



The Ontario Highway Traffic Act

Plain English Version

This document contains interpretations of the sections of the Ontario Highway Traffic Act (as of December 16th 2000) that we feel are relevant to our members.

We do not guarantee that these interpretations are 100% correct.

For the actual legal text of a particular section you should refer to the Section and Subsection numbers on each item and search the Highway Traffic Act on the Ontario Legislative website but be forewarned it is NOT always easy to find the sections you want.

What's Legal and What's not

In researching this project for Northern Lights, I contacted the Ministry of Transportation and spoke to their head Enforcement Engineer. I was told that there are no specific restrictions on modifications as long as they don't make the vehicle "unsafe" according to the statutes. They are currently considering whether there is a need to make laws governing modifications as some states have recently done in the US, but at the moment they don't have a specific policy on lifted/modified vehicles.

The bottom line with most of the Highway Traffic Act as it applies to modified 4x4's is this: *If a Police Officer or Ministry Officer believes that your vehicle is not "in compliance" he/she can give you a notice to take it in for testing within 96 hours to the ministry testing facility designated on the notice. If the officer believes it is dangerous, they can take your plates right there and then on the roadside and keep them until your vehicle is proved to be safe and/or repaired. It's a lot of hassles for them and a lot of paperwork. If you're nice and polite to them they will probably just give you a warning.*

If we keep our modifications sensible and our vehicles well maintained, perhaps we can keep them from taking the time to legislate specific restrictions on our vehicles.

62.(1) Lamps required on all motor vehicles except motorcycles

When it's dark or difficult to see, your vehicle must have 2 headlights on the front 1 white or amber side marker on each side and one red taillight (yes only one).

62.(4) Light requirement

Your lights have to be bright enough to be clearly seen from 150 metres.

62.(6) Strength of lamps

Your headlights must be bright enough so you can clearly see and body or anything within 110 metres head of you.

62.(9) Strength of front lamps

You can't have more than four lights on the front of your vehicle that are brighter than 300 candela. (We're trying to get that defined in normal terms but probably refers to pencil beams, off-road lights, etc.)

62.(19) Rear lamps to illuminate number plate

Your rear license plate must have a working white light shining on it anytime you have your headlights on.

62.(22) Spotlamps

If you have a spotlight it can never point to the left of the centerline or more than 30 metres ahead, and unless you're a public emergency vehicle you can't have more than one.

62.(24) Lamps required on rear of trailer, etc.

When it's dark or difficult to see, your trailer must have one red light on the back that can be seen from 150 metres away.

62.(25) Lights on vehicles, objects and contrivances over 2.6 metres in width

When it's dark or difficult to see, if any part of your vehicle, your load, or anything you're towing is more than 2.6 metres (8.5 feet) wide it must have 2 red lights or 2 red reflectors, one on each extreme corner.

64.(1) Brakes, two systems required

You must have brakes capable of stopping a vehicle to ministry standards and a separate parking brake to hold it stopped. Note that it doesn't say that it must hold the vehicle while you press the gas pedal like some police try to make you do, it only says "which shall be adequate to hold the vehicle stationary".

64.(5) Trailer or semi-trailer

If you're towing a trailer and the loaded weight is more than 1,360 kilograms (3000 lbs) then it must have working brakes. From a 4x4 point of view, if your towing your rig on a car hauler it must have brakes (a Jeep YJ weighs just under 4000 lbs).

64.(7) Condition of brakes

Your brakes must be in good working condition.

64.(8) Inspection

Police or DOT inspectors who think your brakes are not up to code can force you to the Ministry for an inspection and make you fix them.

66.(1) Windshield wiper, mirror

You must have a working windshield wiper (yes apparently only one) and a mirror that allows you to clearly see behind you (again only one).

66.(3) Mudguards

Everyone's favourite, I'll just give you the exact text on this one:

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.

So you could argue that anything that "effectively reduces" the spray should be legal.

66.(4) Exception to 66.(3)

(You'll like this one) You don't need mud flaps and/or your fenders don't have to cover your tires if your vehicle is "unfinished" and you're on your way to someplace to finish it.

66.(5) Odometers

You must have a working odometer.

69.(1) Requirements as to tires

On "self propelled" vehicles and trailers over 1,820 kg (4000 lbs) you must have air filled tires in good condition that won't damage or "pound" the highway. If your trailer is under 1,820 kg it can have solid rubber tires (no air fill) but there must be at least 31.5mm (1.25") of rubber between the rim and the road.

69.(2) Flanges and clamps

You can't drive on the highway with tire chains, studs, or anything that could damage the highway.

70.(4) Penalty

They could fine you up to \$1000 for having bad tires.

70.(5) Notice to conform

If a Police or MOT officer thinks your tires aren't street legal or in legal condition he/she can issue you a notice giving you 96 hours to prove (by going to the place they specify) that your tires were legal and/or safe or that you have fixed/replaced them.

