



INTRODUCTION

LEARNING OUTCOMES

After completing this chapter, you should be able to:

- Appreciate the breadth and complexity of the law relating to traffic management and motor vehicle law.
- Understand the importance of the Ontario *Highway Traffic Act* (HTA) to motor vehicle law.
- Understand the relationship between the HTA and the regulations made under it.
- Understand the importance of filling out tickets and summonses accurately, and the consequences of failing to do so.
- Find provisions of statutes, regulations, amendments, proposed legislation, and previous versions of current legislation on the Ontario e-Laws and federal Justice Laws websites.
- Locate topics in a consolidated version of the HTA using the table of contents, index, table of contents for the regulations, and the General regulation.

OVERVIEW OF THE LAW GOVERNING TRAFFIC MANAGEMENT

The law governing motor vehicles is both broad and complex. It is broad because it covers many aspects and activities related to motor vehicles. And it is complex because of both the subject matter and overlap between provincial and federal jurisdictions that govern motor vehicle law. The federal government's involvement is primarily through the creation of criminal laws designed to address conduct deemed serious enough that it should be criminalized, whereas provincial laws primarily address the control and regulation of all matters that pertain to the use of the roads, licensing, and equipment within the province.

The breadth of motor vehicle law can be appreciated simply by looking at what is included among the topics covered by the Ontario *Highway Traffic Act* (HTA):

- establishment and operation of government offices and departments to administer motor vehicle law,
- vehicle permits,
- parking permits,
- licensing of drivers and driving instructors,
- licensing and regulation of garages and storage facilities,
- vehicle and equipment requirements and standards,
- vehicle loads and dimensions,
- vehicle weight,
- vehicle rates of speed,
- rules of the road,
- regulation of toll highways,
- regulation of medical transportation services,
- off-road vehicles,
- civil liability issues involving motor vehicles,
- municipal bylaws regarding motor vehicles,
- suspension for failure to pay judgments or meet family law support obligations,
- accident records and reporting,
- photo-radar system evidence,
- automated speed enforcement regulations,
- red light cameras, and
- traffic enforcement rules (including procedure, arrest, and penalties).

In addition to the topics covered by the HTA, more motor vehicle topics are covered by other legislation. Under federal law, Canada's *Criminal Code* (CC) deals with offences such as dangerous operation of a conveyance and impaired driving. There are also federal laws that govern vehicle safety requirements, some of which overlap with or complement provincial rules.

Considering the range of motor vehicle topics covered by different laws, it is not surprising that this area of law can be quite complex. For example, the many types of vehicles and the varied uses to which they may be put create complicated licensing and permit systems both for vehicles and for those who operate them. As well, some of the equipment and safety requirements for vehicles have resulted in the implementation of detailed rules that incorporate engineering terms and concepts that are only easily understood by experts. And because the federal and provincial laws that cover an activity occasionally overlap, it can be complex to sort out a potential jurisdictional conflict and decide which law is appropriate to a situation.

Consider the provincial offence of careless driving and the federal offence of dangerous operation of a conveyance. The HTA offence of careless driving (s 130) requires proof that the accused drove "without due care and attention or without reasonable consideration for other persons using the highway." The CC offence of dangerous operation of a conveyance is much broader, now covering not only motor vehicles on highways, but also vessels, aircraft, or rail equipment. It requires the objective standard of proof that the accused operated "a conveyance in a manner that, having regard to all the circumstances, is dangerous to the public." The grounds for laying a charge are determined by the circumstances involved in the incident and the consequences for other persons. Generally, the greater the departure from ordinary negligence in the direction of an intentionally dangerous act, or, as noted in *Regina v Hundal* (1993 CanLII 120 (SCC), [1993] 1 SCR 867), if the conduct amounts "to a marked departure from the standard of care that a reasonable person would observe in the accused's situation," the more likely that a charge of dangerous operation will be laid under the CC rather than careless driving.

WHAT DOES THE LAW SAY?

Criminal Code

Dangerous Operation

320.13(1) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public.

Operation causing bodily harm

(2) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public and, as a result, causes bodily harm to another person.

Operation causing death

(3) Everyone commits an offence who operates a conveyance in a manner that, having regard to all of the circumstances, is dangerous to the public and, as a result, causes the death of another person.¹

Highway Traffic Act

Careless driving

130(1) Every person is guilty of the offence of driving carelessly who drives a vehicle or street car on a highway without due care and attention or without reasonable consideration for other persons using the highway.

(2) On conviction ... is liable to a fine of not less than \$400 and not more than \$2,000 or to imprisonment for a term of not more than six months, or to both, and in addition his or her licence or permit may be suspended for a period of not more than two years.

However, if an act of careless driving results in death or injury to another person, the penalties are more severe:

(4) ... A person is liable to a fine of not less than \$2,000 and not more than \$50,000 or to imprisonment for a term of not more than two years, or to both, and in addition, his or her driver's licence or permit may be suspended for a period of not more than five years.

You might wonder why an offence in relation to motor vehicles cannot be dealt with by a single piece of legislation but instead is addressed by two different laws that may both apply to a particular situation or incident. The reason is that under the *Constitution Act, 1867*, the division of law-making power between the provinces and the federal government results in overlapping jurisdiction. In the case of motor vehicle law, the courts have sorted out, in most cases, where the jurisdictional boundaries lie. For us, it is enough to know that more serious, harmful acts are usually characterized as criminal acts, over which the federal government has jurisdiction, and are covered by the CC. Those acts that are less serious and that can be characterized as regulatory offences involving breaches of a regulatory system within a province come within the province's jurisdiction and are covered by its provincial traffic act. There are of course grey areas where the boundary between provincial and federal jurisdiction is not always clear, but we can leave this issue to constitutional lawyers and the courts to sort out.

In this introductory text, our focus will be on matters that police officers commonly deal with or need to know about in day-to-day law enforcement: vehicle and operator permits, equipment requirements, rules of the road, HTA offences, HTA charging procedures and penalties, CC driving offences, and the

¹ An Act to Amend the Criminal Code, SC 2018, c 21, s 320.13.



Both federal and provincial rules govern Ontario highways.

duties of drivers involved in motor vehicle collisions. We will begin by learning how to find our way through and use the HTA. Once you have learned how to do so, you will find that the techniques used can be applied to finding your way through other legislation—such as the CC—that we examine later in this text.

THE RELATIONSHIP BETWEEN A STATUTE AND ITS REGULATIONS, OR “THE DEVIL IS IN THE DETAILS”

A statute (that is, a law) like the HTA sets out general legal principles, but it does not usually deal with technical details. Instead, the technical details are dealt with in **regulations**. The statute will contain a section or sections that allow the government to make regulations that deal with specific technical areas described in the section of the statute that creates a regulation-making power. For example, s 56 of the HTA authorizes the demerit point system, but the details of the demerit point system—how many demerit points are deducted for each offence—are located in Ontario Regulation (O Reg) 339/94. Another example of a regulation that supports the Act with technical details pertains to seat belts. Sections 106(2) to (4) of the Act stipulate that both the driver and passengers in a motor vehicle shall wear the complete seat belt assembly when driving on a highway (in the case of certain young passengers, the passenger must be secured by a child seating system or child restraint system). The technical details are contained in Regulation 613, *Seat Belt Assemblies*, which lists certain exemptions for police officers, prisoners in custody, ambulance attendants, firefighters, and others.

regulations

rules made by Cabinet (although actually by ministry officials under the authority of a statute) that deal in more detail with matters covered by the statute itself. To be legitimate, the power to authorize and create a regulation must be found in a specific statute's regulation-making powers, usually set out at the end of a statute

EXAMPLES OF A STATUTORY PROVISION AND THE AUTHORITY TO MAKE REGULATIONS UNDER THAT PROVISION AND THE REGULATION ENACTED

Sections 68.1(1) to (11) of the HTA state the following:

Speed-limiting systems

Required use by commercial motor vehicles

68.1(1) No person shall drive, or permit the operation of, a commercial motor vehicle on a highway unless the vehicle is equipped with a speed-limiting system that is activated and functioning in accordance with the regulations.

Same

- (2) Except as authorized by the regulations, no person shall,
 - (a) deactivate, or permit a person to deactivate, a commercial motor vehicle's speed-limiting system; or
 - (b) modify, or permit a person to modify, a commercial motor vehicle's speed-limiting system such that it ceases to function in accordance with the regulations.

Tampering device prohibited

(3) No person shall drive, or permit the operation of, a commercial motor vehicle on a highway if the vehicle is equipped with, has attached to it or carries,

- (a) a prescribed device or prescribed equipment; or
- (b) another device or equipment that is designed to disguise the fact that the vehicle is not equipped with a speed-limiting system that is activated and functioning in accordance with the regulations.

Verifying compliance

- (4) A police officer or officer appointed for carrying out the provisions of this Act, in exercising his or her powers under section 82 or 216.1, may require that the driver or other person in charge of a commercial motor vehicle,
 - (a) provide the officer with access to the vehicle's computer system in order to retrieve and read any information relevant to the activation and functioning of the vehicle's speed-limiting system;
 - (b) surrender to the officer any device or equipment carried in the vehicle that operates as part of the vehicle's speed-limiting system; and
 - (c) surrender to the officer any records that the driver is required by the regulations to carry with him or her while driving the vehicle.

Same

(5) A driver or other person in charge of a commercial motor vehicle shall comply with any requirement made under subsection (4) by a police officer or officer appointed for carrying out the provisions of this Act.

Seizure of tampering device

- (6) If a police officer or officer appointed for carrying out the provisions of this Act finds a device or equipment prohibited by subsection (3) in the course of any inspection of a commercial motor vehicle, he or she may detach, if necessary, and seize any such device or equipment.

Sale of tampering devices prohibited

(7) No person shall sell, offer or advertise for sale a device or equipment prohibited by subsection (3).

Offence

(8) Every person who contravenes or fails to comply with subsection (1), (2), (3), (5) or (7), or a regulation made under this section, is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000.

Evidentiary presumption

(9) In any proceeding under this section and in the absence of evidence to the contrary, proof that a commercial motor vehicle was driven on a highway at a speed equal to or greater than the speed prescribed for the purpose of this subsection is proof that the vehicle was not equipped with a speed-limiting system that was activated and functioning as required by subsection (1).

Forfeiture of tampering device

(10) Where a person is convicted of an offence under subsection (3), any device or equipment seized under subsection (6) by means of which the offence was committed is forfeited to the Crown.

Regulations

- (11) The Lieutenant Governor in Council may make regulations,
- (a) defining “commercial motor vehicle” for the purposes of this section;²
 - (b) prescribing standards for speed-limiting systems;
 - (c) governing the activation and functioning of speed-limiting systems, including prescribing and governing the speed at which speed-limiting systems must be set and prescribing different speed settings for different circumstances;
 - (d) prescribing devices and equipment for the purpose of clause (3)(a);
 - (e) governing methods to verify compliance with this section and the regulations, including prescribing devices and software to be used to retrieve and read information in computer systems;
 - (f) prescribing the speed for the purpose of subsection (9);
 - (g) requiring and governing the inspection and maintenance of speed-limiting systems;
 - (h) governing records to be kept and submitted in relation to the inspection, maintenance, activation and functioning of speed-limiting systems;
 - (i) governing records to be kept and carried by drivers in relation to the activation and functioning of speed-limiting systems;
 - (j) exempting any person or class of persons or any commercial motor vehicle or class of commercial motor vehicles from any requirement or provision of this section or of a regulation made under this section and prescribing conditions and circumstances for any such exemption.

² On 1 January 2017, the day named by proclamation of the Lieutenant Governor, clause (a) is repealed. (See 2014, c 9, Sched 2, ss 25, 47.)

On page 551 of the index to MacBeth Publishing's *The Ontario Highway Traffic Act—Cross Referenced to Selected Regulations*, 2020 Edition (St Catharines, Ont: MacBeth, 2020) (MacBeth 2020) (see Figure 1.1, later in this chapter), the entry "Speed-limiting systems S-68.1" (referencing s 68.1 of the HTA) directs you to page 116, where s 68.1 can be found. Under s 68.1(11) (on page 117), you will see a reference in the left-hand margin, to Regulation 587, ss 12-18 (reproduced below).

For quick reference, mark the regulations index in your copy of the HTA with a sticky note (page 255³ of MacBeth 2020).

Speed-Limiting Systems

12. For the purposes of section 68.1 of the Act,

"commercial motor vehicle" means a commercial motor vehicle as defined in subsection 1(1) of the Act.

13(1) A commercial motor vehicle is exempt from subsections 68.1(1), (2), (3) and (6) of the Act if it is,

(a) a bus;

(b) a mobile crane;

(c) a motor home;

(d) a vehicle manufactured before 1995;

(e) a vehicle with a manufacturer's gross vehicle weight rating under 11,794 kilograms; or

(f) an ambulance, a cardiac arrest emergency vehicle, or a fire apparatus.

(2) For the purposes of clauses 1(d) and (e), the date that a commercial motor vehicle was manufactured and its manufacturer's gross vehicle weight rating shall be deemed, in the absence of evidence to the contrary, to be,

(a) the date and weight on the commercial motor vehicle's compliance label; or

(b) where a commercial motor vehicle does not have a compliance label affixed or the label is illegible, a document from the vehicle's manufacturer that is carried by the driver and that references the vehicle's vehicle identification number and indicates its year of manufacture and gross vehicle weight rating.

(3) A commercial motor vehicle is exempt from subsection 68.1(1) of the Act if,

(a) it is not equipped with an electronic control module capable of being programmed to limit vehicle speed;

³ When you check the index on p 255, you will see Regulation 587 listed as starting at page 256 in the 2020 edition of the MacBeth publication. Typos happen, and this is one of them. It actually starts on p 258 of the 2020 edition.

(b) it is engaged in providing relief in an emergency, being a situation or impending situation that constitutes a danger of major proportions to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise; or

(c) it is operated by or on behalf of a municipality, road authority, public utility or of the government of Ontario or of Canada while responding to a situation or impending situation that constitutes an imminent danger, though not one of major proportions, to life, property or the environment, whether caused by forces of nature, an accident, an intentional act or otherwise.

(4) A driver of a commercial motor vehicle is exempt from subsection 68.1(1) of the Act if the vehicle is leased for 30 days or less by an individual for the transportation of the goods kept for the individual's personal use.

14(1) The speed-limiting system of a commercial motor vehicle shall be properly set at a maximum speed of 105 kilometres per hour.

(2) A speed-limiting system is properly set for the purposes of subsection (1) if it prevents a driver, by means of accelerator application, from accelerating to or maintaining a speed greater than permitted under subsection (1).

(3) The maximum speed under subsection (1) shall be set by means of the electronic control module that limits the feed of fuel to the engine.

(4) A commercial motor vehicle is exempt from subsection (3) if it is equipped with an equally effective system, not dependent on the electronic control module, that allows limitation of vehicle speed, remotely or not, but does not allow the driver to deactivate or modify the system in Ontario so that it does not comply with subsections (1) and (2).

15(1) A speed-limiting system shall be in good working order.

(2) Without limiting the generality of subsection (1), all aspects of a commercial motor vehicle's computer system or systems, computer programs, components, equipment and connections that are capable of playing a role in preventing a driver from increasing the speed of a commercial motor vehicle beyond a specified value shall be in good working order.

16. A commercial motor vehicle's electronic control module shall contain information that accurately corresponds with any component or feature of the vehicle referred to in the module, including information regarding the tire rolling radius, axle gear ratio and transmission gear ratio.

17. The prescribed speed for the purposes of subsection 68.1(9) of the Act is 115 kilometres per hour.

18. The following devices are prescribed for the purposes of clause 68.1(3)(a) of the Act:

1. A device that causes inaccurate information to be transmitted to the electronic control module about a commercial motor vehicle's actual speed.
2. A device that causes inaccurate information to be sent to the electronic control module about the revolutions per minute of the engine.

ORGANIZATION OF STATUTES AND REGULATIONS ONLINE

In order to understand how to find sections of the HTA and the regulations made under its authority, we need to know how they are organized. Prior to 1990 Ontario revised and published a printed update of all statutes and regulations on a periodic basis, usually once every ten years. Since 1990, the province has stopped publishing periodic printed revisions, and has put all statutes and regulations on its e-Laws website, where the latest and most up-to-date version can be accessed (see the HTA at <<https://www.ontario.ca/laws/statute/90h08>>).

Revised Statutes of Ontario and Revised Regulations of Ontario

the printed versions of the Government of Ontario's revised statutes and revised regulations as of the date of publication. Statutes and regulations repealed since the last revision are removed from the current version, and amendments and new statutes are added. With the advent of the Internet, revisions are no longer published in books but are posted to the province's e-Laws online database for statutes and regulations at <<https://www.ontario.ca/laws>>

While the printed versions of the **Revised Statutes of Ontario** and **Revised Regulations of Ontario** may have gone the way of the dodo, the statutory citation system used 30 years ago is still in use today. For example, the HTA is still cited as RSO 1990, c H.8, which is the short form for *Revised Statutes of Ontario*, 1990, chapter H.8. An amendment to the HTA might be cited as 2009, c 4, which refers to an amending statute—in this case, one passed in the 2009 legislative session as the 4th statute of that session of the legislature. Similarly, statutes that have been passed as entirely new legislation since 1990 are cited by the year in which they became law and with the number indicating their place in the chronological list of statutes passed in that legislative session: for example, *Heritage Hunting and Fishing Act*, 2002, SO 2002, c 10.

The regulations citation system is similar. The regulation for seat belt assemblies under the HTA is cited as RRO 1990, Reg 613, meaning that it is the 613th regulation in the *Revised Regulations of Ontario*, 1990. If this Regulation were amended after 1990 by a later regulation, that amending regulation might be cited as O Reg 236/09, meaning that it was the 236th Ontario regulation passed in 2009. An entirely new regulation passed after 1990 would be cited in the same way as an amended regulation.

Now that you know that you can find the most up-to-date versions of statutes and regulations on the e-Laws website, finding amendments will be easy. The information is posted quickly, putting the current law at your fingertips. In addition, if you want to see what the law *was* at a particular time or read through proposed or amended statutes and regulations, you can do that as well.

When you search for the current version of the HTA on the e-Laws website, you will get the 1990 revised version updated to include all amendments, up to the “e-Laws currency date,” which is the last time the Act was updated. The HTA web page also shows the dates of and provides a link to past amendments to the Act. This information eliminates the need to look through paper statute books for amendments since 1990. It also allows you to update any printed version of the Act you might be using. The Act in its current form, including indications of amendments not yet proclaimed, is now all in one place, making finding the information you need much easier than before the law went online.

Finding regulations on the e-Laws website is also easy. When you find the statute you are looking for, if you select the “Regulations under this Act” tab at

the top of the page, you will see a list of all the current regulations. By selecting a regulation, you will get the up-to-date text, including any amendments to that regulation. If you wish to check to see if a regulation has been revoked, you can do so by returning to the Act and selecting the “Revoked/spent regulations under this Act” tab.

Similarly, federal statutes no longer go through the revision process (the last print revision was in 1985). If you are looking for provisions of statutes, regulations, amendments, proposed legislation, previous versions of current legislation, and so on, they are available on the Justice Laws website, maintained by the Department of Justice (<<http://laws.justice.gc.ca>>).⁴

Now that we have an idea of how statutes and regulations are organized, let us consider how we locate topics under the HTA and its regulations.

USING E-LAWS

1. Go to the e-Laws website at <<https://www.ontario.ca/laws>>.
2. On the left side of the homepage, ensure that the “Browse” tab is activated and that “Consolidated law” and “Current” are selected. These are the default settings (see the figure here).

The screenshot shows the e-Laws website interface. On the left, there's a navigation bar with 'Browse' and 'Search' buttons, and a grid of letters A through Z. Below the grid is a section titled 'How to browse e-Laws' with a 'Filter results' dropdown set to 'Consolidated law' with 'Current' checked. There are also options for 'Repealed/Revoked/Spent' and 'Source law'. At the bottom of this sidebar are 'Browse' and 'reset' buttons, and links for 'Recommended for you' and 'About e-Laws'. The main content area is titled 'Consolidated laws' and shows '40 results found starting with H'. It includes a 'Sort by: Newest' dropdown. The results list includes: Highway Traffic Act, R.S.O. 1990, c. H.8 (current statute September 1, 2020 – (e-Laws currency date)); Housing Services Act, 2011, S.O. 2011, c. 6, Sched. 1 (current statute July 21, 2020 – (e-Laws currency date)); Highway 407 Act, 1998, S.O. 1998, c. 28 (current statute July 21, 2020 – (e-Laws currency date)); Health Care Consent Act, 1996, S.O. 1996, c. 2, Sched. A (current statute July 8, 2020 – (e-Laws currency date)); Home Care and Community Services Act, 1994, S.O. 1994, c. 26 (current statute July 8, 2020 – (e-Laws currency date)); Human Rights Code, R.S.O. 1990, c. H.19 (current statute July 8, 2020 – (e-Laws currency date)); Health Protection and Promotion Act, R.S.O. 1990, c. H.7 (current statute July 8, 2020 – (e-Laws currency date)); and Homemakers and Nurses Services Act, R.S.O. 1990, c. H.10 (current statute May 12, 2020 – (e-Laws currency date)).

⁴ For more information on how to use the standard sources for finding and updating statutes and regulations, including electronic sources, see M Kerr, J Kurtz & A Blatt, *Legal Research: Step by Step*, 5th ed (Toronto: Emond, 2020); and Mary Ann Kelly, “Legal Research: An Introduction” in L Olivo, ed, *Introduction to Law in Canada* (Toronto: Captus Press, 2021).

3. Under Browse, select the letter "H."
4. In the list of statutes, scroll down to the *Highway Traffic Act* and select it. The current version of the HTA will open, which includes a list of amendments passed but not yet in force (if any). See the figure here.

Highway Traffic Act
R.S.O. 1990, CHAPTER H.8

Consolidation Period: From September 1, 2020 to the [e-Laws currency date](#).

Last amendment: 2019, c. 18.

Legislative History: [+]

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If you select the tab "Regulations under this Act," you will get a list of all of the regulations made pursuant to the HTA. From that list, you can open any of the HTA regulations.

LOCATING TOPICS IN THE HTA AND ITS REGULATIONS: THE USE OF A "POCKET BOOK" CONSOLIDATION ON THE JOB

Police officers frequently use the HTA and need to be familiar with many parts of the Act and its regulations. As a result, a number of "pocket book" versions of the Act are available, and they include some or all of the Act's regulations, complete with a table of contents and a subject index (for example, MacBeth 2020, cited

earlier; see Figures 1.1 and 1.2). The **consolidated** HTA is amended or revised as of the time of publication and includes regulations that are also up to date as of the time of publication. Consolidated versions of the HTA are published on an annual basis. Because police often still use and refer to these printed versions of the HTA, your instructor will specify which of the consolidated versions you should use if the instructor requires the use of a printed consolidated version of the HTA.

If you are using a printed consolidated version, note the date to which it is current. In some circumstances, it may be necessary to update the statute or the regulations to be sure there have been no changes since the publication of the consolidated version you are using. This update is easy to do by visiting the e-Laws website and selecting the HTA link. On the opening page of the HTA, you will see a list indicating the dates of the most recent update both of the statute and the regulations, as well as previous updates (see the figure below).

consolidated statutes and regulations
the current version of statutes and regulations that includes all amendments and revisions made to the original content; the printed consolidated version is current as of the time of publication, whereas the online consolidated version includes the most recent amendments and revisions; Ontario's e-Laws website lists the latest consolidation date for any statute, along with all previous consolidations.

The screenshot shows the e-Laws website for the Highway Traffic Act, R.S.O. 1990, c. H.8. At the top, there are three tabs: 'Versions', 'Regulations under this Act', and 'Revoked/spent regulations under this Act'. Below these tabs, the word 'current' is highlighted in blue, followed by the date 'September 1, 2020 – (e-Laws currency date)'. Below this, there are two more dates: 'July 1, 2020 – August 31, 2020' and 'January 1, 2020 – June 30, 2020'. A link '93 more' is also present. At the bottom of the section, there are two buttons: 'Print' and 'Download'.

From there, you can pick up from the date where your printed version of the HTA left off, and note the subsequent updates.

