

[Français](#)

Highway Traffic Act

R.S.O. 1990, CHAPTER H.8

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Interpretation, general Definitions

1. (1) In this Act,

“ambulance” includes,

- (a) an ambulance as defined in the *Ambulance Act*,
- (b) a cardiac arrest emergency vehicle operated by or under the authority of a hospital, and
- (c) an emergency response vehicle, other than an ambulance as defined in the *Ambulance Act*, operated by an ambulance service that is used to provide emergency response services, and that has been assigned an emergency response vehicle number by the Ministry of Health and Long-Term Care; (“ambulance”)

“bicycle” includes a tricycle, a unicycle and a power-assisted bicycle but does not include a motor-assisted bicycle; (“bicyclette”)

“built-up area” means a territory contiguous to a highway not within a local municipality, other than a local municipality that had the status of a township on December 31, 2002 and, but for the enactment of the *Municipal Act, 2001*, would have had the status of a township on January 1, 2003, where,

- (a) not less than 50 per cent of the frontage upon one side of the highway for a distance of not less than 200 metres is occupied by dwellings, buildings used for business purposes, schools or churches,
- (b) not less than 50 per cent of the frontage upon both sides of the highway for a distance of not less than 100 metres is occupied by dwellings, buildings used for business purposes, schools or churches, or
- (c) not more than 200 metres of the highway separates any territory described in clause (a) or (b) from any other territory described in clause (a) or (b),

and signs are displayed as required by the regulations; (“agglomération”)

“bus” means a motor vehicle designed for carrying ten or more passengers and used for the transportation of persons; (“autobus”)

“chauffeur” means a person who operates a motor vehicle and receives compensation therefor; (“chauffeur”)

“commercial motor vehicle” means a motor vehicle having permanently attached thereto a truck or delivery body and includes ambulances, hearses, casket wagons, fire apparatus, buses and tractors used for hauling purposes on the highways; (“véhicule utilitaire”)

“conversion unit” means a mechanical device consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle; (“essieu relevable”)

“conviction” includes a disposition made under the *Young Offenders Act* (Canada) or a sentence imposed under the *Youth Criminal Justice Act* (Canada); (“déclaration de culpabilité”)

“crosswalk” means,

- (a) that part of a highway at an intersection that is included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the roadway, or
- (b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by signs or by lines or other markings on the surface; (“passage protégé pour piétons”)

“Deputy Minister” means the Deputy Minister of Transportation; (“sous-ministre”)

“driver” means a person who drives a vehicle on a highway; (“conducteur”)

“driver’s licence” means a licence issued under section 32 to drive a motor vehicle on a highway; (“permis de conduire”)

“farm tractor” means a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing-machines and other implements of husbandry and not designed or used for carrying a load; (“tracteur agricole”)

“fire department vehicle” includes an emergency crash extrication vehicle owned and operated by a rescue organization approved by the Minister in writing for the purposes of this Act and a vehicle designated in writing by the Fire Marshal of Ontario as a fire department vehicle; (“véhicule de pompiers”)

“garage” means every place or premises where motor vehicles are received for housing, storage

or repairs for compensation; (“garage”)

“gross weight” means the combined weight of vehicle and load; (“poids brut”)

“highway” includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between the lateral property lines thereof; (“voie publique”)

“intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways that join one another at an angle, whether or not one highway crosses the other; (“intersection”)

“King’s Highway” includes the secondary highways and tertiary roads designated under the *Public Transportation and Highway Improvement Act*; (“route principale”)

“median strip” means the portion of a highway so constructed as to separate traffic travelling in one direction from traffic travelling in the opposite direction by a physical barrier or a raised or depressed paved or unpaved separation area that is not intended to allow crossing vehicular movement; (“terre-plein central”)

“Minister” means the Minister of Transportation; (“ministre”)

“Ministry” means the Ministry of Transportation; (“ministère”)

“mobile home” means a vehicle, other than a motor vehicle, that is designed and used as a residence or working accommodation unit and exceeds 2.6 metres in width or eleven metres in length; (“maison mobile”)

“motor assisted bicycle” means a bicycle,

- (a) that is fitted with pedals that are operable at all times to propel the bicycle,
- (b) that weighs not more than fifty-five kilograms,
- (c) that has no hand or foot operated clutch or gearbox driven by the motor and transferring power to the driven wheel,
- (d) that has an attached motor driven by electricity or having a piston displacement of not more than fifty cubic centimetres, and
- (e) that does not have sufficient power to enable the bicycle to attain a speed greater than 50 kilometres per hour on level ground within a distance of 2 kilometres from a standing start; (“cyclomoteur”)

“motor vehicle” includes an automobile, a motorcycle, a motor-assisted bicycle unless otherwise indicated in this Act, and any other vehicle propelled or driven otherwise than by muscular power, but does not include a street car or other motor vehicle running only upon rails, a power-assisted bicycle, a motorized snow vehicle, a traction engine, a farm tractor, a self-propelled implement of husbandry or a road-building machine; (“véhicule automobile”)

“motorcycle” means a self-propelled vehicle having a seat or saddle for the use of the driver and designed to travel on not more than three wheels in contact with the ground, and includes a motor scooter, but does not include a motor assisted bicycle; (“motocyclette”)

“motorized snow vehicle” has the same meaning as in the *Motorized Snow Vehicles Act*;

(“motoneige”)

“official sign” means a sign approved by the Ministry; (“panneau officiel”)

“park” or “parking”, when prohibited, means the standing of a vehicle, whether occupied or not, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers; (“stationnement”)

“peace officer” includes a mayor, warden, reeve, sheriff, deputy sheriff, sheriff’s officer, justice of the peace, jailer or keeper of a prison, and a police officer, bailiff, or other person employed for the preservation and maintenance of the public peace, or for the service or execution of civil process, or any officer appointed for enforcing or carrying out the provisions of this Act; (“agent de la paix”)

“pedestrian crossover” means any portion of a roadway, designated by by-law of a municipality, at an intersection or elsewhere, distinctly indicated for pedestrian crossing by signs on the highway and lines or other markings on the surface of the roadway as prescribed by the regulations; (“passage pour piétons”)

“power-assisted bicycle” means a bicycle that,

- (a) is a power-assisted bicycle as defined in subsection 2 (1) of the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada),
- (b) bears a label affixed by the manufacturer in compliance with the definition referred to in clause (a),
- (c) has affixed to it pedals that are operable, and
- (d) is capable of being propelled solely by muscular power; (“bicyclette assistée”)

“public vehicle” has the same meaning as in the *Public Vehicles Act*; (“véhicule de transport en commun”)

“Registrar” means the Registrar of Motor Vehicles appointed under this Act; (“registrateur”)

“regulations” means the regulations made under this Act; (“règlements”)

“road-building machine” means a self-propelled vehicle of a design commonly used in the construction or maintenance of highways, including but not limited to,

- (a) asphalt spreaders, concrete paving or finishing machines, motor graders, rollers, tractor-dozers and motor scrapers,
- (b) tracked and wheeled tractors of all kinds while equipped with mowers, post-hole diggers, compactors, weed spraying equipment, snow blowers and snow plows, front-end loaders, back-hoes or rock drills, and
- (c) power shovels on tracks and drag lines on tracks,

but not including a commercial motor vehicle; (“machine à construire des routes”)

“road service vehicle” means a vehicle while it is being used for highway maintenance purposes by or on behalf of a municipality or other authority with jurisdiction and control of the highway; (“véhicule de la voirie”)

“roadway” means the part of the highway that is improved, designed or ordinarily used for

vehicular traffic, 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 to all of the roadways collectively; (“chaussée”)

“safety glass” means any product that is composed of glass and so manufactured, fabricated or treated as substantially to prevent the shattering and flying of the glass when struck or broken and that is approved by the Ministry, or such other or similar product that is approved by the Ministry; (“verre de sécurité”)

“self-propelled implement of husbandry” means a self-propelled vehicle manufactured, designed, redesigned, converted or reconstructed for a specific use in farming; (“matériel agricole automoteur”)

“stand” or “standing”, when prohibited, means the halting of a vehicle, whether occupied or not, except for the purpose of and while actually engaged in receiving or discharging passengers; (“immobilisation”)

“state of the United States of America” includes the District of Columbia; (“État des États-Unis d’Amérique”)

“stop” or “stopping”, when prohibited, means the halting of a vehicle, even momentarily, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or of a traffic control sign or signal; (“arrêt”)

“street car” includes a car of an electric or steam railway; (“tramway”)

“through highway” means a highway or part of a highway designated as such by the Minister or by by-law of a municipality, and every such highway shall be marked by a stop sign or yield right of way sign in compliance with the regulations of the Ministry; (“route à priorité”)

“trailer” means a vehicle that is at any time drawn upon a highway by a motor vehicle, except an implement of husbandry, a mobile home, another motor vehicle or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the motor vehicle by which it is drawn; (“remorque”)

“trailer converter dolly” means a device consisting of one or more axles, a fifth wheel lower-half and a tow bar; (“avant-train à sellette”)

“Tribunal” means the Licence Appeal Tribunal; (“Tribunal”)

“vehicle” includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, bicycle and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include a motorized snow vehicle or a street car; (“véhicule”)

“wheelchair” means a chair mounted on wheels driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments. (“fauteuil roulant”) R.S.O. 1990, c. H.8, s. 1 (1); 1994, c. 27, s. 138 (1); 1999, c. 12, Sched. G, s. 24 (1, 2); 2002, c. 17, Sched. F, Table; 2006, c. 19, Sched. D, s. 9 (1); 2009, c. 5, s. 1 (1-7); 2009, c. 33, Sched. 26, s. 3 (1, 2).

Suspension or cancellation of licence or permit

(2) Where in this Act the Minister, a provincial judge, a justice of the peace or other official

is authorized or directed to suspend or cancel the licence or permit of any person, and the person is the holder of both a licence and a permit issued under this Act, every such authority extends to both licence and permit and every such direction may in the discretion of the Minister, provincial judge, justice of the peace or other official be made to apply to both licence and permit. R.S.O. 1990, c. H.8, s. 1 (2).

Overpass and underpass

(3) For the purposes of Part IX and any regulations or municipal by-laws made thereunder, every overpass and underpass shall be deemed to form part of the highway that it connects. R.S.O. 1990, c. H.8, s. 1 (3).

References to Criminal Code

(4) Any reference in this Act to the *Criminal Code* (Canada) shall be deemed to be a reference to the *Criminal Code* (Canada) as amended or re-enacted from time to time. R.S.O. 1990, c. H.8, s. 1 (4).

Idem

(5) Any reference in this Act or the regulations to a conviction or discharge for an offence under the *Criminal Code* (Canada) includes a conviction or discharge for the corresponding offence under the *National Defence Act* (Canada). R.S.O. 1990, c. H.8, s. 1 (5).

Pardons

(6) This Act and the regulations apply to a person who has been granted a pardon under the *Criminal Records Act* (Canada) in the same manner as if the person had not been granted the pardon. 2001, c. 9, Sched. O, s. 1.

Transition, police villages

(7) This Act, as it read on December 31, 2002, continues to apply to police villages continued under subsection 456 (1) of the *Municipal Act, 2001*. 2002, c. 17, Sched. F, Table.

Calculation of days

(8) Where a suspension or impoundment is imposed under section 41.4, 48, 48.1, 48.2.1, 48.4, 55.2 or 172, the period of the suspension or impoundment shall be determined by counting 24 hours for each day. 2009, c. 5, s. 1 (8).

Definition of resident of Ontario

(9) The Lieutenant Governor in Council may make regulations prescribing who is a resident of Ontario for any purpose of this Act. 2008, c. 17, s. 28.

Application of Act to places other than highways

1.1 The Lieutenant Governor in Council may make regulations providing that this Act or any provision of this Act or of a regulation applies to a specified place or class of place that is not a highway. 2007, c. 13, s. 2.

PART I ADMINISTRATION

Powers and duties of Ministry

2. Where by this Act powers are conferred or duties are imposed upon the Ministry, the powers may be exercised and the duties discharged by the Minister. R.S.O. 1990, c. H.8, s. 2.

Registrar of Motor Vehicles

3. (1) There shall be a Registrar of Motor Vehicles appointed by the Lieutenant Governor in Council. R.S.O. 1990, c. H.8, s. 3 (1).

Duties

(2) The Registrar shall act under the instructions of the Minister and Deputy Minister and has general supervision over all matters relating to highway traffic within Ontario, and shall perform the duties that are assigned to him or her by this Act, by the Lieutenant Governor in Council, or by the Minister or Deputy Minister. R.S.O. 1990, c. H.8, s. 3 (2).

Delegation of powers, etc., to Deputy Minister and Registrar

(3) The Minister may authorize the Deputy Minister and the Registrar or either of them to exercise and discharge in his or her place any of the powers conferred or the duties imposed upon him or her under this Act or the regulations and, where both the Deputy Minister and the Registrar are so authorized, either of them may exercise and discharge any of the powers and duties. R.S.O. 1990, c. H.8, s. 3 (3).

Delegation of powers of Registrar

(4) The Deputy Minister, with the consent of the Minister, may authorize any public servant or servants in the Ministry to exercise any or all of the powers and duties of the Registrar. R.S.O. 1990, c. H.8, s. 3 (4); 1996, c. 20, s. 1.

Deputy Registrar

4. There shall be a Deputy Registrar appointed by the Lieutenant Governor in Council who shall have all the powers and may perform all the duties of the Registrar. R.S.O. 1990, c. H.8, s. 4.

Forms

4.0.1 The Minister may require that forms approved by the Minister be used for any purpose under this Act. 2008, c. 17, s. 29.

Power to do things electronically

4.1 (1) Anything that the Minister, the Ministry or the Registrar is required or authorized to do or to provide under this Act may be done or provided by electronic means or in an electronic format. 2007, c. 13, s. 3.

