

PART 12

MISCELLANEOUS PROHIBITIONS

Careless driving

- 186** 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.

Racing

- 187** No person shall drive a vehicle on a highway in a race or on a bet or wager.

Stunts

- 188** 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 on a highway that is likely to distract, startle, or interfere with other users of the highway.

Unnecessary noise

- 189** No person shall create or cause the emission of any loud and unnecessary noise from a motor vehicle, any part thereof, or anything or substance that the motor vehicle or a part thereof comes into contact with.

Obscured windshield

- 190** No person shall drive a vehicle on 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.

Interference with driver

- 191**(1) No driver shall permit any person to occupy the front seat of their 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 the driver's clear vision in any direction.
- (2) No person shall ride in such a 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 the driver's clear vision in any direction.
- (3) If 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.

Passengers in house trailers

192(1) No person shall occupy or permit any other person to occupy a house trailer while it is being moved on a highway.

(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.

Riding on outside of vehicle

193 (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, moped or snowmobile;
- (b) in the box of a truck so long as the person is at least seven years old and is seated with their waist below the top of the box or of a railing securely attached to all sides of the box;
- (c) in or on any fire-fighting vehicle;
- (d) in or on a vehicle engaged in highway construction or maintenance;
- (e) in or on a vehicle forming part of an entertainment exhibition that has been approved by the municipality in which it is taking place; or
- (f) in or on a municipal maintenance or municipal service vehicle on 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, moped, snowmobile, or bicycle.

Child restraint systems

194(1) In this section,

“child” means a child under the age of six years; « *enfant* »

“motor vehicle” does not include a bicycle, motorcycle, moped, snowmobile, or all terrain vehicle.

(2) No person shall operate, on a highway, a motor vehicle in which a child is a passenger unless

- (a) the motor vehicle is equipped with a prescribed child restraint system;
- (b) the child restraint system is properly installed in the motor vehicle in accordance with the regulations; and
- (c) the child is occupying and is properly secured in the child restraint system in accordance with the regulations.

(3) Subsection (2) does not apply if, in respect of the child, there is a certificate signed by a qualified medical practitioner certifying that the child

- (a) is, for the period stated in the certificate, unable for medical reasons to be secured in a child restraint system; or
- (b) is, because of physical characteristics, unable to be secured in a child restraint system.

Child seating assemblies offences

195(1) A person who contravenes subsection 194(2) is guilty of an offence and is liable to a fine not more than \$100.

(2) If a person is convicted of an offence under subsection 194(2) because a motor vehicle was not equipped with the prescribed child restraint system, the judge may waive the payment of the penalty if the person, at the time of sentencing, satisfies the judge that the motor vehicle has been equipped with a prescribed child restraint system.

(3) If a person has been charged or is to be charged with having committed an offence under subsection 194(2) because a motor vehicle was not equipped with the prescribed child restraint system, no further proceedings with respect to the offence shall be taken if, within 15 days after the offence was committed, the peace officer who investigated the matter is satisfied that the motor vehicle has been equipped with a prescribed child restraint system.

Regulations for child restraint systems

196 The Commissioner in Executive Council may make regulations

- (a) prescribing the types of child restraint systems required for the purposes of this Act;
- (b) prescribing the weights or size of children for the different types of child restraint systems;
- (c) exempting persons or motor vehicles from the operation of sections 194 and 195.

Exemption - child restraint systems

197 The following motor vehicles are exempt from sections 194 and 195

- (a) motor vehicles manufactured before 1965;
- (b) taxis;
- (c) school buses;
- (d) transit buses;
- (e) motor coaches;
- (f) emergency vehicles;
- (g) motorhomes. *S.Y. 2000, c.18, s.15; S.Y. 1991, c.12, s.3.*

Seat Belts

198(1) In this section,
“motor vehicle” does not include a bicycle, motorcycle, moped, snowmobile, or all terrain vehicle;

“seat belt” means the seat belt assembly or other restraint system for a seat and specified for the vehicle by the *Motor Vehicle Safety Act* (Canada) at the time the vehicle was manufactured, assembled, or imported.

