entertainment show or exhibition.

Safety helmets

123(1) A person shall not

- (a) drive a cycle, other than a bicycle, unless the person is wearing a safety helmet that is securely attached on the person's head, or
- (b) ride as a passenger on a cycle, other than a bicycle, unless the passenger is wearing a safety helmet that is securely attached on the passenger's head.

(2) Subsection (1) does not apply to the driver or passengers of a motor cycle that is manufactured with a cab that fully encloses and protects the driver or passenger, as the case may be.

(3) A person shall not

- (a) drive a bicycle unless the person is wearing a safety helmet that is securely attached on the person's head, or
- (b) ride as a passenger on a bicycle unless the passenger is wearing a safety helmet that is securely attached on the passenger's head.

(4) A person shall not drive

- (a) a cycle, other than a bicycle, or
- (b) a bicycle,

on which a passenger is riding unless the passenger is wearing a safety helmet that is securely attached on the passenger's head.

(5) A person shall not buy, sell or offer for sale any safety helmet intended for the use by drivers or passengers

- (a) of cycles, other than bicycles, or
- (b) of bicycles,

unless it conforms to the standards prescribed by the regulations.

Division 16 Off-highway Vehicles

Operation

124(1) A driver of an off-highway vehicle shall not drive the off-highway vehicle on any portion of a highway.

(2) Notwithstanding subsection (1),

- (a) in the case of any highway or class of highway under the Minister's direction, control and management,
 - (i) the Minister may by regulation authorize persons to drive off-highway vehicles along any portion of that highway, or
 - (ii) the Administrator may issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;
- (b) in the case of any highway or class of highway that is under the direction, control and management of a municipality, the council of the municipality may by by-law authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;
- (c) in the case of any highway or class of highway that is under the direction, control and management of a Minister, other than the Minister of Transportation and Utilities, that Minister may by regulation

authorize or issue a permit authorizing persons to drive off-highway vehicles along any portion of that highway;

- (d) a driver of an off-highway vehicle may drive the off-highway vehicle across any highway, including the roadway, parking lane or sidewalk portion of the highway, as the case may be, if
 - (i) the driver stops the off-highway vehicle before driving it onto the highway or portion of the highway to be crossed,
 - (ii) all passengers disembark from the off-highway vehicle and any vehicle or thing attached to it before the driver commences to drive the off-highway vehicle across the highway,
 - (iii) the driver yields the right of way to all other vehicles and persons on the highway, and
 - (iv) the driver drives the off-highway vehicle across the highway or portion of the highway to be crossed by the most direct and shortest route of travel available to the driver.

(3) A permit, regulation or by-law issued or made under this section may do one or more of the following:

- (a) prescribe terms and conditions, or either of them, under which an off-highway vehicle may be operated on a highway;
- (b) prescribe the maximum speed limits, not to exceed the maximum speed limits prescribed or set for vehicles under this Act, that are applicable to an off-highway vehicle;
- (c) prescribe the minimum speed limits that are applicable to off-highway vehicles;
- (d) prescribe routes to be used by off-highway vehicles.

Duty of driver **125(1)** Notwithstanding anything in this Act, the driver of an off-highway vehicle shall at all times yield the right of way to all other classes of vehicles.

(2) When an off-highway vehicle is on or approaching a highway, the driver of the off-highway vehicle shall obey all traffic control devices regulating traffic on, approaching or leaving the highway.

Careless driving **126(1)** A driver of an off-highway vehicle is driving carelessly if that driver drives the off-highway vehicle

(a) without due care and attention, or

(b) without reasonable consideration for other persons or property.

(2) A driver of an off-highway vehicle shall not

(a) drive the off-highway vehicle on property, whether publicly or privately owned, that the public is ordinarily entitled or permitted to use, or

(b) drive the off-highway vehicle on a highway,

in a manner that constitutes driving carelessly.

Restriction on municipality **127** Except where this Act or any other Act specifically provides for a contrary effect, the council of a municipality does not have any power to pass, enforce or maintain any by-law forbidding the operation of off-highway vehicles in a manner contrary to or inconsistent with this Act.

Division 17 Miscellaneous

Processions and parades **128(1)** A driver of a vehicle shall not drive the vehicle so as to cause the vehicle to

(a) break through the ranks of a military or funeral procession, or

(b) break through the ranks of any other authorized parade or procession.

(2) Notwithstanding sections 76 to 78, 80 to 84, 98 and 99, in the case of a highway in an urban area where a municipal by-law permits it, a driver of a vehicle in a funeral procession, other than

the lead vehicle in the funeral procession, may, during daylight hours, drive the vehicle into an intersection without stopping the vehicle if

- (a) the headlamps of the vehicle are alight,
- (b) the vehicle is travelling immediately behind the vehicle in front of it in the funeral procession so as to form a continuous line of traffic, and
- (c) the passage into the intersection can be made in safety.

Air cushion
vehicles

129 A person shall not operate an air cushion vehicle on, along or across a highway.

Tampering
prohibited

130 Unless authorized under another Act, a person other than a peace officer shall not use, interfere or tamper with any vehicle or any of its accessories or any thing placed in or on it without the consent of the owner.

Removal of
damaged
vehicle

131 A person who removes a wrecked or damaged vehicle from a highway shall also remove from the highway and any area in the vicinity of the highway all glass and debris and any thing that was part of or related to the vehicle.

Abandoning of
vehicle

132(1) A person shall not abandon a vehicle on a highway.