Same

(2) Anything that any person is required or authorized to do or to provide to the Minister, the Ministry or the Registrar under this Act may be done or provided by electronic means or in an electronic format, in the circumstances and in the manner specified by the Ministry. 2007, c. 13, s. 3.

Regulations re fees

5. (1) The Lieutenant Governor in Council may make regulations,

- (a) providing for the payment of fees for the issue, renewal, replacement or transfer of permits, licences and number plates under this Act and prescribing the amount of the fees;
- (b) providing for the payment of fees for copies of or access to any writing, paper or document filed in the Ministry pursuant to this Act or any statement containing information from the records of the Ministry and prescribing the amount of the fees;
- (c) providing for the payment of fees upon application to the Ministry for any approval

required under this Act in respect of any equipment to be used on a vehicle and prescribing the amount of the fees;

- (d) providing for and governing the imposition and payment of administrative fees for the reinstatement of suspended licences;
- (d.1) providing for exemptions from payment of the administrative fees prescribed under clause (d) and prescribing conditions and circumstances for any such exemption;
- (e) providing for the payment of administrative fees for handling dishonoured payments tendered for the issue, renewal, replacement, transfer, validation or reinstatement of permits, licences and number plates;
- (f) prescribing a rate of interest for purposes of subsection (2), when interest starts to run and the method of calculating the interest;
- (g) prescribing penalties for the purposes of subsections (2) and 5.1 (2) and the method of determining the amount of any penalty;
- (h) prescribing fees for anything done or provided by or on behalf of the Minister, the Ministry or the Registrar under this Act;
- (i) prescribing consequences in regard to a licence, permit or number plate where a fee or penalty required or imposed under this Act is not paid or its payment is dishonoured. R.S.O. 1990, c. H.8, s. 5 (1); 1994, c. 27, s. 138 (2); 1996, c. 20, s. 2; 2006, c. 33, Sched. M, s. 1 (1); 2007, c. 13, s. 4.

Interest and penalties when payment dishonoured

[\(2\)](#) Where payment for any fee or tax is dishonoured, interest at a prescribed rate may be charged on the amount of the payment and a penalty may be imposed. 1994, c. 27, s. 138 (3).

Fees may include cost recovery portion

[\(3\)](#) A fee prescribed or set under this Act for the issuance or renewal of any permit or licence or for the validation of any permit may include a portion that is for the recovery of costs related to public highway infrastructure. 2006, c. 33, Sched. M, s. 1 (2).

Administrative monetary penalties

[5.1 \(1\)](#) The Lieutenant Governor in Council may make regulations,

- (a) providing for and governing the imposition and payment of administrative monetary penalties payable by persons whose driver's licence has been suspended, including prescribing different penalties based on the number of times the licence has previously been suspended and on the grounds for suspension;
- (b) providing for exemptions from payment of an administrative monetary penalty and prescribing conditions and circumstances for any such exemption. 2007, c. 13, s. 5.

Interest and penalties when payment dishonoured

[\(2\)](#) Where payment for an administrative monetary penalty is dishonoured, interest at a prescribed rate may be charged on the amount of the payment and a further penalty may be imposed. 2007, c. 13, s. 5.

Cancellation of permit, licence where false information is provided

[5.2 \(1\)](#) If the Minister is satisfied that any information provided by the holder of a vehicle

permit or driver's licence to the Ministry or the Ministry's delegate is false, the Minister may, without prior notice to the holder, do either or both of the following:

1. Cancel the vehicle permit or driver's licence.
2. Correct and amend the Ministry's records. 2008, c. 17, s. 30.

Benefits obtained under false information nullified

[\(2\)](#) The holder of a vehicle permit or driver's licence cancelled under subsection (1) is subject to the requirements of this Act without the benefit of anything done under this Act in reliance on the false information. 2008, c. 17, s. 30.

Cancellation of permit, licence where information on permit, licence is incorrect

[5.3 \(1\)](#) The Minister may cancel a vehicle permit or driver's licence if the Minister is satisfied that any information appearing on the vehicle permit or driver's licence is incorrect. 2008, c. 17, s. 30.

Notice to holder

[\(2\)](#) Before taking any action under subsection (1), the Minister shall mail notice of his or her intention to cancel the vehicle permit or driver's licence to the holder of the permit or licence at the last known address of the holder on the records of the Ministry, stating that the holder has 60 days from the date of the notice to provide the Minister with the correct information. 2008, c. 17, s. 30.

Holder to provide correct information

[\(3\)](#) The Minister shall not take the proposed action under subsection (1) if the holder of the vehicle permit or driver's licence provides the Minister with revised information in the form and manner required by the Minister within 60 days after the date of the notice under subsection (2) and the Minister is satisfied that the revised information is correct. 2008, c. 17, s. 30.

Holder fails to provide correct information

[\(4\)](#) If the holder fails to provide the correct information as required under subsection (3), the Minister may take the action proposed under subsection (1), but not earlier than 60 days after the date of the notice, and the Minister shall mail notice of the action taken to the holder at the last known address of the holder on the records of the Ministry. 2008, c. 17, s. 30.

Protection from personal liability

[5.4 \(1\)](#) No action or other proceeding for damages shall be instituted against the Minister, the Registrar of Motor Vehicles, a public servant, a delegate or agent of the Minister for anything done in good faith in the execution or intended execution of a power or duty under section 5.2 or 5.3. 2008, c. 17, s. 30.

Crown not relieved of liability

[\(2\)](#) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject. 2008, c. 17, s. 30.

PART II PERMITS

Interpretation, Part II

[6. \(1\)](#) In this Part,

“CAVR cab card” means a permit issued by the Ministry pursuant to the Canadian Agreement on Vehicle Registration; (“certificat d’immatriculation ECIV”)

“holder”, when used in relation to a permit, means the person in whose name the plate portion of a permit is issued; (“titulaire”)

“IRP cab card” means a permit issued by the Ministry or another jurisdiction pursuant to the International Registration Plan; (“certificat d’immatriculation IRP”)

“IRP inspector” means a person appointed as an IRP inspector under subsection 7.3 (1); (“inspecteur de l’IRP”)

“lessee” means a person who has leased a vehicle for a period of not less than one year; (“locataire”)

“number”, when used in relation to a permit or plate, means a number, a series of letters or a combination of letters and numbers, and “numbered”, when so used, has a corresponding meaning; (“numéro”, “numéroté”)

“permit” means a permit issued under subsection 7 (7) consisting, except when the permit is a CAVR cab card or an IRP cab card, of a vehicle portion and a plate portion; (“certificat d’immatriculation”)

“police officer” includes an officer appointed for carrying out the provisions of this Act; (“agent de police”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“validate” means render in force for the prescribed period of time and “validation” and “validated” have corresponding meanings. (“valider”, “validation”, “valide”) R.S.O. 1990, c. H.8, s. 6 (1); 1999, c. 12, Sched. R, s. 1 (2, 3); 2002, c. 22, s. 95.

Person authorized by Minister

[\(2\)](#) Where, in this Part, it is specified that an act may be done by the Ministry, it may be done by a person authorized by the Minister to do the act. R.S.O. 1990, c. H.8, s. 6 (2).

Permit requirements

[7. \(1\)](#) No person shall drive a motor vehicle on a highway unless,

- (a) there exists a currently validated permit for the vehicle;
- (b) there are displayed on the vehicle, in the prescribed manner,
 - (i) number plates issued in accordance with the regulations showing the number of the permit issued for the vehicle, or
 - (ii) number plates described in subsection (7.2) if the vehicle is an historic vehicle and the Ministry has issued a currently validated permit for it; and
- (c) evidence of the current validation of the permit is affixed, in the prescribed manner, to,
 - (i) one of the number plates mentioned in subclause (b) (i) displayed on the vehicle, or
 - (ii) to a mini-plate attached to the number plate exposed on the rear of the vehicle, if number plates described in subsection (7.2) are displayed on the vehicle. R.S.O. 1990, c. H.8, s. 7 (1); 2000, c. 29, s. 1 (1).

Historic vehicle

[\(1.1\)](#) In this section,

“historic vehicle” means a motor vehicle that,

- (a) is at least 30 years old, and
 - (b) is substantially unchanged or unmodified from the original manufacturer’s product.
- 2000, c. 29, s. 1 (2).

Self-propelled implement of husbandry

[\(2\)](#) Subsection (1) applies to a self-propelled implement of husbandry that is operated on a highway other than when travelling from farm to farm in relation to the specific use for which it was manufactured, designed, redesigned, converted or reconstructed or in travelling to or from such places as may be necessary for the maintenance or repair of the vehicle. R.S.O. 1990, c. H.8, s. 7 (2).

Exemptions for cls. (1) (b, c)

[\(3\)](#) Clauses (1) (b) and (c) do not apply in respect of a motor vehicle for which the permit is a CAVR cab card or an IRP cab card. 1999, c. 12, Sched. R, s. 2 (1).

Permit for trailer

[\(4\)](#) No person shall draw a trailer on a highway unless,

- (a) there exists a permit for the trailer; and
- (b) there is displayed on the trailer, in the prescribed manner, a number plate showing the number of the permit issued for the trailer. R.S.O. 1990, c. H.8, s. 7 (4).

Permit to be carried

[\(5\)](#) Subject to subsection (6), every driver of a motor vehicle on a highway shall carry,

- (a) the permit for it or a true copy thereof; and
- (b) where the motor vehicle is drawing a trailer, the permit for the trailer or a true copy thereof,

and shall surrender the permits or copies for inspection upon the demand of a police officer. R.S.O. 1990, c. H.8, s. 7 (5).

Same

[\(6\)](#) Where a permit is a CAVR cab card or an IRP cab card, the requirements of subsection (5) apply to the original permit and not to a copy and to the permit from the jurisdiction that issued the number plates for the vehicle. 1999, c. 12, Sched. R, s. 2 (3).

Issuance of permits and number plates

[\(7\)](#) The Ministry may issue a permit of any prescribed class, number plates and evidence of validation to any person who meets the requirements of this Act and the regulations. R.S.O. 1990, c. H.8, s. 7 (7).

Permit for historic vehicle

[\(7.1\)](#) If the Ministry issues a permit to an applicant for an historic vehicle and the applicant is in possession of number plates described in subsection (7.2), the number of the permit shall be the same as the number shown on those number plates. 2000, c. 29, s. 1 (2).

Number plates for historic vehicle

[\(7.2\)](#) Subsection (7.1) applies to number plates that,

- (a) are Ontario number plates that were issued during the year of manufacture of the motor vehicle;
- (b) are in a condition satisfactory to the Ministry; and
- (c) show no numbers that duplicate the number of any other existing permit. 2000, c. 29, s. 1 (2).

Use of plates

[\(8\)](#) The Ministry may authorize number plates in an applicant's possession for use on a vehicle. R.S.O. 1990, c. H.8, s. 7 (8).

Refusal to validate

[\(9\)](#) Validation of a permit may be refused where the permit holder is indebted to the Minister of Finance in respect of a vehicle-related fee or tax or in respect of a penalty imposed under this Act. R.S.O. 1990, c. H.8, s. 7 (9); 1994, c. 27, s. 138 (4); 2006, c. 33, Sched. M, s. 2 (1).

No permit validation when fines unpaid

[\(10\)](#) Where a permit holder is in default of payment of a fine imposed for a parking infraction or of a fine imposed upon conviction of an offence under subsection 39.1 (2), an order or direction may be made under section 69 of the *Provincial Offences Act* directing that validation of that person's permit and issuance of a new permit to that person shall be refused until the fine is paid. 2005, c. 26, Sched. A, s. 1.

No permit issued when fines unpaid

[\(11\)](#) Where a person who is not a permit holder is in default of payment of a fine imposed for a parking infraction or of a fine imposed upon conviction of an offence under subsection 39.1 (2), an order or direction may be made under section 69 of the *Provincial Offences Act* directing that the issuance of a permit shall be refused to that person until the fine is paid. 2005, c. 26, Sched. A, s. 1.

No permit when photo-radar fine unpaid

[\(11.1\)](#) If an owner of a vehicle is in default of payment of a fine imposed for a conviction based on evidence obtained through the use of a photo-radar system, an order or direction may be made under section 69 of the *Provincial Offences Act* directing that,

- (a) if the owner holds a permit, validation of that owner's permit be refused until the fine is paid; or
- (b) if the owner does not hold a permit, the issuance of a permit be refused until the fine is paid. 1993, c. 31, s. 2 (3).

No permit when red light camera fine unpaid

[\(11.2\)](#) If an owner of a vehicle is in default of payment of a fine imposed for a conviction based on evidence obtained through the use of a red light camera system, an order or direction may be made under section 69 of the *Provincial Offences Act* directing that,

- (a) if the owner holds a permit, validation of that owner's permit be refused until the fine is paid; or

- (b) if the owner does not hold a permit, the issuance of a permit be refused until the fine is paid. 1998, c. 38, s. 1 (1).

No permit when owner's fine for passing school bus unpaid

[\(11.3\)](#) If an owner of a vehicle is in default of payment of a fine imposed for a conviction of an offence under subsection 175 (19) or (20), an order or direction may be made under section 69 of the *Provincial Offences Act* directing that,

- (a) if the owner holds a permit, validation of that owner's permit be refused until the fine is paid; or
- (b) if the owner does not hold a permit, the issuance of a permit be refused until the fine is paid. 2004, c. 22, s. 1 (1).

Exception to permit denials

[\(12\)](#) If a person holds more than one permit and an order or direction in respect of that person is made under section 69 of the *Provincial Offences Act* pursuant to this section, the order or direction shall not apply so as to prevent validation of any permit in respect of which the numbered plate evidencing current validation of the permit had not been displayed on the vehicle involved in the infraction. 2004, c. 22, s. 1 (2).

