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MANUAL OF MOTOR VEHICLE LAW

Segal

Release No. 10, November 2023

This resource provides detailed annotations for the Ontario *Highway Traffic Act* as well as related provincial and federal statutes, and features a convenient words and phrases section of related judicially defined terms.

What's New in this Update:

This release adds new or updated case annotations to Chapter 9 (Part VI—Equipment), Chapter 12 (Part IX—Rate of Speed), and Chapter 13 (Part X—Rules of the Road), adds new regulations to Chapter 45 (Towing and Storage Safety and Enforcement Act, 2021), and adds new entries to the Words and Phrases appendix.

Highlights

Updates to the commentary introduces discussion of recent case law, including the following:

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- **Part IX: Rate of Speed – Nature of Offence** — The 36-year-old accused pleaded guilty to careless driving causing death and careless driving causing bodily harm, after his vehicle had drifted into the oncoming lane of a two-lane highway. The court found the accused’s driving record to be unremarkable, but noted his criminal record had included driving convictions. Consequently, the court imposed a sentence of 45 days’ intermittent, to be followed by two years’ probation and a two-year driving suspension: *R. v. Henry*, 2023 ONCJ 273, 2023 CarswellOnt 10156 (Ont. C.J.).

Updates to the Words & Phrases include judicial interpretations of the following terminology:

- **Roadway — British Columbia** — “[T]he portion of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder”: per Hughes J., at para. 100, in *Raber v. Romero*, 2022 BCSC 748, 2022 CarswellBC 1997 (B.C. S.C.).
- **Standard Auto Policy — New Brunswick** — “The Standard Auto Policy is a contract of indemnity between the insurer and its insured.... its primary purpose is not to “protect” third-party claimants”: per LeBlond J.A. (Green and French JJ.A. concurring), at para. 18, in *Cooperators General Insurance Company et al. v. Martin et al.*, 2022 NBCA 15, 2022 CarswellNB 176 (N.B. C.A.).

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages