

CONTROL OF TRAFFIC

Application of Part

74(1) Unless the context otherwise requires,

- (a) the provisions of this Part relating to the operation of vehicles refer only to the operation of vehicles upon a highway;
- (b) this Part does not apply to persons, vehicles, and other equipment while actually engaged in highway construction or maintenance work upon, under, or over, the surface of a highway while at the site of the work, when it is reasonably necessary for the purposes of the construction or work that this Part be not complied with or be contravened; but it does apply to them when travelling to or from the site of the work; and
- (c) a person riding an animal or driving an animal-drawn vehicle upon a highway has all the rights, and is subject to all the duties, that a driver of a vehicle has under this Part.

Situs of maintenance vehicles

74(2) Where, in order to do the maintenance work for which a machine or vehicle is being used, it is being driven, drawn, or propelled along a highway, it shall be deemed to be at the site of that maintenance work.

Duty of caution

75 A pedestrian or the operator of a bicycle or power-assisted bicycle who is entering, crossing or proceeding along a highway shall, at all times, do so with due caution, care and attention, taking into account the traffic on the highway at the time.

[S.M. 2004, c. 30, s. 6.](#)

CONTROL OF TRAFFIC BY PEACE OFFICERS AND OTHERS

Peace officer or firefighter may direct traffic

76(1) In the circumstances described in subsection (2),

- (a) a peace officer; or
- (b) a firefighter who in the course of his or her duties is at the scene of a fire, a motor vehicle collision or another incident that may involve danger to the public;

may direct vehicles and other traffic and erect temporary traffic control devices to direct vehicles and other traffic.

When powers in subsection (1) may be exercised

76(2) A peace officer or firefighter may exercise a power set out in subsection (1) when the peace officer or firefighter considers it reasonably necessary

- (a) to ensure the orderly movement of vehicles and other traffic;
- (b) to prevent injury or damage to persons or property; or
- (c) to permit proper action in any emergency.

Obeying peace officer's or firefighter's directions

76(3) A person must obey

- (a) the directions of a peace officer or firefighter under this section; and
- (b) any traffic control device erected by a peace officer or firefighter.

Obedience overrides certain traffic violations

76(4) Despite any other provision of this Act, a person is not guilty of an offence if, as a necessary consequence of complying with subsection (3), the person contravenes a traffic regulation provision of this Act or of a regulation or by-law made under this Act.

Firefighter's authority subordinate to police officer

76(5) A firefighter may exercise a power set out in subsection (1)

- (a) only when a police officer is not present at the place where the power is to be exercised; or
- (b) if a police officer is present at the place where the power is to be exercised, only at the police officer's request and subject to his or her direction.

S.M. 1989-90, c. 4, s. 3; S.M. 2013, c. 4, s. 2.

Peace officer may stop vehicles

76.1(1) A peace officer, in the lawful execution of his or her duties and responsibilities, may require the driver of a vehicle to stop, and the driver of the vehicle, when signalled or requested to stop by a peace officer who is readily identifiable as such, shall immediately come to a safe stop and remain stopped until permitted by the peace officer to depart.

Offence and penalty

76.1(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine of not more than \$5,000. or imprisonment for a term of not more than one year, or both.

Additional penalty

76.1(3) In addition to imposing any penalty under subsection (2), the convicting judge or justice may

- (a) suspend the person's licence for a term of not more than one year; or
- (b) disqualify the person from holding a licence for a term of not more than one year if, at the time of the conviction,
 - (i) the person does not hold a licence, or
 - (ii) the person's licence is suspended or he or she is disqualified from holding a licence.

