

Legally Speaking: About bicycling

Avoid pedalling into Traffic Act trouble

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LL.B.

You are scooting along on your 10-speed bicycle when someone approaches the cross-walk ahead of you. There is plenty of room so you sail by before he or she even reaches your half of the road.

That is an offence under the Highway Traffic Act. Bicycles are covered by the Rules of the Road, part of the Act, as are motorcycles, cars and most other traffic. This two-part article deals specifically with motorcycles and bicycles. Part 1 describes licensing and the Rules of the Road. Part two takes a look at insurance and legal liability in case of an accident.

Why bother about bicycles? The Highway Traffic Act is set up to bring about safety on the road. All vehicles using the roads should obey the same rules of driving to cut down on the unpredictable and therefore on accidents. Few vehicles are exempt from the Rules of the Road - railway cars running entirely on tracks, are one example. Safety is also promoted by licensing drivers and vehicles. Minimum standards of skill and age are set for the driver.

Minimum standards of construction and roadworthiness are set for the vehicle. Since you cannot drive without number plates for your motorcycle and a licence for yourself and since both licences are conditional on you meeting the standards of the Act, quite an effective system is in force to require people to drive safely and use safe vehicles. The precise standards are not spelled out in the Highway Traffic Act, but are in the regulations. The easiest way to find out about such standards is to call your local branch of the Ministry of Transportation and Communications.

Preparing for the road

Understand bike insurance laws

The first article in this two-part series discussed the Rules of the Road for bicycles and motorcycles. This article deals with what the legal liabilities may be if you are involved in a six-bicycle crack-up, or other accident.

The province requires all motor vehicles, including motorcycles, to carry insurance. You therefore know that chances are there will be money to claim against. There is

People who drive bicycles may be wondering why their "licences" come from the municipality and not the province. The municipal government of a town or city sets some rules for traffic: things like parking, city speed limits, and the licensing of bicycles.

You do not need a driver's licence for your bicycle because it is not a motor vehicle governed by

the province. However, if you wish to park your motorcycle on the street over night, you should call your municipal government to find out if you need a permit. The idea is that the city or town controls its own streets to ensure that municipal services can be supplied readily without cars or motorcycles cluttering the street.

Just think about garbage collection, snow-

plowing, or bus routes. The city or town knows where it will need space and when. The province sets rules controlling proper turning, signals, traffic signs, speed limits on highways, and licences so that such things are uniform around the province.

The province has also defined a few terms I have taken for granted so far. Bicycles are easy to iden-

tify, but when is a motorcycle really a motor assisted bicycle? A motor assisted bicycle is often referred to as a moped. It is smaller, lighter and slower than a motorcycle. It is not termed a "motor vehicle", and therefore you do not need a licence to drive it. You do need to wear a helmet, though, as do motorcyclists.

The Act defines "dark", the time during which you

must have your lights on, to be one-half hour before sunrise and one-half hour after sunset. Bicycles and mopeds must carry lights: a white or amber light at the front and a red light or reflector at the rear. Bicycles must be marked with a ten inch by one inch strip of reflecting tape, white in front and red at the rear.

All of the "usual" rules must be followed by

bicycles, mopeds and motorcycles. All three must stop at stop signs. The driver must signal turns clearly by hand or by electronic sign - usually a flashing light. When passing or overtaking other bicycles, mopeds or motorcycles, you must avoid turning into the line of on-coming traffic or traffic travelling parallel to you. Even horse riders must obey some of these

rules. When in doubt, seek information from the appropriate authority. You probably know most of the Rules of the Road already. Obey them no matter what you are driving. The next article will discuss what happens if, despite your best efforts, you are involved in an accident. The information in this

article is accurate as of March, 1982. For more information on this and other topics contact COMMUNITY LEGAL EDUCATION ONTARIO, 62 Noble St., Toronto, Ont. M6K 2C9. For legal advice, contact your local lawyer or the Halton Hills Community Legal Aid Clinic at 5 Wesleyan St. in Georgetown, telephone 877-5256.



