

1975 Bill 59
(Second Session)

First Session, 18th Legislature, 24 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 59

THE HIGHWAY TRAFFIC ACT, 1975

THE MINISTER OF TRANSPORTATION

First Reading

Second Reading

Third Reading

BILL 59

1975

(Second Session)

THE HIGHWAY TRAFFIC ACT, 1975

(Assented to _____, 1975)

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

1. In this Act

1. "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;
2. "alley" means a narrow highway intended chiefly to give access to the rear of buildings and parcels of land;
3. "bicycle" includes any cycle propelled by human power upon which a person may ride, regardless of the number of wheels it may have;
4. "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;
5. "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, or
 - (ii) in the case of a highway designated by traffic control devices
 - (A) as an offset centre highway, or
 - (B) as a highway having a certain number of traffic lanes for traffic moving in a certain direction at all times or at specified times,
the line dividing the lanes for traffic moving in opposite directions, or

Explanatory Notes

1. Definitions.

- (iii) in the case of a divided highway, that portion of the highway separating the roadways for traffic moving in opposite directions;
- 6. "commercial vehicle"
 - (i) means a truck, trailer or semi-trailer, except
 - (A) a truck, trailer or semi-trailer that is a public service vehicle, or
 - (B) a truck, trailer or semi-trailer or any class of vehicle that by the regulations or by an order of the Motor Transport Board is exempted from being classified as a commercial vehicle,
 - and
 - (ii) includes
 - (A) a motor vehicle from which sales are made of goods, wares, merchandise or commodity, and
 - (B) a motor vehicle by means of which delivery is made of goods, wares, merchandise or commodity to a purchaser or consignee thereof;
- 7. "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 line or by other markings on the road surface;
- 8. "daytime" means the period commencing one hour before sunrise and ending one hour after the following sunset;
- 9. "dealer" means any person who buys or sells motor vehicles as a business, either as principal or agent;
- 10. "Department" means the Department of Transportation;
- 11. "driver" or "operator" means a person who drives or is in actual physical control of a vehicle;
- 12. "highway" means any thoroughfare, street, road, trail, avenue, parkway, driveway, viaduct, lane, alley, square, bridge, causeway, trestleway or other place, whether publicly or privately owned, any part of which the public is ordinarily entitled or permit-

ted to use for the passage or parking of vehicles,
and

(i) includes

(A) a sidewalk (including a boulevard portion thereof),

(B) where a ditch lies adjacent to and parallel with the roadway, the ditch, and

(C) where 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

(ii) does not include a place declared by the Lieutenant Governor in Council not to be a highway;

13. "implement of husbandry" means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations;
14. "intersection" means the area embraced within the prolongation or connection of
 - (i) the lateral curb lines or, if none,
 - (ii) the exterior edges of the roadways, of two or more highways which join one another at an angle whether or not one highway crosses the other;
15. "judge" means a judge or justice of the peace;
16. "Minister" means the Minister of Transportation;
17. "motor cycle" means a motor vehicle mounted on two or three wheels and includes those motor vehicles known to the trade as motor cycles, scooters and power bicycles but does not include an off-highway vehicle as defined in *The Off-highway Vehicle Act*;
18. "motor vehicle" means every vehicle propelled by any power, other than muscular power, except aircraft, tractors, whether equipped with rubber tires or not, implements of husbandry, and such motor vehicles as run only upon rails;
19. "municipality" means a city, town, village, county or municipal district;
20. "night time" means the period commencing one hour after sunset and ending one hour before the following sunrise;

21. "operator's licence" means a licence to operate a motor vehicle issued pursuant to *The Motor Vehicle Administration Act*;
22. "owner" includes any person renting a motor vehicle or having the exclusive use thereof under a lease or otherwise for a period of more than 30 days;
23. "park", when prohibited, means allow a vehicle (whether occupied or not) to remain standing in one place, except
 - (i) when standing temporarily for the purpose of and while actually engaged in loading or unloading passengers, or
 - (ii) when standing in obedience to a peace officer or traffic control device;
24. "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;
25. "peace officer" means a member of the Royal Canadian Mounted Police, a member of a municipal police force, a special constable or a member of the patrol division of the Department of the Solicitor General;
26. "pedestrian" means a person afoot or a person in a wheel chair;
27. "primary highway" means a highway designated as a primary highway pursuant to *The Public Highways Development Act*;
28. "public service vehicle"
 - (i) means a motor vehicle, trailer or semi-trailer operated on a highway by or on behalf of a person, firm, association or corporation for compensation, whether such operation is regular or only occasional or for a single trip, and
 - (ii) includes a motor vehicle kept by a person, firm or corporation for the purpose, subject to the regulations, of being rented without a driver, but
 - (iii) does not include a motor vehicle used solely as an ambulance or hearse or for the transportation of the Royal Mail;
29. "roadway" means that part of a highway intended for use by vehicular traffic;
30. "Safety Branch" means the Transportation Safety Branch of the Department of Transportation;

31. "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 the curb line thereof (or the edge of the roadway, where there is no curb line) and the adjacent property line, whether or not paved or improved;
32. "stop" means
- (i) when required, a complete cessation from vehicular movement, and
 - (ii) when prohibited, any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or traffic control device;
33. "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;
34. "traffic control signal" means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;
35. "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 mean a parking lane, 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;
36. "trailer" means a vehicle so designed that it may be attached to or drawn by a motor vehicle and intended to transport property or persons and includes 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 used in the construction or maintenance of highways;
37. "urban area" means a city, town or village;
38. "vehicle" means a device in, upon or by which a person or thing may be transported or drawn upon a highway.

Administration

2. (1) In accordance with *The Public Service Act* there may be appointed such officers and employees as may be required for the administration of this Act.

(2) The Minister may

- (a) appoint one or more qualified persons as testers of speedometers on motor vehicles, of tuning forks and of other devices, and
- (b) may prescribe such forms as may be required for the recording and reporting of such tests.

3. The Minister may by order delegate to The Motor Transport Board any of the powers, duties and functions conferred or imposed on him by this Act or the regulations which apply or relate to public service and commercial vehicles.

4. The Minister may delegate all or any of the powers conferred upon him by this Act to such person or persons as he considers advisable.

2. Personnel.

3. Delegation of powers.

4. Delegation of powers.

PART 1

POWERS

Provincial Powers

5. (1) With respect to all or any part of a primary highway, the Minister may by order prescribe a maximum speed for daytime or night time, or both, in excess of the general maximum speed fixed by section 52 and may by order prescribe different maximum speeds for different classes of vehicles.

(2) The Minister may by order prescribe a minimum speed for all or any part of a primary highway and may prescribe different minimum speeds

- (a) for daytime and night time,
- (b) for different periods of the year, and
- (c) for different traffic lanes on the same highway.

(3) The Minister may, with respect to all or any part of a highway subject to his direction, control and management, prescribe by signs posted along the highway speed limits of less than the general maximum speeds fixed by section 53 or fixed pursuant to subsection (1) of this section and applicable to all vehicles or any class of vehicles.

(4) The Minister may with respect to any school zone or playground zone on a highway subject to his direction, control and management prescribe a maximum speed limit less than that fixed by section 54, but not less than 15 miles an hour.

(5) An engineer employed by the Department may by signs posted along a highway subject to the direction, control and management of the Minister, fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair, applicable to all vehicles or to any class or classes of vehicles while travelling over that part of the highway.

(6) Where speed limits are prescribed pursuant to this section, the Minister or engineer fixing the speed limit shall cause to be erected along the highway signs indicating the speed limits so prescribed.

6. (1) The Minister may authorize the placing, erecting or marking of traffic control devices at such locations as are considered necessary for controlling and regulating traffic upon or entering upon highways subject to his direction, control and management.

5. Minister may prescribe speed limits.

6. Placing of traffic control devices.

(2) Without restricting subsection (1), the Minister may authorize the erection of stop signs at railway crossings^s

- (a) in an improvement district, or
- (b) on a primary highway.

Regulations

7. (1) The Lieutenant Governor in Council may make regulations

- (a) prescribing the standards and specifications for any vehicle or for any equipment or material to be installed or used in vehicles, and
- (b) providing for the identification and labelling of such equipment or material or the containers thereof.

(2) The Lieutenant Governor in Council may make regulations prescribing standards of performance of vehicles and vehicle components which must be met and maintained.

(3) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code of standards or specifications of any equipment or material to be used or installed in vehicles.

8. The Lieutenant Governor in Council may make regulations:

1. prescribing forms and fixing the times at which and the persons to whom returns are to be made;
2. prescribing the design and position of lights and reflectors to be used upon vehicles;
3. prescribing the requirements as to brakes on motor vehicles and requiring the periodic inspection, testing and adjustment thereof;
4. prescribing any equipment required and the types and uses therefor on vehicles or by drivers and passengers of vehicles;
5. requiring the periodic inspection, testing and adjustment of any mechanical equipment of any motor vehicle;
6. governing, restricting or prohibiting the use on any highway or highways of any vehicle or class of vehicles that, in the opinion of the Minister, may be a hazard to other users of the highway by reason of unusual or novel size, weight or operating characteristics or by reason of any alteration or modification from its original construction by the manufacturer;

7. Regulations re equipment.

8. Regulations.

7. governing, restricting or prohibiting the use on vehicles of any decoration or device that in the opinion of the Minister constitutes a hazard to the public or other users of the highway;
8. prescribing and requiring the use of devices and other means to prevent accidents or thefts of motor vehicles;
9. prescribing fees for licences, permits and certificates required pursuant to this Act or the regulations;
10. prescribing terms and conditions governing the use and operation of motor vehicles;
11. prescribing warning signals or devices that may be used and the manner of use thereof;
12. prescribing the shape, colours, patterns and other qualities required of traffic control devices to be placed, erected or marked pursuant to this Act;
13. requiring that any traffic control device marked or erected under the authority of this Act conform
 - (i) to the design standards prescribed by the Minister, or
 - (ii) in the absence of a design standard prescribed by the Minister, to the design standards prescribed by the Manual of Uniform Traffic Control Devices for Canada;
14. prohibiting specified alterations of used motor vehicles or any part thereof and requiring disclosure of specified alterations not prohibited;
15. prescribing rules of conduct by users of campsites owned by the Crown and operated by the Minister including the period of occupation permitted by persons or vehicles during any prescribed period;
16. restricting the use of a highway in whole or in part to a particular class of vehicle.

9. (1) The Lieutenant Governor in Council may make regulations as to the operation upon any highway of trailers and the lighting or other equipment to be installed thereon.

(2) The Lieutenant Governor in Council may make regulations in respect of any class or classes of motor vehicles not ordinarily operated or intended for operation upon the highway,

- (a)** prescribing any equipment required thereon for safety purposes and the types and uses therefor, and

9. Regulations re trailers.

- (b) prescribing traffic rules governing the manner in which they are to be operated,

which may impose different requirements applicable when such motor vehicles are operated on a highway and when they are operated elsewhere than on a highway and which, having regard to the nature and purpose of such vehicles, may declare any provision of this Act wholly or partially inapplicable to such vehicles and the operation thereof.

10. The Lieutenant Governor in Council may make regulations governing the licensing and operation of driver training schools, and without in any way restricting the generality of the foregoing, may make regulations

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

11. (1) The Lieutenant Governor in Council may make regulations

- (a) governing the establishment and operation of facilities for the inspection and testing of motor vehicles;
- (b) authorizing the performance of motor vehicle inspections and tests by qualified persons;
- (c) prescribing the conditions that shall attach to the establishment of inspection and testing facilities and to the designation of qualified persons who may perform inspections or tests;
- (d) prescribing the records that shall be kept, and the manner in which they shall be kept, respecting any work performed in the course of, or in connection with, any inspection;
- (e) providing for the examination of any records kept in connection with motor vehicle inspections by such persons as the Minister may designate;
- (f) providing the means to identify those facilities where inspections and tests may be carried out;
- (g) providing the means to identify those persons authorized to perform inspections and tests;
- (h) prescribing the inspections and tests to which motor vehicles, or any classes thereof, are to be submitted;
- (i) prescribing when or how often motor vehicles are to be submitted to such inspections and tests;

10. Regulations re driver training schools.

11. Inspection and testing of vehicles.

- (j) prescribing the fee that may be charged the owner of any motor vehicle for any such inspection or test of his vehicle;
 - (k) requiring the owners of vehicles that do not pass any such inspection or test to take any action that is necessary so that the vehicles will be able to pass the inspections and tests.
- (2) The owner of every motor vehicle registered under this Act shall submit the vehicle to such periodic inspections and tests as are required by the regulations.

Municipal Powers

- 12.** (1) In this section "speed authority" means,
- (a) in the case of a municipal district or county, the council thereof;
 - (b) in the case of an improvement district or a forestry road or a highway within a city and the title to which is vested in the Crown in right of Alberta pursuant to section 21 of *The Public Highways Development Act*, the Minister;
 - (c) in the case of a special area, the Minister of Municipal Affairs;
 - (d) in the case of a local road as defined in *The Provincial Parks Act*, licence of occupation road, or a highway, through an Indian reserve, the title to which is vested in the Crown in right of Alberta and that is not the subject of an agreement entered into pursuant to section 18 of *The Public Highways Development Act*, the Minister of Energy and Natural Resources.
- (2) With respect to highways subject to its direction, control and management, the council of an urban area, by by-law, may
- (a) prescribe a maximum speed in excess of 30 miles an hour for all or any part of a highway,
 - (b) prescribe a maximum speed of less than 30 miles an hour for all or any part of a highway, and
 - (c) prescribe a minimum speed for all or any part of any highway designated in the by-law or prescribe different minimum speeds
 - (i) for daytime and night time;
 - (ii) for different periods of the year;
 - (iii) for different traffic lanes on the same highway.
- (3) In the case of a highway that is not a primary highway and that falls within a class referred to in section 52,

12. Speed limits in municipalities.

subsection (5), the speed authority may, by order or by-law, as the case may require, prescribe a maximum speed therefor of not more than 60 miles an hour, and where the speed authority does so, it shall authorize and cause the placing, erecting or marking of traffic control devices at such locations as it considers necessary for the purpose of marking the maximum speed limit.