(2) A person shall not abandon a vehicle on public or private property without the consent of the owner or person in possession or control of the property.

(3) A vehicle that is

- (a) left standing on a highway for more than 72 consecutive hours, unless otherwise provided for in a municipal by-law in the case of a highway under the direction, control and management of the council, or
- (b) left standing on public or private property for more than 72 consecutive hours without the consent of the owner or person in possession or control of the property,

shall be deemed to have been abandoned at that location for the purposes of section 93 of the *Motor Vehicle Administration Act*.

Advertising on
highways

133(1) A person shall not do the following on a highway:

- (a) display any goods for sale;
- (b) offer any goods for sale;
- (c) sell any goods;
- (d) park a vehicle that is displaying goods, advertising or directing persons to a commercial premises.

(2) Notwithstanding subsection (1), a road authority may, subject to any terms or conditions that the road authority prescribes, permit

- (a) the display of goods or advertising, or
- (b) the sale of goods,

on a highway under its direction, control and management.

Unauthorized
traffic signs

134(1) A person shall not place, maintain or display in view of persons using a highway any sign, marking or device that

- (a) purports to be, is an imitation of or resembles a traffic control device, or
- (b) gives any warning or direction as to the use of the highway by any person.

(2) Subsection (1) does not apply to the placing, maintaining or displaying of a sign, marking or device

- (a) by a road authority on land owned or used by the road authority, or
- (b) by the owner of privately owned land on that land for the purpose of regulating, warning or guiding traffic using a privately owned highway that is serving that land.

(3) If a sign, marking or device is placed, maintained or displayed in contravention of subsection (1),

- (a) a peace officer, or

(b) a person authorized by the road authority,

may, without notice or compensation, remove the sign, marking or device.

(4) For the purposes of carrying out a person's powers under subsection (3), the person may enter on privately owned land.

Damage to
traffic control
devices

135 A person shall not remove, throw down, deface, alter or destroy a traffic control device placed, marked or erected on a highway.

Report re
damage to
traffic control
devices, etc.

136 If a person damages or knocks down or is driving a vehicle that damages or knocks down

- (a) a traffic control device,
- (b) a railroad sign or signal,
- (c) a traffic sign of any type,
- (d) a utility pole,
- (e) a lamp standard, or
- (f) a parking meter,

that person shall forthwith report the damage to the nearest peace officer.

PART 6

PEDESTRIANS

Pedestrians
on roadway

137(1) When a sidewalk or path is located beside a roadway, a pedestrian

- (a) shall at all times when it is reasonable and practicable to do so use the sidewalk or path, and
- (b) shall not proceed along or remain on the roadway.

(2) If there is no sidewalk or path, a pedestrian who is proceeding along or on a highway shall at all times when reasonable and practicable to do so, proceed only on the left side of the roadway or the shoulder of the highway facing traffic approaching from the opposite direction.

Pedestrians
crossing
roadway

138(1) A pedestrian who is crossing a roadway

- (a) shall cross as quickly as is reasonable, and
- (b) shall not stop or loiter while crossing the highway or otherwise impede the free movement of vehicles on the highway.

(2) A pedestrian shall not proceed onto a roadway or proceed along a roadway into the path of any vehicle that is so close that it is impracticable for the driver of the vehicle to yield the right of way.

Yielding by
pedestrians

139 A pedestrian who is crossing a roadway at any point other than within a crosswalk shall yield the right of way to vehicles on the roadway.

Pedestrians'
right of way

140(1) At a place where there is a crosswalk, a pedestrian has, unless otherwise directed by a peace officer or a traffic control device, the right of way over vehicles for the purpose of crossing the roadway within the crosswalk.

(2) Notwithstanding subsection (1), nothing in this section relieves a pedestrian from the duty of exercising due care for the pedestrian's own safety.

Pedestrians at
green light

141(1) When, at an intersection, a traffic control signal shows a green light alone, a pedestrian who is facing the green light

- (a) may proceed across the roadway within a crosswalk, subject to any pedestrian traffic control signal directing otherwise, and
- (b) has the right of way for that purpose over all vehicles.

(2) When, at a place other than an intersection, a traffic control signal shows a green light alone facing the vehicular traffic, a pedestrian

- (a) shall not enter on the roadway in the vicinity of the signal until either
 - (i) the traffic control signal that is facing the vehicular traffic shows a red light, or

- (ii) a traffic control signal instructs the pedestrian that the roadway may be crossed,

and

- (b) shall proceed as quickly as possible across the roadway.

(3) When, at an intersection, a traffic control signal shows a green arrow, a pedestrian who is facing the green arrow shall not enter the roadway unless or until

- (a) a pedestrian traffic control signal, or
- (b) the showing of a green light by a traffic control signal,

instructs the pedestrian that the roadway may be entered.

(4) When, at an intersection, a traffic control signal shows a green arrow and a red light at the same time, a pedestrian who is facing the green arrow and red light shall not enter the roadway unless or until

- (a) a pedestrian traffic control signal, or
- (b) the showing of a green light by a traffic control signal,

instructs the pedestrian that the roadway may be entered.

Pedestrians at
yellow light

142(1) When, at an intersection, a traffic control signal shows a yellow light at the same time as or following the showing of a green light,

- (a) a pedestrian who is facing the yellow light shall not enter the roadway, and
- (b) in the case of a pedestrian who is proceeding across the roadway and facing the yellow light that is shown after the pedestrian has entered the roadway, the pedestrian
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.