In time, the printed versions of the consolidated HTA will likely be replaced by ebook versions. The introduction of ebook readers such as Kindle and the use of iPhones and iPads as well as onboard computer systems will make it feasible for officers to easily access the ebooks. In addition, using iPhones, iPads, and other portable devices to access the Internet makes it easy to quickly access statutes such as the HTA in their current versions. While the printed consolidated versions of the HTA are updated annually, the HTA and its regulations may be amended more frequently, with several new provisions coming into force during the year between printed editions. For that reason, having ready access to e-versions of statutes and regulations is crucial to effective traffic enforcement.

HTA TABLE OF CONTENTS

A printed consolidated HTA begins with a brief table of contents (often simply titled "Contents") that defines its part-by-part organization. Each part is titled and lists the page on which it begins.

An excerpt from the table of contents for the e-Laws version of the HTA follows. The table of contents lists the part titles of the HTA as well as the section titles within each part and their section numbers. For instance, in the excerpt below, “Powers and duties of Ministry” is found in section 2 of part I, “Administration.” Note that just the sections are listed, not the subsections, clauses, or subclauses. This means that the table of contents gives you a general overview of how the Act is organized, but it is only a partial aid in locating topics; it merely skims the surface. Note that in the excerpt below, the numbers in the right column refer to section numbers of the Act, not page numbers.

Excerpt: Table of Contents of the HTA (e-Laws)

PART 1 ADMINISTRATION

- 2. Powers and duties of Ministry
- 3. Registrar of Motor Vehicles
- 4. Deputy Registrar
 - 4.0.1 Forms
 - 4.1 Power to do things electronically

HTA INDEX

A more specific aid is the index at the back of MacBeth 2020, beginning on page 507. This index to the Act is a more detailed list of subjects by pointer words, which are arranged alphabetically by subject. For example, one set of pointer words is “Licence Plates.” Listed alphabetically under this heading are subheadings that are more specific pointer words, along with the section and subsection where more specific topics can be located. For example, under the entry “Licence Plates,” you will find the subheading “validation sticker,” with several subtopics under it, including “deface, alter, misuse S-12, 14” and “location on plate R-628 9(1).”

It is also possible to use the provincial or federal statutory sites to search for more details, although an online search is likely to produce more data than you require and be less focused than a search of the MacBeth index. An online search of “Licence Plates” in the HTA, for example on the e-Laws site, will turn up references in a number of statutes, not just the HTA.

Excerpt from the HTA Index (MacBeth 2020)

Licence Plates

...

- validation sticker
 - deface, alter, misuse S-12, 14
 - issue validation by Ministry S-7(7)
 - location on plate R-628 9(1)
 - must have S-7(1)

The consolidated index also identifies any relevant regulation that is associated with a section of the HTA. Finding relevant regulations is discussed in more detail below.

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ABBREVIATED FORMS FOR HTA OFFENCES

The Ontario *Provincial Offences Act* makes writing HTA tickets easier for an officer by permitting the offence to be described by section number and an appropriate abbreviated description. This format is referred to as the “abbreviated form” or “short form” of the offence.

The abbreviated forms can also be used like an index or table of contents to quickly find an offence, together with its section number.

The abbreviated forms are authorized by the *Provincial Offences Act*, and are found in Schedule 43 (*Highway Traffic Act*) to RRO 1990, Reg 950, *Proceedings Commenced by Certificate of Offence*.⁵ You can look up this Act and schedule on the e-Laws website and download the abbreviated forms; MacBeth and other publishers also produce pocket book versions that officers can carry and use.

Examples of Abbreviated Forms Applicable to the HTA

Fail to notify change of name	s 9(2)
Red light—fail to stop	s 144(18)
Follow too closely	s 158(1)

TABLE OF CONTENTS FOR THE HTA REGULATIONS

The table of contents for the HTA regulations in a consolidated version of the HTA usually follows the main body of the Act. For example, in the MacBeth 2020 update, the table of contents for the regulations is found on page 255. It consists of the titles of all HTA regulations, and it is arranged alphabetically like an index, but is much shorter.

If a topic covered by the Act is very detailed, there may be a regulation that also discusses it. For example, you stop a motorcycle operator who is wearing an odd-looking piece of headgear that the operator claims is a regulation helmet. You might start looking for information on motorcycle helmets that meet required legal specifications. You would find that this topic is dealt with under s 104(1) of the Act, and by scanning the table of contents for the regulations, you would find that this topic is also dealt with under Regulation 610.

Excerpt from the Table of Contents for the HTA Regulations (MacBeth 2020, p. 255)

<i>Regulations under the Highway Traffic Act</i>	
...	
Restricted Use of the King's Highway (Regulation 609)	p. 272
Safety Helmets (Regulation 610)	p. 273
Safety Inspections (Regulation 611)	p. 275

In this example, Regulation 610 of the *Revised Regulations of Ontario*, 1990 is found on page 273 of the consolidated version of the HTA.