(4) A speed authority may prescribe

- (a) different maximum speeds for different classes of vehicles, and
- (b) different maximum speeds for daytime and night time,

but may not increase the maximum speed prescribed by this Act for school zones and playground zones.

(5) With respect to any school zone or playground zone on a highway subject to its or his direction, control and management, the council of a municipality or the Minister of Municipal Affairs, as the case may be, may prescribe a maximum speed limit less than that fixed by section 54, but not less than 15 miles an hour.

(6) A person authorized by the council of a municipality may by signs posted along a highway subject to the direction, control and management of the municipality fix a maximum speed limit in respect of any part of the highway under construction or repair or in a state of disrepair applicable to all vehicles or to any class or classes of vehicles while travelling upon that part of the highway.

(7) Where speed limits are prescribed pursuant to this section the council or person fixing the speed limit shall cause to be erected along the highway signs indicating the speed limits so prescribed.

13. (1) The council of a municipality may authorize the placing, erecting or marking of traffic control devices at such locations as are considered necessary for controlling highways subject to its direction, control and management.

(2) Without restricting subsection (1), the council of a county or municipal district may authorize the erection of stop signs at railway crossings in the county or municipal district.

14. (1) With respect to highways under its direction, control and management, the council of a municipality may make by-laws, not inconsistent with this Act and on matters for which no provision is made in this Act, for the regulation and control of vehicle, animal and pedestrian traffic and, without restricting the generality of the foregoing, may make by-laws

13. Placing of traffic control devices.

14. Municipal by-laws.

1. restricting the weight of vehicles or of vehicles with their loads using the highways or any particular highway in the municipality,
2. controlling and regulating the use of all highways, sidewalks and other public places and delegating to the chief constable or municipal commissioners or municipal manager any powers in connection therewith,
3. delegating to the municipal commissioners, or where there are none, to the municipal manager, or if none, to the municipal clerk, or if none, to the secretary-treasurer, the power to prescribe where traffic control devices are to be located, including traffic control devices restricting the speed of vehicles, providing that traffic control devices located by such persons pursuant to a delegation made under this clause shall be deemed to have been made by by-law of the municipality and providing for a record of all such locations to be kept which shall be open to public inspection during normal business hours,
4. classifying motor and other vehicles and pedestrians for any and all purposes involving the use of streets, lanes and other public places,
5. preventing or restricting, controlling and regulating
 - (i) the parking of vehicles or of any particular class or classes of vehicles on all or any highways and other public places or any portion thereof, and authorizing any person enforcing its parking laws to place an erasable chalk mark on the tread face of the tire of a parked or stopped vehicle without that person or the municipality incurring any liability for doing so,
 - (ii) the parking on specified highways or within a certain distance from any building, of any class or classes of vehicles or of vehicles used for carrying inflammable, combustible, explosive or other dangerous material, whether loaded or unloaded, and defining the route or routes through the municipality that such vehicles must follow in entering or traversing the municipality and prohibiting them from travelling on any designated highway, bridge, overpass or subway, and
 - (iii) any other use of the highways and other public places or any portion thereof by or for vehicles or any particular classification thereof,

6. regulating and controlling the manner and method of entering and leaving private property whereon the parking of vehicles is permitted by the person in possession of the private property to persons other than his relatives, either for profit or otherwise,
7. defining what constitutes objectionable noise, devising a system or method of determining or measuring such noise, and prohibiting the operation of motor vehicles which in any manner make objectionable noise,
8. prohibiting right or left turns at any designated intersection,
9. establishing, acquiring, operating, controlling and regulating parking stands and places for parking vehicles or any class or classes of vehicles on any highway or other public place or on any municipal lands designated in the by-law as parking stands or places and assigning any particular stand or place to a specific person or persons,
10. prescribing a tariff of fees or charges to be paid by persons using such parking stands or places, which fees or charges may vary according to the location, the classification of the vehicles for which they are intended or as the council may otherwise determine, and in its discretion granting free use of all or any parking stands or places for all vehicles or any particular classification thereof for such period of time or during such hours as may be specified in the by-law,
11. establishing, controlling and regulating a parking meter system or providing in any other manner for the collection of fees or charges payable by persons using such parking stands or places,
12. preventing the encumbering of streets and other public places by vehicles and other articles,
13. providing for the impounding and removal from a highway, street, alley, parking lot or other public place of a vehicle in respect of which charges have not been paid or of a vehicle parked in violation of a provision of a by-law or regulation,
14. controlling or preventing the riding of bicycles on any sidewalk,
15. providing for the licensing of owners of bicycles, prescribing regulations with respect thereto and controlling and regulating the operation and parking of bicycles on highways and other public places,

16. providing for the seizure or impounding for a period not exceeding 60 days of any bicycle used or operated in contravention of any by-law,
17. regulating parades or processions over and along any highways within the municipality, and prohibiting the passage of any parade or procession over any or all highways within the municipality unless and until a permit therefor has been issued by the mayor, or the council by resolution has expressly permitted it,
18. closing or restricting the use of any highway, subway, bridge or overpass or part of any highway, subway, bridge or overpass within the municipality either as to the full width thereof or as to part of the width thereof with respect to any class or classes of vehicles or with respect to any class or classes of pedestrians, and providing for the proper enforcement of any such closing either by way of the erection of barricades or by the adoption of such other means as the council considers necessary or expedient,
19. granting a licence or permit for the temporary occupation or use of a road allowance, public highway, or a portion thereof when it is not required for public use, if the licence or permit is terminable upon 30 days' notice in writing,
20. permitting persons, subject to such conditions and restrictions as the by-law may provide, to park their motor vehicles on the highway
 - (i) adjacent to or in the vicinity of the land on which they reside, or
 - (ii) in a zone or area in which is situated the land on which they reside,notwithstanding any general or specific prohibitions or restrictions on parking relating to that highway,
21. providing that vehicular or pedestrian traffic shall travel upon any highway or part of any highway of the municipality only in one direction as the council may in the interests of safety and convenience prescribe,
22. prohibiting a class or classes of motor vehicles from using wholly or partially or for a certain period or periods a highway within the municipality,
23. prohibiting and regulating crossing and walking along highways by pedestrians,

24. notwithstanding section 12, prescribing a maximum speed limit applicable to all alleys in the municipality,
 25. providing for the placing on a vehicle parked in contravention of this Act or a by-law under this section (including clause 6) of a parking tag in the form prescribed by the Lieutenant Governor in Council allowing the payment of a penalty to the municipality in lieu of prosecution for the offence and setting the penalty applicable to each such offence,
 26. delegating to the chief constable or municipal commissioners or municipal manager the power to engage members of the Canadian Corps of Commissioners to issue and place on vehicles parked in contravention of this Act or a by-law passed under this section the parking tags authorized under clause 25,
 27. restricting the use of a highway in whole or in part to a particular class of vehicle,
 28. designating truck routes.
- (2) The council of a municipality may make by-laws not inconsistent with this Act and for which no provision is made in this Act
- (a) preventing or restricting, controlling and regulating the parking of vehicles or any particular classes of vehicles in privately owned trailer parks,
 - (b) prohibiting the owner of a vehicle or the person in charge of a vehicle from parking or leaving the vehicle on private property without authority from the owner, tenant, occupant or person in charge or control of the private property and providing for
 - (i) the impounding and removal from the private property of a vehicle so parked or left thereon without authority, and
 - (ii) the laying of an information and complaint against the owner or person in charge of the illegally parked vehicle for the parking offence, and
 - (c) prescribing speed limits on lanes or other thoroughfares prepared for the use of vehicles in privately owned trailer parks.
- (3) Except when an Act specifically enacts to a contrary effect, no municipality has any power to pass, enforce or maintain any by-law

- (a) requiring from any owner or operator of a motor vehicle, any tax, fee, licence or permit for the use of the public highways, or
- (b) excluding any of such persons from the free use of the public highways, or
- (c) that in any way affects the registration or numbering of motor vehicles, or
- (d) forbidding the use of the public highways contrary to or inconsistent with this Act.

15. 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 all or any 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 therein.

15. Powers of parking authority.

PART 2

EQUIPMENT REQUIRED ON VEHICLES

16. Every person who

- (a) operates a vehicle, or
 - (b) permits another person to operate a vehicle,
- on a highway without complying with any requirements of this Part as to equipment is guilty of an offence.

Headlamps

17. (1) Every motor vehicle, other than a motor cycle, shall be equipped with at least two headlamps and shall have at least one headlamp mounted on each side of the front of the motor vehicle.

(2) A headlamp upon a motor vehicle, other than a snow-plow, shall be mounted on the motor vehicle at a height of not more than 54 inches nor less than 24 inches measured from the centre of the headlamp to the level of the ground when the motor vehicle stands unloaded.

(3) The lens and bulb of every headlamp on a motor vehicle shall consist of clear, untinted glass.

(4) No person shall attach to or apply to any headlamp or part thereof any material or substance which causes the beam of light emitted therefrom to be any colour other than what is commonly accepted as being white.

18. (1) Except as otherwise provided in section 20 and subject to subsections (2) and (3), the headlamps on motor vehicles, shall be so arranged

- (a) that the driver may select at will between distribution of light projected to different elevations, or
- (b) that the selection of light distribution may be made automatically.

(2) Every headlamp shall have

- (a) an uppermost distribution of light, or composite beam of light, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 350 feet ahead under all conditions of loading of the motor vehicle, and
- (b) a lowermost distribution of light, or composite beam of light, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 100 feet ahead.

16. Offence to lack equipment.

17. Location of headlamps.

18. Multiple beam headlamps.

(3) In addition to the requirements in subsection (2), the headlamps of a motor vehicle shall be so aimed that on a straight level road and under any condition of loading the high intensity portion of the beam will not strike the eyes of an approaching driver.

19. (1) No person shall sell a new motor vehicle that has multiple beam road lighting equipment unless the motor vehicle is equipped with a beam indicator that will light up whenever the uppermost distribution of light from the headlamps is in use but not otherwise.

(2) The beam indicator shall be so designed and mounted that when lit it will be readily visible without glare to the driver of the vehicle upon which it is mounted.

20. (1) Headlamps arranged to provide a single distribution of light may be used

(a) on motor vehicles, other than motor cycles, manufactured and sold before April 1, 1956, and

(b) on motor cycles manufactured and sold before January 1, 1969,

in lieu of multiple beam road lighting equipment specified in section 18 if the single distribution of light conforms to the requirements of this section.

(2) The headlamps arranged to provide a single distribution of light shall be so aimed that

(a) when the motor vehicle is unloaded the high intensity portion of the light will not, at a distance of 25 feet ahead, be directed higher than a level five inches below the level of the centre of the lamp from which it comes, and

(b) in no case will the high intensity portion of the light be higher, at a distance of 75 feet ahead, than 42 inches above the level on which the motor vehicle stands.

(3) The intensity of the light shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

21. Every motor cycle shall be equipped with at least one headlamp but not more than two headlamps.

22. (1) If a tractor or self-propelled implement of husbandry is equipped with any headlamps, it shall not be equipped with any less than two or any more than four headlamps.

19. High beam indicator.

20. Single beam headlamp.

21. Headlamps on motor cycle.

22. Headlamps on tractors and implements of husbandry.

(2) Headlamps upon a tractor or self-propelled implement of husbandry may be of the single beam or multiple beam type but in either case the headlamps shall conform with the requirements and limitations of this section.

(3) The headlamps shall be of sufficient intensity to reveal a person or vehicle

- (a) at a distance of not less than 100 feet ahead when the tractor or self-propelled implement of husbandry is operated at any speed of less than 25 miles per hour,
- (b) at a distance of not less than 200 feet ahead when the tractor or self-propelled implement of husbandry is operated at a speed of 25 to 35 miles per hour, and
- (c) at a distance of not less than 300 feet ahead when the tractor or self-propelled implement of husbandry is operated at a speed of more than 35 miles per hour.

(4) When the tractor or self-propelled implement of husbandry is equipped with a multiple beam headlamp

- (a) the uppermost beam of light shall conform to the minimum requirements set out in subsection (3) of this section and shall not exceed the limitations set out in section 18, subsection (2), and
- (b) the lowermost beam of light shall conform to the requirements applicable to lowermost distribution of light as set out in section 18, subsection (2).

(5) When a tractor or self-propelled implement of husbandry is equipped with single beam headlamps, the headlamps shall be so aimed that none of the high intensity portion of the light will be directed higher, at a distance of 25 feet ahead, than the level of the centre of the headlamp from which the light comes.

Tail Lamps

23. (1) Except as provided in subsections (2) and (3),

- (a) every motor vehicle,
- (b) every self-propelled implement of husbandry,
- (c) every tractor,
- (d) every trailer, and
- (e) every vehicle being drawn at the end of a train of vehicles,

shall be equipped with at least two tail lamps mounted at the rear of the vehicle.