(2) When, at a place other than an intersection, a traffic control signal shows a yellow light facing the vehicular traffic at the same time as or following the showing of a green light, a pedestrian shall not enter the roadway in the vicinity of the signal until either

- (a) the traffic control signal that is facing the vehicular traffic shows a red light, or
- (b) a traffic control signal instructs the pedestrian that the roadway may be entered.

(3) When, at an intersection, a traffic control signal shows rapid intermittent flashes of yellow light, a pedestrian who is facing the flashes of yellow light may, with caution, proceed across the roadway within a crosswalk.

(4) When, at a place other than an intersection, a traffic control signal shows rapid intermittent flashes of yellow light, a pedestrian may, with caution, proceed across the roadway.

Pedestrians at
red light

143(1) When, at an intersection, a traffic control signal shows a red light alone,

- (a) a pedestrian who is facing the red light shall not enter the roadway unless the pedestrian is instructed to do so by a pedestrian traffic control signal, and
- (b) in the case of a pedestrian who is proceeding across the roadway and facing the red light that is shown after the pedestrian has entered on the roadway, the pedestrian
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.

(2) When, at a place other than an intersection, a traffic control signal shows a red light facing the vehicular traffic, a pedestrian may proceed across the roadway.

(3) When, at an intersection, a traffic control signal shows rapid intermittent flashes of red light, a pedestrian who is facing the flashes of red light may, with caution, proceed across the roadway within a crosswalk.

(4) When, at a place other than an intersection, a traffic control signal shows rapid intermittent flashes of red light facing the vehicular traffic, a pedestrian may proceed across the roadway.

Walk and wait
lights

144(1) When, at an intersection, a pedestrian traffic control signal shows a word or symbol indicating “walk”, a pedestrian who is facing that signal

- (a) may, within a crosswalk, proceed across the roadway in the direction of the signal, and
- (b) has the right of way over all vehicles within the intersection or any adjacent crosswalk.

(2) When, at a place other than at an intersection, a pedestrian traffic control signal shows a word or symbol indicating “walk”, a pedestrian who is facing that signal

- (a) may proceed across the roadway in the direction of the signal, and
- (b) has the right of way over all vehicles.

(3) When, at an intersection or at a place other than an intersection, a pedestrian traffic control signal shows a word or symbol indicating “wait” or “don’t walk”,

- (a) a pedestrian who is facing that signal shall not enter the roadway, and
- (b) in the case of a pedestrian who is proceeding across the roadway and facing the word or symbol indicating “wait” or “don’t walk” that is shown after the pedestrian has entered on the roadway, the pedestrian
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.

Crossing at
traffic lights

145(1) Where a traffic control signal instructs or permits a pedestrian to enter or to proceed across a roadway, the pedestrian shall do so

- (a) at an intersection, only within a crosswalk, and

- (b) at a place other than an intersection in the vicinity of which there is a marked crosswalk, only within the crosswalk.

(2) A pedestrian who is waiting for a traffic control signal to change shall not stand on the roadway.

Malfunctioning
traffic lights

146 If a traffic control signal is not operating or is not operating properly, a pedestrian shall use the highway in the vicinity of the traffic control signal with caution.

Peace officer
directing
traffic, etc.

147(1) Notwithstanding anything in this Part, a pedestrian shall obey the directions of a peace officer directing traffic.

(2) Notwithstanding anything in this Part,

(a) when

(i) a person is giving directions, or

(ii) a barricade or sign is erected,

on a highway for the purposes of directing traffic in connection with an accident, an emergency or any construction, repair or other work on the highway or land adjacent to the highway, or

(b) when

(i) a person is giving directions, or

(ii) a sign is displayed,

for the purpose of directing traffic with respect to the operation of an over-dimensional vehicle on a highway or land adjacent to a highway,

a pedestrian shall obey the directions given by the person or, where no person is giving directions, the directions shown on the sign or barricade.

Parades and
processions

148(1) A pedestrian shall not

- (a) break through the ranks of a military or funeral procession, or

- (b) break through the ranks of any other authorized parade or procession,

or in any way obstruct, impede or interfere with the parade or procession.

(2) Subsection (1) applies notwithstanding that the pedestrian is facing a green or a walk light while the parade or procession is in the intersection.

Giving
information to
peace officer

149 A pedestrian who is crossing or proceeding on a highway in a manner that is contrary to this Act or a regulation or a by-law made under this Act shall, on request, give the pedestrian's name and address to a peace officer who so requests.

Pedestrian
crossings

150 Nothing in this Part shall be construed so as to authorize a pedestrian to cross a roadway in an urban area at a place where a municipal by-law prohibits the crossing.

Actions
contrary to the
rules

151 Notwithstanding anything in this Part, a pedestrian

- (a) who is carrying out duties
 - (i) as an Alberta land surveyor or in the employ of an Alberta land surveyor, or
 - (ii) in the employ of a municipality, the Government of Alberta, the Government of Canada or of the owner of a public utility,

and

- (b) who, while in the conduct of those duties, is required to use the roadways or other portions of the highway contrary to this Part or a municipal by-law passed under the authority of this Act,

is not in contravention of this Part or the by-law if adequate advance warning is given of the pedestrian's presence on the highway by means of signs, barricades or the use of a person giving directions in respect of the pedestrian's presence.

PART 7

ANIMALS ON HIGHWAY

Duty of person riding or driving animals **152** Unless the context otherwise requires, a person who is riding an animal or driving an animal-drawn vehicle on a highway has all the rights and is subject to all the duties of a driver of a motor vehicle under Part 5.

Riding animal on highway **153** When it is necessary to ride an animal on a roadway, the person who is riding the animal

- (a) shall ride the animal as near as practicable to the right hand curb or edge of the roadway,
- (b) shall not ride the animal to the side of another animal travelling in the same direction, and
- (c) where more than one animal is travelling in the near vicinity of and in the same direction as another animal, shall ride the animal directly in line with and to the rear or front of the other animal,

except when overtaking and passing the other animal or riding the animal in a bona fide parade.

PART 8

ENFORCEMENT, PROSECUTIONS, CIVIL RIGHTS AND REMEDIES

Division 1 Peace Officers

Stopping for peace officer **154** For the purposes of administering and enforcing this Act or a regulation or a by-law made under this Act,

- (a) a peace officer may
 - (i) signal or direct a driver of a vehicle to stop the vehicle, and
 - (ii) request information from the driver of the vehicle and any passengers in the vehicle;
- (b) a driver of a vehicle, when signalled or directed to stop by a peace officer who is readily identifiable as a peace officer, shall

- (i) forthwith bring the vehicle to a stop,
 - (ii) forthwith furnish to the peace officer any information respecting the driver or the vehicle that the peace officer requires, and
 - (iii) remain stopped until permitted by the peace officer to leave;
- (c) a passenger in a vehicle who is acting in a manner that is contrary to this Act or a regulation or a by-law made under this Act shall, at the request of a peace officer, forthwith furnish to the peace officer the passenger's name and address.

Determination
for
consumption
of alcohol, etc.

155 Where a peace officer

- (a) for any purpose, is in contact with a person who is or was driving a motor vehicle, and
- (b) forms a reasonable suspicion that there is alcohol or a drug in that person's body,

the peace officer may request the person to perform physical tests of co-ordination for the purposes of determining the following:

- (c) whether the person has, in fact, been consuming alcohol or a drug;
- (d) whether there is any basis to require the person to surrender the person's operator's license pursuant to the *Motor Vehicle Administration Act*;
- (e) whether there is any basis to demand samples of blood or breath pursuant to the *Criminal Code* (Canada).

Arrest without
warrant

156(1) Where a peace officer, on reasonable and probable grounds, believes

- (a) that a person has committed an offence in respect of any of the provisions set out in subsection (2), and
- (b) that person
 - (i) will continue or repeat that offence if not arrested, or

- (ii) has provided the peace officer with inadequate or questionable information as to the person's identification,

the peace officer may arrest that person without warrant.

(2) A person who has committed an offence in respect of any of the following provisions may in accordance with subsection (1) be arrested without warrant:

- (a) the provisions of Part 5 relating to the speed of motor vehicles;
- (b) section 154(b) relating to the requirement that a driver stop and provide information when so requested by a peace officer;
- (c) section 154(c) relating to the requirement that a passenger provide information when so requested by a peace officer;
- (d) section 102 relating to driving a motor vehicle on a highway in a manner that constitutes careless driving;
- (e) section 126 relating to driving an off-highway vehicle in a manner that constitutes careless driving;
- (f) section 104 relating to driving a motor vehicle in a race or on a bet or wager;
- (g) section 130 relating to tampering with a motor vehicle;
- (h) section 135 relating to defacement of signs;
- (i) section 149 relating to a pedestrian giving information to a peace officer.

Seizure of
vehicle

157(1) In this section, "vehicle" includes any contents in the vehicle or load being carried by the vehicle.

(2) Where a peace officer believes, on reasonable and probable grounds,

- (a) that any of the offences referred to in section 156 has been committed with or in relation to any vehicle,

- (b) that examination or testing of the vehicle will furnish evidence relevant to the offence, and
- (c) that the evidence could be lost if the vehicle is not seized at that time,

the peace officer may seize that vehicle and cause it to be removed, taken and stored in a suitable place pending the granting of an order pursuant to subsection (4).

(3) When a peace officer has seized a vehicle pursuant to subsection (2), the peace officer shall, as soon as practicable after the seizure, apply to the Provincial Court for an order permitting the examination, testing or detention of the seized vehicle.

(4) On application under subsection (3), the Provincial Court may, if it considers it appropriate in the circumstances, do one or more of the following:

- (a) order the examination or testing of the seized vehicle;
- (b) order the further detention and storage of the vehicle;
- (c) order the release of the vehicle to any person with a rightful claim to it, with or without a requirement that the person deposit with the Court security not exceeding \$4000.

(5) An order made under subsection (4) may be renewed, amended or extended, on application to the Provincial Court.

(6) Except where subsections (7) and (8) apply, all costs of removal, taking and storage of any vehicle are a lien on the vehicle and section 93 of the *Motor Vehicle Administration Act* applies with all necessary modifications.

(7) In hearing an application pursuant to subsection (4), the Provincial Court may, if it orders the vehicle to be released to a person with a rightful claim to it without the requirement of any deposit of security with the Court, order that the costs referred to in subsection (6) be paid

- (a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or
- (b) in any other case, by the Crown in right of Alberta.

(8) In hearing a trial of any offence relating to any vehicle seized pursuant to this section the Provincial Court may, if the person with a rightful claim to the vehicle is not convicted of any offence relating to the vehicle, order that the costs referred to in subsection (6) be paid

- (a) in any case where the seizure was effected by a member of a municipal police service, by the municipality, or
- (b) in any other case, by the Crown in right of Alberta.