Firefighters

[\(12.1\)](#) On application by a person who meets the requirements of this Act and the regulations and who is a firefighter under the *Fire Protection and Prevention Act, 1997*, the Ministry or a person authorized by the Ministry may issue to the applicant a sticker, that indicates that the vehicle is registered to or leased by a firefighter, to be attached to the lower left hand corner of the front number plate of any motor vehicle of which the person is the registered owner or lessee. 1993, c. 8, s. 1; 2006, c. 19, Sched. T, s. 4 (1).

[\(12.2\)](#) Repealed: 2009, c. 5, s. 2.

Same

[\(12.3\)](#) A person to whom a sticker has been issued under subsection (12.1) shall not display the sticker upon ceasing to be a firefighter under the *Fire Protection and Prevention Act, 1997* or upon ceasing to meet the requirements prescribed by the regulations. 1993, c. 8, s. 1; 2006, c. 19, Sched. T, s. 4 (2).

Regulations

[\(12.4\)](#) The Lieutenant Governor in Council may make regulations respecting the issuance, replacement and cancellation of a sticker referred to in subsection (12.1). 1993, c. 8, s. 1.

Records

[\(13\)](#) The Ministry shall maintain,

- (a) a numerical index record of all permits issued and in force under this section; and
- (b) an alphabetical index record of the names and addresses of all persons to whom permits that are in force have been issued. R.S.O. 1990, c. H.8, s. 7 (13).

Effective term of permit

[\(14\)](#) A permit that is issued or validated is in force during the period of time prescribed by the regulations. R.S.O. 1990, c. H.8, s. 7 (14).

One permit only

(15) No person shall apply for, secure or retain in the person's possession more than one permit bearing the same plate number or describing the same vehicle. R.S.O. 1990, c. H.8, s. 7 (15).

Minister may refuse to issue or validate or may cancel permit

(16) The Minister may, in his or her discretion, refuse to issue or validate or may cancel any permit issued for any motor vehicle or trailer that is to be used or is used as a public vehicle within the meaning of the *Public Vehicles Act*, unless the owner of such motor vehicle or trailer is in possession of an operating licence as required by that Act. 2002, c. 18, Sched. P, s. 1.

(17) Repealed: 2002, c. 22, s. 97 (1).

(18)-(20) Repealed: 2002, c. 22, s. 97 (2).

Retaining portion of fee

(21) Despite section 2 of the *Financial Administration Act*, any person who issues permits or provides any other service in relation to permits on behalf of the Minister, pursuant to an agreement with the Minister, may retain, from the fee paid, the amount that is approved by the Minister from time to time. R.S.O. 1990, c. H.8, s. 7 (21).

Permit documentation

(22) Before the issuance or validation of a permit under this section, the Minister may require production of the documentation that the Minister considers necessary to enable him or her to determine whether a permit may be issued or validated and that documentation may be different for different vehicles or classes of vehicles or in respect of the same vehicles or classes of vehicles used for different purposes. R.S.O. 1990, c. H.8, s. 7 (22).

Administration of declarations and affidavits

(23) Declarations or affidavits in connection with the issuance of permits and licences under this Act or required by the Ministry in that regard may be taken before any person having authority to administer oaths or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor. R.S.O. 1990, c. H.8, s. 7 (23).

Regulations re permits and number plates

(24) The Lieutenant Governor in Council may make regulations respecting any matter ancillary to the provisions of this Part with respect to permits and number plates and in particular,

- (a) prescribing forms for the purposes of this section and requiring their use;
- (b) respecting the issuance and validation of permits and the issuance of number plates;
- (c) prescribing the period of time or the method of determining the period of time during which permits shall be in force that are issued or validated for motor vehicles or trailers or any class or type of either of them;
- (d) prescribing fees for the issuance, validation and replacement of permits and number plates and of evidence of validation of permits;
- (e) governing the manner of displaying number plates on motor vehicles and trailers or any class or type of either of them;
- (f) governing the method of validating permits and the form of and manner of affixing,

- displaying or showing evidence of the validation of permits on motor vehicles;
- (g) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of,
- (i) vehicle manufacturers, or
 - (ii) vehicle dealers,
- where the vehicles are kept for sale only and prescribing conditions under which the vehicles may be operated on the highway;
- (h) respecting permits and number plates for use, on a temporary basis, on motor vehicles or trailers owned by or in the possession of persons in the business of repairing, road testing, customizing, modifying or transporting vehicles where the vehicles are not kept for private use or for hire and prescribing conditions under which the vehicles may be operated on the highway;
- (i) prescribing when a permit becomes valid;
- (j) classifying persons and vehicles and exempting any class of person or any class of vehicle from any requirement in this Part or any regulation made under this Part and prescribing conditions for any such exemptions;
- (k) requiring the surrender of number plates;
- (l) classifying permits, providing for the issuing or validating of any class of permit and the requirements therefor and for the issuing of number plates and evidence of validation and the requirements therefor;
- (m) prescribing requirements for the purposes of subsections 11 (3) and (4);
- (n) prescribing conditions precedent or subsequent for the issuing or validating of any class of permit or number plate or the issuing of any evidence of validation;
- (o) prescribing the criteria for the issuance, retention and return of a number plate bearing a requested number. R.S.O. 1990, c. H.8, s. 7 (24); 1994, c. 27, s. 138 (5); 2006, c. 33, Sched. M, s. 2 (2).

International Registration Plan

7.1 (1) The Minister may apply to have Ontario made a member of the reciprocal agreement known as the International Registration Plan. 1999, c. 12, Sched. R, s. 3.

Effect of membership in Plan

(2) If Ontario is a member of the Plan, the provisions of this Part and the regulations made under this Part are subject to the provisions of the Plan with respect to,

- (a) the issuance of permits for commercial motor vehicles engaged in interprovincial or international travel; and
- (b) the registration and licence fees for such vehicles, which shall be apportioned, as provided in the Plan, on the basis of the distance travelled by the vehicles within each jurisdiction that is a member of the Plan. 1999, c. 12, Sched. R, s. 3.

Exemptions

(3) If Ontario is a member of the Plan, persons who reside in or are based in another

jurisdiction that is a member of the Plan are exempt, if so provided in the Plan, from the requirements of this Part and from the fees prescribed under this Part with respect to commercial motor vehicles owned or leased by such persons. 1999, c. 12, Sched. R, s. 3.

Same

(4) A person is not entitled to an exemption under subsection (3) unless the person is in compliance with the motor vehicle laws of the jurisdiction where the commercial motor vehicle owned or leased by the person is registered. 1999, c. 12, Sched. R, s. 3.

Interpretation

(5) For the purpose of subsection (3), where a person resides or is based shall be determined in accordance with the terms of the Plan. 1999, c. 12, Sched. R, s. 3.

Record-keeping by IRP permit holders

7.2 (1) Every holder of an IRP cab card issued under subsection 7 (7) shall maintain and preserve the prescribed records for five years after the registration year for which the IRP cab card was issued. 2002, c. 22, s. 98; 2004, c. 31, Sched. 18, s. 1.

Offence

(2) Every person who fails to comply with subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000. 2002, c. 22, s. 98.

Examination and inspection

7.3 (1) The Minister may appoint one or more employees of the Government of Ontario as IRP inspectors. 2002, c. 22, s. 98.

Identification

(2) An IRP inspector conducting an examination and inspection shall produce, on request, evidence of his or her appointment. 2002, c. 22, s. 98.

Powers

(3) For any purpose related to the administration or enforcement of the International Registration Plan, an IRP inspector may, at any reasonable time, enter any place where activities related to an IRP cab card holder's operation of commercial motor vehicles are carried on or where anything is kept or done in connection with such operation or any records are kept under this Part. 2002, c. 22, s. 98.

Same

(4) An IRP inspector may conduct an examination and inspection at the place entered under subsection (3) and for such purpose may,

- (a) examine and inspect a record or other thing that may be relevant to the examination and inspection;
- (b) require the production of a record or other thing that the IRP inspector thinks may be relevant to the examination and inspection;
- (c) remove for examination, inspection or copying any record or other thing that the IRP inspector thinks may be relevant to the examination and inspection;
- (d) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place and require any person, including the IRP cab card holder, any partner, director,

officer, agent, representative or employee of the holder, any driver engaged by the holder or any person at the place, to give the IRP inspector all reasonable assistance in using them;

- (e) require any person, including the IRP cab card holder, any partner, director, officer, agent, representative or employee of the holder, any driver engaged by the holder or any person at the place, to give the IRP inspector all reasonable assistance in the examination and inspection;
- (f) question any person, including the IRP cab card holder, any partner, director, officer, agent, representative or employee of the holder, any driver engaged by the holder or any person at the place, on matters that the IRP inspector thinks may be relevant to the examination and inspection and require answers to be made orally or in writing;
- (g) require any person, including the IRP cab card holder, any partner, director, officer, agent, representative or employee of the holder or any driver engaged by the holder, to attend at the place with the IRP inspector for the purpose of clause (d), (e) or (f). 2002, c. 22, s. 98.

Written demand for records

[\(5\)](#) An IRP inspector may at any time, for any purpose related to the administration or enforcement of the International Registration Plan, deliver a demand personally on an IRP cab card holder, any partner, director, officer, agent, representative or employee of the holder or any driver engaged by the holder, or mail a demand to such person at the latest address of the person appearing on the records of the Ministry, requiring that the person deliver to the IRP inspector, within the time specified in the demand, any record or other thing the production of which could be required under clause (4) (b). 2002, c. 22, s. 98; 2009, c. 5, s. 3 (1).

Same

[\(6\)](#) A demand sent by mail shall be deemed to have been received on the fifth day after it was mailed, unless the person to whom the demand was mailed establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the demand. 2002, c. 22, s. 98; 2009, c. 5, s. 3 (2).

Obligation to produce and assist

[\(7\)](#) If an IRP inspector requires that a record or other thing be produced under clause (4) (b) or delivered to him or her under subsection (5), the person upon whom the demand is made shall produce or deliver it and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form. 2002, c. 22, s. 98.

Records and things removed

[\(8\)](#) An IRP inspector who removes a record or other thing under clause (4) (c) or to whom a record or other thing is delivered pursuant to a demand made under subsection (5) shall give a receipt for the record or thing and return the record or thing to the person who produced or delivered it within a reasonable time. 2002, c. 22, s. 98; 2009, c. 5, s. 3 (3).

Powers to assist other IRP jurisdictions

[\(9\)](#) An IRP inspector, accompanied by an official from another jurisdiction that is a member of the International Registration Plan, may exercise his or her powers under this section for any purpose related to the administration or enforcement of the International Registration Plan by the

other jurisdiction and subsections (2) and (3), clause (12) (c) and subsection (13) apply, with necessary modifications, to and in respect of an official from another jurisdiction accompanying an IRP inspector who is conducting an examination and inspection under this section. 2002, c. 22, s. 98.

Copies admissible in evidence

[\(10\)](#) A copy of a record that purports to be certified to be a true copy by the IRP inspector or other employee of the Government of Ontario who made the copy is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original record and its contents. 2002, c. 22, s. 98.

Same

[\(11\)](#) A copy made from an electronic record that purports to be certified by the IRP inspector or other employee of the Government of Ontario who made the copy to be a paper copy of the electronic record and to be a true and accurate representation of the electronic record or the information contained in the electronic record, is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original record and its contents. 2002, c. 22, s. 98.

Offence

[\(12\)](#) No person shall,

- (a) fail to comply with a direction or requirement of an IRP inspector conducting an examination and inspection;
- (b) give an IRP inspector conducting an examination and inspection information that the person knows to be false, deceptive or misleading; or
- (c) obstruct or interfere with an IRP inspector in the performance of his or her duties under this section. 2002, c. 22, s. 98.

Penalty

[\(13\)](#) A person who contravenes subsection (12) is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000 or to imprisonment for a term of not more than six months, or to both. 2002, c. 22, s. 98.

Sharing examination, inspection findings with other IRP jurisdictions

[7.4](#) The Minister shall, in accordance with the terms of the International Registration Plan, provide the findings from every examination and inspection conducted under section 7.3,

- (a) to such other member jurisdictions of the Plan, or their delegates, that have an interest in the findings; and
- (b) to the governing body of the Plan or its delegate. 2002, c. 22, s. 98.

IRP inspector's costs

[7.5](#) Where an IRP inspector travels outside of Ontario to conduct an examination and inspection under section 7.3 respecting a holder of an IRP cab card issued under subsection 7 (7), the holder shall pay to the Minister the IRP inspector's travel expenses and a daily fee for the IRP inspector's work. 2002, c. 22, s. 98.

Assessment and reassessment of fees, etc.

[7.6 \(1\)](#) The Minister may assess or reassess the amount of fees owed by a holder of an IRP

cab card issued under subsection 7 (7) pursuant to the International Registration Plan to the Minister and to every other member jurisdiction of the Plan and the amount of taxes owed by a holder of an IRP cab card issued under subsection 7 (7) to every other member jurisdiction of the Plan that Ontario is required to collect pursuant to the Plan at any time or times within three years after the registration year for which the fees and taxes were owed. 2002, c. 22, s. 98.

Same

(2) Despite subsection (1), where the Minister establishes that the holder has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in supplying any information under this Part in respect of the Plan or in omitting to disclose any information, then the Minister may assess or reassess the fees and taxes described in subsection (1) at any time the Minister considers reasonable. 2002, c. 22, s. 98.

Same

(3) The Minister may, under subsection (1) or (2), assess or reassess the amount of fees and taxes using whatever method the Minister considers appropriate where, as a result of an examination and inspection under section 7.3, the IRP inspector determines that,

- (a) the information filed by the holder with the Ministry is not substantiated by the records examined and inspected;
- (b) the holder failed to maintain and preserve the records required by section 7.2; or
- (c) a record or other thing was not produced or delivered or information disclosed as required by section 7.3. 2002, c. 22, s. 98.