Peace officer's authority — driver information

76.1(4) Without limiting the generality of subsection (1), a peace officer may, at any time when a driver is stopped,

- (a) require the driver to give his or her name, date of birth and address to the officer;
- (b) require the driver to produce his or her licence, and the vehicle's insurance certificate and registration card and any other document respecting the vehicle that the peace officer considers necessary;
- (c) inspect any item produced under clause (b);
- (d) request information from the driver about whether and to what extent the driver consumed alcohol or drugs before or while driving;
- (e) require the driver to go through a field sobriety test under section 76.2;
- (f) request information from the driver about whether and to what extent the driver is experiencing a physical or mental condition that may affect his or her driving ability; and
- (g) inspect the vehicle's mechanical condition and request information from the driver about it.

Peace officer's authority — passenger information

76.1(5) For the purpose of enforcing any provision of this Act or the regulations, a peace officer may require a vehicle's passenger to give his or her name, date of birth and address to the officer.

No right to counsel

76.1(6) A peace officer is not required to inform a driver or passenger of his or her right to counsel, or to give the driver or passenger the opportunity to consult counsel, before doing anything subsection (4) or (5) authorizes.

Peace officer's authority unaffected

76.1(7) Nothing in this section limits or negates a peace officer's authority to request information from a driver or passenger or to make any observations of a driver or passenger that are necessary for the purposes of road safety enforcement.

S.M. 1989-90, c. 4, s. 3; S.M. 2002, c. 40, s. 6; S.M. 2004, c. 11, s. 3.

Peace officer may conduct field sobriety test

76.2(1) On demand, a peace officer may require the driver of a vehicle to go through a field sobriety test if the peace officer reasonably suspects that the driver

- (a) has alcohol in his or her body; or
- (b) has in his or her body a drug or other substance of a kind or in a quantity that interferes or may interfere with his or her ability to drive.

Driver must go through field sobriety test

76.2(2) The driver shall without delay go through the test according to the peace officer's instructions.

Regulations respecting field sobriety tests

76.2(3) The Lieutenant Governor in Council may make regulations respecting field sobriety tests, including, but not limited to, regulations

- (a) approving a test or group of tests as a field sobriety test;
- (b) respecting how peace officers are to conduct field sobriety tests.

S.M. 2004, c. 11, s. 4.

CONTROL OF TRAFFIC BY TRAFFIC AUTHORITIES

Erection of traffic control devices

77(1) The traffic authority of a highway must erect and maintain such traffic control devices as are reasonably necessary to make known to drivers of motor vehicles the speed limit on any part of a highway. The traffic control devices must be erected and maintained in such a way that they face traffic

- (a) entering the section of highway where the speed limit begins; and
- (b) at intervals, over the length of highway to which they apply.

77(2) [Repealed] S.M. 2018, c. 10, Sch. B, s. 19.

Signs on designated highways

77(3) In the case of a highway or portion thereof designated as a restricted speed area, it is sufficient compliance with subsection (1) if there is erected, at each end of the highway or portion thereof,

- (a) a sign facing traffic entering the designated highway or portion thereof and indicating that the speed limit is 50 km/h; and
- (b) a sign facing traffic leaving the designated highway or portion thereof and indicating that the speed limit to which reference is made in clause (a) is not thereafter applicable.

Signs in restricted speed areas

77(4) Where, in a municipality that is otherwise wholly within a restricted speed area, there is or are one or more highways,

- (a) on which the speed limit is greater than or lower than 50 km/h; and
- (b) in respect of which traffic control devices are in place as required under subsection (1);

it is a sufficient compliance with subsection (1) if there are erected, at each point where a highway to which clause (a) applies crosses the boundary of the municipality,

- (c) a sign facing traffic entering the municipality, and indicating that the speed limit in the municipality is 50 km/h unless otherwise indicated; and
- (d) a sign facing traffic leaving the municipality, and indicating that the traffic is at that point leaving the municipality.

Signs re speed limit in back lanes

77(5) If a speed limit has been fixed for back lanes in a municipality, the municipality is deemed to be in compliance with subsection (1) if the municipality erects a traffic control device, at each point where a highway crosses a municipal boundary, that indicates the speed limit in back lanes within the municipality.