Removal of
vehicle

158 A peace officer may cause a vehicle to be removed, taken to and stored in a suitable place when the vehicle

- (a) is left unattended on a highway in a manner that obstructs the normal movement of traffic;
- (b) is parked on any highway in contravention of this Act or a regulation or a by-law made under this Act;
- (c) is parked on a highway in a manner that prevents access by fire fighting equipment to a fire hydrant;
- (d) is without subsisting licence plates or a permit;
- (e) is parked on private property without the consent of the owner of the property or on a highway in a manner that obstructs any private driveway;
- (f) is left unattended on a highway and, in the opinion of a peace officer, the vehicle, its contents or any part thereof is liable to be stolen or tampered with.

Abandoned
vehicle

159 When a peace officer or a district engineer, on reasonable and probable grounds, believes that a vehicle

- (a) has been abandoned in contravention of section 132, or
- (b) is situated unattended at a location or in a condition so that it constitutes a present or potential hazard to persons or property,

the peace officer or the district engineer, as the case may be, may cause the vehicle to be removed from its location, whether on private or public property or on a highway, and taken to and stored at a place that is, in the opinion of the peace officer or the district

engineer, a suitable place and that is located in the same judicial district as the location from which the vehicle was removed.

Costs of
removal, etc.

160 Where a vehicle is removed or removed, taken to and stored under section 158 or 159, all the costs of removal, taking and storage, as the case may be, are a lien on the vehicle and section 93 of the *Motor Vehicle Administration Act* applies with all necessary modifications.

Repair of
damaged
vehicle

161(1) In this section, “repairs” means the repair of damage to a motor vehicle that arises out of

- (a) the vehicle having been in an accident that is required to be reported under the *Motor Vehicle Administration Act*, or
- (b) the vehicle having been struck by a bullet.

(2) A person shall not commence the repairs or direct or require the repairs to be commenced on a motor vehicle

- (a) unless a notice in the form provided by the Minister has been affixed to the motor vehicle, or
- (b) if no notice is affixed to the motor vehicle, until the person has been authorized to do so in writing,

by a peace officer or other person on behalf of the police service that provides the policing services to the jurisdiction in which the vehicle was damaged.

Assistance to
peace officer

162(1) A person may assist another person who appears to be a peace officer in the carrying out of the duties of a peace officer under this Act or a regulation or a by-law made under this Act if

- (a) requested to do so by that other person, and
- (b) the person to whom the request is made reasonably believes that the other person making the request for assistance is in fact a peace officer.

(2) In making a request under subsection (1), a peace officer shall not request a person

- (a) to operate a vehicle in pursuit of another vehicle, or

- (b) to carry out a function that would place the person in a position of apparent abnormal danger.

(3) When a person pursuant to a request made under this section provides assistance, that person is, with respect to providing the assistance, entitled to the same rights and protection under the law that a peace officer is entitled to.

(4) Nothing in subsection (3) shall be construed so as to waive or restrict any rights or protection under the law to which the person providing the assistance would be entitled to if that person was not providing the assistance.

Division 2 Prosecutions

Offence

163(1) A person who contravenes or fails to comply with any provision of this Act or a regulation or a by-law made under this Act is guilty of an offence.

(2) When an information is laid or a summons or a violation ticket is issued by a person in respect of an offence referred to in subsection (1), that person shall on the information, summons or violation ticket, as the case may be, refer to the provision that the accused is alleged to have contravened or failed to have complied with.

Punishment

164 Except as otherwise provided in this Act, a person who is guilty of an offence under this Act or a regulation or a by-law made under this Act for which a penalty is not otherwise provided is liable to a fine or other punishment as provided for under the *Provincial Offences Procedure Act*.

Owner liable

165(1) If a vehicle is involved in a contravention of or a failure to comply with this Act or a regulation or a by-law made under this Act, the owner of that vehicle is guilty of an offence.

(2) Subsection (1) does not apply if, at the time that the vehicle was involved in a contravention of or a failure to comply with this Act or a regulation or a by-law made under this Act, the owner of the vehicle satisfies the court that

- (a) in the case of a vehicle that was in motion,
- (i) the owner of the vehicle was not driving the vehicle, and

- (ii) no other person was driving the vehicle with the owner's expressed or implied consent,

and

- (b) in the case of a vehicle that was parked,
 - (i) the owner did not park the vehicle, and
 - (ii) no other person parked the vehicle with the owner's expressed or implied consent.

(3) The owner of a vehicle is guilty of an offence where

- (a) the vehicle is involved in a contravention of or a failure to comply with this Act or a regulation or a by-law made under this Act,
- (b) a peace officer has requested from the owner of the vehicle the name and address of the driver of the vehicle who was driving the vehicle at the time that the vehicle was involved in the contravention of or failure to comply with this Act or a regulation or a by-law made under this Act, and
- (c) the owner fails to or refuses to provide the peace officer with the name and address of the driver.

(4) An owner who is guilty of an offence under this section is not liable to imprisonment in respect of that offence.

Dismissal of
charge

166 Where a person is charged with an offence under this Act or a regulation or a by-law made under this Act, the court trying the case may dismiss the charge, if the court is of the opinion that the offence

- (a) was committed wholly by accident or misadventure and without negligence, and
- (b) could not by the exercise of reasonable care or precaution have been avoided.

