

## Failing to Signal

s. 142, *Highway Traffic Act*

### Signalling Your Intentions

A common frustration for many drivers is the driver that 'forgets' to signal for turns or changes of lanes. In addition to causing frustration, failing to signal also poses a danger to others who may be surprised by an unexpected move. Equally annoying can be the driver that uses a signal; however, the signal is applied only at the last moment in a manner that fails to warn of a forthcoming move and instead becomes simply an indicator of what the driver is actually doing rather than a warning of what the driver is about to do. The law on proper signaling is found within [s. 142](#) of the *Highway Traffic Act*, [R.S.O. 1990, c. H.8](#), which states:

*The driver or operator of a vehicle upon a highway before turning to the left or right at any intersection or into a private road or driveway or from one lane for traffic to another lane for traffic or to leave the roadway shall first see that the movement can be made in safety, and if the operation of any other vehicle may be affected by the movement shall give a signal plainly visible to the driver or operator of the other vehicle of the intention to make the movement.*

Accordingly, the law requires that the signal be used to indicate an intention rather than an action. On another note, where the law states that a signal is required to provide indication of intentions where the intention may affect safe "*operation of any other vehicle*", a 'failure to signal' charge appears to require proof that another vehicle was present and may be affected; accordingly, where another vehicle must be present and thus if there is no other vehicle, there is no mandate in law to signal. Surprisingly, the mandate to signal intention applies only to, "*any other vehicle*"; and apparently, without similar mandate to signal intention to pedestrians.