



The Highway Act by Doug Paterson, Q.C.

We are nearly at the end of the marathon with the very interesting Highway Traffic Act.

If an accident occurs involving only 1 motor vehicle, for example car – pedestrian or truck – building, the formal legal onus is on the motor vehicle owner or driver to prove any loss or damage was not entirely because of the negligence or improper conduct of the owner or driver. This relates mostly to civil claims, not criminal charges. Unless proven otherwise, the driver is deemed to have the owner's consent and therefore to be his/her agent and responsible in law.

If anyone is injured in a motor vehicle accident, the driver or person in charge of a vehicle must immediately provide name and contact details and insurance details to the injured person or the police. These details must be given in writing. This rule must be followed anytime a vehicle is in an accident, injuries or not. Where a second vehicle or property is unattended, the driver must take

“reasonable steps” to provide written contact details.

Where injury is caused, or death, or damage of more than \$1,000.00, and a written report at the scene is not practical, an oral report must be given forthwith to the police and a full written statement to the police within 7 days. If the owner or driver of a motor vehicle is injured or ill and cannot so report, each passenger is required to file such a report.

If a domestic animal is injured, the driver must report to the owner if known or to the first police officer that can be found or to the municipal clerk. If practical, the animal must be removed from the roadway too.

Any medical doctor or optometrist seeing a licensed driver who “has a disease or disability” likely to prevent safe vehicle operation must report this to the Registrar of Motor Vehicles. The medical person cannot be sued for so reporting. A process then is followed where the driver can then deal with a medical review panel.

We all know or should know you can have only 1 valid Canadian driver's license at a time and you cannot lend it to anyone.

Unnecessary loud noise and smoke from a vehicle is prohibited at any time and mufflers must be “in good working order”. Passengers are limited to 2 in the front and must not obstruct a driver's side or front views. No passengers are allowed in house trailers moving on a highway either. Mopeds are not allowed any passengers.

As for seat-belts, everyone must use a belt, except if the vehicle is reversing, if a driver's certificate says medical reasons prevent it, if a police officer agrees size or physical build prevent it, your work means frequently leaving the vehicle, you are a peace officer, or driving instructor, a driver examiner, less than 5 years old, or a prisoner.

If a passenger is under 5 years old and weighs less than 50 pounds, only a pelvic belt need be worn.

As well, a taxi driver with a fare, and a medical attendant with a patient in an ambulance are exempt. No vehicle after 1970 can be sold without proper seat-belts. We all know helmets must be worn on motorcycles and mopeds.

Regarding behavior on the road, you shall not u-turn if you interfere with traffic, on a curve, on a hill where the blind spot either way is less than 150 metres, or where signs prohibit it. You cannot load a vehicle where its operation is likely to cause injury or damage. Liquor in a vehicle on a highway is prohibited of course, unless sealed and away from the passenger cabin. Police scanners in a vehicle are also prohibited, unless you have a license or work for a government.

T.V. sets must be behind the driver and not visible to the driver in any way. No driver of a motor vehicle or bicycle is allowed to wear radio or recording headphones covering both ears.

Except to warm or defrost a vehicle, a vehicle cannot be left unattended unless the engine is

off, the ignition locked, and the key removed. If left on a hill, you must set the hand-brakes and turn the wheels to the side to impede rolling.

An owner of a vehicle may be charged with offences for which a driver may be charged, but only one may be found guilty. If several owners are charged, only one may be found guilty. No one except the one in charge of a vehicle may remove a traffic ticket from a vehicle.

As for parking lots, drivers must behave with the same rights and duties as if the vehicle were on a highway.

The final part of the Highway Traffic Act deals with arrests, vehicle impounding, search and seizure, forfeiture of vehicles to the Crown for serious offences, fines and the like. We will not delve into this part because faithful readers will surely follow the Act and be good drivers such that these issues will never affect them!