Same

(4) The assessment or reassessment shall be based on all relevant information available to the Minister, including information about comparable permit holders. 2002, c. 22, s. 98.

Penalty

(5) Where the Minister assesses or reassesses an IRP cab card holder, he or she may assess a penalty equal to 10 per cent of the assessment or reassessment. 2002, c. 22, s. 98.

Refund to holder

(6) Where, as a result of an examination and inspection under section 7.3, it is determined that an IRP cab card holder paid fees or taxes in excess of what the holder owed pursuant to the International Registration Plan, the Minister shall assess or reassess the amount of the fees and taxes owed accordingly and the Minister may refund the excess to the holder. 2002, c. 22, s. 98.

Notice

(7) The Minister shall deliver a notice of assessment or reassessment personally on the IRP cab card holder or shall mail it to the holder at the latest address for the holder appearing on the records of the Ministry. 2002, c. 22, s. 98.

Same

(8) A notice of assessment or reassessment sent by mail shall be deemed to have been received on the fifth day after it was mailed unless the holder establishes that the holder did not, acting in good faith, through absence, accident, illness or other cause beyond the holder's control, receive it. 2002, c. 22, s. 98.

Payment

(9) Every person assessed or reassessed under this section shall pay to the Minister the amount assessed or reassessed within 30 days after receiving the notice of assessment or reassessment, whether or not an objection to the assessment or reassessment is outstanding. 2002, c. 22, s. 98.

Included in assessment, reassessment

(10) For the purposes of this section, an assessment or reassessment of fees and taxes includes travel costs and fees owed under section 7.5, penalties assessed under this section and interest owed under section 7.7. 2002, c. 22, s. 98.

Interest

Application

7.7 (1) This section applies with respect to registration years that end on or after December 9, 2002. 2004, c. 31, Sched. 18, s. 2.

Interest payable on unpaid fees and penalties

(2) Interest is payable to the Minister on the amount of any unpaid fees and penalties owed to the Minister and on the amount of any unpaid fees and taxes owed to another member of the International Registration Plan and collected by Ontario pursuant to the Plan. 2004, c. 31, Sched. 18, s. 2.

Same

(3) Interest is payable for the period commencing on the day after the last day of the registration year for which the unpaid amount is owed until the date on which the unpaid amount, including interest, is paid. 2004, c. 31, Sched. 18, s. 2.

Interest rate

(4) Interest is to be calculated at the rate or rates determined in accordance with the regulations. 2004, c. 31, Sched. 18, s. 2.

Waiver of interest

(5) Despite subsection (2), the Minister may exempt a person from payment of part or all of the interest owing in respect of a registration year if the Minister is of the opinion that owing to special circumstances it is inequitable to charge and collect the whole amount of the interest. 2004, c. 31, Sched. 18, s. 2.

Decision final

(6) The Minister's decision under subsection (5) about whether to exempt a person from the payment of interest and the amount of the exemption, if any, is final and not subject to review. 2004, c. 31, Sched. 18, s. 2.

Transition

(7) Interest in respect of a period before the date on which the *Budget Measures Act (Fall), 2004* receives Royal Assent is to be determined in accordance with this section as it reads on and after that date, and not in accordance with this section as it read before that date. 2004, c. 31, Sched. 18, s. 2.

Objections

7.8 (1) An IRP cab card holder who objects to an assessment, reassessment or penalty may, within 30 days after receiving the notice of assessment or reassessment, serve on the Minister a written objection in the form approved by the Minister. 2002, c. 22, s. 98.

Decision

(2) The Minister shall consider the written submissions and shall confirm, vary or set aside the assessment, reassessment or penalty objected to. 2002, c. 22, s. 98.

Extension of time

(3) The Minister may extend the time for objecting if the person seeking to object proves to the satisfaction of the Minister that the objection could not have been served on time. 2002, c. 22, s. 98.

Appeal or review from Minister's decision

7.9 (1) No further appeal or other review shall be available from a decision under subsection 7.8 (2) except as provided in the International Registration Plan. 2002, c. 22, s. 98.

Appeal or review under IRP binding

(2) Where an appeal or review is provided for and conducted under the terms of the International Registration Plan, the Minister and the IRP cab card holder who was a party to the appeal or review are bound by the decision made on that appeal or review. 2002, c. 22, s. 98.

False statements on IRP documents

7.10 (1) Every person is guilty of an offence who has made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in an application or other documentation filed with the Ministry with respect to an IRP cab card. 2002, c. 22, s. 98.

Penalty

(2) A person convicted of an offence under subsection (1) is liable to one or both of the following penalties in addition to any assessment, penalty or interest under section 7.6 or 7.7:

1. A fine that is,
 - i. not less than \$1,000 or 50 per cent of the amount of the fees and taxes that was evaded, whichever is greater, and
 - ii. not more than double the amount of the fees and taxes that was evaded, if the maximum so calculated is greater than the amount determined under subparagraph i.
2. Imprisonment for a term of not more than six months. 2002, c. 22, s. 98.

Permit refusal or cancellation

7.11 (1) The Minister may, in his or her discretion, cancel or refuse to issue an IRP cab card where the owner or lessee of the vehicle for which an IRP cab card has been issued under subsection 7 (7) or applied for,

- (a) has been convicted of an offence under section 7.2, 7.3 or 7.10;
- (b) has not paid all of the amounts owed by the person under this Part with respect to the IRP cab card; or
- (c) has not paid all of the amounts owed by the person under section 3 of the *Retail Sales Tax Act*. 2002, c. 22, s. 98.

Same

(2) The Minister may, in his or her discretion, cancel or refuse to issue an IRP cab card where the owner or lessee of the vehicle for which an IRP cab card has been issued under

subsection 7 (7) or applied for is related to,

- (a) a person who has been convicted of an offence under section 7.2, 7.3 or 7.10;
- (b) a person who has not paid all of the amounts owed by the person under this Part with respect to the IRP cab card; or
- (c) a person who has not paid all of the amounts owed by the person under section 3 of the *Retail Sales Tax Act*, 2002, c. 22, s. 98.

Interpretation

- (3) An owner or lessee of a vehicle is related to a person for the purpose of subsection (2) if,
- (a) the owner or lessee and the person are related individuals;
 - (b) either the owner or lessee or the person is a partner of the other or was a partner of the other or they have or have had partners in common;
 - (c) either the owner or lessee or the person, directly or indirectly, controls or controlled or manages or managed the other; or
 - (d) the owner or lessee and the person have or have had common officers or directors or they are or have been controlled, directly or indirectly, by the same shareholders. 2002, c. 22, s. 98.

Modification of permit

(4) The Minister may, at the request of another member jurisdiction of the International Registration Plan and in accordance with the terms of the Plan, remove that jurisdiction from an IRP cab card issued under subsection 7 (7). 2002, c. 22, s. 98.

Notice

(5) The Minister shall give notice of the cancellation or modification of or refusal to issue an IRP cab card by delivering the notice personally on the IRP cab card holder or applicant or by mailing the notice to the person at the latest address of the person appearing on the records of the Ministry. 2002, c. 22, s. 98.

Same

(6) Notice sent by mail shall be deemed to have been received on the fifth day after it was mailed unless the person to whom the notice was mailed establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice. 2002, c. 22, s. 98.

Objection

(7) A person who has received notice that the Minister has cancelled an IRP cab card or refused to issue an IRP cab card may, within 30 days after receiving the notice, serve on the Minister a written objection in the form approved by the Minister. 2002, c. 22, s. 98.

Decision

(8) The Minister shall consider the written submissions and shall confirm, vary or set aside the decision objected to. 2002, c. 22, s. 98.

Decision final

(9) The Minister's decision under subsection (8) is final and no further appeal or other review shall be available from it. 2002, c. 22, s. 98.

Extension of time

[\(10\)](#) The Minister may extend the time for objecting if the person seeking to object proves to the satisfaction of the Minister that the objection could not have been served on time. 2002, c. 22, s. 98.

Collection and disclosure of information

[7.12 \(1\)](#) The Minister may, for any purpose related to the administration or enforcement of the International Registration Plan, collect information, directly or indirectly, and retain and use such information, including,

- (a) information collected and disclosed to the Minister by another minister, another member jurisdiction of the Plan or its delegate or the governing body of the Plan or its delegate; and
- (b) information about the employees and agents of an IRP cab card holder or an applicant for an IRP cab card. 2002, c. 22, s. 98.

Same

[\(2\)](#) Every other minister of the Crown shall disclose to the Minister information collected by the other minister that may assist the Minister in carrying out his or her duties in the administration or enforcement of the International Registration Plan. 2002, c. 22, s. 98.

Assignment to another minister

[7.13](#) If any power or duty of the Minister under this Part, as it relates to the International Registration Plan or an IRP cab card holder, is assigned to another minister of the Crown under the *Executive Council Act*, section 7.12 both applies to the other minister of the Crown as if he or she were the Minister and continues to apply to the Minister. 2002, c. 22, s. 98.

Disclosure to Minister of Finance re taxing statutes

[7.14](#) The Minister shall disclose any information collected by the Minister with respect to the International Registration Plan or an IRP cab card holder to the Minister of Finance, or to any employee of the Ministry of Finance, that may assist the Minister of Finance or the employee in carrying out his or her duties in the administration or enforcement of the *Fuel Tax Act*, *Gasoline Tax Act* or *Retail Sales Tax Act*. 2002, c. 22, s. 98.

Regulations

[7.15 \(1\)](#) The Lieutenant Governor in Council may make regulations,

- (a) prescribing information to be included in an application for an IRP cab card;
- (b) prescribing the records to be maintained and preserved under section 7.2;
- (c) prescribing information and reports to be filed with the Ministry with respect to an IRP cab card;
- (d) governing the calculation of interest for the purposes of section 7.7;
- (e) prescribing the manner of serving objections under subsections 7.8 (1) and 7.11 (7). 2002, c. 22, s. 98; 2004, c. 31, Sched. 18, s. 3 (1).

Same

[\(2\)](#) A regulation may establish classes of IRP cab card holders and may contain different provisions and requirements for different classes. 2002, c. 22, s. 98.

Retroactive

[\(3\)](#) A regulation made under clause (1) (d) is, if it so provides, effective with reference to a period before it was filed but not earlier than December 9, 2002. 2004, c. 31, Sched. 18, s. 3 (2).

Fees

[7.16](#) The Minister may set a daily fee for work by IRP inspectors outside of Ontario for the purpose of section 7.5. 2002, c. 22, s. 98.

[7.17](#) Repealed: 2008, c. 17, s. 31.

Permit limitations

[8. \(1\)](#) Where the fee prescribed by the regulations for a permit or validated permit for a motor vehicle is calculated with regard to specific limitations or restrictions on the use of a vehicle, the owner of the vehicle shall not drive or cause or permit the vehicle to be driven on a highway except in accordance with the limitations or restrictions. R.S.O. 1990, c. H.8, s. 8 (1).

Penalty

[\(2\)](#) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. R.S.O. 1990, c. H.8, s. 8 (2).

False statement, change of name or address, obliterated vehicle no., etc.

Penalty for false statement, inaccurate information

[9. \(1\)](#) Every person who submits a false or inaccurate document, makes a false statement or includes inaccurate information in or with a written or electronic application, declaration, affidavit or other document required by the Ministry or under this Act is guilty of an offence and on conviction, in addition to any other penalty or punishment to which the person may be liable, is liable to a fine of not less than \$400 and not more than \$5,000 or to imprisonment for a term of not more than 30 days, or to both, and in addition the person's driver's licence or vehicle permit may be suspended for a period of not more than six months. 2008, c. 17, s. 32 (1).

Defence

[\(1.1\)](#) A person is not guilty of an offence under subsection (1) if the person exercised all reasonable care to avoid making a false statement or including inaccurate information. 2005, c. 26, Sched. A, s. 2.

Change of name or address

[\(2\)](#) Where an owner of a motor vehicle or a plate holder changes the name or address of the owner as set out in the owner's application for a permit or validation of a permit or in a previous notice filed under this subsection, the owner shall within six days file with the Ministry notice of the new name or address. R.S.O. 1990, c. H.8, s. 9 (2).

Idem

[\(3\)](#) Where the name or address of a lessee is on a permit and the lessee changes the name or address of the lessee from the name or address shown on the permit or from that filed under this subsection, the lessee shall within six days file with the Ministry notice of the new name or address. R.S.O. 1990, c. H.8, s. 9 (3).

Filing

[\(4\)](#) A notice may be filed under subsection (2) or (3) by forwarding it to the Ministry by registered mail. R.S.O. 1990, c. H.8, s. 9 (4).

Where vehicle identification number obliterated

(5) No permit shall be issued for a motor vehicle or a trailer that has a gross weight exceeding 1,360 kilograms where the manufacturer's vehicle identification number or similar identifying mark has been obliterated or defaced until the owner has filed with the Ministry satisfactory proof of the ownership of the vehicle or trailer, and, if known, the reason for the obliteration or defacement, and, if satisfied as to the statements made, the Minister may grant permission to cut, impress, emboss or attach permanently to the vehicle or trailer a special identification number or mark, which thereafter shall be deemed sufficient for the purpose of the issuance, validation or transfer of a permit for the vehicle or trailer. R.S.O. 1990, c. H.8, s. 9 (5).

Limitation

(6) No proceeding for an offence under subsection (1) shall be instituted more than six years after the facts on which the proceeding is based are alleged to have occurred. 2008, c. 17, s. 32 (2).

Manufacturer's vehicle identification number to be affixed

10. (1) No owner of a motor vehicle shall drive or permit his, her or its motor vehicle to be driven on a highway unless the motor vehicle has the manufacturer's vehicle identification number permanently affixed. R.S.O. 1990, c. H.8, s. 10 (1).