(2) Every motor cycle shall be equipped with at least one tail lamp mounted at the rear of the vehicle.

23. Tail lamps.

(3) Subsection (1) does not apply during daylight hours to such classes of equipment as may be exempted by the regulations.

(4) The tail lamps on a vehicle shall be as widely spaced laterally as is practicable.

(5) When lit as required by this Act, a tail lamp shall be capable of emitting a red light plainly visible from a distance of not less than 500 feet to the rear of the vehicle at a height of not more than 72 inches nor less than 20 inches measured from the centre of the tail lamp to the level ground when the vehicle stands unloaded.

(6) A tail lamp upon a vehicle shall be on the vehicle at a height, which shall be measured from the centre of the tail lamp, of not more than 72 inches nor less than 20 inches to the level ground when the vehicle stands unloaded.

(7) A tail lamp shall be so constructed that the rear licence plate of the vehicle will be illuminated and clearly visible from a distance of 50 feet to the rear, or a separate lamp shall be mounted on the rear of the vehicle to illuminate the licence plate and make it visible from a distance of 50 feet to the rear.

(8) All tail lamps and, if any, separate lamps for illuminating the rear licence plate shall be so wired that they will light and remain lit whenever the head lamps or auxiliary driving lamps are alight.

24. A vehicle carrying a load that overhangs the rear of the vehicle to the extent of five feet or more shall,

(a) during night time hours display a red light, and

(b) at all other times, display a red flag, which shall be not less than 12 inches square,

upon and at the extreme rear end of the overhanging load and sufficient in either case to indicate the projection of the load.

25. (1) Except as permitted by this Act, no vehicle shall display to the rear thereof a light of any colour other than red.

(2) Subsection (1) does not apply to back-up lights when used in the process of backing up a vehicle.

Stop Lamps

26. (1) Unless otherwise provided by the regulations

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

24. Overhanging load.

25. Color of rear lights.

26. Brake lights.

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

(2) A stop lamp shall light up when the service brake is applied and when lit shall emit a red light plainly visible from a distance of not less than 100 feet to the rear of the vehicle in normal sunlight.

27. No stop lamp or signal lamp or device shall project a glaring light at any time.

Flashing Lights

28. (1) No motor vehicle other than a vehicle used

- (a) for the transportation of any member of a fire brigade or of any firefighting equipment, or
- (b) for the transportation of any peace officer, or
- (c) as an ambulance,

shall be equipped with any red light or flashing light visible from the front of the vehicle.

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

- (a) signal lights for indicating an intention to turn as required by section 29;
- (b) alternate flashing red lights displayed by a school bus;
- (c) flashing lights of such colour other than red as is provided in this Act or the regulations and displayed by
 - (i) a snowplow, or
 - (ii) a vehicle transporting explosives, or
 - (iii) a tow truck while towing or pushing a disabled vehicle, or
 - (iv) a vehicle engaged in highway inspection, highway construction or highway maintenance, or
 - (v) a vehicle engaged in the transportation of or towing of a building, or
 - (vi) a vehicle owned and operated by Alberta Government Telephones while engaged in the construction, maintenance or repair of communication systems, or
 - (vii) a vehicle leading a funeral procession, or
 - (viii) a vehicle that has become immobile or inoperative;

27. Glaring lights prohibited.

28. Flashing lights.

- (d) simultaneously flashing turn signal lights displayed at a railway crossing by a vehicle required to stop at railway crossings;
- (e) simultaneously flashing turn signal lights displayed by a vehicle that has become immobile or inoperative;
- (f) flashing lights or coloured lights as prescribed by the regulations displayed by a vehicle of a class authorized by the regulations to display those lights.

(3) Any motor vehicle belonging to a municipal fire department may be equipped with such red lights or other coloured lights as may be designated by by-law of the council.

(4) No vehicle other than a school bus shall be equipped with alternate flashing red lights visible from the front or the rear of the vehicle.

29. (1) No person shall sell a motor vehicle or trailer unless it is equipped with lamps or mechanical signal devices that comply with the requirements of this section and that show to the front and rear for the purpose of indicating an intention to turn either to the right or left.

(2) No person shall

- (a) operate a motor vehicle, or
- (b) pull a trailer,

equipped with lamps or mechanical signal devices to indicate an intention to turn the vehicle or trailer unless the lamps or device show to the front and rear of the vehicle and to the rear of the trailer and otherwise comply with the requirements of this section.

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

- (a) the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light visible from a distance of not less than 100 feet to the front in normal sunlight, and
- (b) the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light visible at a distance of not less than 100 feet to the rear in normal sunlight.

(4) Lamps used for indicating turns shall be so constructed and arranged that when used for indicating turns the intended direction of the turn can be indicated by flashing the lights showing to the front and rear on the side toward which the turn is to be made.

29. Turn signals.

(5) Where mechanical signal devices are used for the purpose of indicating turns, the mechanical devices shall be self-illuminating when in use during the times headlamps are required to be alight.

(6) The owner of a motor vehicle equipped with lamps or mechanical signal devices to indicate an intention to turn shall maintain those lamps or mechanical signal devices in good working order.

Other Lights

30. In addition to the lamps required by this Act, every self-propelled implement of husbandry shall, at the times mentioned in section 93, be equipped with and display such other lights and reflectors as may be prescribed by the regulations.

31. (1) No motor vehicle shall be equipped with a light that is known to the trade as a search light.

(2) A spot light may be carried upon any motor vehicle but when the vehicle is in motion the ray of the light therefrom shall be directed to the extreme right of the travelled portion of the highway in such manner that the beam of light will strike the extreme right of the travelled portion of the highway within 75 feet of the vehicle.

(3) No person shall use a spotlight carried upon a motor vehicle, whether such motor vehicle is in motion or not, in such a manner as to create a hazard to users of the highway.

32. (1) A motor vehicle may be equipped with fixed or movable auxiliary lamps or fog lamps mounted upon the front of the vehicle and below the level of the centres of the headlamps and at a height not less than 16 inches above the level on which the vehicle stands.

(2) Not more than two auxiliary lamps or two fog lamps mounted on opposite sides of a vehicle may be used and the use of such lamps shall be in connection with but not in substitution for headlamps except under conditions of fog or rain rendering disadvantageous the use of headlamps.

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

(4) Every auxiliary lamp and every fog lamp used upon a motor vehicle shall be so adjusted and aimed that the top of the main substantial portion of the beam will strike the road at approximately 75 feet in advance of the vehicle and

30. Lights and reflectors on implements of husbandry.

31. Search and spot lights.

32. Auxiliary or fog lamps.

will not project a glaring or dazzling light into the eyes of approaching drivers.

(5) The term "auxiliary lamp" or "fog lamp" denotes any combination of reflector, lens and lamp bulb designed to illuminate the roadway close to and forward or forward and to the sides of the motor vehicle and otherwise meeting the requirements of this section.

Brakes

33. (1) No motor vehicle, other than a motor cycle, shall be operated upon a highway unless it has

- (a) an adequate service brake, and
- (b) an adequate emergency or parking brake capable of being operated separately.

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

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

(2) Every person driving a motor vehicle on any highway shall upon request of a peace officer

- (a) permit the officer to inspect and test the brakes with which the motor vehicle is equipped and for that purpose to operate the vehicle, or
- (b) at the option of the officer, operate the motor vehicle as directed by the officer for the purpose of the inspection and testing of the brakes,

and the officer shall, if the brakes are inadequate, so notify the driver of the vehicle who shall forthwith proceed to have the brakes made adequate.

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

- (a) within 40 feet from the point at which the brakes were applied when the brakes are applied while the vehicle is loaded to its full capacity and moving,
 - (b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 20 miles an hour,
- the service brakes of the vehicle are inadequate.

(4) When the service brakes upon any motor vehicle other than a motor vehicle mentioned in subsection (3) or any combination of vehicles are not capable of bringing the vehicle or combination of vehicles to a standstill

33. Brakes.

34. Inspection and testing of brakes.

- (a) within a distance of 30 feet from the point at which the brakes were applied, when the brakes are applied while the vehicle or combination of vehicles is loaded to its full capacity and moving,
 - (b) on a level surface consisting of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 20 miles an hour,
- the service brakes of the motor vehicle or combination of vehicles are inadequate.

(5) Where the emergency or parking brake upon a motor vehicle or combination of vehicles is not capable of bringing the motor vehicle or combination of vehicles to a standstill

- (a) within a distance of 55 feet from the point at which the brake was applied, when the brake is applied while the motor vehicle or combination of vehicles is loaded to its full capacity and moving,
 - (b) on a level surface of dry paving of asphalt or concrete free from loose materials, and
 - (c) at a speed of 20 miles an hour,
- the emergency or parking brake of the motor vehicle or combination of vehicles is inadequate.

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

(7) All brakes shall at all times be maintained in good working order and shall be so adjusted that the brake pressure upon the wheels on each side of the vehicle is as nearly as possible equal.

Other Equipment

35. (1) Every motor vehicle, motor cycle and bicycle shall be equipped with an adequate horn, gong or bell and it shall be kept in good working order and shall be sounded whenever it is reasonably necessary to warn persons on or approaching the highway in the vicinity of the vehicle or motor cycle or bicycle.

(2) No person having the control of any motor vehicle, motor cycle or bicycle shall use the horn, gong, bell or other signalling device thereon except for the purpose of giving notice to persons on or approaching the highway in the vicinity of the motor vehicle, motor cycle or bicycle of the approach of the vehicle, and in so doing shall not make any more noise than is reasonably necessary for the purpose of giving the warning.

35. Horn, etc.

36. (1) A motor vehicle propelled by an internal combustion engine shall be equipped with an exhaust muffler consisting of a series of pipes or chambers which ensures that the exhaust gases from the engine are cooled and expelled without excessive noise and without the emission of any flame or sparks.

(2) No person shall drive or operate a motor vehicle propelled by an internal combustion engine when the muffler with which the vehicle is equipped is cut out or disconnected from the engine.

(3) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler from which has been removed a baffle-plate or other part.

(4) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler, the exhaust outlet of which has been opened or widened.

(5) No person shall drive or operate a motor vehicle propelled by an internal combustion engine equipped with a muffler or exhaust system to which is attached any device which increases the noise of the expulsion of the gases from the engine or allows a flame to be ignited from the exhaust system.

(6) This section does not apply to a school bus having a capacity of 24 or more passengers.

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

- (a) for cleaning rain, snow or other moisture from the windshield, and
- (b) that can in each case be controlled or operated by the driver of the motor vehicle.

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

38. (1) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle.

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

36. Mufflers.

37. Windshield wipers.

38. Mudguards.

39. (1) Every motor vehicle shall carry a mirror securely attached to it and placed in a position that will afford the driver a clear view of the roadway in the rear and of any vehicle approaching from the rear.

(2) Where the view afforded by the mirror required under subsection (1) is obstructed or interfered with in any manner, a side rear vision mirror shall be attached to each side of the motor vehicle and shall be placed in such a position as to afford the driver a clear view of the roadway to the rear and to each side of the motor vehicle.

(3) In addition to any mirrors required under subsections (1) and (2), every new motor vehicle sold shall carry a side rear vision mirror attached to the left side of the motor vehicle in such a position as to afford the driver a clear view of the roadway to the rear left side of the vehicle.

(4) Every self-propelled implement of husbandry when operated on a highway shall carry a mirror securely attached to it and placed in a position that will afford the driver a clear view of the roadway to the rear and of any vehicle approaching from the rear.

40. Every motor vehicle shall be equipped with a speedometer to indicate the speed of the vehicle when moving forward.

41. (1) Without in any way restricting the provisions of this Part, the owner of a vehicle shall keep and maintain the vehicle and all equipment thereof in a condition of conformity at all times with any standards or specifications prescribed by the regulations and shall keep and maintain all equipment prescribed by this Act or the regulations

(a) in good working order, and

(b) properly attached to the vehicle,

having regard to the purpose for which that equipment is intended.

(2) Where requested to do so by a peace officer, the owner of a vehicle shall, as soon as is reasonably possible, have any work done to the vehicle that is necessary to make it comply with the provisions of this Part and shall report the compliance to the peace officer.

42. (1) Every motor vehicle, except a motor cycle, shall be equipped with a windshield.

(2) No person shall sell or offer for sale a new motor vehicle unless the glass in the windshield and in the other windows complies with the conditions prescribed by the regulations.

39. Rear vision mirror.

40. Speedometer.

41. Maintenance of equipment.

42. Windshields.

(3) No person shall

- (a) sell or offer for sale any windshield or glass intended to be used for glazing a motor vehicle, or
- (b) glaze a motor vehicle with glass,

that does not comply with the conditions prescribed by the regulations.

(4) No person shall

- (a) sell or offer for sale a new holiday camper designed for truck mounting unless the glass in the windows complies with the conditions prescribed by the regulations, or
- (b) sell or offer for sale any glass intended to be used for glazing a holiday camper unless the glass complies with the conditions prescribed by the regulations, or
- (c) glaze a holiday camper with glass that does not comply with the conditions prescribed by the regulations.

43. No person shall sell or offer for sale hydraulic brake fluid for use in vehicles upon a highway

- (a) that does not comply with the standards and specifications prescribed by the regulations, or
- (b) in a container not marked in compliance with the regulations.

44. (1) No person shall sell or offer for sale for use in vehicles upon a highway any equipment that does not comply with the standards and specifications that may be prescribed for that equipment by the regulations.

(2) No person shall sell a new motor vehicle of a class which by the regulations is required to be marked with the displacement or horsepower of its motor unless it is so marked in accordance with the regulations.

45. No vehicle other than a vehicle used

- (a) for the transportation of any member of a fire brigade or of any firefighting equipment, or
- (b) for the transportation of any policeman, or
- (c) as an ambulance, or
- (d) as a gas disconnecting unit of a public utility company,

shall, while on a highway, be equipped with a siren without the authorization of the Minister.

43. Brake fluid.

44. Standards for equipment.

45. Sirens.

46. (1) No person shall drive upon a highway any motor vehicle that is equipped with a television set.

(2) No person shall operate a television set in a motor vehicle while the vehicle is upon a highway.

(3) Notwithstanding subsections (1) and (2), a television set may be located and operated in a motor coach or a holiday camper or a self-propelled mobile home if the driver of the motor vehicle cannot by any means see the screen of the television set while the vehicle is in motion.

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

(2) Subsection (1) does not apply to

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

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

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

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

46. Television in motor vehicles.

47. Radar detectors.

PART 3

RULES OF THE ROAD

Application

48. (1) Every person operating a motor vehicle, a tractor, an implement of husbandry or any other type of vehicle upon a highway shall insofar as they are applicable, obey the rules of the road set out in this Part, except

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

(2) Every driver shall obey the instructions of any applicable traffic control device.

(3) Notwithstanding anything in this Part, every driver shall obey the directions of any peace officer directing traffic.

(4) Where all or any of the lights of a traffic control signal are not operating properly or are not operating at all, every driver shall use the roadway in the vicinity of the traffic control signal with caution.

(5) Notwithstanding anything in this Part, when

- (a) a flagman is stationed, or
- (b) a barricade or sign is erected

upon a highway to direct traffic in connection with any construction, repair or other work upon the highway or upon land adjacent to the highway, every driver shall obey the directions given by the flagman or, if none, by the barricades or signs.

49. (1) Where a peace officer considers it necessary

- (a) to ensure orderly movement of traffic, or
 - (b) to prevent injury or damage to persons or property, or
 - (c) to permit proper action in an emergency,
- he may direct traffic according to his discretion, notwithstanding anything in this Part.

(2) Where a peace officer is not present at the scene of a fire or emergency, any member of a fire brigade present may exercise the powers of a peace officer under subsection (1).

50. (1) Any motor vehicle equipped with a siren and being

48. Observance of rules of the road.

49. Direction of traffic contrary to rules.

50. Driving and parking contrary to rules.

- (a) used for the transportation of any member of a fire brigade in response to an emergency call, or
- (b) used for the transportation of a peace officer in response to an emergency call or for the purpose of
 - (i) investigating a reported accident, or
 - (ii) detecting or preventing crime, or
 - (iii) making an arrest,
 or
- (c) an ambulance used in response to an emergency call, or
- (d) a gas disconnecting unit of a public utility company used in response to an emergency call, or
- (e) a vehicle used in an emergency in accordance with an authorization granted by the Minister pursuant to section 45,

may, while being so used and while the siren is being continuously sounded,

- (f) be operated at such speed as is reasonable and proper having regard to
 - (i) the traffic ordinarily upon the highway,
 - (ii) the use of the highway, and
 - (iii) the fact that it is being so used ,
- (g) proceed past a red or stop signal or stop sign without stopping, and
- (h) be operated at such speed as is reasonable and safe under the circumstances.

(2) Where required to do so for the purpose of carrying out his duties as a peace officer, a peace officer may, notwithstanding subsection (1),

- (a) operate a motor vehicle on a highway in excess of the speed limit thereon and at such speed as is necessary and reasonable having regard to the traffic ordinarily upon the highway and the fact that it is being so used,
- (b) drive past a red or stop signal or stop sign without stopping but only at such speed as is reasonable and prudent under the circumstances, and
- (c) drive and park a motor vehicle contrary to any rule of the road prescribed by this Act or a municipal by-law, if in the interest of law enforcement it is necessary and in the circumstance safe to do so.

(3) Where required to do so for the purpose of carrying out his duties as a member of a fire brigade or ambulance service, a fireman or ambulance driver may drive and park a motor vehicle contrary to any rule of the road prescribed

by this Act or a municipal by-law, if it is necessary and in the circumstances safe to do so and shall, in the absence of a peace officer, have the powers of a peace officer under this Act with respect to traffic control and direction to the extent necessary to enable him to efficiently perform his duties or safeguard the public.

(4) Vehicles used in highway maintenance or highway construction work or by employees in the Safety Branch may be operated upon such portions of a highway as may be requisite for the highway maintenance, highway construction or other work in which it is engaged.

Speed

51. Notwithstanding any speed limit prescribed by or pursuant to this or any other Act, no driver shall drive at any rate of speed that is unreasonable having regard to all the circumstances of the case, including without restricting the generality of the foregoing,

- (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 there then is or that might reasonably be expected to be on the highway, and
- (d) the mechanical condition of the vehicle or any equipment of the vehicle.

52. (1) Except where a higher rate of speed is prescribed pursuant to section 5, no person shall drive on a primary highway outside an urban area at any greater rate of speed than

- (a) 60 miles an hour during the daytime, or
- (b) 50 miles an hour during the night time.

(2) Except where a higher rate of speed is prescribed pursuant to section 12, no person shall drive in an urban area at a greater rate of speed than 30 miles an hour.

(3) Where the council of an urban area has prescribed a maximum rate of speed of less than 30 miles an hour pursuant to section 12, subsection (1) and where that rate is designated by signs erected along the highway, no person shall drive at a rate of speed greater than that so prescribed.

(4) In an urban area no person shall drive in an alley at a greater rate of speed than the maximum rate prescribed pursuant to section 14.

51. Speed appropriate to circumstances.

52. Standard maximum speed.

(5) Except where a higher rate of speed is authorized pursuant to section 12, no person shall drive on a highway that is

- (a) subject to the direction, control and management of the local governing authority of a municipal district, county or special area, or
 - (b) 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*, or
 - (c) through an Indian reserve, the title to which is vested in the Crown in right of Alberta and that is not the subject of an agreement entered into pursuant to section 18 of *The Public Highways Development Act*, or
 - (d) a forestry road, or
 - (e) a local road as defined in *The Provincial Parks Act, 1974*, or
 - (f) a licence of occupation road, or
 - (g) within an improvement district,
- at a greater rate of speed than 50 miles per hour.

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

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

54. (1) In this section "school zone" and "playground zone" means a zone on a highway identified by a traffic control device as an area where children

- (a) may be expected to be on the highway, or
- (b) are permitted to cross the highway at a designated point along the highway.

(2) On any day on which school is held, no driver shall drive within a school zone outside an urban area at a rate of speed greater than 25 miles per hour at any time between

- (a) 8:00 o'clock and 9:30 o'clock in the morning, or
- (b) 11:30 o'clock in the morning and 1:30 o'clock in the afternoon, or
- (c) 3:00 o'clock and 4:30 o'clock in the afternoon.

53. Posting speed limits.

54. Speed in school and playground zones.

(3) On any day on which school is held, no driver shall drive within a school zone within an urban area at any rate of speed greater than 20 miles per hour between

- (a) 8:00 o'clock and 9:30 o'clock in the morning, or
- (b) 11:30 o'clock in the morning and 1:30 o'clock in the afternoon, or
- (c) 3:00 o'clock and 4:30 o'clock in the afternoon.

(4) No driver shall drive within a playground zone

- (a) at a rate of speed greater than 20 miles per hour where the zone is within an urban area, or
- (b) at a rate of speed greater than 25 miles per hour where the zone is outside an urban area,

between the hours of 8:30 o'clock in the morning and one hour after sunset.

(5) No driver shall pass or attempt to pass a vehicle moving in the same direction as he is in a school zone or a playground zone when the speed limit prescribed by subsection (1), (2) or (3) is in effect.

(6) Where a school zone or playground zone is identified by a traffic control device capable of showing rapid intermittent flashes of yellow light as provided in section 91, subsection (5), then subsections (2) and (3) do not apply to the zone, and subsection (4) does not apply to the zone except when the rapid intermittent flashes of yellow light are being shown.

(7) Notwithstanding subsections (2) and (3), the council of a municipality by by-law may increase the prescribed hours where appropriate for any school zone within its corporate limits having regard to the hours of opening and closing of any school or schools, in which case the council shall cause the traffic control devices displayed to identify the prescribed hours as increased.

(8) A school zone or playground zone

- (a) begins where there is a traffic control device indicating the school zone or playground zone, and
- (b) ends where there is a traffic control device indicating a greater rate of speed or the end of the zone.

55. (1) A driver who is proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall drive

- (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,

55. Slow moving vehicles.

except when overtaking and passing another vehicle travelling in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

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

56. (1) Subject to the other provisions of this Part, on a highway outside an urban area where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction, a driver shall not drive in the traffic lane nearest the centre line unless he is driving at or near the maximum speed permitted.

(2) Subsection (1) does not prohibit a slower moving vehicle from using the traffic lane nearest to the centre line for the purpose of overtaking and passing another vehicle.

57. (1) No driver shall drive 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 safe operation or to comply with this Part.

(2) No person shall drive

(a) on a highway, or

(b) in traffic,

at a slower rate of speed than the minimum speed designated therefor by signs erected along the highway pursuant to section 5.

(3) A peace officer may require a driver who is contravening this section to

(a) increase his rate of speed, or

(b) remove his vehicle from the roadway, or

(c) drive in a different traffic lane,

and any driver who fails to obey the order of the peace officer is guilty of an offence.

Driving on Right Side of Roadway

58. (1) No person shall drive to the left of the centre line of a highway except

(a) when overtaking and passing another vehicle travelling in the same direction, or

(b) when the roadway to the right of the centre line is obstructed by a parked vehicle or other object, or

56. Driving near centre line.

57. Travelling at too slow speed.

58. Driving on right side of roadway.

- (c) when the roadway to the right of the centre line is closed to traffic, or
- (d) when turning left off the highway into another highway or into a private road or driveway, or
- (e) when a traffic control device otherwise requires or permits, or
- (f) upon a one-way highway.

(2) Where a highway is divided into two or more roadways by a boulevard, ditch or other physical barrier, no person shall drive into, across or along the boulevard, ditch or physical barrier.

59. Except as may be provided for by a municipal by-law pursuant to section 14, clause 14, no person shall drive any vehicle into, across or along any boulevard, ditch or sidewalk except at proper and lawful vehicular crossings provided therefor.

60. Where the condition of a section of roadway is such that it is impractical or unsafe for two vehicles being driven in opposite directions to pass each other in a normal manner,

- (a) if a vehicle is being driven upon that section, another driver approaching that section from the opposite direction shall stop before entering upon the section and shall not proceed until the oncoming vehicle reaches and passes him, or
- (b) if two vehicles are being driven upon that section in opposite directions and meet thereon, each of the drivers shall immediately stop and before proceeding to pass the other shall take all reasonable steps to learn whether he can do so with safety to himself and others, and, if necessary, each of the drivers shall assist the other to pass in safety.

61. (1) On a highway:

- (a) where double solid lines exist between traffic lanes, a driver shall not cross the double solid lines from one lane to another;
- (b) where, in an urban area, a single solid line only exists between traffic lanes, a driver shall not cross the single solid line from one lane to another except when overtaking and passing another vehicle;
- (c) where, outside an urban area, a single solid line only exists between traffic lanes, a driver shall not cross the single solid line from one lane to another;

59. Vehicular crossings.

60. Meeting and passing oncoming vehicles.

61. Rules for traffic lanes.

- (d) where a single solid line and a broken line together exist between traffic lanes, a driver
 - (i) shall not, except as provided in subclause (ii), cross the solid line from the lane next to which the solid line is located, and
 - (ii) may only cross to the left over the broken and solid lines from the lane next to which the broken line is located for the purpose of and when overtaking and passing another vehicle in that lane and shall immediately thereafter recross both lines and return to the lane on the right in which he was originally travelling;
 - (e) where one or more broken lines only exist between traffic lanes, a driver may cross the broken line or lines from one lane into another.
- (2) Before driving from one traffic lane into another, or from a curb lane or a parking lane into a traffic lane, a driver
- (a) shall signal his intention to do so in the manner prescribed by the regulations, and
 - (b) shall give the signal in sufficient time to provide a reasonable warning to other persons of his intentions.
- (3) Notwithstanding subsection (1) and unless prohibited by a traffic control device, a driver may cross a single solid line or, outside an urban area, a double solid line
- (a) when necessary to turn left into a highway, private road or driveway, or
 - (b) when necessary upon entering the highway from a private road or driveway, or
 - (c) when necessary to enter a parking lane on the right side of the center line.
- (4) Notwithstanding anything in this section, a driver shall not
- (a) drive from one traffic lane to another, or
 - (b) cross a solid or broken line, or
 - (c) drive from a curb lane into a traffic lane, or
 - (d) drive from a parking lane into a traffic lane
- when the movement cannot be made in safety.
- (5) Where a highway has been divided into lanes by clearly visible lines marked on the road surface, the driver of a vehicle other than a bicycle shall drive his vehicle as closely as practical in the centre of the lane so marked.
- (6) No person shall drive a vehicle in such a manner as to occupy space in two lanes except during the act of pass-

ing another vehicle or changing lanes or unless road conditions make the use of a single lane impractical.