Disposition of
fines and
penalties

167(1) Subject to subsection (2), any fine or penalty imposed under this Act or the regulations belongs to the Crown in right of Alberta.

(2) Subject to any administration fee charged by the Government, any fine or penalty imposed under this Act or the regulations in respect of an offence occurring in

- (a) a municipality that is an urban area belongs to that municipality;
- (b) a county, municipal district or Metis settlement, other than on a primary highway, belongs to the county, municipal district or Metis settlement, or
- (c) an Indian reserve, other than on a primary highway or on a highway designated as a secondary road pursuant to the *Public Highways Development Act*, belongs to the band.

(3) For the purposes of subsection (2)(c), “band” and “reserve” mean a band and reserve as defined in the *Indian Act* (Canada).

Tester's
certificate as
evidence

168(1) In any prosecution under this Act or a regulation or a by-law made under this Act, a certificate

- (a) stating the result of a test of
 - (i) the speedometer of a vehicle identified in the certificate,
 - (ii) a device identified in the certificate and used for determining the accuracy of a radar device, or
 - (iii) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles,
- (b) bearing a date on it that is not more than,
 - (i) in the case of a device referred to in clause (a)(ii), one year before or after the date of the offence charged, or
 - (ii) in the case of a speedometer or other device used for or in connection with establishing the speed of vehicles, 30 days before or after the date of the offence charged,

and

- (c) purporting to be signed by a tester who is appointed under this Act to test devices of the type stated in the certificate to have been tested,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or appointment as a tester of the person signing the certificate.

(2) In any prosecution under this Act or a regulation or a by-law made under this Act, a certificate purporting to be signed by a meteorologist and stating the time of sunrise or the time of sunset in any area on any day shall be admitted in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or qualifications of the person signing the certificate.

Traffic sign or
device under
another Act

169 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.

Proof of
existence of
traffic control
device

170 In a prosecution under this Act or a regulation or a by-law made under this Act, the existence of a traffic control device is prima facie proof that the device was properly designated and erected by the proper authority without other or further proof thereof.

Engineer's
certificate as
proof

171 Where lines for the purpose of indicating distances are painted or repainted on the highway, a certificate or statement of accuracy

- (a) purporting to be signed by an engineer or land surveyor who is
 - (i) employed by the Government and under the administration of the Minister,
 - (ii) employed by a road authority, other than the Minister, or
 - (iii) providing services to the Government or a road authority,

and

- (b) certifying the measured distance between those lines,

shall be admitted in evidence as prima facie proof of the facts stated in the certificate or statement of accuracy without proof of the signature or official character of the person signing the certificate or statement of accuracy.

Division 3 Civil Rights and Remedies

Action for
negligence not
affected

172 Nothing in this Act shall be construed to curtail or abridge the right of any person to commence and maintain an action for damages by reason of any injuries to a person or any property resulting from

- (a) the negligence of the owner or driver of any motor vehicle, or
- (b) the negligence of any agent or employee of the owner of the motor vehicle.

Onus where
Act
contravened

173 If

- (a) a person sustains loss or damage arising out of the operation of a motor vehicle on a highway, and
- (b) that motor vehicle is operated by a person who is in contravention of or fails to comply with this Act or a regulation or by-law made under this Act,

the onus of proof in any civil proceeding that the loss or damage did not arise by reason of that contravention or failure to comply is on the owner or driver of the motor vehicle.

Onus on
owner or
driver

174(1) If a person sustains loss or damage by reason of a motor vehicle being in motion, the onus of proof in any civil proceeding that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is on that owner or driver.

(2) This section does not apply in the case of a collision between motor vehicles on a highway.

(3) In this section, “motor vehicle” includes a self-propelled implement of husbandry.

When driver
deemed agent
of owner

175(1) In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle on a highway,

- (a) a person who is driving the motor vehicle and living with and as a member of the family of the owner of the motor vehicle, or
- (b) a person who is driving the motor vehicle and is in possession of it with the consent, express or implied, of the owner of the motor vehicle,

shall be deemed

- (c) to be the agent or employee of the owner of the motor vehicle,
- (d) to be employed as the agent or employee of the owner of the motor vehicle, and
- (e) to be driving the motor vehicle in the course of that person's employment.

(2) Notwithstanding subsection (1), nothing in this section relieves any person who is deemed to be the agent or employee of the owner and to be driving the motor vehicle in the course of that person's employment from the liability for the damages.

PART 9

TRANSITIONAL, CONSEQUENTIAL, REPEAL AND COMMENCEMENT

Transitional

176 *Any order, rule, regulation, direction, permit, instrument or document that is made, issued, registered or otherwise dealt with and every action that is taken or thing done under*

(a) *the Highway Traffic Act, RSA 1980 cH-7, or*

(b) *the Off-highway Vehicle Act, RSA 1980 cO-4,*

that could have been made, issued, registered, dealt with, taken or done under this Act if this Act had been then in force and that is still valid at the commencement of this section shall be deemed to have been made, issued, registered, dealt with, taken or done under this Act.

