

Cycling and the Law: Know your Rights!

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Dealing with the Police and Tickets

As a cyclist it is important to know your rights and obligations when dealing with the police. In certain circumstances, you may be involved in an accident or you may be pulled over by the police. There are various provisions under the Highway Traffic Act that apply to a cyclist.

Pursuant to the *Highway Traffic Act*, motorists and cyclists are subject to the same rules and fines for infractions. Accordingly, every person riding a bicycle should have an understanding of the rules of the road that apply to them.

Key sections of the *Highway Traffic Act* with respect to cyclists are set out below:

Section	Rule	Fine
s. 136: stop signs	Stop for all stop signs and comply with all other signs.	\$85
s. 144: traffic signals	Stop for all red lights	\$260
s. 147: slow moving traffic on right side	Any vehicle moving slower than the normal traffic speed should drive in the right-hand lane, or as close as practicable to the right edge of the road except when preparing to turn left or when passing another vehicle.	\$85
s. 142: signalling a turn	Before turning, look behind you and signal your turn. Cyclists can use their right arm to signal a right turn.	\$85
s. 140(1)/144(29): crosswalks	Yield or stop for pedestrians at crosswalks.	\$85
s. 140(6)/144(29): no riding in crosswalk	Walk your bike when crossing at a crosswalk.	\$85
s. 166: streetcars	Stop two metres behind streetcar doors and wait until	\$85

	passengers have boarded or departed and reached the curb.	
s. 175(12): stopped school buses	Stop for stopped school buses when the upper alternating red lights are flashing.	\$400
s. 62(17): lights	A bike must have a white front light and a red rear light or reflector if you ride between half hour before sunset and half hour after sunrise and white reflective tape on the front forks and red reflective tape on rear forms.	\$20
s. 75(5): bell	A bike must have a bell or horn in good working order.	\$85
s. 64(3): brakes	A bike must have at least one brake system on the rear wheel. When you put on the brakes, you should be able to skid on dry, level pavement.	\$85
s. 218: identification	Cyclists must stop and identify themselves when required to stop by police for breaking traffic laws. The police officer will ask you for your correct name and address.	\$85
s.178(2): passengers	Passengers are not allowed on a bicycle designed for one person.	\$85
s. 178(1): attaching to a vehicle	You are not permitted to attach yourself on a bicycle to a vehicle or street car on a roadway.	\$85
s. 104: helmets	Every cyclist under the age of eighteen must wear an approved bicycle helmet. Parents or guardians shall not knowingly permit cyclists under sixteen to ride without a helmet.	\$60
s. 179: dismounted bicyclist	Cyclists are required to ride on the right-hand side of the road. If you are walking your bike on a highway where there are no sidewalks, you are considered a pedestrian and you should walk on the left-hand side of the road facing traffic. If it is not safe for you to cross the road to face traffic, you may walk your bike on the right-hand side of the road.	\$35

HTA Reg. 630: expressways	Bicycles are prohibited on expressway/freeway highways such as the 400 series, the QEW, Ottawa Queensway and on roads where “No Bicycle” signs are posted	\$85
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If you are involved in a collision, you have an obligation to report it to the police within a reasonable time frame. Generally this should be done as soon as possible after the collision occurs. This can be done to a police officer who comes to the scene of the collision, or for more minor collisions, at a Collision Reporting Centre.

The police will not investigate every collision at the scene. Generally they will only come to the scene of a more serious collision where there have been injuries to the people involved. If you have been involved in a collision and the police come to the scene to investigate, they will want to speak with you to determine what happened. If asked, you have an obligation to identify yourself to the police and to show identification if you have any. You are also obligated to describe what occurred.

If you are charged with an offence under the *Highway Traffic Act* the police will give you a ticket which identifies you, the date of the incident, and specific offence with which you have been charged. On the back of the ticket you will see various options available to you regarding the charge. If you receive a ticket for a traffic infraction while riding a bicycle, there are a number of options to you:

1. Plead guilty: Pay the fine.
2. Plead guilty with a reason: Admit that you are guilty of the infraction, but the fine may be reduced if you have a good explanation. This involves negotiating with the Crown Prosecutor.
3. Plead not guilty: You must appear in person at the place indicated on your ticket. This usually takes place at Old City Hall, 100 Queen Street West, Toronto. Bring the ticket with you and enter a not-guilty plea to contest your ticket.

It is important to note that you cannot receive demerit points on your driver's licence for tickets received while you are a bicyclist.

After you enter a not-guilty plea, the court will mail you a notice indicating your trial date and time. Once you receive a trial date, you should request full disclosure from the Provincial Prosecutor's office. Disclosure will usually include police officer's notes, witness statements, and any other information that is relevant to your case. You must include the following information in your disclosure request letter:

- Complete and correct spelling of your name
- Provincial offence ticket offence number
- Date of the offence
- Trial date, time, courtroom, and location
- Officer's badge number and division
- Your contact information

After 4-5 weeks, you should call Old City Hall to see if your disclosure is ready for pick-up. If it is not disclosed to you within a reasonable amount of time before your trial, you can request that the charges be dropped. Otherwise, the trial can also be adjourned to another date.

On the day of trial, the officer will show up to give their evidence against you. You will have the opportunity to question the officer. The Judge will usually render their decision that same day.

You will be able to enter a not-guilty plea and request a lesser fine at any point during the trial.

If you are successful at contesting your ticket at trial, the ticket will be thrown out. The ticket will also be thrown out if the officer does not show up.