62. (1) On a highway consisting of three traffic lanes, a driver shall not drive in the centre traffic lane except

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

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

63. A driver shall drive on a one-way highway only in the direction designated by the signs on or along the highway.

64. (1) No driver shall follow another vehicle more closely than is reasonable and prudent, having due regard for

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

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

Overtaking and Passing

65. (1) A driver shall not pass or attempt to pass another vehicle travelling in the same direction

- (a) when proceeding uphill, or
- (b) when on a curve in the highway, or
- (c) when approaching within 100 feet of or traversing a level railway crossing,

unless a traffic control device otherwise directs or permits.

(2) Subsection (1) does not apply where there are two or more traffic lanes on the same side of the centre line for vehicles proceeding in that direction, and the driver desiring to pass can do so by continuing to drive 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

62. Three-lane highways.

63. One-way highways.

64. Following other vehicles.

65. Passing on hills, etc.

line or by a broken line and a solid line existing together, a driver may pass on the curve or grade if he crosses the solid line from the lane next to which the broken line is located.

66. A driver shall not drive to or upon the left of the centre line of a highway in overtaking and passing another vehicle or an obstruction unless

- (a) the left side is clearly visible, and
- (b) is free of oncoming and overtaking traffic, for a sufficient distance to permit overtaking and passing to be completely made without interfering with the safe operation of another vehicle.

67. (1) Subject to section 68, a driver overtaking another vehicle

- (a) shall pass to the left of the other vehicle at a safe distance, and
 - (b) shall not return to the right side of the roadway until safely clear of the overtaken vehicle whereupon he shall return to the right side of the roadway.
- (2) Except when overtaking and passing on the right is permitted, a driver being overtaken by another vehicle
- (a) shall give way to the right in favour of the overtaking vehicle, and
 - (b) shall not increase his speed until completely passed by the overtaking vehicle.

68. (1) A driver may overtake and pass on the right of another vehicle

- (a) when the vehicle overtaken is making a left turn or its driver has signalled his intention to make a left turn, or
 - (b) upon a one-way highway where the roadway is of sufficient width for two or more lines of moving vehicles and is free from obstructions.
- (2) On a highway where there are two or more traffic lanes on the same side of the centre line for vehicles travelling in the same direction:
- (a) a driver overtaking another vehicle travelling in the same direction, may pass on the right or left of the other vehicle if there is a lane available for passing to the right or the left of the lane being used by the overtaking vehicle;

66. Passing when meeting oncoming vehicles.

67. Overtaking and passing.

68. Overtaking and passing on the right.

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

69. Notwithstanding anything in this Part, a driver shall not overtake and pass or attempt to overtake or to pass another vehicle

- (a) when the movement cannot be made safely, or
- (b) by driving off the roadway, or
- (c) by driving in a parking lane.

Turns

70. Before turning a vehicle to the left or right the driver

- (a) shall signal his intention to do so in such manner as may be prescribed by the regulations, and
- (b) shall give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the driver.

71. (1) A driver intending to turn right from a two-way highway onto another two-way highway shall make the turn

- (a) by driving as closely as practicable to the right curb or edge of the roadway while approaching the intersection and turning, and
 - (b) upon leaving the intersection by driving as closely as practicable to the right curb or edge of the roadway then entered,
- unless a traffic control device otherwise directs or permits.

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

(3) On a highway divided into traffic lanes, a driver approaching an intersection and intending to turn right

- (a) shall drive in the traffic lane nearest to the right hand side of the roadway, and
 - (b) may pass any other vehicle travelling in the same direction in a lane to his left,
- unless a traffic control device otherwise directs or permits.

(4) A driver approaching an intersection and intending to turn right shall, wherever practicable, drive his vehicle

69. Restrictions on overtaking and passing.

70. Signalling for turns.

71. Right turns.

into the position required by this section at least 50 feet before reaching that intersection.

72. (1) A driver intending to turn left from a two-way highway onto another two-way highway shall make the turn

- (a) by driving to the right of and as closely as practicable to the centre line of the highway while approaching the intersection and turning, and
- (b) upon leaving the intersection by driving to the right of and as closely as practicable to the centre line of the highway then entered,

unless a traffic control device otherwise directs or permits.

(2) A driver intending to turn left from a two-way highway onto a one-way highway shall make the left turn

- (a) by driving to the right of and as closely as practicable to the centre line of the two-way highway where it enters the intersection, and
- (b) upon leaving the intersection by driving as closely as practicable to the left hand side of the one-way highway entered,

unless a traffic control device otherwise directs or permits.

(3) A driver intending to turn left from a one-way highway onto a two-way highway shall make the left turn

- (a) by driving as closely as practicable to the left side of the one-way highway where it enters the intersection, and
- (b) upon leaving the intersection by driving to the right of and as closely as practicable to the centre line of the two-way highway entered,

unless a traffic control device otherwise directs or permits.

(4) A driver intending to turn left from a one-way highway onto another one-way highway shall make the left turn

- (a) by driving as closely as practicable to the left hand side of the one-way highway where it enters the intersection, and
- (b) upon leaving the intersection by driving as closely as practicable to the left hand side of the other one-way highway entered,

unless a traffic control device otherwise directs or permits.

(5) A driver approaching an intersection and intending to turn left shall, wherever practicable, drive his vehicle into the position required by this section at least 50 feet before reaching that intersection.

73. (1) When a traffic lane is marked by a traffic control device showing a directional arrow or arrows with or with-

72. Left turns.

73. Directional arrows.

out accompanying words a driver travelling in that lane may 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 showing the words "no left turn" or "no right turn" a driver travelling in that lane and approaching the traffic control device shall not make the turn prohibited by the device.

(3) A driver who approaches

- (a) a traffic control device that shows a downward pointing illuminated green arrow symbol marking the lane in which he is travelling may continue to drive in that lane, or
- (b) a traffic control device that shows an illuminated red "X" symbol marking the lane in which he is travelling shall not drive into or continue to drive in that lane.

U-Turns

74. (1) A driver shall not turn his vehicle so as to proceed in the opposite direction unless he can do so in safety and without interfering with other traffic.

(2) A driver shall not turn his vehicle so as to proceed in the opposite direction

- (a) upon a curve, or
- (b) upon the approach to or near the crest of a grade where his vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet.

(3) In an urban area a driver shall not turn his vehicle so as to proceed in the opposite direction

- (a) on a roadway between intersections, or
- (b) at a place where a sign prohibits making a U-turn, or
- (c) at an intersection controlled by a traffic control signal, or
- (d) at an alley intersection, or
- (e) at any other intersection unless the movement can be made in safety.

(4) The turns referred to in this section include what are commonly known as "U-turns".

75. (1) The driver of a school bus shall not make a U-turn on any highway other than a four-lane divided highway.

74. U-turns.

75. U-turns by school bus.

(2) The driver of a school bus shall not make a U-turn on a four-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.

(3) The driver of a school bus making a U-turn on a four-lane divided highway shall, before completing the turn, bring 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.

Backing

76. (1) No person shall back up a motor vehicle unless the movement can be made

- (a) in safety, and
- (b) without interfering with other traffic on the highway.

(2) In an urban area no person shall back a vehicle into an intersection or crosswalk.

Yielding and Stopping

77. (1) Except as otherwise provided in this Part, when two 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 intending to turn left across the path of any vehicle approaching from the opposite direction shall not make or attempt to make the left turn unless the turn can be completed in safety.

78. Before stopping a vehicle the driver

- (a) shall signal his intention to do so in such manner as may be prescribed by the regulations, and
- (b) shall give the signal in sufficient time to provide a reasonable warning to other persons of the intention of the driver.

79. (1) In this section "street" means a street within the meaning of *The Public Highways Development Act*.

(2) A driver about to enter upon

- (a) a primary highway or street from a road, alley or driveway, or

76. Backing up.

77. Right of way at intersections.

78. Signalling stops.

79. Stopping before entering highway.

(b) an alley or road from a driveway, shall, unless the intersection of the two roadways is marked with a "yield" sign or a "merge" sign, bring his vehicle to a stop

(c) before entering upon the intersecting roadway and at a point no further than 10 feet from the intersecting roadway, or

(d) if there is a marked crosswalk on the near side of the intersection, immediately before entering upon the crosswalk, or

(e) if there is a marked stop line on the near side of the intersection, at the stop line.

(3) Notwithstanding subsection (2)

(a) a driver emerging from any alley or driveway shall stop his vehicle before driving onto a sidewalk crossing and shall yield the right of way to any pedestrian on the sidewalk or sidewalk crossing, and

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

80. A driver about to enter upon any highway from a highway that is marked by a "stop" sign shall bring his vehicle to a stop

(a) before entering upon the intersecting roadway and at a point no further than 10 feet from the intersecting roadway, or

(b) if there is a marked crosswalk on the near side of the intersection, immediately before entering upon the crosswalk, or

(c) if there is a marked stop line on the near side of the intersection, at the stop line.

81. Where a driver is required to stop pursuant to section 79 or 80,

(a) he shall not proceed until the condition of the traffic upon the highway being entered upon is such that he can enter thereon in safety, and

(b) he shall yield the right of way to all traffic approaching thereon.

82. A driver about to enter upon a highway that is marked by a "yield" sign need not stop his vehicle before entering but he shall yield the right of way to all traffic upon the highway being entered upon.

80. Stop signs.

81. Proceeding after stopping.

82. Yield signs.

83. Unless otherwise directed by a sign, a driver travelling in a traffic circle shall yield the right of way to any other vehicle that is travelling to his left in the circle.

84. (1) A driver shall yield the right of way to a pedestrian crossing the roadway within a crosswalk.

(2) Whenever any vehicle is stopped at a crosswalk to permit a pedestrian to cross the roadway, any other driver approaching from the rear shall not overtake and pass the stopped vehicle.

(3) At any place upon 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 signal, but nothing in this subsection relieves a driver from the duty of exercising due care for the safety of pedestrians.

85. (1) A driver meeting or being overtaken or being approached from the right or the left by a vehicle on which a siren is being sounded shall

- (a)** drive his vehicle as close as practicable to the right of the roadway,
- (b)** bring his vehicle to a stop, and
- (c)** remain stopped,

until the vehicle sounding its siren has passed.

(2) On a one-way highway where there are more than two traffic lanes a driver meeting or being overtaken or being approached from the right or left by a vehicle on which a siren is being sounded, shall

- (a)** drive his vehicle as close as practicable to the right of the roadway,
- (b)** bring his vehicle to a stop, and
- (c)** remain stopped,

until the vehicle sounding its siren has stopped.

(3) Subsections (1) and (2) do not operate so as to relieve the driver of an authorized emergency vehicle from the duty of driving with due regard to the safety of all persons using the highway.

86. (1) At a railway crossing at any time when

- (a)** a clearly visible electrical or mechanical signal device gives warning of the approach of a railway train, or
- (b)** a crossing gate is lowered or a flagman is giving a signal of the approach or passage of a railway train, or

83. Traffic circles.

84. Yielding to pedestrians.

85. Yielding to vehicle with siren.

86. Railway crossing.

- (c) a railway train within approximately 1500 feet of the crossing is approaching the crossing and either sounds an audible signal or is visible, or
 - (d) a railway train is visible and approaching the crossing and by reason of its speed or nearness is an immediate hazard,
- a driver approaching the railway crossing
- (e) shall stop his vehicle no closer than 15 feet from the nearest rail of the railway, and
 - (f) shall not proceed until the train
 - (i) has passed by the railway crossing, or
 - (ii) has come to a stop,
 and he can safely proceed.
- (2) No person shall drive 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.
- (3) Where a stop sign is erected at a railway crossing, a driver approaching the railway crossing
- (a) shall stop his vehicle
 - (i) no closer than 15 feet, and
 - (ii) no further than 50 feet,
 from the nearest rail of the railway, and
 - (b) shall not proceed until he can do so safely.
- (4) 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 explosive substances as cargo, or
 - (c) is used for carrying flammable liquids or gas, whether or not it is then empty,
- shall stop the vehicle no closer than 15 feet or further than 50 feet from the nearest rail of the railway, and
- (d) remaining stopped, shall listen and look in both directions along the railway for an approaching train and for signals indicating the approach of a train,
 - (e) shall not proceed until he can do so safely, and
 - (f) in the case of a school bus, shall before proceeding open the front door and where practicable to do so with one hand, shall also open the window immediately to his left.
- (5) Subsection (4) does not apply where a peace officer or a flagman otherwise directs.
- (6) The council of a city may, by by-law, provide that subsection (4) does not apply to all or any railway crossings in the city.

(7) Where a driver has stopped in accordance with this section he

- (a) shall cross the railway tracks in a gear that he will not need to change while crossing the tracks, and
- (b) shall not shift gears while so crossing.

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

- (a) from the rear, if the highway is physically divided by a median into two separate roadways, or
- (b) from either direction, if the highway is not so divided,

shall stop before reaching the school bus.

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

- (a) until the school bus resumes motion, or
- (b) until the driver of the school bus indicates by a signal that he may proceed, or
- (c) where the school bus is displaying alternately flashing red lights, until the lights stop flashing.

(3) Notwithstanding subsection (1), where upon a highway within a city the maximum speed limit is higher than 30 miles per hour the council of the city may by by-law make the stopping and proceeding requirements of this section applicable to all vehicles travelling on that highway and in that case the council shall cause warning signs to be posted at all appropriate locations thereon.

Merging

88. (1) A driver about to enter upon an intersecting highway from a highway marked by a "merge" sign need not stop his vehicle before so entering but shall take all necessary precautions and merge safely with the traffic on the intersecting highway.

(2) A driver on a highway 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 upon the highway on which he is driving.