Idem

(2) No owner of,

- (a) a trailer that has a manufacturer's gross vehicle weight rating exceeding 1,360 kilograms;
- (b) a conversion unit; or
- (c) a trailer converter dolly,

shall draw or permit the trailer, conversion unit or trailer converter dolly to be drawn on a highway unless the trailer, conversion unit or trailer converter dolly, as the case may be, has an identification number permanently affixed. R.S.O. 1990, c. H.8, s. 10 (2); 2009, c. 5, s. 4.

Where transfer of ownership or end of lease

11. (1) Upon the holder of a permit ceasing to be the owner or lessee of the motor vehicle or trailer referred to in the permit, he, she or it shall,

- (a) remove his, her or its number plates from the vehicle;
- (b) retain the plate portion of the permit; and
- (c) on delivery of the vehicle,
 - (i) to the new owner, complete and sign the transfer application of the vehicle portion of the permit including the date of the delivery and give that portion of the permit to the new owner, or
 - (ii) to a lessor, give the vehicle portion of the permit to the lessor. R.S.O. 1990, c. H.8, s. 11 (1).

Re-issue of permit

(2) Every person shall, within six days after becoming the owner of a motor vehicle or trailer for which a permit has been issued, apply to the Ministry, on the form provided therefor, for a new permit for the vehicle. R.S.O. 1990, c. H.8, s. 11 (2).

Temporary use of plates

(3) Despite section 12, a person to whom number plates have been issued under subsection 7 (7) for a vehicle the person no longer owns or leases may affix the number plates to a similar class of vehicle that the person owns or leases where it is done in accordance with the prescribed requirements. R.S.O. 1990, c. H.8, s. 11 (3).

Idem

(4) Despite section 7 and clauses 12 (1) (d) and (e), a person may drive a motor vehicle or draw a trailer on a highway within six days after becoming the owner of the motor vehicle or trailer where the person complies with the prescribed requirements. R.S.O. 1990, c. H.8, s. 11 (4).

Used vehicle information package

11.1 (1) Every person who sells, offers for sale or transfers a used motor vehicle shall provide a valid used vehicle information package in respect of the vehicle for inspection by proposed purchasers or transferees and shall deliver the package to the purchaser or transferee at the time of sale or transfer of the vehicle. 1993, c. 13, s. 1.

Issuance of package

(2) The Ministry shall issue a used vehicle information package in respect of any used motor vehicle to any person who applies therefor and pays the prescribed fee. 1993, c. 13, s. 1.

Permit for vehicle

(3) The purchaser or transferee of the used motor vehicle shall deliver the used vehicle information package mentioned in subsection (1) to the Ministry before obtaining from the Ministry a new permit for the vehicle. 1993, c. 13, s. 1.

Regulations

(4) For the purposes of subsection (1), the Lieutenant Governor in Council may make regulations,

- (a) defining “used motor vehicle” and “used vehicle information package”;
- (b) prescribing the period of time during which a used vehicle information package is valid after it is issued;
- (c) prescribing and providing for the payment of fees for the issuance of used vehicle information packages;
- (d) exempting any class of sellers or transferors from the application of subsection (1) or any class of purchasers or transferees from the application of subsection (3). 1993, c. 13, s. 1.

Offence

(5) Every person who fails to comply with subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 on a first conviction and not less than \$200 and not more than \$1,000 on each subsequent conviction. 1993, c. 13, s. 1.

Violations as to number plates

12. (1) Every person who,

- (a) defaces or alters any number plate, evidence of validation or permit;
- (b) uses or permits the use of a defaced or altered number plate, evidence of validation or

permit;

- (c) without the authority of the permit holder, removes a number plate from a motor vehicle or trailer;
- (d) uses or permits the use of a number plate upon a vehicle other than a number plate authorized for use on that vehicle;
- (e) uses or permits the use of evidence of validation upon a number plate displayed on a motor vehicle other than evidence of validation furnished by the Ministry in respect of that motor vehicle; or
- (f) uses or permits the use of a number plate or evidence of validation other than in accordance with this Act and the regulations,

is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000 or to imprisonment for not more than thirty days, or to both, and in addition the person's licence or permit may be suspended for not more than six months. R.S.O. 1990, c. H.8, s. 12 (1).

Property of the Crown

[\(2\)](#) Every number plate is the property of the Crown and shall be returned to the Ministry when required by the Ministry. 1999, c. 12, Sched. R, s. 5 (1).

Same

[\(3\)](#) For the purpose of subsection (2),

“number plate” includes,

- (a) a number plate bearing a requested number,
- (b) evidence of validation,
- (c) a permit,
- (d) a CAVR cab card, and
- (e) an IRP cab card issued by the Ministry. 1999, c. 12, Sched. R, s. 5 (1).

Number plates, further violations

No other numbers to be exposed

[13. \(1\)](#) No number other than that upon the number plate furnished by the Ministry shall be exposed on any part of a motor vehicle or trailer in such a position or manner as to confuse the identity of the number plate. R.S.O. 1990, c. H.8, s. 13 (1).

Number plate to be kept clean

[\(2\)](#) Every number plate shall be kept free from dirt and obstruction and shall be affixed so that the entire number plate, including the numbers, is plainly visible at all times, and the view of the number plate shall not be obscured or obstructed by spare tires, bumper bars, any part of the vehicle, any attachments to the vehicle or the load carried. 1994, c. 27, s. 138 (7).

Obstruction prohibited

[\(3\)](#) The number plates shall not be obstructed by any device that prevents the entire number plates including the numbers from being accurately photographed using a photo-radar system. 1993, c. 31, s. 2 (5).

Same

(3.0.1) The number plates shall not be obstructed by any device that prevents the entire number plates including the numbers from being accurately photographed using a red light camera system. 1998, c. 38, s. 2 (1).

Same

(3.1) The number plates shall not be obstructed by any device or material that prevents the entire number plates including the numbers from being identified by an electronic toll system. 1996, c. 1, Sched. E, s. 2 (1).

Offence

(4) Every person who contravenes subsection (2), (3), (3.0.1) or (3.1) is guilty of an offence. 1993, c. 31, s. 2 (5); 1996, c. 1, Sched. E, s. 2 (2); 1998, c. 38, s. 2 (2).

Improper or invalid number plates and cab cards

Improper number plate

14. (1) Where a police officer or an officer appointed under this Act has reason to believe that,

- (a) a number plate attached to a motor vehicle or trailer,
 - (i) has not been authorized under this Act for use on that vehicle,
 - (ii) was obtained by false pretences, or
 - (iii) has been defaced or altered;
- (b) evidence of validation of a permit displayed on a motor vehicle,
 - (i) was not furnished under this Act in respect of that motor vehicle,
 - (ii) was obtained by false pretences, or
 - (iii) has been defaced or altered; or
- (c) a permit carried by a driver of a motor vehicle,
 - (i) was not authorized under this Act in respect of that motor vehicle,
 - (ii) was obtained by false pretences, or
 - (iii) has been defaced or altered,

the officer may take possession of the number plate, evidence of validation or permit and retain it until the facts have been determined. R.S.O. 1990, c. H.8, s. 14 (1).

Invalid cab card

(2) Where a police officer or an officer appointed under this Act has reason to believe that a CAVR cab card or an IRP cab card produced by a driver as being the permit for the vehicle,

- (a) was not furnished in accordance with this Act for that motor vehicle;
- (b) has been cancelled; or
- (c) has been defaced or altered,

the officer may take possession of the CAVR cab card or the IRP cab card, as the case may be, and retain it until the facts have been determined. 1999, c. 12, Sched. R, s. 6 (1).

Exceptions as to residents of other provinces, permit requirements, etc.

15. (1) Section 7 and subsection 13 (1) do not apply to a motor vehicle owned by a person who does not reside or carry on business in Ontario for more than six consecutive months in each year if the owner thereof is a resident of some other province of Canada and has complied with the provisions of the law of the province in which the person resides as to registration of a motor vehicle and the display of the registration number thereon, and provided the province of residence grants similar exemptions and privileges with respect to motor vehicles owned by residents of Ontario for which permits are issued and in force under this Act and the regulations. R.S.O. 1990, c. H.8, s. 15 (1).

Exemption from s. 7 for thirty days

(2) Upon the owner of a motor vehicle becoming a resident of Ontario, the owner is exempt from the provisions of section 7 for the thirty days immediately following provided the owner has complied with the provisions of the law of the jurisdiction in which the owner resided immediately prior to taking up residence in Ontario as to the registration of the motor vehicle and the displays of the registration number thereon, and continues to display the registration number in accordance with that law. R.S.O. 1990, c. H.8, s. 15 (2).

Exceptions as to residents of foreign countries

(3) Section 7 and subsection 13 (1) do not apply to a motor vehicle owned by a person who does not reside or carry on business in Ontario for more than three months in any one year if the owner thereof is a resident of a country or state that grants similar exemptions and privileges with respect to motor vehicles owned by residents of Ontario for which permits are issued and in force under this Act and the regulations and has complied with the provisions of the law of the country or state in which the person resides as to registration of a motor vehicle and the display of registration plates thereon, but this subsection does not apply to commercial motor vehicles. R.S.O. 1990, c. H.8, s. 15 (3).

Registration of vehicles of certain non-residents

(4) Despite subsections (1) and (3), section 7 and subsection 13 (1) apply to a motor vehicle owned by a person who does not reside in Ontario that displays registration plates of a jurisdiction other than Ontario and that is,

- (a) based and operated in Ontario by the person; or
 - (b) operated by a resident of Ontario for more than a thirty-day period in any calendar year.
- R.S.O. 1990, c. H.8, s. 15 (4).

Regulations

(5) The Lieutenant Governor in Council may make regulations providing for the temporary exemption of vehicles or any class thereof from section 7 or any provision thereof. R.S.O. 1990, c. H.8, s. 15 (5).

Commercial motor vehicles

Definitions, ss. 16-23.1

16. (1) In this section and in sections 17 to 23.1,

“commercial motor vehicle” does not include,

- (a) a commercial motor vehicle, other than a bus, having a gross weight or registered gross weight of not more than 4,500 kilograms, an ambulance, a fire apparatus, a hearse, a casket wagon, a mobile crane, a motor home or a vehicle commonly known as a tow

truck,

(b) a commercial motor vehicle leased for no longer than thirty days by an individual for the transportation of goods kept for that individual's personal use or the gratuitous carriage of passengers,

(c) a commercial motor vehicle operated under a permit and number plates issued under a regulation made under clause 7 (24) (g) or (h) that is not transporting passengers or goods,

(d) a commercial motor vehicle operated under the authority of an In-Transit permit, and

(e) a bus that is used for personal purposes without compensation; ("véhicule utilitaire")

"compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; ("rémunération")

"CVOR certificate" means a Commercial Vehicle Operator's Registration Certificate issued under this Act; ("certificat d'immatriculation UVU")

"goods" includes all classes of materials, wares and merchandise and livestock; ("biens")

"operator" means the person directly or indirectly responsible for the operation of a commercial motor vehicle including the conduct of the driver of, and the carriage of goods or passengers, if any, in, the vehicle or combination of vehicles; ("utilisateur")

"safety record" means the safety record of an operator determined in accordance with the regulations; ("fiche de sécurité") R.S.O. 1990, c. H.8, s. 16 (1); 1994, c. 27, s. 138 (8); 1996, c. 33, s. 1; 2002, c. 18, Sched. P, s. 3 (1-3); 2009, c. 5, s. 5.

CVOR certificate required

[\(2\)](#) No person shall drive or operate a commercial motor vehicle on a highway unless the operator is the holder of a valid CVOR certificate. R.S.O. 1990, c. H.8, s. 16 (2); 2002, c. 18, Sched. P, s. 3 (4).

Documents to be carried

[\(3\)](#) Every driver of a commercial motor vehicle shall carry the original or a copy of,

(a) the CVOR certificate issued to the operator of the vehicle; or

(b) the lease of the vehicle meeting the requirements of subsection (5) if it is a leased vehicle,

(c) Repealed: 2002, c. 18, Sched. P, s. 3 (5).

and where the operator has been issued fleet limitation certificates, a fleet limitation certificate. R.S.O. 1990, c. H.8, s. 16 (3); 2002, c. 18, Sched. P, s. 3 (5).

Documents to be surrendered

[\(4\)](#) Every driver of a commercial motor vehicle shall, upon the demand of a police officer, surrender for inspection the documents that are required under subsection (3) to be carried. R.S.O. 1990, c. H.8, s. 16 (4).

Requirements for lease

[\(5\)](#) Every lease carried under subsection (3) shall clearly identify the vehicle involved, the parties to the lease and their addresses, the operator of the vehicle and the operator's CVOR

certificate. 2002, c. 18, Sched. P, s. 3 (6).

(6), (7) Repealed: 2002, c. 18, Sched. P, s. 3 (6).

CVOR certificates issued, renewed by Registrar

17. (1) The Registrar shall issue a CVOR certificate to and renew a CVOR certificate of every person who applies for the certificate or renewal in the form approved by the Minister and meets the requirements of this Act and the regulations. 2002, c. 18, Sched. P, s. 4 (1).

Terms and conditions

(1.1) The Registrar may issue a CVOR certificate subject to any terms and conditions that the Registrar considers appropriate. 2002, c. 18, Sched. P, s. 4 (1).

Refusal to issue

(2) The Registrar may refuse to issue a CVOR certificate to an applicant if the Registrar has reason to believe, having regard to the applicant's safety record and any other information that the Registrar considers relevant, that the applicant will not operate a commercial motor vehicle safely or in accordance with this Act, the regulations and other laws relating to highway safety. 1996, c. 33, s. 2.

Same

(3) The Registrar may refuse to issue a CVOR certificate to an applicant if the applicant is related to,

- (a) a person whose CVOR certificate has been cancelled, is or has been under suspension or is or has been subject to a fleet limitation;
- (b) a person whose CVOR certificate suspension, cancellation or fleet limitation is under appeal; or
- (c) a person who the Registrar has reason to believe, having regard to the person's safety record and any other information that the Registrar considers relevant, will not operate a commercial motor vehicle safely or in accordance with this Act, the regulations and other laws relating to highway safety. 1996, c. 33, s. 2.