FREE WHEELING

There are miles and miles of roads in Halton Hills which are open to the enjoyment of cyclists. People heading out on two wheels this season should inform themselves about the "rules of the road". Insurance they might consider buying and where some of the last tours are taking place. A few simple preparations will make the trip a lot nicer.



Two-wheeled adventure in our great outdoors

You've bought your five or ten speed bicycle, and you've tried a few afternoon jaunts in the countryside and maybe to work. Now what?

A 34-year-old Kingston woman has an answer she herself has found exciting, weekend group bicycle touring. Linda Ann Daly's fledgling company, Bicycling Ontario, offers weekend tours on July 23-25, August 13-15, and September 17-19 to bicycle

worry about arrangements or whether they will meet others," Daly says.

Each tour is all inclusive, meals and two nights' accommodation provided, plus detailed trip guides compiled by Daly to highlight points of interest along the pre-chosen routes.

She has carefully selected her routes to include panoramic views of pastoral countryside, charming villages, museum stops and spectacular glimpses of Lake Ontario. The routes are just as carefully chosen to favor downhill glides over grinding up hills.

"I want to appeal to beginner and intermediate cyclists," Daly says by way of explanation. "Each day's trip is just long enough to pleasantly fill a morning and afternoon, travelling at a leisurely pace and with frequent stops to sightsee and browse."

Although the geographic area covered by Daly's tours is relatively small, there is a host of things of interest to sightseers, she attests.

"The Mill Run Tour" on the weekend of July 23-25 on the first day features a visit to the white sand dunes of Sandbanks Provincial Park for a swim and picnic. On the way back, a visit to picturesque Bloomfield Village demands an hour or two's browsing. A stop at the Old Cheese Factory at precisely the hour that the day's fresh

curd reaches the counter will tempt any hungry cyclist.

Sunday's tour brings a total change of pace, with breathtaking vistas, a stop at the Mariner's Museum for a picnic lunch and a leisurely sweep past tranquil Mill Pond.

Daly has planned each month's tour to capture the special flavour of its season. Participants sun and swim in July, pick blueberries in August's "Bloomfield Ridge Tour" and marvel at Fall's first colors on September's "Apple Pickin' Time" tour, Daly promises.

Each weekend features two day long trips, most averaging 20-35 miles (32-56 km) with August's tour being somewhat shorter. Cyclists must provide their own bicycles plus

transportation to the Fireside Inn at Picton, the tour starting point and evening haven. Daly has mapped out short cuts for the weary, but she says beginners shouldn't underestimate their abilities.

"A beginner on a five speed, which is generally harder to pedal than a ten speed, can definitely handle the longer routes," she says. However she recommends some practice beforehand to avoid sore muscles or, worse yet, seat-sore bottoms.

"I guarantee you'll sleep well!" she laughs.

To find out more about this summer's Bicycling Ontario tours, contact Linda Ann Daly at 63 Earl Street, Ste. 3, Kingston, Ontario K7L 2G5, Tel: 549-7926.

Be careful, OPP advises

Some major highways will also be patrolled by OPP aircraft. An OPP officer in the aircraft spots moving violators and radios the information to interceptor officers on the ground. Speeding drivers are timed between yellow triangular markers painted on the highway pavement at half-kilometre intervals.

"It's up to the individual driver to prevent accidents," Comm. Erskine said. "If all drivers made a commitment to slow down and take their time, we would see a dramatic reduction in the terrible toll of accidents on Ontario highways."

enthusiasts with a yen to explore picturesque Prince Edward County near the town of Picton, Ontario.

Daly's idea is to appeal to singles and to couples looking for a healthy, companionable vacation that is also economical.

"This is something single people can do on their own and not have to

the two of you are married. Any passenger may sue the driver, even children. Both the driver and the passenger could sue some third person if he or she was the cause of the accident.