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

87. Stopped school bus.

88. Merging.

89. Green traffic lights.

- (a) may proceed straight through the intersection or may turn left or right, subject to any sign or signal prohibiting a left or right turn, or both, or designating the turning movement permitted,
 - (b) shall yield the right of way to pedestrians lawfully within the intersection or within an adjacent crosswalk at the time the green light is shown, and
 - (c) shall yield the right of way to other vehicles lawfully within the intersection at the time the green light is shown.
- (2) When a green light alone is shown at a place other than an intersection by a traffic control signal the driver of a vehicle facing the green light
- (a) may proceed to pass the signal, and
 - (b) shall yield the right of way to any pedestrian still in the roadway, or on a crosswalk, if any, in the vicinity of the signal when the green light is shown.
- (3) When a green arrow is shown at an intersection by a traffic control signal the driver of a vehicle facing the green arrow may enter the intersection and make only the movement indicated by the green arrow, but shall yield the right of way
- (a) to pedestrians lawfully within the intersection or within an adjacent crosswalk, and
 - (b) to other vehicles lawfully within the intersection.
- (4) When a green arrow and a red light are shown at the same time at an intersection by a traffic control signal
- (a) the driver of a vehicle approaching the intersection and facing the green arrow and red light may, without stopping, cautiously enter the intersection and make only the movement indicated by the green arrow, and
 - (b) the driver of the vehicle shall yield the right of way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection.
- (5) Where rapid intermittent flashes of green light are shown at an intersection by a traffic control signal together with a sign or symbol indicating that it is an advanced light or delayed light, the driver of a vehicle facing the flashes of green light
- (a) has the right of way over any vehicles facing him across the intersection and may enter the intersection and turn left, or
 - (b) may proceed straight through the intersection or turn right,
- while the light is flashing, but he shall yield the right of

way to pedestrians lawfully within the intersection or within an adjacent crosswalk and to other vehicles lawfully within the intersection at the time the flashing green light is shown.

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

90. (1) When a yellow light is shown at an intersection by a traffic control signal at the same time as or following the showing of a green light the driver of a vehicle approaching the intersection and facing the yellow light shall stop before entering

- (a) the marked crosswalk on the near side of the intersection, or
- (b) if there is no such marked crosswalk, then before entering the intersection,

unless such a stop cannot be made in safety.

(2) When a yellow light is shown at a place other than an intersection by a traffic control signal at the same time as or following the showing of a green light the driver of a vehicle approaching the signal shall stop before reaching the closer of

- (a) the signal, or
- (b) the nearest crosswalk, if any, in the vicinity of the signal,

unless such a stop cannot be made in safety.

(3) When rapid intermittent flashes of yellow light are shown at an intersection by a traffic control signal the driver of a vehicle facing the flashes of yellow light may enter the intersection and proceed only with caution, but shall yield the right of way to pedestrians lawfully within the intersection or an adjacent crosswalk and to other vehicles lawfully within the intersection.

(4) When rapid intermittent flashes of yellow light are shown at a place other than an intersection by a traffic control signal the driver of a vehicle approaching the signal may pass the signal only with caution and shall yield the right of way to pedestrians in the roadway or on a crosswalk, if any, in the vicinity of the signal.

(5) When rapid intermittent flashes of yellow light are shown at an intersection or other place 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 approaching the signal

90. Yellow traffic lights.

- (a) shall cross the intersection or pass the sign, if at a place other than an intersection, only with extreme caution and shall in no case cross the intersection or pass the sign at a greater rate of speed than 20 miles an hour, and
- (b) shall yield the right of way to pedestrians in the intersection or on the roadway in the vicinity of the sign or signal.

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

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
 - (b) shall not proceed until a traffic control signal instructs him that he is permitted to do so,
- but, unless a traffic control device prohibits a right turn from being made on the red light, he may turn and proceed right at the intersection if he first stops and yields the right of way to any pedestrians in the intersection and any vehicles in or approaching the intersection.

(2) Where a red light alone is shown by a traffic control signal at the intersection of two one-way streets, the driver of a vehicle approaching the intersection facing the red light and intending to make a left turn onto the other one-way street

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
 - (b) shall not proceed until a traffic control signal instructs him that he is permitted to do so,
- but, unless a traffic control device prohibits a left turn from being made on the red light, he may turn and proceed left at the intersection, if he first stops and yields the right of way to any pedestrians in the intersection and any vehicles in or approaching the intersection.

(3) When a red light is shown at a place other than an intersection by a traffic control signal the driver of a vehicle approaching the signal shall stop before reaching the closer of

- (a) the signal, or
- (b) the nearest crosswalk, if any, in the vicinity of the signal.

(4) When rapid intermittent flashes of red light are shown at an intersection by a traffic control signal the

91. Red traffic lights.

driver of a vehicle approaching the intersection and facing the flashes of red light

- (a) shall stop immediately before entering the marked crosswalk on the near side of the intersection or, if there is no such marked crosswalk, then immediately before entering the intersection, and
 - (b) shall not proceed until it is safe to do so.
- (5) When rapid intermittent flashes of red light are shown at a place other than an intersection by a traffic control signal the driver of a vehicle approaching the signal
- (a) shall stop immediately before reaching the signal or immediately before entering the nearest crosswalk, if any, in the vicinity of the signal, and
 - (b) may, after having stopped, proceed to pass the signal and the crosswalk, if any, only if conditions of pedestrian traffic in the roadway or a crosswalk, if any, in the vicinity of the signal are such that the vehicle can do so with safety.

92. (1) Notwithstanding sections 77, 79 to 83, 90 and 91 in an urban area where a municipal by-law so permits, any vehicle in a funeral procession, except the lead vehicle may, during daylight hours, enter an intersection without stopping if

- (a) the headlamps of the vehicle are alight,
 - (b) the vehicle is travelling immediately behind the vehicle in front of it so as to form a continuous line of traffic, and
 - (c) the passage into the intersection can be made in safety.
- (2) No driver shall
- (a) break through the ranks of a military or funeral procession, or
 - (b) break through the ranks of any other authorized parade or procession.

Use of Lights

93. (1) At any time either during the night time hours or when, due to insufficient light or unfavourable atmospheric conditions, objects are not clearly discernible on the highway at a distance of 500 feet ahead:

- (a) no motor vehicle or tractor or self-propelled implement of husbandry shall be in motion on a highway unless both headlamps are alight and are providing sufficient light to make objects on the highway clearly visible,

92. Vehicles in procession or parade.

93. Use of lights.

- (i) in the case of a motor vehicle at distances specified in section 18 or 20, as the case may be, and
 - (ii) in the case of a tractor or self-propelled implement of husbandry at distances specified in section 22;
- (b) no bicycle shall be in motion upon a highway unless the lamp or lamps with which it is required to be equipped are alight;
- (c) no motor vehicle or tractor or self-propelled implement of husbandry or trailer shall be in motion upon a highway unless the tail lamps with which it is required to be equipped are alight;
- (d) no motor vehicle or tractor or self-propelled implement of husbandry shall be stationary on a highway outside the corporate limits of any city, town or village unless either
 - (i) the tail lamps with which it is required to be equipped are alight, or
 - (ii) it has affixed thereto reflectors of any type approved by the regulations and so fixed as to reflect the lights of any motor vehicle approaching the stationary vehicle from the rear;
- (e) no vehicle other than a motor vehicle, motor cycle or bicycle, whether in motion or stationary, shall be upon any highway unless
 - (i) there is displayed thereon at least one light visible at a distance of 100 feet or more from both the front and rear of the vehicle, or
 - (ii) there are affixed thereon reflectors of a type approved by the regulations, situated toward the front so as to reflect the lights of any motor vehicle approaching from the front and at the rear so as to reflect the lights of any motor vehicle approaching from the rear;
- (f) no trailer shall be upon any highway unless it has at the rear thereof two reflectors
 - (i) of a type approved by the regulations, and
 - (ii) affixed as prescribed by the regulations so as to reflect the lights of any motor vehicle approaching from the rear;
- (g) no trailer drawn by or attached to a motor vehicle and having a width at any part, including any load thereon, in excess of 80 inches, shall be upon any highway unless it has affixed in conspicuous positions, at its widest point and as near the top as practical, at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear;

- (h) no self-propelled mobile home having a width at any part, including the load thereon, in excess of 80 inches, shall be in motion upon any highway unless it has affixed in conspicuous positions, as near the top as practical, at least one lighted amber clearance light on each side of the front and at least one lighted red clearance light on each side of the rear.
- (2) No motor cycle shall be in motion upon a highway at any time unless the lamp or lamps with which it is required to be equipped are alight.

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

(2) When a driver of a vehicle approaches within 1000 feet of an oncoming vehicle, he shall use a distribution of light or composite beam that is so aimed that the glaring rays are not directed into the eyes of the driver of the oncoming vehicle.

(3) The lowermost distribution of light or composite beam specified in section 18, subsection (2) shall be deemed to avoid glare regardless of the road contour or loading or time of day.

(4) When the driver of a vehicle follows within 500 feet of the rear of another vehicle he shall not use the uppermost distribution of light referred to in subsection (1).

Parking

95. (1) No person shall park a vehicle upon a roadway outside of an urban area when it is practicable to park the vehicle off the roadway and in no event shall a person park a vehicle upon the roadway

- (a) unless a clear and unobstructed width opposite the vehicle is left for free passage of other vehicles thereon, and
- (b) unless a clear view of the parked vehicle may be obtained for a distance of 200 feet along the roadway in both directions.

(2) Notwithstanding subsection (1), except

- (a) when his motor vehicle is incapable of moving under its own power, or
- (b) where some other emergency arises, or

94. Use of high beam.

95. Parking.

(c) as is otherwise permitted by law,
no person shall park a vehicle on the roadway, parking lane or shoulder portions of a primary highway outside an urban area.

(3) No vehicle shall remain at a standstill on a highway outside of an urban area for longer than one minute at any place within 30 feet of the point of intersection of that highway with any other highway.

(4) Nothing in this section shall be construed to prohibit police vehicles, ambulances or vehicles engaged in highway repair, maintenance or inspection work or by employees of the Safety Branch from parking upon the roadway when it is advisable to do so

- (a) to prevent accidents,
- (b) to give warning of hazards or of person on the highway, or
- (c) to remove injured persons, or
- (d) to repair roadway, or
- (e) for similar purposes.

(5) Subsection (1) does not prohibit the driver of a vehicle of a public utility from parking the vehicle upon the roadway of a highway when it is advisable or necessary to do so for the purpose of the construction, repair, maintenance or inspection of public utility facilities adjacent to, along, over or under the highway.

(6) Nothing in this section shall be construed to prohibit the driver of a school bus from parking the school bus on the roadway of a highway for the purpose of loading or unloading passengers if he cannot park off the roadway and still have a suitable space available on the ground for the passengers being loaded or unloaded.

96. Unless required or permitted by this Act or by a traffic control device, or in compliance with the directions of a peace officer, or to avoid conflict with other traffic, a driver shall not stop or park his vehicle

- (a) on a sidewalk or boulevard, or
- (b) on a crosswalk or on any part of a crosswalk, or
- (c) within an intersection other than immediately next to the curb in a "T" intersection, or
- (d) at an intersection nearer than 15 feet to the projection of the corner property line immediately ahead or immediately to the rear, except when his vehicle is parked in a space where a parking meter or other traffic control device indicates parking is permitted, or

96. Parking restrictions.

- (e) within 15 feet upon the approach to any stop sign or yield sign, or
- (f) within 15 feet of any fire hydrant, or when the hydrant is not located at the curb, within 15 feet of the point on the curb nearest the hydrant, or
- (g) within five feet of an access to a garage, private road or driveway, or a vehicle crossway over a sidewalk, or
- (h) within 15 feet of the near side of a marked crosswalk, or
- (i) alongside or opposite any street excavation or obstruction when the stopping or parking would obstruct traffic, or
- (j) on any bridge or in any subway or on the approaches thereto, or
- (k) at any other place where a traffic control device prohibits stopping or parking, during such times as stopping or parking is so prohibited, or
- (l) on the roadway side of a vehicle parked or stopped at the curb or edge of the roadway.

97. (1) When parking on a roadway, a driver shall park his vehicle with the sides thereof parallel to the curb or edge of the roadway and

- (a) with the right hand wheels thereof not more than 18 inches 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 the wheels closest to a curb or edge of the roadway not more than 18 inches from that curb or edge and with the vehicle facing the direction of travel authorized for that highway.

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

98. (1) Where a sign indicates that angle parking is permitted or required and parking guide lines are visible on the roadway, a driver shall park his vehicle

- (a) with its sides between and parallel to any two of the guide lines, and
- (b) with one front wheel not more than 18 inches from the curb or edge of the roadway.

(2) Where a sign indicates that angle parking is permitted or required but no parking guide lines are visible on the roadway, a driver shall park his vehicle

97. Parallel parking.

98. Angle parking.

- (a) with its sides at an angle of between 30 and 60 degrees to the curb or edge of the roadway, and
- (b) with one front wheel not more than 18 inches from the curb or edge of the roadway.

99. No person shall permit a vehicle to stand unattended upon any grade or slope without first having

- (a) effectively set the vehicle's brake, and
- (b) turned the front wheels to the nearest curb or edge of the roadway in such a manner as to impede any movement of the vehicle.

100. No person shall leave a vehicle unattended on a highway if the vehicle has been placed on a jack or a similar device and

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

Powers of Peace Officers

101. Every driver shall, immediately he is signalled or requested to stop by a peace officer in uniform, bring his vehicle to a stop and furnish such information respecting the driver or the vehicle as the peace officer requires and shall not start his vehicle until such time as he is permitted to do so by the peace officer.