Same

(3.1) The Registrar may refuse to issue, replace or renew a CVOR certificate if the applicant is indebted to the Minister of Finance in respect of,

- (a) an outstanding fee, or an outstanding penalty or interest in respect of a fee, due under this Act or the *Public Vehicles Act*; or
- (b) an outstanding public vehicle-related fee, or an outstanding penalty or interest in respect of such fee, under the *Motor Vehicle Transport Act, 1987 (Canada)*. 2002, c. 18, Sched. P, s. 4 (2).

Same

(3.2) The Registrar shall refuse to renew a CVOR certificate,

- (a) that was issued subject to terms or conditions; or
- (b) that has been invalid for more than 12 months before the application for renewal is received by the Registrar. 2002, c. 18, Sched. P, s. 4 (2).

Interpretation

- (4) An applicant is related to a person for the purpose of subsection (3) if,
- (a) the applicant and the person are related individuals;
 - (b) either the applicant or the person is a partner of the other or was a partner of the other or they have or have had partners in common;
 - (c) either the applicant or the person, directly or indirectly, controls or controlled or manages or managed the other; or
 - (d) the applicant and the person have or have had common officers or directors or they are or have been controlled, directly or indirectly, by the same shareholders. 1996, c. 33, s. 2.

Expiry

(5) A CVOR certificate issued or renewed on or after the day subsection 4 (3) of Schedule P to the *Government Efficiency Act, 2002* comes into force expires as provided in the regulations. 2002, c. 18, Sched. P, s. 4 (3).

Expiry date assigned to existing CVOR certificates

(5.1) The Registrar may at any time assign an expiry date to a CVOR certificate that was issued before the day subsection 4 (3) of Schedule P to the *Government Efficiency Act, 2002* comes into force. 2002, c. 18, Sched. P, s. 4 (3).

Notice

(5.2) The Registrar shall give the holder of a CVOR certificate notice, in the prescribed manner, of the assignment of an expiry date under subsection (5.1). 2002, c. 18, Sched. P, s. 4 (3).

One certificate only

(6) No person, alone or in partnership, is entitled to hold more than one CVOR certificate. 1996, c. 33, s. 2.

Not transferable

(7) A CVOR certificate is not transferable. 1996, c. 33, s. 2.

Revocation of CVOR certificate for dishonoured payments

17.0.1 (1) The Registrar may revoke a CVOR certificate if the payment of the issuance, renewal or replacement fee in respect of the certificate has been dishonoured. 2002, c. 18, Sched. P, s. 5.

Notice

(2) The Registrar shall give the holder of the CVOR certificate notice, in the prescribed manner, of the proposed revocation under subsection (1) and, subject to subsection (3), the revocation shall take effect on the 30th day after the day the notice was given. 2002, c. 18, Sched. P, s. 5.

Payment honoured

(3) If the amount of the dishonoured payment, and any related fees, interest and penalties, are paid to the Registrar before the 30th day after the day the notice was given, the revocation shall not take effect. 2002, c. 18, Sched. P, s. 5.

Safety ratings, commercial motor vehicle operators

17.1 (1) The Registrar shall assign a safety rating to every operator in accordance with the regulations. 1996, c. 33, s. 3.

Notice of rating to operator

(2) Where the Registrar proposes to assign a safety rating to an operator for the first time or to change an operator's safety rating, he or she shall notify the operator of the proposed rating by regular mail sent to the operator's latest address appearing on the records of the Ministry. 1996, c. 33, s. 3.

Same

(3) A notice under subsection (2) shall be deemed to have been received on the fifth day after it was mailed unless the person to whom notice is given establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice. 1996, c. 33, s. 3.

Operator may dispute first or changed rating

(4) An operator may, within 30 days after being notified under subsection (2), submit to the Registrar documents, records and written submissions that may show cause why the Registrar should not assign the proposed safety rating to the operator. 1996, c. 33, s. 3.

Registrar to confirm or change safety rating

(5) Upon the expiration of the 30-day period referred to in subsection (4) and consideration of any documents, records and submissions submitted under that subsection, the Registrar shall assign to the operator the proposed safety rating or a different rating. 1996, c. 33, s. 3.

Written hearing

(6) Despite the *Statutory Powers Procedure Act*, the Registrar shall consider the matter under subsection (5) by means of a written hearing unless the Registrar agrees to an oral or electronic hearing. 1996, c. 33, s. 3.

Parties, privacy

(7) The Registrar and the operator whose safety rating is under dispute are the only parties to the hearing and, unless they otherwise agree, the hearing shall be closed to the public. 1996, c. 33, s. 3.

No appeal

(8) The safety rating assigned by the Registrar is final and binding and there is no appeal therefrom. 1996, c. 33, s. 3.

Available to the public

(9) The Registrar shall make the safety ratings of operators available to the public in the manner that the Registrar considers appropriate. 1996, c. 33, s. 3.

Protection from personal liability

(10) No action or other proceeding for damages shall be instituted against the Registrar or any employee of the Ministry for any act done in good faith in the execution or intended execution of a duty under this section or for any alleged neglect or default in the execution in good faith of a duty under this section. 1996, c. 33, s. 3.

Crown not relieved of liability

(11) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*,

subsection (10) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (10) to which it would otherwise be subject. 1996, c. 33, s. 3.

CVOR certificate changes

18. (1) Every holder of a CVOR certificate shall notify the Registrar in writing within 15 days after any change in the holder's name or address or, where applicable, the persons constituting the officers, directors or partners of the holder, of the change made. 1996, c. 33, s. 4.

Same

(2) Every holder of a CVOR certificate shall notify the Registrar of any change in the holder's commercial motor vehicle fleet size or in the total distance travelled by the commercial motor vehicle fleet in a specified period, in accordance with the regulations. 1996, c. 33, s. 4.

Person deemed to be operator

19. In the absence of evidence to the contrary, where no CVOR certificate or lease applicable to a commercial motor vehicle is produced, the holder of the plate portion of the permit for the vehicle shall be deemed to be the operator for the purposes of sections 18 and 20. 2002, c. 18, Sched. P, s. 6.

Commercial motor vehicles, enforcement of ss. 16-23, etc.

Retaining lease

20. (1) Every person who gives up possession of a commercial motor vehicle under a lease shall retain a copy of the lease in the person's place of business for a period of one year after the termination of the lease. R.S.O. 1990, c. H.8, s. 20 (1); 2002, c. 18, Sched. P, s. 7.

Where contravention of subs. 16 (2) or 47 (8)

(2) A police officer who has reason to believe that a commercial motor vehicle is being operated in contravention of subsection 16 (2) or 47 (8) may,

- (a) detain the vehicle at any location that is reasonable in the circumstances; and
- (b) seize the permits and number plates for the vehicle,

until the vehicle can be moved without a contravention of this Act occurring. R.S.O. 1990, c. H.8, s. 20 (2).

Permit suspended

(3) Every permit seized under subsection (2) shall be deemed to be under suspension for the purposes of section 51 while it is in the custody of the officer seizing it. R.S.O. 1990, c. H.8, s. 20 (3).

Lien

(4) The costs incurred in detaining a vehicle under subsection (2) are a lien on the vehicle, which may be enforced in the manner provided under Part III of the *Repair and Storage Liens Act*. R.S.O. 1990, c. H.8, s. 20 (4).

Court application

(5) The person entitled to possession of a vehicle that is detained or the permits or plates of which are seized under subsection (2) may apply to the Superior Court of Justice for an order that the vehicle be released or the permits and plates returned, as the case may be. R.S.O. 1990, c. H.8, s. 20 (5); 2009, c. 5, s. 6.

Security

(6) On an application being made under subsection (5), the Court may make the order applied for on condition that a security, for the payment of any fine imposed, in the amount that is determined by the Court but not exceeding \$5,000 be deposited with the Court. R.S.O. 1990, c. H.8, s. 20 (6).

Return of security

(7) Every security deposited under subsection (6) shall be returned,

- (a) upon a final acquittal under all charges arising in connection with the seizure or detention;
- (b) where a charge is not laid within six months after the seizure or detention, on the expiration of the six-month period; or
- (c) upon a conviction arising in connection with the seizure or detention, after withholding the amount of the fine. R.S.O. 1990, c. H.8, s. 20 (7).

Offences, commercial motor vehicles

21. (1) Every person who contravenes subsection 16 (3) or (4), section 18 or 20 or a regulation made under section 22 is guilty of an offence and on conviction is liable to a fine of not more than \$500. R.S.O. 1990, c. H.8, s. 21 (1).

Idem

(2) Every person who contravenes subsection 16 (2) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.8, s. 21 (2).

Same

(3) Every person who contravenes or fails to comply with a term or condition of a CVOR certificate issued to the person is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. 1996, c. 33, s. 5.

Same

(4) Every person who provides, uses or permits the use of a fictitious, altered or fraudulently obtained CVOR certificate, or improperly uses a CVOR certificate, is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$5,000, or to imprisonment for a term of not more than six months, or to both. 2002, c. 18, Sched. P, s. 8.

Regulations and fees, commercial motor vehicles

22. (1) The Lieutenant Governor in Council may make regulations,

- (a) Repealed: 2002, c. 18, Sched. P, s. 9 (1).
- (b) Repealed: 1996, c. 33, s. 6 (1).

Note: Despite the repeal of clause (b), any regulation made under that clause remains in force until it is revoked by the Lieutenant Governor in Council. See: 1996, c. 33, s. 6 (5).

- (c) classifying persons and vehicles and exempting any class of person or vehicle from section 16 and prescribing conditions for any such exemption;
- (d) prescribing the requirements to obtain, renew and hold CVOR certificates and

authorizing the Registrar to waive any requirements that are specified in the regulations under the circumstances prescribed therein;

- (d.1) Repealed: 2002, c. 18, Sched. P, s. 9 (3).
- (e) governing the suspension or cancellation of CVOR certificates under subsection 47 (1) or the imposition of a limitation on the fleet size operated under a CVOR certificate under subsection 47 (2);
- (f) respecting documents and information to be filed with or supplied to the Ministry prior to the issuance or renewal of CVOR certificates or as a condition of retention thereof by the holders of CVOR certificates;
- (g) defining “fleet size” for the purpose of subsection 18 (2), and exempting any class or classes of CVOR certificate holders from all or part of the requirements of subsection 18 (2);
- (h) prescribing the method for determining an operator’s safety record;
- (i) prescribing the method for assigning safety ratings to operators;
- (j) providing for the reciprocal recognition of safety ratings, safety records and similar records of territories, other provinces and states of the United States of America;
- (k) governing the expiry of CVOR certificates, including establishing classes of CVOR certificate holders and providing different expiry dates, or different methods of determining expiry dates, for CVOR certificates held by different classes of holders;
- (l) prescribing methods of giving notice and rules respecting notice for the purposes of subsections 17 (5.2) and 17.0.1 (2). R.S.O. 1990, c. H.8, s. 22; 1996, c. 33, s. 6 (1-3); 2002, c. 18, Sched. P, s. 9 (1-4).

Fees

[\(2\)](#) The Registrar may set fees, subject to the approval of the Minister, for the issuance, renewal and replacement of CVOR certificates. 1996, c. 33, s. 6 (4).

Same

[\(3\)](#) Subject to the approval of the Minister, the Registrar may exempt any class of persons from the requirement to pay a fee set under subsection (2). 2002, c. 18, Sched. P, s. 9 (5).

Liability insurance for commercial motor vehicles

[23. \(1\)](#) No operator or owner of a commercial motor vehicle shall operate the vehicle or cause or permit the vehicle to be operated on a highway unless, in addition to the minimum liability insurance required under the *Compulsory Automobile Insurance Act*, motor vehicle liability insurance in the amount prescribed by the regulations is carried for the vehicle with an insurer licensed under the *Insurance Act*. R.S.O. 1990, c. H.8, s. 23 (1).

Non-residents

[\(2\)](#) If an operator or owner of a commercial motor vehicle is not a resident of Ontario, the insurance required by subsection (1) may be carried with an insurer who is authorized to transact the insurance in the state or province in which the owner or operator resides. R.S.O. 1990, c. H.8, s. 23 (2).

Driver to carry evidence of insurance

[\(3\)](#) Every driver of a commercial motor vehicle shall carry evidence of a type prescribed by the regulations that the vehicle is insured as required by this section and shall surrender the evidence for reasonable inspection upon the demand of a police officer. R.S.O. 1990, c. H.8, s. 23 (3).

Offence

[\(4\)](#) An operator or owner who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,500. R.S.O. 1990, c. H.8, s. 23 (4).

Idem

[\(5\)](#) A driver who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. R.S.O. 1990, c. H.8, s. 23 (5).

Regulations

[\(6\)](#) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the amount of motor vehicle liability insurance to be carried for a commercial motor vehicle;
- (b) prescribing documents that may be accepted as evidence that a commercial motor vehicle is insured as required by this section;
- (c) prescribing the form, amount, nature, class, provisions and conditions of the insurance required by section 23.1 and the nature of the evidence of that insurance that is to be carried in the vehicle. R.S.O. 1990, c. H.8, s. 23 (6); 2002, c. 18, Sched. P, s. 10.

Insurance

[23.1](#) Every person carrying goods for any other person for compensation shall obtain and carry the insurance that is required by the regulations and shall ensure that the evidence of the insurance is carried in every commercial motor vehicle of the operator that is being used to transport goods for compensation. 2002, c. 18, Sched. P, s. 11.

[24.](#), [25.](#) Repealed: 2002, c. 22, s. 99.

PART III PARKING PERMITS

Accessible parking permits

[26.](#) [\(1\)](#) The Minister shall issue an accessible parking permit to every person or organization that applies for it and meets the requirements of the regulations. 2009, c. 33, Sched. 26, s. 3 (3).

