



Manitoba Highway Traffic Act

As it relates to bicycles

Summary

These are the sections of the Manitoba Highway Traffic Act that include the word **bicycle**, plus some other bicycle related sections. This is not an official version of the Highway Traffic Act.

Definitions

1(1) In this Act,

"**bicycle facility**" means a bicycle path or any other area, other than a highway, which is designated for the passage of bicycles and upon which motor vehicles, other than those required for maintenance of the path or area, are prohibited; (« piste cyclable »)

"**roadway**" means the portion of a highway that is improved, designed, or ordinarily used for vehicular traffic, and includes that portion thereof that, but for the presence of a safety zone, would be ordinarily so used, but does not include the shoulder; and where a highway includes two or more separate roadways, the term "**roadway**" refers to any one roadway separately and not all of the roadways collectively; (« chaussée »)

MINIMUM LIGHTING EQUIPMENT REQUIRED

When lamps required to be lighted

35(11) The lamps carried on a vehicle pursuant to clause (1)(a), (d), (e), (f), (g), (h), (i), or (j), or pursuant to clause 149(1)(a), shall be lighted when the vehicle is on a highway one-half hour before sunset and one-half hour after sunrise and at any other time when there is not sufficient light to render clearly discernible a person on a highway at a distance of 60 metres ahead; and the driver or operator of the vehicle shall cause the lamps to be lighted as herein required.

INSPECTION OF EQUIPMENT

Inspection by peace officer

65(1) A peace officer may at any time stop and inspect or cause to be inspected any equipment on a vehicle or **bicycle** on a highway, and may, if the equipment or any part thereof does not comply with this Act or with the regulations, require that the driver or operator thereof have, and the driver or operator shall proceed forthwith to have, the equipment made to comply therewith.

Co-operation by driver

65(2) The driver or operator of a vehicle or **bicycle** the equipment of which is being inspected by a peace officer as provided in subsection (1) shall render such reasonable assistance, and provide such reasonable information, as the peace officer may require.

CONTROL OF TRAFFIC

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.

Rules re driving on laned roadways

110 Unless he is required to yield the right-of-way to an emergency vehicle or other vehicle to which subsection 106(1) applies, or unless he is otherwise directed or authorized by a peace officer or by a traffic control device, a driver who is driving a vehicle on a laned roadway shall comply with the following provisions, namely:

- (a) He may drive from one lane to another where one or more broken lines only exist between lanes.
- (b) Except as provided in clauses (c) and (d), he shall not drive from one lane to another where such action necessitates the crossing of a solid line.
- (c) When a solid line and a broken line exist together, he may, with caution, cross the solid line from the lane in which the broken line is located, and recross.
- (d) He may, with caution, cross a solid line when necessary to turn left into a private road or driveway or when necessary on entering the roadway from a private road or driveway.
- (e) He shall not drive from one lane to another without first signalling his intention to do so in the manner prescribed by sections 125 and 126.
- (f) When approaching an intersection and intending to turn left or when intending to turn left into a private road or driveway, he shall travel in the left-hand lane available to traffic moving in the direction of the travel of the vehicle.
- (g) When approaching an intersection and intending to turn right, he shall travel in the lane nearest to the right-hand side of the roadway and may pass another vehicle travelling in the same direction in a lane to his left; and when making the turn he shall keep as close as is practicable to the right-hand side of the roadway.
- (h) He shall not use the centre lane of a three-lane roadway except when passing another vehicle proceeding in the same direction, or when approaching an intersection where he intends to turn to the left, or when that lane is designated for traffic moving in the direction of travel of his vehicle.
- (i) Subject to section 115, when overtaking another vehicle that is travelling in the same direction, he shall in passing keep to the left of the other vehicle and where there are two or more lanes available to traffic moving in that direction, he shall in passing keep to the right of the directional dividing line.
- (j) Where a traffic control device directs slow-moving traffic to use a designated lane, when driving slowly he shall use that lane only.
- (k) Subject to section 115, when being overtaken by another vehicle travelling in the same direction,
 - (i) he shall allow that vehicle to pass and shall travel in the lane nearest to the right-hand side of the roadway or in a manner that allows the overtaking vehicle free passage to the left in a lane available to traffic moving in the direction of the travel of his vehicle, and
 - (ii) he shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (l) Except when crossing from one lane to another as permitted herein, he shall at all times keep the vehicle he is driving wholly within one lane.

Rules for riding a moped or mobility vehicle

- 111 A person who operates a moped or mobility vehicle on a highway shall
- operate it as closely as practicable to the right-hand edge or curb of the roadway, unless the highway is designated for traffic in one direction and has three or more traffic lanes;
 - operate it as closely as practicable to the right- or left-hand edge or curb of the roadway, if the highway is designated for traffic in one direction and has three or more traffic lanes;
 - except when overtaking or passing, not operate it beside another moped or mobility vehicle, or a **bicycle** or **power-assisted bicycle**, that is operating in the same lane; and
 - at all times, keep at least one hand on the handlebar.

Rules when overtaking

- 114(1) Except as provided in section 115, a driver overtaking another vehicle or **bicycle** proceeding in the same direction
- shall pass to the left thereof at a safe distance; and
 - shall not return to the right side of the highway until safely clear of the overtaken vehicle or **bicycle**.

Overtaking on right prohibited with exceptions

- 115(1) A driver shall not overtake and pass upon the right of another vehicle, except
- when the vehicle overtaken is making a left turn or its driver has signalled his intention to make a left turn; or
 - when on a laned roadway there are two or more unobstructed lanes available to traffic moving in the direction of travel of the vehicle; or
 - upon a one-way roadway, where the roadway is free from obstructions and is of sufficient width for two or more lines of moving vehicles.

Where no exceptions

- 115(2) Notwithstanding subsection (1), no driver shall overtake and pass another vehicle upon the right,
- when the movement cannot be made with reasonable safety; or
 - by driving off the roadway.

Giving of signals generally

- 125(1) Subject to subsection (2), where a signal is required, a driver, or the operator of a **bicycle** or **power-assisted bicycle**, shall give it by means of
- his or her hand and arm; or
 - a "stop" signal lamp or turning signal lamp, as the case requires, of the kind required or authorized under this Act to be carried; or
 - a mechanical device of a type that has been approved by the traffic board.

Hand signals

126(1) The driver of a left-hand drive motor vehicle or the operator of a **bicycle, power-assisted bicycle, moped** or mobility vehicle giving a hand signal shall do so from the left side of the vehicle and

- a) to signify a left turn, shall extend his or her left arm horizontally from the vehicle;
- b) to signify a right turn, shall extend his or her left arm from the vehicle with the upper arm horizontal and forearm pointing vertically upward; and
- c) to signify a stop or a decrease in speed, shall extend his or her left arm from the vehicle with the upper arm horizontal and forearm pointing vertically downward.

Right turns — bicycles and power-assisted bicycles

126(2) Despite subsection (1), the operator of a **bicycle** or **power-assisted bicycle** may signify a right turn by extending his or her right arm horizontally from the right side of the vehicle.

BICYCLES, POWER-ASSISTED BICYCLES AND RECREATIONAL EQUIPMENT

General rules: bicycles and power-assisted bicycles

145(1) Except as otherwise provided in subsections (5) and (6), a person operating a **bicycle** or **power-assisted bicycle** on a highway or **bicycle** facility has the same rights and duties as a person driving a motor vehicle on a highway and shall obey all signs and traffic control devices, and all directions of a peace officer.

Minimum operator age: power-assisted bicycles

145(2) No person shall operate a **power-assisted bicycle** on a highway or **bicycle** facility unless he or she is 14 years of age or older.

Owner must not allow underage operator

145(3) The owner of a **power-assisted bicycle** shall not allow a person under the age of 14 years to operate it.

Helmet required: power-assisted bicycles

145(4) No person shall ride on or operate a **power-assisted bicycle** on a highway or **bicycle** facility unless he or she is wearing a properly fitted and fastened protective helmet.

Operation next to curb

- 145(5)** A person operating a **bicycle** or **power-assisted bicycle** on a highway shall operate it
- a) as closely as practicable to the right-hand edge or curb of the roadway, unless the highway is designated for traffic in one direction and has three or more traffic lanes; or
 - b) as closely as practicable to the right- or left-hand edge or curb of the roadway, if the highway is designated for traffic in one direction and has three or more traffic lanes.