72.(3) Installation of safety glass
All glass in your vehicle MUST be safety glass.

72.(6) Penalty
If they find glass in your vehicle that's not safety glass the minimum fine is \$200 and the max is \$1000.

73.(1) Signs, objects, etc., obstructing view prohibited
You can't put anything in or on your vehicle that in any way blocks the drivers view of the road ahead or any intersection highway.

73.(2) Colour coating obstructing view prohibited
The above includes tint film or spray on windows.

73.(3) Colour coating obscuring interior
You also can't put tint film on the windshield, left front, or right front windows that makes it hard for SOMEONE OUTSIDE to see YOU when you're inside.

74.(1) Windows to afford clear view
All your windows must be clean and clear enough (no scratches, etc) so you can see clearly out

74.(2) Application of cl. (1) (b)
Your rear window can be blocked, obscured, etc. as long as you have at least one outside mirror so you can see directly behind you.

75.(1) Muffler
You must have a muffler in good condition that prevents "excessive" noise.

75.(3) Fumes from engine
Your engine must not produce "excessive fumes or smoke".

75.(4) Unnecessary noise
You can't honk your horn unnecessarily and you can't let your vehicle make excessive smoke or other "unnecessary" noises.

75.(5) Alarm bell to be sounded
You must have "an alarm bell, gong or horn" that works and you have to use it when "reasonably" necessary to notify pedestrians and others that you're coming.

80.(1) Attachments required when vehicle drawn on highway
If you're towing a trailer you have to use safety chains sufficiently strong that if you're hitch ball fails the trailer can't come off.

82.(1) Examination of vehicle
Police and MOT Officers can make you submit your vehicle "together with its

equipment and any trailer attached thereto, to the examinations and tests that the police officer or officer may consider expedient”.

82.(2)Use of unsafe vehicle prohibited

If the Police or a DOT Officer think your vehicle and/or trailer are “dangerous or unsafe” they can make you fix it and/or take your plates and order it off the road until it’s fixed.

82.(3)Penalty

It’s illegal to refuse to submit your vehicle to the “tests that the police officer or officer may consider expedient”. If you do they can charge you and fine you up to \$1,000, BUT... (see 82.4 below)

82.(4)Notice requiring examination and tests

They can’t charge you for refusing unless they have given you notice requiring you to submit to the tests in writing.

82.(5)Seizure of plates and inspection sticker

If they determine under 84.2 that your vehicle or trailer is unsafe they can take the plates until it’s fixed.

84.(1) Penalty for driving unsafe vehicle

They can charge you for knowingly driving an unsafe vehicle or for letting someone else drive a vehicle you know is unsafe.

106.(2)Seat belt assembly

If your vehicle was manufactured with seat belts you can’t change or remove them and they must be in good working order.

106.(3)Use of seat belt assembly by driver

If your vehicle is equipped with a drivers seat belt you (the driver) must wear your seat belt and have it properly adjusted.

106.(4)Use of seat belt assembly by passenger

If your vehicle is equipped with passengers seat belt(s) your passenger(s) must wear them and have them properly adjusted.

106.(5)Exemptions

You don’t have to wear a seat belt if:

- 1) You’re driving in reverse
- 2) You have a certificate from a doctor saying you can’t wear one for medical reasons
- 3) You’re so big it’s physically impossible to wear the seat belt
- 4) You are, at the time, engaged in work where you have to get in a out and don’t exceed 40kph
- 5) Under Sixteen years old

106.(6)Driver to ensure passenger uses seat belt assembly
It's the drivers responsibility to make sure anyone under 16 wears a properly adjusted seat belt if their seat has one.

106.(8)Exception
Basically the same as 106.5 exemptions above but applies to passengers

106.(8)Police may request passenger's identification
If Police or DOT officer believes a passenger (at least 16 years old) was not wearing their seat belt they can request identification.

106.(8.1)Same
If requested, a passenger must give identification proving name and address.

109.(1) Width of vehicle
Maximum vehicle width is 2.6 metres (102" or 8.5ft) except Tractor Trailer can be 2.8 metres.

109.(6)Length of vehicle
No vehicle, including load, can be longer than 12.5 metres (41 ft).

109.(7)Length of combination
No combination of vehicles coupled together, including load, can be longer than 23 metres (75.5 ft).

109.(7.1)Exception
Well okay, 25 metres (82 feet). (Why didn't they just say 25 metres above?)

109.(12)Restricting length of combination of vehicles
A city can make a bylaw limiting total combination length but they can't limit it to less than 15.25 metres (50 ft) .

109.(15)Penalty
If your vehicle or combination is too wide or long the fine is \$200 minimum and \$1000 maximum.