Term

[\(2\)](#) An accessible parking permit is in force during the period of time shown on the permit. 2009, c. 33, Sched. 26, s. 3 (3).

Cancellation of permit

[\(3\)](#) The Minister may cancel an accessible parking permit or may refuse to issue a replacement permit if the permit has been used in contravention of this Part or the regulations or of a municipal by-law passed under section 9, 10, 11 or 102 of the *Municipal Act, 2001* or under section 7, 8 or 80 of the *City of Toronto Act, 2006*, as the case may be, for establishing a system of accessible parking. 2009, c. 33, Sched. 26, s. 3 (3).

Refusal to issue new permit

[\(4\)](#) If the Minister cancels an accessible parking permit, the Minister may refuse to issue a new permit to the holder of the cancelled permit. 2009, c. 33, Sched. 26, s. 3 (3).

Offence, accessible parking permit

[27. \(1\)](#) No person shall,

- (a) have in his or her possession an accessible parking permit that is fictitious, altered or fraudulently obtained;
- (b) display an accessible parking permit otherwise than in accordance with the regulations;
- (c) fail or refuse to surrender an accessible parking permit in accordance with this Part or the regulations;
- (d) use an accessible parking permit on land owned and occupied by the Crown otherwise than in accordance with the regulations;
- (e) give, lend, sell or offer for sale an accessible parking permit or permit the use of it by another person otherwise than in accordance with the regulations; or
- (f) make, permit the making of, give, lend, sell or offer for sale a fictitious or altered accessible parking permit. 2009, c. 33, Sched. 26, s. 3 (4).

Penalty

[\(2\)](#) A person who contravenes clause (1) (a), (b), (c), (d), (e) or (f) is guilty of an offence and on conviction is liable to a fine of not less than \$300 and not more than \$5,000. 2001, c. 32, s. 26 (2).

Inspection, accessible parking permit

[28. \(1\)](#) Every person having possession of an accessible parking permit shall, on the demand of a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act, surrender the permit for reasonable inspection to ensure that the provisions of this Part and the regulations and any municipal by-law passed under section 9, 10, 11 or 102 of the *Municipal Act, 2001* or under section 7, 8 or 80 of the *City of Toronto Act, 2006*, as the case may be, for establishing a system of accessible parking are being complied with. 2009, c. 33, Sched. 26, s. 3 (5).

Officer may take possession of the permit

[\(2\)](#) An officer or cadet to whom an accessible parking permit has been surrendered may retain it until disposition of the case if the officer or cadet has reasonable ground to believe that the permit,

- (a) was not issued under this Part;
- (b) was obtained under false pretences;
- (c) has been defaced or altered;
- (d) has expired or been cancelled; or
- (e) is being or has been used in contravention of the regulations or of a by-law passed under section 9, 10, 11 or 102 of the *Municipal Act, 2001* or under section 7, 8 or 80 of the *City of Toronto Act, 2006*, as the case may be, for establishing a system of accessible

parking. R.S.O. 1990, c. H.8, s. 28 (2); 2002, c. 17, Sched. F, Table; 2006, c. 32, Sched. C, s. 24 (3); 2009, c. 33, Sched. 26, s. 3 (6).

29. Repealed: 2002, c. 17, Sched. F, Table.

Regulations, accessible parking permits

30. The Lieutenant Governor in Council may make regulations,

- (a) prescribing any form for the purposes of this Part and requiring its use;
- (b) respecting the issuance, renewal, cancellation, replacement and disposal of accessible parking permits;
- (c) prescribing the requirements for obtaining an accessible parking permit;
- (d) prescribing the period of time or the method of determining the period of time during which accessible parking permits shall be in force;
- (e) governing the manner of displaying accessible parking permits on or in vehicles;
- (f) requiring the erection of signs and the placing of markings to identify designated parking spaces for the use of vehicles displaying an accessible parking permit, and prescribing the types, content and location of the signs and markings;
- (g) prescribing the conditions of use of an accessible parking permit on land owned and occupied by the Crown;
- (h) requiring and governing the surrender of accessible parking permits;
- (i) providing for and governing the recognition of permits, number plates and other markers and devices issued by other jurisdictions as being equivalent to accessible parking permits issued under this Part. 2009, c. 33, Sched. 26, s. 3 (7).

PART IV LICENCES

DRIVER, DRIVING INSTRUCTOR

Driving a privilege

31. The purpose of this Part is to protect the public by ensuring that,

- (a) the privilege of driving on a highway is granted to, and retained by, only those persons who demonstrate that they are likely to drive safely; and
- (b) full driving privileges are granted to novice and probationary drivers only after they acquire experience and develop or improve safe driving skills in controlled conditions. 1993, c. 40, s. 1.

Driver's licence

32. (1) No person shall drive a motor vehicle on a highway unless the motor vehicle is within a class of motor vehicles in respect of which the person holds a driver's licence issued to him or her under this Act. R.S.O. 1990, c. H.8, s. 32 (1).

Idem

(2) No person shall drive a street car on a highway unless he or she holds a driver's licence. R.S.O. 1990, c. H.8, s. 32 (2).

Endorsement required

(3) No person shall drive on a highway a type of motor vehicle or combination of vehicles for which the regulations require a driver's licence endorsement or in circumstances for which the regulations require a driver's licence endorsement unless the person's driver's licence permits him or her to drive that class of motor vehicle or combination of vehicles and is endorsed to permit him or her to drive that type of motor vehicle or combination of vehicles or to drive in those circumstances, as the case may be. 2002, c. 18, Sched. P, s. 12 (1).

(4) Repealed: 2002, c. 18, Sched. P, s. 12 (1).

Issuance of driver's licence, endorsements

(5) The Minister may require an applicant for a driver's licence or an endorsement or a person who holds a driver's licence to submit to the examinations that are authorized by the regulations at the times and places required by the Minister and to meet other prescribed requirements, and the Minister may,

- (a) in the case of an applicant for a driver's licence,
 - (i) issue the driver's licence of the class and subject to the conditions authorized by the regulations that, in the opinion of the Minister, are justified by the results of the examinations and other prescribed requirements, or
 - (ii) where the applicant fails to submit to or to successfully complete the examinations or fails to meet the other prescribed requirements, refuse to issue a driver's licence to the applicant;
- (b) in the case of a person who holds a driver's licence,
 - (i) impose the conditions authorized by the regulations, remove any conditions or endorsements or change the class or classes of driver's licence held by the person, in accordance with the results of the examinations and other prescribed requirements, or
 - (ii) where the person fails to submit to or to successfully complete the examinations or fails to meet the other prescribed requirements, impose the conditions authorized by the regulations, remove any endorsements, suspend or cancel the driver's licence held by the person or change the class or classes of driver's licence held by the person;
- (c) in the case of a person who holds a driver's licence and who is an applicant for an endorsement,
 - (i) grant the endorsements authorized by the regulations that, in the opinion of the Minister, are justified by the results of the examinations and other prescribed requirements, or
 - (ii) where the person fails to submit to or to successfully complete the examinations or fails to meet the other prescribed requirements, refuse to grant the endorsements applied for. 2002, c. 18, Sched. P, s. 12 (1).

Retaining portion of fee

(6) Despite section 2 of the *Financial Administration Act*, any person who issues licences or provides any other service in relation to licences on behalf of the Minister, pursuant to an

agreement with the Minister, may retain, from the fee paid, the amount that is approved by the Minister from time to time. R.S.O. 1990, c. H.8, s. 32 (6).

Contingent validity

(7) Where a driver's licence issued under subsection (5) has been suspended, it is not valid for purposes of subsection (1) until the prescribed administrative fee for its reinstatement has been paid. R.S.O. 1990, c. H.8, s. 32 (7).

(8) Repealed: 2002, c. 18, Sched. P, s. 12 (2).

Driving in breach of condition prohibited

(9) No person shall drive a motor vehicle on a highway while contravening a condition contained in his or her driver's licence or imposed by the regulations. R.S.O. 1990, c. H.8, s. 32 (9).

Responsibility of owner

(10) No person who is the owner or is in possession or control of a motor vehicle or combination of vehicles shall permit any person to drive the motor vehicle or combination of vehicles on a highway unless that person holds a driver's licence for the class of motor vehicles or combination of vehicles to which the motor vehicle or combination of vehicles belongs. 2002, c. 18, Sched. P, s. 12 (3).

Same

(10.1) No person who is the owner or is in possession or control of a motor vehicle or combination of vehicles shall permit any person to drive the motor vehicle or combination of vehicles on a highway where to do so would contravene a condition on the person's driver's licence. 2002, c. 18, Sched. P, s. 12 (3).

Same

(11) No person who is the owner or is in possession or control of a motor vehicle or combination of vehicles shall permit any person to drive the motor vehicle or combination of vehicles on a highway unless that person holds a driver's licence containing any endorsements that are required to drive that motor vehicle or combination of vehicles under the circumstances in which the person will be driving. 2002, c. 18, Sched. P, s. 12 (3).

Same, novice drivers

(11.1) No person who is the owner or is in possession or control of a motor vehicle or combination of vehicles shall permit a novice driver, as defined under section 57.1, to drive the motor vehicle or combination of vehicles on a highway while contravening a condition or restriction imposed upon the novice driver by this Act or the regulations. 2002, c. 18, Sched. P, s. 12 (4); 2009, c. 5, s. 7.

(12) Repealed: 2002, c. 18, Sched. P, s. 12 (5).

Applicant for driver's licence may be photographed

(13) The Minister may require as a condition for issuing a driver's licence that the applicant therefor submit to being photographed by equipment provided by the Ministry. R.S.O. 1990, c. H.8, s. 32 (13).

Regulations

(14) The Lieutenant Governor in Council may make regulations relating to this section,

- (a) prescribing classes of motor vehicles;
- (b) prescribing the term of validity of drivers' licences;
- (c) prescribing conditions that may be imposed on a driver's licence or on a class or classes of drivers' licences;
- (d) prescribing classes of drivers' licences;
- (e) respecting practical and written driving examinations, mental examinations and physical examinations, including ophthalmic and auditory examinations, for applicants for and holders of drivers' licences and endorsements;
- (f) prescribing the qualifications of applicants for and holders of drivers' licences or any class or classes of drivers' licences and authorizing the Minister to waive the qualifications that are specified in the regulations under the circumstances prescribed therein;
- (g) prescribing the requirements to be met by an applicant for a driver's licence;
- (h) prescribing types of motor vehicles or of combinations of vehicles for which endorsements are required and prescribing the endorsements;
- (i) prescribing the circumstances for which endorsements are required and prescribing the endorsements;
- (j) prescribing the requirements to be met by a person applying for an endorsement;
- (k) prescribing the requirements to be met by a person for a condition to be removed from his or her driver's licence;
- (l) prescribing the qualifications of applicants for and holders of endorsements and authorizing the Minister to waive the qualifications that are specified in the regulations under the circumstances prescribed in the regulations;
- (m) respecting documents required to be filed with the Ministry prior to the issuance of a driver's licence or any class or classes of drivers' licences or prior to granting an endorsement or as a requirement for retaining a driver's licence or endorsement by the holder of a driver's licence;
- (n) prescribing the kinds of decisions under subsection (5) which an applicant or person who holds a driver's licence may appeal under section 50;
- (o) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this section. R.S.O. 1990, c. H.8, s. 32 (14); 2002, c. 18, Sched. P, s. 12 (6-8).

Documents privileged

[\(15\)](#) Documents filed with the Ministry relating to mental and physical, including ophthalmic and auditory, examinations pursuant to this section are privileged for the information of the Ministry only and shall not be open for public inspection. R.S.O. 1990, c. H.8, s. 32 (15).

Penalty

[\(16\)](#) Every person who contravenes subsection (1), (2), (3), (10), (10.1), (11) or (11.1) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than

\$1,000. 2002, c. 18, Sched. P, s. 12 (9).

Penalty – commercial motor vehicle

[\(17\)](#) Despite subsection (16), every person who contravenes subsection (1), (3), (9), (10), (10.1), (11) or (11.1) is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 2002, c. 18, Sched. P, s. 12 (10).

Limitation on driver's licence

[\(18\)](#) For greater certainty, a person who holds a driver's licence to drive a class of motor vehicle may nevertheless be restricted to driving a type of motor vehicle or combination of vehicles within that class of motor vehicle,

(a) by a condition prescribed under clause (14) (c) that is imposed on the person's licence;
or

(b) by the absence of an endorsement prescribed under clause (14) (h) or (i) on the person's licence. 2002, c. 18, Sched. P, s. 12 (11).

Combined photo card in lieu of driver's licence card

[32.1 \(1\)](#) The driver's licence card issued under this Act may be replaced with a combined photo card issued under the *Photo Card Act, 2008*, but the provisions of this or any other Act imposing a duty on the holders of drivers' licences, including a requirement to carry, present or surrender a driver's licence, apply to the combined photo card and the holder of a combined photo card as if the combined photo card were a driver's licence. 2008, c. 17, s. 33.

Combined photo card is also driver's licence

[\(2\)](#) A combined photo card issued under the *Photo Card Act, 2008* is also the holder's driver's licence for all purposes and the one combined photo card constitutes his or her enhanced photo card under that Act and his or her driver's licence. 2008, c. 17, s. 33.

Driver's licence remains valid if photo card ceases to be valid

[\(3\)](#) If a combined photo card holder's photo card ceases to be valid under the *Photo Card Act, 2008* for any reason, the holder's driver's licence remains valid unless this Act requires otherwise, and the holder may be issued a replacement driver's licence card. 2008, c. 17, s. 33.

Photo-comparison technology

[32.2 \(1\)](#) The Minister may use photo-comparison technology to compare the photographs taken of any applicants for or holders of a driver's licence or photo card. 2008, c. 17, s. 34.