177(1) *The Motor Vehicle Administration Act is amended by this section.*

(2) *Section 1 is amended*

(a) by repealing clause (a) and substituting the following:

(a) “bicycle” includes any cycle propelled by human power on which a person may ride regardless of the number of wheels that the cycle may have;

(a.1) “conversion unit” means a mechanical device consisting of one or more axles designed to convert a semi-trailer to a full trailer;

(b) by adding the following after clause (d):

(d.1) “full trailer” means

(i) a trailer that

(A) has all the weight of the trailer, including any load, resting only on the wheels of the trailer, and

(B) when connected to the towing vehicle or a preceding trailer, is connected by a method other than a 5th-wheel,

and

(ii) includes a semi-trailer equipped with a conversion unit;

(c) by repealing clauses (e) and (f) and substituting the following:

(e) “highway” means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place or any part of them, whether publicly or privately

owned, that the public is ordinarily entitled or permitted to use for the passage or parking of vehicles and includes

- (i) a sidewalk including a boulevard adjacent to the sidewalk,
- (ii) is a ditch lies adjacent to and parallel with the roadway, the ditch, and
- (iii) if a highway right of way is contained between fences or between a fence and one side of the roadway, all the land between the fences, or all the land between the fence and the edge of the roadway, as the case may be,

but does not include a place declared by regulation not to be a highway;

(f) “implement of husbandry” means

- (i) a tractor designed and used for agricultural purposes, or
- (ii) a vehicle designed and adapted exclusively for agricultural, horticultural, aquaculture or livestock raising operations;

(d) *by repealing clauses (j), (k), (l) and (m) and substituting the following:*

(j) “moped” means a vehicle, regardless of the number of wheels it has, that

(i) may be propelled

- (A) by muscular power,
- (B) by mechanical power, or
- (C) partly by muscular power and partly by mechanical power,

- (ii) has a motor that is driven by electricity or has an engine with a displacement of not more than 50 cubic centimetres,
- (iii) does not have a hand-operated or foot-operated clutch or gearbox driven by the motor that transfers power to the driven wheel,
- (iv) does not have sufficient power to attain a speed greater than 50 kilometres per hour on level ground within a distance of 2 kilometres from a standing start, and
- (v) weighs more than 35 kilograms but less than 55 kilograms,

but does not include a bicycle or power bicycle;

- (k) “motor cycle” means a motor vehicle, other than a moped, that is permitted to operate on a highway and that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters;

- (l) “motor vehicle” means

- (i) a vehicle propelled by any power other than muscular power, or
- (ii) a moped,

but does not include a bicycle, a power bicycle, an aircraft, an implement of husbandry or a motor vehicle that runs only on rails;

- (m) “municipality” means a city, town, new town, village, summer village, county, municipal district or a rural district and includes a Metis settlement;

(e) *by repealing clauses (q) and (r) and substituting the following:*

(q) “peace officer” means

- (i) a member of the Royal Canadian Mounted Police,
- (ii) a member of a municipal police service,
- (iii) a special constable if under that person’s appointment as a special constable that person is empowered to carry out the duties of a peace officer under or enforce the provisions of this Act,
- (iv) a park warden appointed pursuant to the *National Parks Act* (Canada), while that person is carrying out duties under this Act in a national park established under the *National Parks Act* (Canada),
- (v) a park ranger appointed pursuant to the *Provincial Parks Act*, and
- (vi) a forest officer appointed under the *Forests Act* while carrying out duties under this Act for the purposes of enforcing this Act with respect to off-highway vehicles and their operation;

(q.1) “pole trailer” means a vehicle that

- (i) is drawn by a towing vehicle to which it is attached by a “reach” or “pole” or by being “boomed” or by some similar method, and
- (ii) is used for transporting a long or irregularly shaped load capable of sustaining itself as a beam between the supporting connections;

(r) “power bicycle” means a vehicle that

- (i) may be propelled

- (A) by muscular power,
- (B) by mechanical power,
or
- (C) partly by muscular
power and partly by
mechanical power,
- (ii) is fitted with pedals that are
continually operable to propel it,
- (iii) has a motor that produces not
more than 750 watts and that is
driven by electricity or has an
engine with a displacement of not
more than 50 cubic centimetres,
- (iv) does not have a hand-operated or
foot-operated clutch or gearbox
driven by the motor that transfers
power to the driven wheel,
- (v) 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, and
- (vi) weighs not more than 35
kilograms;

(f) *by adding the following after clause (u):*

(u.1) “semi-trailer” means a trailer that

- (i) has axles that are located only at
or near the rear end of the trailer,
- (ii) while being towed, must be
supported at its front end by the
towing vehicle or an immediately
preceding trailer, and
- (iii) when connected to the towing
vehicle or preceding trailer, is
connected by means of a king pin
and a 5th-wheel;

(g) *by repealing clauses (w), (x) and (y) and substituting the following:*

(w) “trailer” means a vehicle so designed that it

(i) may be attached to or drawn by a motor vehicle or tractor, and

(ii) is intended to transport property or persons,

and includes

(iii) a full trailer,

(iv) a pole trailer,

(v) a semi-trailer, or

(vi) any trailer that is designed, constructed and equipped as a dwelling place, living abode or sleeping place, either permanently or temporarily,

but does not include machinery or equipment solely used in the construction or maintenance of highways;

(x) “urban area”

(i) means a city, town, new town, village or summer village, and

(ii) includes a hamlet with a population in excess of 10 000 persons;

(y) “vehicle” means a device in, on or by which a person or thing may be transported or drawn on a highway and includes a combination of vehicles.

(3) *The following is added after section 4:*

Driver training
schools, etc.

4.1(1) The Lieutenant Governor in Council may make regulations

- (a) governing the licensing and operation of driver training schools;
- (b) governing the testing and licensing of driving instructors;
- (c) prescribing the kind and nature of driver training equipment to be used;
- (d) requiring the filing of proof of financial responsibility in the amounts and for the purposes that may be prescribed.