Operation in single file

145(6) No person shall operate a **bicycle** or **power-assisted bicycle** on a highway beside a moped, mobility vehicle, **bicycle** or **power-assisted bicycle** that is operating in the same traffic lane.

Exception to subsections (5) and (6)

- 145(7)** Subsections (5) and (6) do not apply when the person is
- a) making or attempting to make a turn on the highway; or

- b) overtaking or passing a moped, mobility vehicle, **bicycle** or **power-assisted bicycle**.

Bicycles on sidewalks

145(8) Subject to subsection (9), no person shall operate on a sidewalk a **bicycle** with a rear wheel the diameter of which exceeds 410 mm.

Exception to subsection (8)

145(9) Subsection (8) does not apply to a sidewalk that is marked by a traffic control device permitting the operation of a **bicycle** on the sidewalk.

Attachment to moving vehicles prohibited

145.1(1) No person operating, using or riding on recreational equipment or a motorcycle, moped, **bicycle** or **power-assisted bicycle** on a highway shall

- a) take hold or keep hold of a moving vehicle;
- b) attach himself or herself to a moving vehicle;
- c) cause or permit any other person to attach him or her to a moving vehicle; or
- d) cause or permit the recreational equipment, motorcycle, moped, **bicycle** or **power-assisted bicycle** to be attached to or towed by a moving vehicle.

Illegal towing by vehicles

145.1(3) The driver or operator of a moving vehicle on a highway shall not

- a) cause or permit a person to take hold or keep hold of, or to attach himself or herself to, the exterior of the vehicle;
- b) attach a person to, or cause a person to be attached to, the exterior of the vehicle;
- c) cause or permit a person to be towed by the vehicle; or
- d) cause or permit recreational equipment or a motorcycle, moped, **bicycle** or **power-assisted bicycle**, or any other thing that is not designed, intended, and equipped for the purpose, to be attached to, or towed by, the vehicle.

Riding improperly on vehicles

146(1) No person while riding on a vehicle on a highway shall ride upon any portion thereof not designed or intended for the use of passengers.

Where subsec. (1) not applicable

146(2) Subsection (1) does not apply to a person necessarily engaged in the discharge of a duty or to a person lawfully riding

- a) on a truck; or
- b) on a horse-drawn vehicle, in a space intended for the carriage of goods.

Prohibition: too many riders

147(1) No person shall do the following on a highway:

- a) operate a **bicycle** or **power-assisted bicycle** with more persons on it than it was designed or constructed by its manufacturer to carry; or
- b) ride, or permit himself or herself to be carried, on a **bicycle** or **power-assisted bicycle** being operated by another person, if he or she is riding or being carried on a part of it that
 - (i) was designed and intended by its manufacturer to carry only its operator, or
 - (ii) was not designed or intended by its manufacturer to carry a person.

Exception to application of subsection (1)

147(2) When a **bicycle** or **power-assisted bicycle** carries its operator and a child, subsection (1) does not apply to the operator or the child if

- a) the child is
 - (i) under the age of six years,
 - (ii) on a seat designed for carrying infants on **bicycles** or **power-assisted bicycles**, and
 - (iii) wearing a properly fitted and fastened protective helmet;
- b) the operator is 16 years of age or older;
- c) the seat is
 - (i) firmly attached to the vehicle behind the regular seat, as far forward and in as low a position as is practicable, and
 - (ii) equipped with a seat belt which is fastened around the child at all times when the vehicle is in motion; and
- d) the seat or vehicle is equipped with a shield to prevent any part of the child's body or clothing from coming into contact with any of the vehicle's moving parts.

Carrying large objects forbidden

147(3) No person shall carry on a **bicycle** or **power-assisted bicycle**, or on his or her person while operating or riding on a **bicycle** or **power-assisted bicycle**, any object that is of such a size, weight or shape, or is so placed, that it may interfere with the proper operation and control of the vehicle by its operator.

Lamps and reflectors on bicycles and power-assisted bicycles

- 149(1)** Subject to subsection (3), a **bicycle** or **power-assisted bicycle** shall be equipped with
- a) a headlamp at the front that casts a white light; and
 - b) a lamp or reflector at the back that casts a red or amber light or reflection and has a surface area of not less than 25 cm².