99. Parking on hills.

100. Vehicle on jack.

101. Stopping for a peace officer.

PART 4
OTHER PROHIBITIONS

102. Every person who drives a vehicle on a highway
 (a) without due care and attention, or
 (b) without reasonable consideration for persons using
 the highway,
is guilty of the offence of driving carelessly.

103. No person shall drive a vehicle upon a highway in
a race or on a bet or wager.

104. (1) No person, whether as a pedestrian or driver
and whether or not with the use or aid of any animal,
vehicle or other thing, shall perform or engage in any
stunt or other activity upon a highway that is likely to dis-
tract, startle or interfere with other users of the highway.

(2) No person shall create or cause the emission of any
loud and unnecessary noise from the motor vehicle, any part
thereof, or any thing or substance that the motor vehicle or
a part thereof comes into contact with.

105. No person shall drive a vehicle upon a highway
if the view through the windshield or windows thereof is
so obscured by mud, frost, steam or any other thing as to
make the driving of the vehicle hazardous or dangerous.

106. (1) No driver shall permit any person to occupy
the front seat of his vehicle in such a manner 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 on a highway,
nor shall any driver permit any person in the vehicle to
cause any obstruction to his clear vision in any direction.

(2) No person shall ride in such position in a vehicle so
as to interfere with the driver's control over the driving
mechanism of the vehicle or so as to obstruct his clear vision
in any direction.

(3) Where a vehicle is in motion

 (a) the driver shall not exchange places with any other
 person, and

 (b) no person shall exchange places with the driver.

107. (1) No person shall occupy or permit any other
person to occupy a house trailer while it is being moved
upon a highway.

102. Penalty for careless driving.

103. Racing prohibited.

104. Stunts, etc. prohibited.

105. Windshield to be clear.

106. Interference with driver.

107. Passengers in house trailers.

(2) In this section "house trailer" means a vehicle capable of being attached to and drawn by a motor vehicle and designed, constructed or equipped as a dwelling place, living abode or sleeping place.

108. (1) No person shall 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 motor cycle, or
- (b) in the box of a truck, or
- (c) in or on any fire-fighting vehicle, or
- (d) in or on a vehicle engaged in highway construction or maintenance, or
- (e) in or on a vehicle forming part of an entertainment exhibition that has been approved by the council of the municipality within which it is taking place, or
- (f) on a municipal maintenance or municipal service vehicle upon which a special seat or stand has been affixed providing for the safety of the person so riding.

(3) No person shall draw or tow by a motor vehicle on a highway any person riding a sled, toboggan, skis, motor cycle, scooter, power bicycle or bicycle.

109. No person shall operate an air cushion vehicle on, along or across a highway.

110. (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.

111. (1) A person who removes a wrecked or damaged vehicle from a highway shall remove glass or any other injurious substance or thing dropped upon the highway from the vehicle.

(2) A person who removes a wrecked or damaged vehicle from a highway without removing glass or any other injurious substance or thing dropped upon the highway from the vehicle is guilty of an offence.

112. (1) No person shall open the door of a motor vehicle unless it is reasonably safe to do so.

108. Riding on outside of vehicle.

109. Air cushion vehicles.

110. Age restrictions re farm implements.

111. Removal of damaged vehicle.

112. Opening car doors.

(2) No person shall leave a door open on a motor vehicle where it may constitute a hazard to moving traffic.

113. No person other than a peace officer shall use, interfere or tamper with any motor vehicle or any of its accessories or any thing placed therein or thereon, without the consent of the owner.

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

115. (1) No person shall abandon a vehicle upon a highway.

(2) No person shall abandon a vehicle upon public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(3) A vehicle left standing, at a location referred to in subsection (1) or (2), for more than 72 consecutive hours shall be deemed to have been abandoned at that location for the purposes of section 96 of *The Motor Vehicle Administration Act*.

116. (1) No person shall park on a highway

- (a) a vehicle displayed for sale, or
- (b) a vehicle displaying advertising directing persons to any commercial premises.

(2) No person shall

- (a) display any goods for sale, or
- (b) offer any goods for sale, or
- (c) sell any goods

upon a highway.

(3) Notwithstanding subsection (2), a city, town or village may, by by-law, permit the display or sale of goods upon a sidewalk.

117. (1) No person shall place or maintain or display in view of persons using a highway any sign, marking or device

- (a) which purports to be or is in imitation of or resembles a traffic control device, or

113. Tampering prohibited.

114. Noise in residential areas.

115. Abandoning of vehicle.

116. Advertising on highways.

117. Unauthorized traffic signs.

- (b) which 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) on publicly owned land by or under the authority of the Minister with respect to highways under his jurisdiction or the council of a municipality with respect to highways under its jurisdiction, or
 - (b) on privately owned land for the purpose of regulating, warning or guiding traffic on a privately owned highway.
- (3) When 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 Minister or the council of a municipalitymay, without notice or compensation, remove the sign, marking or device and may, for that purpose, enter upon privately owned land.

118. No person shall remove, throw down, deface or alter, injure or destroy a traffic control device placed, marked or erected upon a highway.

119. (1) No person shall place or cause to be placed any hand bill or other advertising matter upon or in a vehicle without the permission of the owner or the person in charge of the vehicle.

(2) Subsection (1) applies whether the vehicle is on a highway or on any public or privately owned property.

120. (1) No dealer shall sell a used motor vehicle unless

- (a) the vehicle has passed the inspections and tests required under section 11 within such period of time preceding the sale as may be 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.

(2) Subsection (1) does not apply where the dealer furnishes the buyer with a signed statement disclosing such information about the condition of the vehicle as may be prescribed by the regulations.

118. Damage to traffic signs.

119. Placing handbills on vehicles.

120. Sale of used motor vehicles.

PART 5

BICYCLES AND MOTOR CYCLES

121. (1) Unless the context otherwise requires, a person operating a bicycle or motor cycle on a highway has all the rights and is subject to all the duties that the driver of a vehicle has under Part 3.

(2) In this Part “cycle” means a bicycle or a motor cycle.

122. (1) No person under the age of 16 years shall operate a scooter or power bicycle with a motor having a displacement or horsepower greater than that prescribed by the regulations.

(2) No person under the age of 16 years shall carry any passengers on a scooter or power bicycle being operated by him.

123. (1) A person who is operating a cycle on a highway

- (a) shall keep both hands on the handlebars of his cycle, except when making a signal in accordance with this Act,
- (b) shall keep both feet on the pedals or foot rests of his cycle,
- (c) shall not ride other than upon 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 it is designed and equipped.

(2) A person who is operating a bicycle on a highway shall ride as near as practicable to the right hand curb or edge of the roadway.

(3) A person shall not operate a cycle on a roadway where signs prohibit its use.

(4) A person who is riding as a passenger on a cycle

- (a) shall not ride other than upon 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.

124. A person who is operating or riding as a passenger on a cycle shall not

- (a) hold onto, or

121. Rules of the road apply to bicycles and motor cycles.

122. Restrictions on scooter drivers.

123. Operation of cycle.

124. Passenger on cycle.

- (b) attach himself to, or
 - (c) attach the cycle to,
- any other moving vehicle.

125. A person operating a cycle on a highway

- (a) shall not ride to the side of another cycle travelling in the same direction, but
 - (b) shall ride directly in line to the rear or front of the other cycle,
- except when overtaking and passing the other cycle.

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

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

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

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

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

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

127. (1) Every bicycle operated on any highway at any time during the night time hours shall be equipped with

- (a) at least one headlamp but not more than two headlamps,
- (b) at least one red tail lamp, and
- (c) at least one red reflector mounted on the rear.

(2) No bicycle shall be operated upon a highway unless it is equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

(3) A peace officer may require the operator of a bicycle to submit the bicycle to examination and tests to ensure that the bicycle is fit and safe for transportation.

125. Riders to cycle single file.

126. Safety helmets.

127. Required equipment for bicycles.

(4) If in the opinion of a peace officer a bicycle is unfit or unsafe for transportation or dangerous to the public, the peace officer

(a) may require the operator of the bicycle to have the bicycle rendered fit and safe for transportation, and

(b) may order the bicycle removed from the highway until the bicycle has been rendered fit and safe for transportation.

(5) A bicycle operator who fails to comply with a requirement or order of a peace officer under subsection (3) or (4) is guilty of an offence.

PART 6

ANIMALS

128. Unless the context otherwise requires, a person riding an animal or driving an animal-driven vehicle upon a highway

- (a) has all the rights, and
- (b) is subject to all the duties,
of a driver under Part 3.

129. A person riding an animal on a highway

- (a) shall not ride to the side of another animal travelling in the same direction, but
- (b) shall ride directly in line to the rear or front of the other animal,
except when overtaking and passing the other animal.

130. (1) In this section “highway” means a primary highway, a secondary road or rural road within the meaning of *The Public Highways Development Act*.

(2) No domestic animal shall be on a highway unless it is in direct and continuous charge of a person who is competent to control it and who is controlling it in such manner that it does not obstruct or cause any damage to the highway or create any hazard to traffic on the highway.

(3) An employee of the Department or a peace officer may take into custody any animal that is on a highway contrary to subsection (1) and cause it to be taken to, fed and kept in a suitable place, in which case he has a lien upon the animal for the expenses of the removal, care, feeding and keeping of the animal.

(4) *The Livery Stable Keepers Act* applies with all necessary modifications for the purpose of recovering such expenses and disposing of any surplus moneys.

(5) Notwithstanding any action that may have been taken under subsection (3), the owner of an animal that is on a highway contrary to subsection (2) is guilty of an offence.

(6) Subsections (2) to (5) do not apply to a highway, other than a primary highway, within the boundaries of any land

- (a) held under a grazing lease or grazing permit, or
- (b) established and operated as a community grazing reserve,
pursuant to *The Public Lands Act*.

128. Duty of person riding or driving animals.

129. Riding animal on highway.

130. Domestic animals on highway.

(7) When any person is charged with an offence under this section, the judge trying the case may dismiss the case if he is of the opinion that the offence was committed wholly by accident or misadventure and without negligence and that the person could not by the exercise of reasonable care or precaution have avoided the offence.

131. Nothing in section 130 imposes any civil liability for damages on the owner of an animal that is on a highway contrary to that section and any question of liability for damages arising in a civil action shall be determined as if that section had not been enacted.

131. Civil liability of owner.

PART 7

PEDESTRIANS

132. (1) Where a sidewalk or path is located beside a roadway, a pedestrian shall at all times when reasonable and practicable to do so, use the sidewalk or path and shall not walk or remain on the roadway.

(2) Where there is no sidewalk or footpath, a pedestrian walking along or upon a highway shall at times when reasonable and practicable to do so, walk only on the left side of the roadway or the shoulder of the highway facing traffic approaching from the opposite direction.

133. (1) Every pedestrian crossing a roadway shall cross as quickly as is reasonably possible without stopping or loitering or otherwise impeding the free movement of vehicles thereon.

(2) A pedestrian shall not step onto a roadway and walk or run 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.

134. Every pedestrian crossing a roadway at any point other than within a crosswalk shall yield the right of way to vehicles upon the roadway.

135. At a place where there is a crosswalk a pedestrian has the right of way over vehicles for the purpose of crossing the roadway within the crosswalk, unless otherwise directed by a peace officer or a traffic control signal, but nothing in this section relieves a pedestrian from the duty of exercising due care for his own safety.

136. (1) Where a green light alone is shown at an intersection by a traffic control signal, a pedestrian facing the green light

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

(2) Where a green light alone is shown facing the vehicular traffic at a place other than an intersection by a traffic control signal,

- (a) a pedestrian shall not enter upon the roadway in the vicinity of the signal until either

132. Pedestrians on roadway.

133. Pedestrians crossing roadway.

134. Yielding by pedestrian.

135. Pedestrian's right of way.

136. Pedestrians at green light.

- (i) the traffic control signal facing the vehicular traffic shows a red light, or
 - (ii) a traffic control signal instructs him that he may cross the roadway,
- and
- (b) a pedestrian still on the roadway or on a crosswalk in the vicinity of the signal when the green light is shown shall proceed as quickly as possible from the roadway.
- (3) Where a green arrow is shown at an intersection by a traffic control signal, a pedestrian 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 him that he is permitted to do so.
- (4) Where a green arrow and a red light are shown at the same time at an intersection by a traffic control signal, a pedestrian 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 him that he is permitted to do so.

137. (1) Where a yellow light is shown at an intersection by a traffic control signal at the same time as or following the showing of a green light,

- (a) a pedestrian facing the yellow light shall not enter the roadway, and
 - (b) a pedestrian proceeding across the roadway and facing the yellow light shown after he entered the roadway
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.
- (2) Where a yellow light facing the vehicular traffic is shown at a place other than an intersection by a traffic control signal 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 facing the vehicular traffic shows a red light, or
 - (b) a traffic control signal instructs him that he may cross the roadway.

137. Pedestrians at yellow lights.

(3) Where rapid intermittent flashes of yellow light are shown at an intersection by a traffic control signal, a pedestrian facing the flashes of yellow light may proceed across the roadway within a crosswalk with caution.

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

138. (1) Where a red light alone is shown at an intersection by a traffic control signal,

- (a) a pedestrian facing the red light shall not enter the roadway unless instructed that he may do so by a pedestrian traffic control signal, and
- (b) a pedestrian proceeding across the roadway and facing the red light shown after he entered upon the roadway
 - (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 a red light facing the vehicular traffic is shown at a place other than an intersection by a traffic control signal, a pedestrian may proceed across the roadway.