What if you are injured by someone you never identify? This is where the Compulsory Automobile Insurance Act helps out. Your own insurance may cover you even though you don't know who the driver is or even a vehicle licence plate number. This applies as well when the driver is identified but has no insurance. The Motor Vehicle Accident Claims Fund used to cover this situation, but has been replaced in most cases by insurance. After all, you should not suffer because someone else is so irresponsible as to injure you and not stay to deal with the situation.

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"no-fault" insurance to provide immediate payment for medical bills and loss of wages. There is a \$100,000 minimum on other damages.

"General" damages would be for pain and suffering. You cannot recover more than \$100,000 for this alone because of a Supreme Court of Canada decision that made \$100,000 the upper limit.

"Special" damages are such expenses as repairing your motorcycle, loss of wages, hospital bills, medicine and so forth. You may also receive something for your legal fees if you sue.

You will need a lawyer when your claim is a large one because such cases are heard by County Courts or the High Court of Ontario, both of which have complicated rules of procedure. Whether or not you sue, note that you must inform the police of the accident within 24 hours or "as soon as practicable". You must notify the insurance company within 30 days to protect your rights. Your own insurer may be the one who pays you.

To help victims of accidents or the police find the driver of a motor vehicle that caused an accident, an address must be kept on file for the driver and the vehicle. A motorcycle is treated just like a car. Bicycles are not, but you are unlikely to be seriously injured by a bicycle that speeds into the night.

If you cause an accident, you may be faced

with civil liability; that is, sued for money, and with criminal liability. Say you drank too much and ran your motorcycle over someone's rose bushes. The owner of the bushes could sue for the cost of replacing them. The police could charge you with driving a motorcycle while impaired. There are even two types of "criminal" liability. The Highway Traffic Act has a section providing for fines for

careless driving. The Criminal Code has a section on criminal negligence in driving. You may not simply be fined. You could end up with a criminal record too.

If you are fined and do not pay or if you are sued and do not pay the money judgment, your licence to drive will be suspended. This is a further way for the province to keep people off the road who do not have the minimum skill, or make a reasonable effort, to drive safely. Since most people wish to drive if they own a vehicle, there is a strong inducement to pay. Victims of accidents are more likely to actually receive their money.

If you are in an accident, there may be more people who end up in court than just you and the other driver. Your motorcycle might have a faulty cam chain tensioner - a problem that plagued some types of motorcycles a few years back. You might sue the manufacturer for the injury you suffer. If your mechanic made a mistake and left you without brakes, you would certainly sue him. You may "cause" an accident although someone else is at fault.

POLICE BEAT

Spark cause?

A spark during clean-up at Frank Heller and Company Ltd. on Acton's McDonald Boulevard is believed responsible for a fire Monday morning that caused \$15,000 damage. Employees use a very volatile lacquer-based paint when coloring leather. While putting away metal tools which had been used, it's believed a spark was emitted causing the fire. About eight people were in the building at the time, but none was injured.

Terra Cotta accident

A Terra Cotta driver suffered minor injuries last Friday following an accident believed caused by a medical problem. The woman was driving westbound on Main Street when she left the roadway on approaching a curve, swerved into a ditch and collided with a tree. She was treated and released from Georgetown District Hospital for fainting spells.

Careless driving

A Georgetown driver northbound on Fifth Line was charged with careless driving after he lost control of his car as he neared the Highway 7 intersection and caused \$3,800 damage to his vehicle. Although the brakes were applied, the car left the roadway and struck a rock face before coming to a rest. Passenger Mary Burns suffered minor injuries.

Leads to arrest

Following investigation by Halton regional police detective Bill Riddle, a 19-year old man was charged with one count of theft over \$200 and possession of stolen property. James Chester has been charged in connection with the June theft of a motorcycle from an Irwin Crescent home in Georgetown. Mr. Chester is scheduled to appear in Milton provincial court Aug. 9.

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