Type of lamps and reflectors required

- 149(2)** The lamps and reflectors required by subsection (1) shall be of such a kind and so constructed that, in normal weather conditions,
- a) the headlamp casts a light that is visible from a distance of 90 m in front of the vehicle; and
 - b) the rear lamp casts or the reflector reflects a light that is visible from a distance of 60 m behind the vehicle.

Limitation on application of subsection (1)

149(3) Subsection (1) applies only if the **bicycle** or **power-assisted bicycle** is on a highway or **bicycle** facility at a time when subsection 35(11) or a regulation under this Act requires lamps on vehicles to be lighted.

Other required equipment

150(1) No person shall operate a **bicycle** or **power-assisted bicycle** on a highway or **bicycle** facility, or cause or permit one to be operated there, unless it is equipped as required by this Act and the regulations.

Inspection

- 150(2) A peace officer may
- a) at any time stop and inspect, or cause to be inspected, any equipment on a **bicycle** or **power-assisted bicycle** on a highway or **bicycle** facility; and
 - b) if the equipment does not comply with this Act or the regulations, require the operator to have the equipment made to comply.

Operator must comply

150(3) The operator shall not operate the **bicycle** or **power-assisted bicycle** again until he or she has complied with the peace officer's requirements.

Duty of operator to provide assistance

150(4) The operator of a **bicycle** or **power-assisted bicycle** that is being inspected shall provide any reasonable assistance and information that the peace officer requests.

Prohibited highways and bicycle facilities

- 150(5) No person shall operate a **bicycle** or **power-assisted bicycle**, or cause or permit one to be operated,
- a) on any part of a highway or **bicycle** facility at a time when the operation is prohibited by the regulations; or
 - b) on any part of a highway or **bicycle** facility on which the operation is prohibited by the regulations.

Defacing identification marks on bicycles prohibited

151(1) No person shall deface, obliterate, alter, or render illegible the manufacturer's serial identification number or a municipality's identification mark or number on any **bicycle**.

Prohibition of sale of bicycles bearing identification defaced

151(2) No person shall buy or sell a **bicycle** on which any such mark or number has been defaced, obliterated, altered or rendered illegible, or which has not clearly and legibly stamped thereon at least the manufacturer's number or a municipality's mark and number.

Impoundment of bicycles having defaced identification marks

151(3) Any peace officer who, anywhere in the province, finds a **bicycle** without either the manufacturer's number or a municipality's identification mark and number plainly stamped thereon, or on which any such mark or number has been defaced, obliterated, altered, or rendered illegible, shall seize the **bicycle** and bring it before a justice who shall thereupon issue a summons addressed to the person in whose apparent possession the **bicycle** was at the time of seizure commanding him, at the time and place therein named, to show cause why it should not be confiscated.

Confiscation of bicycle

151(4) Upon the matter being heard, the justice shall make an order that the **bicycle** be confiscated to the municipality in which it was seized unless he is satisfied

- a) that no breach of this Act has been committed in respect of the **bicycle**; or
- b) that the person summoned acquired the **bicycle** in good faith and has had possession thereof for at least three years without knowledge of any breach of this Act with respect thereto;

in either of which cases the **bicycle** shall be restored to the person in whose apparent possession it was at the time of the seizure.

Order for payment of cost to owner of confiscated bicycle

151(5) Where a **bicycle** is confiscated under subsection (4), and the justice is satisfied that the person in whose apparent possession it was at the time of seizure acquired it in good faith and without knowledge of any breach of this Act in respect thereto, he may, on application by that person, issue a summons addressed to the person from whom the applicant alleges that he purchased it, commanding him, at the time and place named in the summons, to show cause, why an order should not be made requiring him to repay to the applicant the purchase price of the **bicycle** or such smaller amount as the justice may fix, having regard to the amount of use of the **bicycle** which the applicant has had and the age and condition thereof.

Order for payment

151(6) Upon the hearing of a matter arising under subsection (5), the justice may by an order, separate from, and subsequent to, any conviction or order of confiscation, adjudge that the person who sold the **bicycle** to the applicant shall repay to the applicant the purchase price thereof or such smaller amount as the justice may fix, having regard to the amount of use of the **bicycle** which the applicant has had and the age and condition thereof.