⁵ <<http://www.ontariocourts.ca/ocj/how-do-i/set-fines/changes-to-the-consolidated-set-fine-schedules/schedule-43-2006-03-31-2/>>

HTA GENERAL REGULATION

If a topic of fine detail is not described in the table of contents for the regulations, it may be covered in the *General* regulation (MacBeth 2020, page 266).⁶ The *General* regulation (RRO 1990, Reg 596, as amended by O Regs 537/97, 213/03), 228/15, and 375/17, is a mix of miscellaneous topics. For example, if you were searching for the regulation that covers the amount of damage to property that requires the police to complete a motor vehicle collision report, you would not find it described in the table of contents for the regulations. However, if you turned to the page on which the *General* regulation is found and scanned the headings, you would find the heading “Damage to Property Accident Report.”⁷

Example of a Provision in the General Regulation

11. For the purpose of subsection 199(1) of the Act, the prescribed amount for damage to property is \$2,000.

FINDING REGULATIONS IN THE INDEX

If you look up a more detailed topic in the index, you will find references not only to sections of the Act, but also to the details set out in a relevant regulation that deals with the topic covered by the section of the Act. For example, in MacBeth, if you look up “Vehicle, Dealers-Garages-Wreckers” and then the subtopic “engine serial number” in the index, you are referred to both s 60(3) of the Act and Regulation 595(4). Section 60(3) sets up a general prohibition on altering engine serial numbers, while Regulation 595(4) sets out specific rules for garages to maintain a record of serial numbers. For another example, see “Speedometer” in Figure 1.1.

FINDING A TOPIC IN A CONSOLIDATED HTA

To find a topic in your consolidated HTA, follow these steps:

1. If your topic is general, check the detailed table of contents, which lists general topics covered by the Act.
2. If you cannot find your topic, check the headings in the index, which provides a more detailed list of topics.
3. If your topic is very detailed, also check the table of contents for the regulations.
4. If you cannot find your topic in the table of contents for the regulations, turn to the *General* regulation and look for it in the section headings.

⁶ <<http://www.ontario.ca/laws/regulation/900596>>.

⁷ Dollar amounts are often described in regulations rather than in the statute because regulations can be quickly changed to reflect the impact of inflation.

5. If you cannot find your topic in the *General* regulation, check the headings and subheadings in the index for topics that refer you to specific sections of the regulations. Also check the “definitions” at the beginning of each part. For example, the definition of “full trailer” appears in part VII, Load and Dimensions, s 108 of the HTA.

To make it easier to look things up in your copy of the consolidated HTA, place a sticky note at the beginning of the table of contents, the index, the table of contents for the regulations, and the *General* regulation.

CORRECTLY IDENTIFYING OR CITING SECTIONS OF ACTS AND REGULATIONS

Once you have found a section of a statute or regulation, you have to know how to identify or cite the section. You will note that in your consolidated HTA every section has a numeric identification system so that every rule can be identified by a series of numbers and letters.

Care should be taken in recording the correct alphanumeric code, particularly for offences. If you make an error in recording the code for an offence against a defendant so that it describes an offence that the defendant did *not* commit, the offence may not be processed by the court office; or, if it reaches trial, it may be dismissed.

For example, if you stop a motorist whose car does not display licence plates, you will probably wish to charge the motorist with failing to display licence plates under s 7(1)(b)(i). However, if in issuing the ticket you accidentally write s 7(1)(b)(ii), you will have charged the motorist with the offence of failing to have historic licence plates on his or her vehicle, which is not the proper offence, and the charge, as recorded, may be dismissed.

PROFESSIONAL PRACTICE

CHECK YOUR TICKETS AND SUMMONSES

Always review any submitted documentation, including provincial offence tickets or summonses. If you fill them out incorrectly, your paperwork may cause you to lose cases in court. Moreover, from a professional standpoint, incorrect paperwork points to a lower level of competency and a lack of professionalism that will reflect negatively on you as well as your police service. Keep in mind that you are constantly being evaluated by supervisors.

Accountability is critical for an officer; when giving testimony, whether in traffic court or criminal court, an officer has only his or her credibility to rely on. Once credibility is lost, it is difficult—and in some cases, impossible—to regain.

FIGURE 1.1 Finding Regulations in the Index

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FIGURE 1.2 Components of the Highway Traffic Act*

The Ontario Highway Traffic Act

Cross Referenced to
Selected Regulations
2020 Edition



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*There is an apparent error in the page reference for each regulation listed in the index to regulations in the MacBeth 2020 edition *The Ontario Highway Traffic Act*. To correct the pagination error, add two pages to the page listing in the right-hand margin for each regulation in the index.

FIGURE 1.2 Components of the Highway Traffic Act* (continued)*Highway Traffic Act*

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FIGURE 1.2 Components of the Highway Traffic Act* (continued)

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GENERAL CONSIDERATIONS IN INTERPRETING AND APPLYING THE ACTS AND THE REGULATIONS

Some offences under the HTA can be committed anywhere, but others can only be committed on a highway. Offences can be committed in some cases by anyone, but in others only by a driver, and still others only by an owner (and some may be committed by drivers and owners).