(3) Where rapid intermittent flashes of red light are shown at an intersection by a traffic control signal, a pedestrian facing the flashes of red light may proceed across the roadway within a crosswalk with caution.

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

139. (1) When a word or symbol indicating "walk" is shown at an intersection by a pedestrian traffic control signal, a pedestrian

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

(2) When a word or symbol indicating "walk" is shown at a place other than at an intersection by a pedestrian traffic control signal, a pedestrian

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

138. Pedestrian at red light.

139. Walk and wait lights.

(3) When a word or symbol indicating "wait" or "don't walk" is shown at an intersection or at a place other than an intersection by a pedestrian traffic control signal

- (a) a pedestrian shall not enter the roadway, and
- (b) a pedestrian proceeding across the roadway and facing the word or symbol indicating "wait" or "don't walk" shown after he entered upon the roadway
 - (i) shall proceed to the sidewalk as quickly as possible, and
 - (ii) has the right of way for that purpose over all vehicles.

140. (1) Where and when a pedestrian is instructed or permitted by a traffic control signal to enter or to proceed across a roadway, he 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 waiting for a traffic control signal to change shall not stand on the roadway.

141. Where all or any of the lights of a traffic control signal are not operating properly or are not operating at all, every pedestrian shall use the highway in the vicinity of the traffic control signal with caution.

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

- (2) Notwithstanding anything in this Part, when
 - (a) a flagman is stationed, or
 - (b) a barricade or sign is erected

upon a highway to direct traffic in connection with any construction, repair or other work upon the highway or upon land adjacent to the highway, every pedestrian shall obey the directions given by the flagman or, if none, by the barricade or signs.

143. (1) No pedestrian shall

- (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 therewith.

140. Crossing at traffic lights.

141. Traffic lights not operating.

142. Peace officer directing traffic

143. Parades and processions.

(2) No pedestrian shall cross on a green or a walk light while a parade or procession is in the intersection.

144. Any person crossing or walking upon a highway in a manner contrary to this Act or any municipal by-law regulating pedestrian traffic shall, upon request, give his name and address to any peace officer who so requests.

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

146. Notwithstanding anything contained in this Part, a pedestrian who is

- (a) an Alberta land surveyor or who is in the employ of an Alberta land surveyor, or
- (b) who is in the employ of a municipal corporation, the Government of Alberta, the Government of Canada or of the owner of a public utility,

and who, while in the conduct of his duties, is required to use the roadways or other portions of the highway contrary to the provisions of this Part or of a municipal by-law passed under the authority of this Act, is not in contravention of this Part if adequate advance warning is given of his presence on the highway by means of signs, barriers or the use of a flagman.

144. Giving names, etc. to peace officers.

145. Pedestrian crossings.

146. Protection.

PART 8

PROSECUTIONS

147. Any person who contravenes any provision of this Act or the regulations is guilty of an offence.

148. (1) Except as otherwise provided in this Act, a person who is guilty of an offence under this Act or the regulations for which a penalty is not otherwise provided is liable on summary conviction to a fine of not more than \$500 and in default of payment is liable to imprisonment for a term not exceeding six months or to imprisonment for a term not exceeding six months without the option of a fine.

(2) Where a person convicted of an offence under section 52, 53 or 54 or section 90, subsection (5) exceeded the maximum speed permitted by not more than 10 miles per hour, he shall pay a fine of \$20 and in default of payment is liable to imprisonment for a term of not less than three days.

(3) Where a person convicted of an offence under section 52, 53 or 54, or section 90, subsection (5) exceeded the maximum speed permitted by more than 10 miles per hour but not more than 20 miles per hour, he shall pay a fine of \$30 and in default of payment is liable to imprisonment for a term of not less than seven days.

(4) Where a person convicted of an offence under section 52, 53 or 54 or section 90, subsection (5) exceeded the maximum speed permitted by more than 20 miles per hour but not more than 30 miles per hour he shall pay a fine of \$75 and in default of payment is liable to imprisonment for a term of not less than 14 days.

(5) Where a person convicted of an offence under section 52, 53 or 54 or section 90, subsection (5) exceeded the maximum speed permitted by more than 30 miles per hour he shall pay a fine of \$150 and in default of payment is liable to imprisonment for a term of not less than 21 days.

(6) A person who is guilty of an offence under section 102 is liable on summary conviction to a fine of not more than \$1,000 and in default of payment to imprisonment for a term of not more than six months or to imprisonment for a term of not more than six months without the option of a fine.

(7) A person who is guilty of an offence under section 111 is liable on summary conviction to a fine of not more than \$100.

(8) A person who is guilty of an offence under section 130, subsection (5) is liable on summary conviction to a fine of not more than \$100.

147. Offence.

148. Punishment.

149. (1) The owner of a motor vehicle which is involved in any contravention of this Act or a municipal by-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the motor vehicle was not being driven or was not parked or left by him or by any other person with his consent, express or implied.

(2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle he is not in any event liable to imprisonment.

150. Where a person is charged with an offence under this Act, if the judge trying the case 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,
- the judge may dismiss the charge.

151. Any fine or penalty imposed under this Act

- (a) on a conviction for an offence occurring in a city, town or village enures to the benefit of the city, town or village,
- (b) on a conviction for an offence occurring in a county or municipal district, elsewhere than on a primary highway, enures to the benefit of the county or municipal district, and
- (c) on a conviction for an offence occurring in an Indian reserve elsewhere than on a primary highway or on a road designated as a secondary road under *The Public Highways Development Act*, enures to the benefit of the band and for the purposes of this clause the words "reserve" and "band" have the meanings assigned to them in the *Indian Act* (Canada),

but in all other cases the fines and penalties belong to the Province.

152. (1) In any prosecution under this Act or the regulations or under *The Public Service Vehicles Act* or the regulations under that Act or under a municipal by-law, a certificate

- (a) stating the result of a test of
 - (i) the speedometer of a motor vehicle identified therein, or

149. Owner to disprove liability.

150. Dismissal.

151. Disposition of fines and penalties.

152. Tester's certificate as evidence.

149. (1) The owner of a motor vehicle which is involved in any contravention of this Act or a municipal by-law is guilty of an offence unless he proves to the satisfaction of the judge that at the time of the offence the motor vehicle was not being driven or was not parked or left by him or by any other person with his consent, express or implied.

(2) Notwithstanding subsection (1), if the owner was not at the time of the offence driving the motor vehicle he is not in any event liable to imprisonment.

150. Where a person is charged with an offence under this Act, if the judge trying the case 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,
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- (a) on a conviction for an offence occurring in a city, town or village enures to the benefit of the city, town or village,
- (b) on a conviction for an offence occurring in a county or municipal district, elsewhere than on a primary highway, enures to the benefit of the county or municipal district, and
- (c) on a conviction for an offence occurring in an Indian reserve elsewhere than on a primary highway or on a road designated as a secondary road under *The Public Highways Development Act*, enures to the benefit of the band and for the purposes of this clause the words "reserve" and "band" have the meanings assigned to them in the *Indian Act* (Canada),

but in all other cases the fines and penalties belong to the Province.

152. (1) In any prosecution under this Act or the regulations or under *The Public Service Vehicles Act* or the regulations under that Act or under a municipal by-law, a certificate

- (a) stating the result of a test of
 - (i) the speedometer of a motor vehicle identified therein, or

149. Owner to disprove liability.

150. Dismissal.

151. Disposition of fines and penalties.

152. Tester's certificate as evidence.

- (ii) a tuning fork identified therein and used for determining the accuracy of a radar set, or
- (iii) any other device identified therein and used for or in connection with establishing the speed of vehicles,
- (b) bearing a date thereon not more than,
 - (i) in the case of a tuning fork, 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,
- (c) purporting to be signed by a tester appointed under this Act to test devices of the type stated to have been tested,

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

(2) In any prosecution under this Act or the regulations, or under a municipal by-law, 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.

153. In a prosecution for contravening this Act or the regulations or a municipal by-law 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.

154. Where lines for the purpose of indicating distances are painted or repainted on the highway, a certificate purporting to be signed by an engineer employed by the Department and certifying the measured distance between such line shall be admitted in evidence as prima facie proof of the facts stated therein without proof of the signature or official character of the person signing the certificate.

155. When a person has been convicted of operating a motor cycle in contravention of section 102, 103, 104 or 126 or of any provision of Part 3 the judge making the conviction may order that the motor cycle driven by the person at the time of the commission of the offence be seized, impounded and taken into custody of the law for a period of not more than three months if the motor cycle was at that time owned by or registered in the name of that person or his parent or guardian.

153. Proof of existence of traffic control device.

154. Engineer's certificate as proof.

155. Seizure of motor cycle.

PART 9

CIVIL RIGHTS AND REMEDIES

156. Nothing in this Act shall be construed to curtail or abridge the right of any person to prosecute an action for damages by reason of injuries to person or property resulting from the negligence of the owner or operator of any motor vehicle or from the negligence of any agent or employee of the owner.

157. Where a vehicle is operated upon a highway in contravention of any provision of this Act and loss or damage is sustained by any person thereby, the onus of proof that the loss or damage did not arise by reason of the contravention of this Act is upon the owner or driver thereof.

158. (1) Where a person sustains loss or damage arising out of the operation of a motor vehicle upon a highway and where that vehicle is operated in contravention of any provision of this Act, the onus of proof in any civil proceeding that the loss or damage did not arise by reason of the contravention of this Act is upon the owner or driver of the motor vehicle.

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

(3) In this section motor vehicle includes a tractor and a self-propelled implement of husbandry.

159. In an action for the recovery of loss or damage sustained by a person by reason of a motor vehicle upon a highway,

(a) a person driving the motor vehicle and living with and as a member of the family of the owner thereof, and

(b) a person who is driving the motor vehicle and who is in possession of it with the consent, express or implied, of the owner thereof,

shall be deemed to be the agent or servant of the owner of the motor vehicle and to be employed as such, and shall be deemed to be driving the motor vehicle in the course of his employment, but nothing in this section relieves any person deemed to be the agent or servant of the owner and to be driving the motor vehicle in the course of his employment from the liability for the damages.

156. Action for negligence not affected.

157. Onus where Act contravened.

158. Onus on owner or driver.

159. When driver deemed agent of owner.

160. (1) No person transported by the owner or driver of a motor vehicle as his guest without payment for the transportation has any cause of action for damages against the owner or driver for injury, death or loss, in case of accident, unless

- (a) the accident was caused by the gross negligence or wilful and wanton misconduct of the owner or operator of the motor vehicle, and
- (b) the gross negligence or wilful and wanton misconduct contributed to the injury, death or loss for which the action is brought.

(2) This section does not relieve

- (a) any person transporting passengers for hire or gain, or
 - (b) any owner or operator of a motor vehicle that is being demonstrated to a prospective purchaser,
- of responsibility for any injury sustained by a passenger being transported for hire or gain or sustained by any such prospective purchaser.

(3) Where the owner of a motor vehicle is being driven in his own motor vehicle by another person, subsection (1) applies as if the owner were the guest of the driver.

160. Action by gratuitous passenger.

PART 10

TRANSITIONAL AND CONSEQUENTIAL

161. Any order, rule, direction, instrument or document made, issued, registered or otherwise dealt with and every action taken or thing done under *The Highway Traffic Act* that could have been made, issued, registered, dealt with, taken or done under this Act if this Act had been then in force and which 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.

162. *The following enactments are amended by adding after the words “The Highway Traffic Act” the figure “, 1975”:*

- The Litter Act, section 1, clause (c) ;
- The Livestock Brand Inspection Act, section 1, clause 9 ;
- The Off-highway Vehicle Act, section 1, subsection (1), clause (b) and section 13, subsection (3) ;
- The Public Service Vehicles Act, section 2, clause 10 ;
- The Weed Control Act, section 1, subsection (1), clause (d).

163. *The words “the registration clerk of the Motor Vehicle Branch of the Department of Highways and Transportation” are struck out wherever they appear in the following enactments:*

- The Alberta Insurance Act, section 517.1, subsection (16), clause (b) ;
- The Trust Companies Act, section 139, subsection (15), clause (b) and section 143, subsection (1), clause (d).

164. *The Contributory Negligence Act is amended as to section 4 by striking out the words “section 214 of The Highway Traffic Act” and by substituting therefor the words “section 77 of The Motor Vehicle Administration Act or section 169 of The Highway Traffic Act, 1975”.*

165. *The Off-highway Vehicle Act is amended as to section 1 by striking out subsection (2) and by substituting therefor the following subsection :*

161. Transitional.

162. Consequential amendments.

163. Consequential amendments.

164. Consequential amendments.

165. Consequential amendments.

(2) *The Highway Traffic Act, 1975* except section 152, subsection (2) and section 153 and *The Motor Vehicle Administration Act*, except section 103, do not apply to any matter for which provision is made in this Act in relation to off-highway vehicles.

166. *The Public Highways Development Act is amended*

- (a) *as to section 7 by striking out the words “section 221 to 223 of The Highway Traffic Act” where they appear in subsections (1) and (2) and by substituting therefor the words “sections 12 to 14 of The Highway Traffic Act, 1975”, and*
- (b) *as to section 17, subsection (3), clause (b) by striking out the words “section 221 to 223 of The Highway Traffic Act” where they appear in subsections (1) and (2) and by substituting therefor the words “sections 12 to 14 of The Highway Traffic Act, 1975”.*

167. This Act comes into force on the day upon which it is assented to.

166. Consequential amendments.