

**HOUSE USE ONLY**

**CHAIR:**

**WITH  / WITHOUT**



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2nd SESSION, 65th GENERAL ASSEMBLY  
Province of Prince Edward Island  
66 ELIZABETH II, 2017

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**BILL NO. 67**

**An Act to Amend the Highway Traffic Act (No. 3)**

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Honourable Paula J. Biggar  
Minister of Transportation, Infrastructure and Energy

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GOVERNMENT BILL

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MICHAEL D. FAGAN  
Queen's Printer  
Charlottetown, Prince Edward Island

# For House Use Only

Prince Edward Island  
Legislative Assembly

AMENDMENTS

**ASSEMBLY / SESSION / YEAR**

65th General / 2nd / 2017

BILL NUMBER: **67**

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TITLE: **AN ACT TO AMEND THE HIGHWAY TRAFFIC ACT (NO. 3)**

#	SECTION	AMENDMENT	DATE

NOTED:

CERTIFIED CORRECT:

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COMMITTEE CLERK

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CHAIRMAN, IN COMMITTEE

**An Act to Amend the Highway Traffic Act (No. 3)**

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

**1. (1) Clause 154(1)(a) of the *Highway Traffic Act R.S.P.E.I. 1988, Cap. H-5, is amended by the addition of the words “to alert the driver of the other vehicle, if necessary” after the word “horn”.***

**(2) Clause 154(2)(a) of the Act is amended by the deletion of the words “upon hearing the audible signal” and the substitution of the words “, if practicable,”.**

**2. The Act is amended by the addition of the following after section 155:**

**155.1** (1) Where the vehicle overtaking and passing another vehicle is a motor vehicle and the vehicle that is being overtaken is a bicycle, the driver of the motor vehicle shall leave a distance of not less than one metre, or as near to that as is possible in the circumstances, between the motor vehicle and the bicycle that is being overtaken, and shall maintain that distance until safely past the bicycle.

At least one metre of distance, or as near to that as possible, required when passing bicycle

(2) The one metre distance required by subsection (1) refers to the distance between the side of the motor vehicle nearest to the bicycle and the side of the bicycle nearest to the motor vehicle, including all projections and attachments on the motor vehicle and the bicycle.

How one metre measured

(3) Notwithstanding sections 159, 160 and 161, a driver of a motor vehicle that is overtaking and passing a bicycle may cross a solid line, drive to or upon the left side of the centre line of a roadway or pass the bicycle contrary to a sign referred to in section 161, if the movement can be made in safety.

When crossing centre line etc. permitted

**3. The Act is amended by the addition of the following after section 175:**

**175.1** No person shall open the door of a vehicle unless it can be done without creating a hazard for other traffic.

Opening vehicle door

**175.2** Notwithstanding any other provision of this Act, where the regulations provide for lanes for the use of bicycles and regulate or prohibit the driving in or the use of those lanes by other traffic, drivers of

Lanes for bicycles

other vehicles and other users of the highway shall only drive in or use those lanes as provided by the regulations.

**4. Section 312 of the Act is amended by the addition of the following after clause (x.04):**

(x.05) respecting the safety of persons riding on bicycles and the shared use of highways by bicycles and other traffic;

**5. The Schedule to the Act is amended**

**(a) by the addition of the following after the entry relating to subsections 155(1),(2):**

155.1(1)	Driver of a motor vehicle passing a bicycle without leaving not less than one metre of distance, or as near to that as possible, between the motor vehicle and the bicycle	200	1,000
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**(b) by the addition of the following after the entry relating to section 175:**

175.1	Creating a hazard to traffic by opening vehicle door	200	500
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**6. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**

### EXPLANATORY NOTES

**SECTION 1** removes the mandatory requirement to sound a vehicle horn when passing, and instead requires it only if necessary to alert the driver being passed. It also replaces a reference to the mandatory requirement.

**SECTION 2** requires a driver of a motor vehicle that is passing a bicycle to leave a distance of at least one metre, or as near to that as is possible in the circumstances, between the motor vehicle and the bicycle and details how that distance is to be measured. It also permits a vehicle to cross a solid line or centre line, or to pass contrary to a sign, in order to pass a bicycle, if it can be done safely.

**SECTION 3** amends the *Highway Traffic Act* to prohibit a person from opening the door of a vehicle if doing so creates a hazard for other traffic. It also amends the Act to recognize that regulations may regulate what types of traffic may drive in or use bicycle lanes.

**SECTION 4** adds a regulation-making power to the Act to authorize regulations respecting bicycle safety and the shared use of highways by bicycles and other traffic.

**SECTION 5** amends the Schedule of Penalties for the Act to add descriptions and related penalties for the new offence provisions in this Act.

**SECTION 6** provides for the commencement of this Act.

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**An Act to Amend the Highway Traffic Act (No. 3)**

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	April 4, 2017
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

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Honourable H. Frank Lewis, Lieutenant Governor

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Honourable Francis (Buck) Watts, Speaker

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Clerk

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Honourable Paula J. Biggar  
Minister of Transportation, Infrastructure  
and Energy

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GOVERNMENT BILL

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