For example, s 32(1) of the HTA states the following:

No person shall drive a motor vehicle on a highway unless the motor vehicle is within a class of motor vehicles in respect of which the person holds a driver's licence issued to him or her under this Act.

It is clear that everyone who drives a motor vehicle on a public highway must be properly licensed. So, "anyone" may commit the offence described in s 32(1) of the HTA, but only when driving on a highway. If you do not have a licence but wish to drive a car on private property, you may do so without violating the HTA.

CHAPTER SUMMARY

The law governing motor vehicles in Ontario is found in various pieces of legislation, including the Ontario *Highway Traffic Act*, the *Criminal Code of Canada*, and a variety of other federal laws, some of which overlap with or complement provincial rules. While a statute such as the HTA sets out general legal principles, regulations provide the related technical details; for example, the HTA authorizes the demerit point system, while Regulation 339/94 sets out how many points are deducted for each offence.

The HTA and its associated regulations may be found in pocket book consolidated versions of the Act and regulations, which officers use on the job, or they may be accessed online at the Ontario e-Laws

website. If you are using a consolidated version, you must update the statute and regulations to make sure that there have been no changes since the publication of the version you are using; all amendments are reflected on the e-Laws website, allowing you to access current laws quickly and easily.

You must know how to locate a topic (for example, obstruction of licence plates) in a consolidated HTA, and you must *always* ensure that you record the section and subsection numbers and letters accurately when recording the code for an offence on a ticket. Failure to do so may result in the offence not being processed by the court, or, if it reaches trial, may result in the charge being dismissed.

ON THE SCENE

ABANDONED VEHICLE ON ROADWAY

Scenario

On [use today's date and time: DD/MM/YYYY at HR:MIN a.m./p.m.], Constable (Cst.) Andrew Schmidt, Badge #313, of the London Police Service, responded to 154 Green Street, London, Ontario as a result of two complaints that police dispatch had received regarding a vehicle that was blocking traffic on the roadway. Upon arrival, the officer noted a brown-coloured Dodge Charger, Ontario licence plate ABCD123, parked on the eastbound lane of Green Street and affecting eastbound traffic flow.

Cst. Schmidt advised dispatch of the licence plate number of the vehicle and the location of the traffic stop. Cst. Schmidt, upon checking the vehicle, noted that there was no driver present, nor was anyone standing near the vehicle. The vehicle was hindering eastbound traffic and posed a public danger.

What Actions Should the Officer Take?

1. Should Cst. Schmidt seize the vehicle? What is the Act/section that will authorize him to seize the vehicle?
2. Should Cst. Schmidt have dispatch call the owner and wait until he or she arrives, or should he have the vehicle towed and have dispatch notify the registered owner why and where the vehicle was towed? Should he leave the scene knowing that the tow truck will come? What would be the possible consequences of such a decision? Should he remain until the tow truck responds and then leave?
3. What should Cst. Schmidt do if, while waiting for the tow truck, dispatch advises patrol units that a bank robbery has just occurred a block away? What would be the most responsible course of action? Should he advise dispatch that he is responding? Explain your answer.

KEY TERMS

consolidated statutes and regulations, 13

regulations, 5

Revised Statutes of Ontario and Revised Regulations of Ontario, 10

REVIEW QUESTIONS

TRUE OR FALSE?

In the space provided next to each statement, place a "T" if the statement is true or an "F" if it is false.

1. Statutes are federal laws, and regulations are provincial laws.
2. Statutes provide details that are not included in the regulations.
3. An "abbreviated form" or "short form" of an offence is the form used for writing a ticket.

4. The *General* regulation to the *Highway Traffic Act* is a mix of miscellaneous topics.
5. If an officer who has stopped a car with licence plates that are covered up is distracted by the defendant and mistakenly writes "s 7(1)(b)(ii)" on a ticket instead of "s 7(1)(b)(i)," the charge may be dismissed.
6. The *Highway Traffic Act* applies equally to private and public roads.

SHORT ANSWER

Briefly answer the following questions.

1. a. What are the places to search for a particular topic, such as speed-measuring warning devices in a consolidated *Highway Traffic Act*?
- b. What are the best places to search for information about speed-measuring warning devices if you are using the e-Laws version of the HTA?

2. Using the HTA index and table of contents, find all the statute sections and regulations dealing with the following:
 - a. automobile trailers
 - b. fines for speeding offences
 - c. motorcycle helmets
 - d. lighting on bicycles
3. The HTA, RSO 1990 version is updated in the province's online database, e-Laws. Why is it easier to check amendments in e-Laws than in the updated printed versions? What are some other benefits of the e-Laws website?

WEBSITES

Province of Ontario e-Laws site for all statutes and regulations <<https://www.ontario.ca/laws>>.

How to use the province of Ontario e-Laws site <<https://www.ontario.ca/laws/about-e-laws>>.

Government of Canada site for federal statutes and regulations <<http://laws.justice.gc.ca/eng>>.