Disposal of other matters

151(7) Where all parties are before the justice at the time of making an order confiscating a **bicycle**, he may, at that time, hear and dispose of any matter arising under subsection (5) and make an order in respect thereto.

Sale of confiscated bicycle

151(8) Any **bicycle** confiscated under subsection (4) may be sold by the municipality at public auction not less than three months after the confiscation; but if the **bicycle** is claimed within three months after being so confiscated it shall be restored to the claimant who satisfies the secretary, clerk, or licence inspector of the municipality that he is the rightful owner thereof.

Marking of confiscated bicycle for identification

151(9) Before a **bicycle** that has been seized under subsection (3) is sold or restored to its owner, the secretary, clerk, or licence inspector, as the case may be, shall cause to be stamped thereon with steel dies an identification mark and serial number, a record of which shall be kept by the municipality; and any peace officer shall similarly cause to be stamped any **bicycle** presented to him for the purpose by any person who satisfies him that he is the rightful owner thereof and that he has not knowingly committed any breach of this section.

Complementary by-laws

151(10) The council of any municipality may pass by-laws, not inconsistent herewith, regulating the exercise or discharge of the powers and obligations contained in subsections (8) and (9).

Returns by second-hand bicycle dealers

152(1) Every dealer in second-hand **bicycles** and every dealer in second-hand **bicycle** parts shall

- a) keep a record of the **bicycles** and parts bought, sold, and otherwise acquired or disposed of by him; and
- b) make such returns, in such form, and to such persons, and at such times, as the Lieutenant Governor in Council may, by the regulations, prescribe.

Form and contents of return

152(2) The record required to be kept under clause (1) shall be in such form, and contain such information, as the Lieutenant Governor in Council may, by the regulations, prescribe.

GENERAL PROVISIONS

Precautions on opening doors

- 208** No person shall,
- (a) open the door of a motor vehicle upon a highway without first taking due precautions to ensure that his act will not interfere with the movement of, or endanger, any other person or vehicle; or
 - (b) leave a door of a motor vehicle upon a highway open on the side of the vehicle available to moving traffic for a period of time longer than is necessary to load or unload passengers.

Use of radio headphones prohibited

- 215** No driver of a motor vehicle or operator of a **bicycle** shall, while operating the motor vehicle or **bicycle** on a highway, wear, on both ears, headphones which are used for the purpose of listening to a radio or a recording.

DRIVING BY DISQUALIFIED PERSONS, ETC.

Drunken driving of vehicles other than motor vehicles

- 227(1)** No person
- a) who is in charge of a vehicle other than a motor vehicle or **bicycle**, or of a horse or other animal, used as a means of conveyance; and
 - b) who is, through drunkenness, unable to drive or ride it with safety to other persons who are on a highway or **bicycle** facility;
- shall drive or ride the vehicle, **bicycle** or animal on a highway or **bicycle** facility.

ARREST WITHOUT WARRANT

Arrest without warrant

- 241(1)** A peace officer who, on reasonable and probable grounds, believes that a violation of any of the following provisions, that is to say,
- a) subsection 24(1) or (1.1);
 - b) repealed
 - c) subsection 95(1) or (2);
 - d) subsection 98(5) or (7);
 - e) subsection 114(1);
 - f) subsection 155(1), (2), (3), (4), or (5);
 - g) clause 170(1)(a), (b), or (c);
 - h) section 171 or 173;
 - i) subsection 174(1) or (3);
 - j) subsection 188(2);
 - k) subsection 201(1);
 - l) section 210, 213, 224 or 225;

of this Act, or any provision of section 249, 252, 253, 254, 255, 259 or 335 of the Criminal Code, has been committed, whether it has been committed or not, and who, on reasonable and probable grounds, believes

that any person has committed such a violation, may arrest that person without warrant whether he is guilty or not.

Assistance of peace officer

241(2) A person called upon to assist a peace officer in the arrest of a person suspected of having committed any offence mentioned in subsection (1), may assist if he believes that the person calling on him for assistance is a peace officer, and does not know that there are no reasonable grounds for the suspicion.