(2) A 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, the insurer shall notify the Registrar of the impending cancellation or expiration and, in the absence of that notification being given, the policy or endorsement, as the case may be, remains in full force and effect until the required 15-day notice has been given.

(4) The following is added after section 5.1:

Operation of
farm tractors,
etc.

5.2(1) No person under the age of 14 years shall drive a tractor or self-propelled implement of husbandry on a highway.

(2) No person shall permit another person under the age of 14 years to drive a tractor or self-propelled implement of husbandry on a highway.

Operation of
scooter

5.3 No person under the age of 16 years shall operate a scooter with a motor having a displacement or power greater than that prescribed by the regulations.

(5) Section 57(3) is amended by striking out "Part 3 or 4 of the Highway Traffic Act" and substituting "Part 5 of the Highway Traffic Act".

(6) Sections 80, 83 and 92 are repealed.

(7) Section 93(1) is repealed and the following is substituted:

Removal and
storage of
vehicle

93(1) When a peace officer has seized a vehicle under section 96, the peace officer may cause the vehicle to be

- (a) removed from its location, whether private or public property or a highway, and
- (b) stored at what is in the opinion of the peace officer a suitable place that is located in the same judicial district as the location from which the vehicle was removed.

(8) *Section 106(1) is amended*

- (a) *in clause (a) by striking out “sections 69 to 72, 75, 76, 78 to 90, 92, 94, 95, 97(2), 98 to 100, 102(1) or (2), 104(4), 105, 109(1), (2) or (3), 123 or 124 of the Highway Traffic Act” and substituting “sections 46 to 49, 52, 53, 55 to 58, 60 to 68, 71, 72, 74, 75, 76, 80(2), 81, 82, 83, 85(1) or (2), 86(5), 99(1) to (4), 102, 104 or 113 to 115 of the Highway Traffic Act”;*
- (b) *in clause (b) by striking out “sections 101, 104 or 108(3) of the Highway Traffic Act” and substituting “sections 84, 86 or 98(3) of the Highway Traffic Act”.*

RSA 1980
cO-4

178(1) *The Off-highway Vehicle Act is amended by this section.*

(2) *Section 1(1) is amended*

- (a) *by repealing clause (a) and substituting the following:*
 - (a) “all terrain vehicle” means a wheeled or tracked motor vehicle designed for travel primarily on unprepared surfaces, open country or marshland, but does not include a snow vehicle, implement of husbandry or construction machinery;
- (b) *by repealing clause (c);*
- (c) *by repealing clauses (f) and (g) and substituting the following:*
 - (f) “miniature motor vehicle” means a motor vehicle, other than a motor cycle, that

meets the specifications prescribed by the regulations for a miniature motor vehicle;

- (g) “minibike” means a motor cycle that meets the specifications prescribed by the regulations for a minibike;

(d) *by repealing clause (i) and substituting the following:*

- (i) “motor cycle” means a motor vehicle, other than a moped, that is permitted to operate on a highway and that is mounted on 2 or 3 wheels and includes those motor vehicles known in the automotive trade as motor cycles and scooters;

(e) *by repealing clause (k) and substituting the following:*

- (k) “off-highway vehicle” means any motor vehicle built for cross-country travel on land, water, snow, ice or marsh or swamp land or on other natural terrain and, without limiting the generality of the foregoing, includes, when specifically designed for such travel,

- (i) 4-wheel drive vehicles,
- (ii) low pressure tire vehicles,
- (iii) motor cycles and related 2-wheel vehicles,
- (iv) amphibious machines,
- (v) all terrain vehicles,
- (vi) miniature motor vehicles,
- (vii) snow vehicles,
- (viii) minibikes, and
- (ix) any other means of transportation that is propelled by any power other than muscular power or wind,

but does not include

(x) motor boats, or

(xi) any other vehicle exempted from being an off-highway vehicle by the regulations;

(f) by repealing clause (n);

(g) by repealing clause (r).

(3) Section 1(2) is amended by striking out “173(2) and 175” and substituting “168(2) and 170”.

(4) Sections 18, 19 and 23 are repealed.

(5) Section 25 is amended

(a) by striking out “, 18”;

(b) by adding “of this Act or section 124 or 126 of the Highway Traffic Act” after “or 21”.

(6) Section 26(2) is amended by striking out “, a by-law, order or regulation made under section 18”.

(7) Section 30 is amended by repealing clauses (a), (c), (d), (e), (f), (l), (m), (o) and (p).

RSA 1980
cP-28

179 *The Public Highways Development Act is amended by this section.*

(2) Section 6 is amended

(a) in subsection (1) by striking out “sections 14 to 16 of the Highway Traffic Act” and substituting “Division 2 or section 17 or 18 of the Highway Traffic Act”;

(b) in subsection (2) by striking out “sections 14 to 16 of the Highway Traffic Act” and substituting “Division 2 or section 17 or 18 of the Highway Traffic Act”.

(3) Section 12(3)(b) is amended by striking out “sections 14 to 16 of the Highway Traffic Act” and substituting “Division 2 or section 17 or 18 of the Highway Traffic Act”.

Repeal **180** *The Highway Traffic Act, RSA 1980 cH-7 is repealed on Proclamation.*

**Coming into
force** **181** *This Act comes into force on Proclamation.*