



## The Highway Traffic Act – Part II by Doug Paterson, Q.C.

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First an explanation from the last column. The staff at Lone Star Rentals and Auto Trim advise the Act may prohibit window tinting and altered vehicle heights, but the Regulations do allow aftermarket tinting if the Regulation tolerances are met. Also, vehicle heights can be changed as long as they fall into a “Special Motor Vehicle” class – ie. the original body conformation is to be retained and the bumper must be 4 inches high and be between 13.7 and 22 from the ground.

Thanks for that info. The moral is the Act may say one thing and if you are not happy with it, what you want to do may in fact be allowed by the Regulations.

Going on then be aware a peace officer has the Power to stop and inspect equipment on vehicle or bicycles. The officer can require the equipment to be made compliant “forthwith”, and the operator must assist the officer in the inspection if needed and supply full information.

The officer can also order the vehicle be towed and stored if necessary, at your cost.

Be aware of the concept of “vicarious responsibility”. If, for example, a vehicle is driven by your employee or agent and that driving is part of or within that person’s general scope of duties, you can be held responsible at law for any offences committed by the other person.

Insofar as traffic control is concerned, a person riding or being pulled by an animal has the same duties and rules to follow as a vehicle-driver does.

A peace officer in the course of lawful duties may stop a vehicle. Once stopped the officer may ask and the driver must provide name, birth date, address, produce insurance and registration necessary cards, whether the driver has recently consumed drugs or alcohol, go through a field sobriety test, whether the driver is presently suffering ill health, and inspect the vehicle’s mechanical condition. Passengers may also be required to give name, birth date and address. Please note none of the above questions and answers need be preceded by a warning the driver or passenger has a right to counsel. Nor must

an opportunity be given to consult counsel, according to this Act. I suggest, however, if police do anything more than deal with the license and the vehicle equipment, a warning about counsel and the opportunity to consult counsel is needed.

When meeting vehicles at night, you must dim your high beams not less than 450 meters from the oncoming vehicle – this about 1/3 of a mile. As well, when following a vehicle at night, use your low beams within 60 meters of the vehicle ahead, except if you are passing.

If you are driving in a funeral procession, as far as “practicable” you are to use the extreme right hand lane.

If you have a disabled person’s parking permit from a province outside of Manitoba, it is void three months after becoming a Manitoba resident.

If you stop at a railway crossing with electrical/mechanical warning devices, you may proceed to cross if the train is stopped nearby but only if the train is not very near the crossing and only if you need not stop

before clearing the crossing. In any event, you cannot shift gears while crossing train tracks; to be continued in Part 3.