- (2) No person shall operate on a highway a motor vehicle from which or in which a seat belt has been
 - (a) removed;
 - (b) modified so as to reduce its effectiveness; or
 - (c) rendered inoperative as a result of lack of maintenance or some other cause.
- (3) The registered owner of a motor vehicle shall ensure that all seat belts for the vehicle are operative.
- (4) If the seat for which the seat belt was installed has been removed, then subsections (2) and (3) do not apply to that seat belt.
- (5) Every person who drives on a highway a motor vehicle in which a seat belt is installed for the driver shall wear the seat belt in a properly adjusted and securely fastened manner.
- (6) Subsection (5) does not apply to a person
 - (a) who is driving a motor vehicle in reverse;
 - (b) who is doing work that requires them to get out of and re-enter the motor vehicle at frequent intervals and who, while doing that work, does not drive the motor vehicle faster than 30 kilometres per hour, does not drive through an intersection and does not drive more than 250 metres without stopping; or
 - (c) who is a person exempted by the regulations from complying with subsection (5).
- (7) Every person over 14 years of age who is a passenger in a motor vehicle that is being operated on a highway shall wear a seat belt in a properly adjusted and securely fastened manner if
 - (a) a seat belt is installed for the seat the passenger occupies; or
 - (b) there is available for occupation by that person an unoccupied seat for which a seat belt is installed.
- (8) If there is in the motor vehicle a passenger over five but under 15 years of age who occupies a seat for which a seat belt is installed, or for whom there is available an unoccupied seat for which a seat belt is installed, then the driver shall not drive the motor vehicle on a highway unless the passenger is wearing the seat belt in a properly adjusted and securely fastened manner.
- (9) Subsections (7) and (8) do not apply to a passenger
 - (a) who is doing work that requires them to get out of and re-enter at frequent intervals a vehicle that, while the person is doing that work, is not driven faster than 30

kilometres per hour, nor through an intersection, nor more than 250 metres without stopping; or

(b) who is an attendant giving care to a patient in the ambulance; or

(c) who is a person exempted by the regulations from complying with the subsection.

(10) Subsection (5) does not apply to a driver and subsections (7) and (8) do not apply to a passenger whom the registrar exempts on being satisfied that the person is unable to wear a seat belt because of

(a) the medical reasons established by the evidence of one or more medical practitioners; or

(b) the person's size, build, or other physical characteristic established by the evidence of one or more medical practitioners.

(11) A person who has been refused an exemption under subsection (10) may appeal the refusal to the Driver Control Board and the appeal shall be dealt with in the same way as if it were an appeal under section 26.

(12) The Commissioner in Executive Council may make regulations to exempt from part or all of this section

(a) any class of motor vehicles;

(b) any class of drivers of or passengers in motor vehicles.

(13) A person who contravenes this section is guilty of an offence and is liable to a fine of not more than \$100.

(14) This section does not apply to vehicles or seats for which the *Motor Vehicle Safety Act* (Canada) did not specify a seat belt at the time the vehicle was manufactured, assembled, or imported.

Air cushion vehicles

199 Except as provided by the regulations, no person shall operate an air cushion vehicle on, along, or across a highway.

Age restrictions respecting farm implements

200(1) No person under the age of 16 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 16 years to drive a tractor or self-propelled implement of husbandry on a highway.

Removal of damaged vehicle

201(1) A person who removes a wrecked or damaged vehicle from a highway shall remove glass or any other injurious substance or thing dropped on 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 on the highway from the vehicle is guilty of an offence.

Opening car doors

202(1) No person shall open the door of a motor vehicle unless it is reasonably safe to do so.

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

Tampering prohibited

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

Noise in residential areas

204 No person shall operate a vehicle on a residential street in a municipality between the hours of 10 o'clock in the evening and seven o'clock of the next morning so as to unduly disturb residents of any such street or any part thereof.

Abandoning of vehicle

205(1) No person shall abandon a vehicle on a highway.

- (2) No person shall abandon a vehicle on 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 110 of this Act.

Advertising on highways

206(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 display any goods for sale, offer any goods for sale, or sell any goods on a highway.

- (3) Despite subsection (2), a municipality may by bylaw permit the display or sale of goods on a sidewalk.

Unauthorized traffic signs

- 207(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, is in imitation of or resembles a traffic control device; or
 - (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 Government of the Yukon with respect to highways under its jurisdiction or 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 a municipality may, without notice or compensation, remove the sign, marking, or device and may, for that purpose, enter on privately owned land.

Damage to traffic signs

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

Placing handbills on vehicles

- 209(1)** No person shall place or cause to be placed any hand bill or other advertising matter on 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.

Sale of used motor vehicles

- 210(1)** No dealer shall sell a used motor vehicle unless
- (a) the vehicle has passed the inspections and tests required under section 123 within the period of time preceding the sale 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 when the dealer furnishes the buyer with a signed statement disclosing the information about the condition of the vehicle prescribed by the regulations.