Not admissible

[\(2\)](#) The photo-comparison technology used by the Minister, the methodology used to compare photographs and the measurements and results used for comparison are not admissible in evidence for any purpose and cannot be required for production in a civil proceeding before a court or tribunal. 2008, c. 17, s. 34.

Definitions

[\(3\)](#) In this section,

“photo card” has the same meaning as in the *Photo Card Act, 2008*; (“carte-photo”)

“photo-comparison technology” means a software application that measures the characteristics of a person's face in a photograph and compares the results of that measurement with those

of other photographs. (“technologie de comparaison de photos”) 2008, c. 17, s. 34.

As to carrying licences and surrender on demand

33. (1) Every driver of a motor vehicle or street car shall carry his or her licence with him or her at all times while he or she is in charge of a motor vehicle or street car and shall surrender the licence for reasonable inspection upon the demand of a police officer or officer appointed for carrying out the provisions of this Act. R.S.O. 1990, c. H.8, s. 33 (1).

Same, re novice driver rules

(2) Every accompanying driver, as defined under section 57.1, shall carry his or her licence and shall surrender the licence for reasonable inspection upon the demand of a police officer or officer appointed for carrying out the provisions of this Act. 1993, c. 40, s. 3.

Identification on failure to surrender licence

(3) Every person who is unable or refuses to surrender his or her licence in accordance with subsection (1) or (2) shall, when requested by a police officer or officer appointed for carrying out the provisions of this Act, give reasonable identification of himself or herself and, for the purposes of this subsection, the correct name and address of the person shall be deemed to be reasonable identification. 1993, c. 40, s. 3.

Exemption as to non-residents, licensing requirements

34. (1) Section 32 and any regulation made thereunder do not apply to any person who is,

- (a) a resident of any other province of Canada, who is at least sixteen years of age and has complied with the law of the province in which he or she resides as to the drivers of motor vehicles; or
- (b) a resident of any other country or state,
 - (i) who is at least sixteen years of age and is the holder of a valid International Driver’s Permit, or
 - (ii) who is at least sixteen years of age and has not resided in Ontario for more than three months in any one year and has complied with the law of the country or state in which he or she resides as to the licensing of drivers of motor vehicles. R.S.O. 1990, c. H.8, s. 34 (1).

Exemption of new residents

(2) Section 32 and any regulation made thereunder do not apply to a person for sixty days after he or she has become a resident of Ontario if during such period he or she holds a subsisting driver’s licence in accordance with the laws of the province, country or state of which he or she was a resident immediately before becoming a resident of Ontario. R.S.O. 1990, c. H.8, s. 34 (2).

Displaying licence that has been suspended, altered, etc.

35. (1) No person shall,

- (a) display or cause or permit to be displayed or have in his or her possession a fictitious, imitation, altered or fraudulently obtained driver’s licence;
- (b) display or cause or permit to be displayed or have in his or her possession a cancelled or suspended driver’s licence or a driver’s licence that has been changed in respect of its class, other than a licence card that has been marked by the Ministry as valid only to show the driver’s photograph;

- (c) lend his or her driver's licence or any portion thereof or permit the use of it by another person;
- (d) display or represent as his or her own a driver's licence not issued to him or her;
- (e) apply for, secure or retain in his or her possession more than one driver's licence;
- (e.1) secure or retain in his or her possession a driver's licence if he or she holds a photo card issued under the *Photo Card Act, 2008*; or
- (f) fail to surrender to the Ministry upon its demand a driver's licence that has been suspended, cancelled or changed in respect of its class. R.S.O. 1990, c. H.8, s. 35 (1); 1996, c. 20, s. 4; 2005, c. 26, Sched. A, s. 3 (1); 2008, c. 17, s. 35 (1-5).

Idem

(2) In subsection (1),

“licence” includes any portion thereof. R.S.O. 1990, c. H.8, s. 35 (2).

Seizing licence

(3) Any police officer who has reason to believe that any person has in his or her possession a driver's licence referred to in subsection (1) may take possession of the licence and, where the officer does so, shall forward it to the Registrar upon disposition of the case. R.S.O. 1990, c. H.8, s. 35 (3); 2008, c. 17, s. 35 (6).

Second driver's licence permitted

(4) Despite clause (1) (e), a person may hold a second driver's licence if the second licence is,

- (a) issued solely to permit the licensee to obtain experience in the driving of a motorcycle for the purpose of qualifying for a driver's licence that authorizes him or her to drive a motorcycle; or
- (b) required by any other province or territory of Canada or any state of the United States of America and has been issued in compliance with the law of that province, territory or state. R.S.O. 1990, c. H.8, s. 35 (4).

Application for driver's licence by photo card holder

(4.0.1) A person who holds a basic photo card or enhanced photo card issued under the *Photo Card Act, 2008* may apply for a driver's licence if he or she surrenders the photo card at the time of the application. 2008, c. 17, s. 35 (7).

Offence

(4.1) Every person who contravenes clause (1) (a) is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$50,000. 2005, c. 26, Sched. A, s. 3 (2).

Definition

(5) For the purposes of this section,

“driver's licence” includes a licence issued by any other province or territory of Canada or by any state of the United States of America. R.S.O. 1990, c. H.8, s. 35 (5).

Driving prohibited while licence suspended

36. A person whose driver's licence or privilege to drive a motor vehicle in Ontario has been

suspended shall not drive a motor vehicle or street car in Ontario under a driver's licence or permit issued by any other jurisdiction during the suspension. R.S.O. 1990, c. H.8, s. 36.

Drivers under 16 prohibited

37. (1) No person under the age of sixteen years shall drive or operate a motor vehicle, street car, road-building machine, self-propelled implement of husbandry or farm tractor on a highway. R.S.O. 1990, c. H.8, s. 37 (1).

Employment of drivers under 16 prohibited

(2) No person shall employ or permit anyone under the age of sixteen years to drive or operate a motor vehicle, street car, road-building machine, self-propelled implement of husbandry or farm tractor on a highway. R.S.O. 1990, c. H.8, s. 37 (2).

Exception

(3) Subsections (1) and (2) do not apply in respect of the driving or operating of a self-propelled implement of husbandry or farm tractor directly across a highway. R.S.O. 1990, c. H.8, s. 37 (3).

Minimum age to drive motor-assisted, power-assisted bicycle

38. (1) No person under the age of 16 years shall drive or operate a motor-assisted bicycle or power-assisted bicycle on a highway. 2009, c. 5, s. 8.

Same

(2) No person who is the owner or is in possession or control of a motor-assisted bicycle or power-assisted bicycle shall permit a person who is under the age of 16 years to ride on, drive or operate the motor-assisted bicycle or power-assisted bicycle on a highway. 2009, c. 5, s. 8.

Prohibition as to letting or hiring

39. (1) No person shall hire or let for hire a motor vehicle unless the person by whom the motor vehicle is to be driven is a person licensed to drive a motor vehicle as required by this Act. R.S.O. 1990, c. H.8, s. 39 (1).

Non-resident's licence

(2) Subsection (1) does not apply to a resident of any other province of Canada who does not reside or carry on business in Ontario for more than six consecutive months in any one year or to a resident of a country or state that grants similar exemptions and privileges to residents of Ontario, who does not reside in Ontario for more than three consecutive months in any one year, provided the person is the holder of a driver's licence issued by the province, country or state in which he or she resides. R.S.O. 1990, c. H.8, s. 39 (2).

Production of licence when hiring motor vehicle

(3) Every person, whether a resident of Ontario or not, hiring a motor vehicle shall produce his or her driver's licence for the inspection of the person from whom the vehicle is being hired. R.S.O. 1990, c. H.8, s. 39 (3).

Picking up passenger for compensation prohibited without licence, etc.

39.1 (1) A driver of a motor vehicle other than a bus shall not pick up a passenger for the purpose of transporting him or her for compensation where a licence, permit or authorization is required to do so by,

(a) the *Public Vehicles Act*;

- (b) a municipal by-law passed under Part IV of the *Municipal Act, 2001*;
- (c) a regulation made under the *Department of Transport Act* (Canada); or
- (d) an airport or airport authority,

except under the authority of such licence, permit or authorization. 2005, c. 26, Sched. A, s. 4.

Same

(2) The owner of a motor vehicle other than a bus shall not permit the motor vehicle to be driven by a person who the owner knows or has reason to believe intends to contravene subsection (1). 2005, c. 26, Sched. A, s. 4.

Same

(3) No person shall arrange or offer to arrange for a passenger to be picked up in a motor vehicle other than a bus for the purpose of being transported for compensation except under the licence, permit or authorization that is required to do so, as described in subsection (1). 2005, c. 26, Sched. A, s. 4.

Documents to be carried and surrendered

(4) Every driver of a motor vehicle other than a bus who picks up a passenger for the purpose of transporting him or her for compensation where a licence, permit or authorization is required to do so, as described in subsection (1), shall,

- (a) carry the original or a copy of the required licence, permit or authorization; and
- (b) upon the demand of a police officer or officer appointed for carrying out the provisions of this Act, surrender the original or copy of the required licence, permit or authorization for reasonable inspection. 2005, c. 26, Sched. A, s. 4.

Officer may require identification

(5) A police officer or officer appointed for carrying out the provisions of this Act who has reasonable and probable grounds to believe that a person has contravened subsection (3) may require that person to provide identification of himself or herself. 2005, c. 26, Sched. A, s. 4.

Same

(6) Every person who is required to provide identification under subsection (5) shall identify himself or herself to the officer and, for that purpose, giving his or her correct name, date of birth and address is sufficient identification. 2005, c. 26, Sched. A, s. 4.

Same

(7) A police officer may arrest without warrant any person who does not comply with subsection (6). 2005, c. 26, Sched. A, s. 4.

Offence

(8) Every person who contravenes subsection (1), (2), (3), (4) or (6) is guilty of an offence and on conviction is liable to a fine of not less than \$300 and not more than \$20,000. 2005, c. 26, Sched. A, s. 4.

Consent to prosecutions

(9) No prosecution shall be instituted under this section without the consent of a police officer or officer appointed for carrying out the provisions of this Act. 2005, c. 26, Sched. A, s. 4.

Regulations

(10) The Minister may make regulations,

- (a) exempting any area of Ontario from this section;
- (b) exempting any person or class of persons from this section and prescribing conditions for such exemption;
- (c) exempting any motor vehicle or class or type of motor vehicles from this section and prescribing conditions for such exemption;
- (d) prescribing circumstances under which any person or class of persons or any motor vehicle or class or type of motor vehicles is exempt from this section. 2005, c. 26, Sched. A, s. 4.

Definitions

(11) In this section,

“compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable, promised, received or demanded, directly or indirectly; (“rémunération”)

“owner” means, in the absence of evidence to the contrary, the holder of the permit or the plate portion of the permit for the vehicle. (“propriétaire”) 2005, c. 26, Sched. A, s. 4.

Agreements with other jurisdictions

40. (1) The Minister may enter into a reciprocal agreement with the government of any province or territory of Canada or of any state of the United States of America providing for,

- (a) the sanctioning by the licensing jurisdiction of drivers from that jurisdiction who commit offences in the other jurisdiction; and
- (b) on a driver’s change of residence, the issuance of a driver’s licence by one jurisdiction in exchange for a driver’s licence issued by the other jurisdiction. R.S.O. 1990, c. H.8, s. 40 (1); 2009, c. 5, s. 9.

Effect of agreement

(2) The provisions of this Act and the regulations with respect to the licensing of drivers are subject to any agreement made under this section. R.S.O. 1990, c. H.8, s. 40 (2).

Suspension on conviction for certain offences

41. (1) Subject to subsections 41.1 (1), (2) and (3), the driver’s licence of a person who is convicted of an offence,

- (a) under section 220, 221 or 236 of the *Criminal Code* (Canada) committed by means of a motor vehicle or a street car within the meaning of this Act or a motorized snow vehicle;
- (b) under section 249, 249.1, 249.2, 249.3, 249.4 or 252 of the *Criminal Code* (Canada) committed while driving or having the care, charge or control of a motor vehicle or street car within the meaning of this Act or a motorized snow vehicle;
- (b.1) under section 253 or 255 of the *Criminal Code* (Canada) committed while,
 - (i) driving or having the care, charge or control of a motor vehicle or street car within the meaning of this Act or a motorized snow vehicle, or
 - (ii) operating or having the care or control of a vessel within the meaning of section 48;

- (c) under section 254 of the *Criminal Code* (Canada) committed in relation to,
- (i) driving or having the care, charge or control of a motor vehicle or street car within the meaning of this Act or a motorized snow vehicle, or
 - (ii) operating or having the care or control of a vessel within the meaning of section 48;
- (d) under a provision that is enacted by another jurisdiction, including by a municipality in another jurisdiction, and is designated in a reciprocal agreement entered into under section 40; or
- (e) referred to in a predecessor to this subsection,

is thereupon suspended,

- (f) upon the first conviction, for one year;
- (g) upon the first subsequent conviction, for three years; and
- (h) upon the second subsequent conviction or an additional subsequent conviction, indefinitely. 1997, c. 12, s. 1 (1); 2001, c. 9, Sched. O, s. 2; 2006, c. 20, s. 1; 2007, c. 13, s. 6 (1); 2009, c. 5, s. 10.

Note: The periods of suspension provided for in subsection (1), as it read immediately before September 30, 1998, continue to apply with respect to convictions for offences committed before that date. See: 1997, c. 12, s. 1 (3).

Determining subsequent conviction

[\(2\)](#) In determining whether a conviction is a subsequent conviction or an additional subsequent conviction, as the case may be, for the purpose of clauses (1) (g) and (h), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction. R.S.O. 1990, c. H.8, s. 41 (2).

Ten-year limitation

[\(3\)](#) Clauses (1) (g) and (h) do not apply when the subsequent conviction is more than 10 years after the previous conviction. 1997, c. 12, s. 1 (2).

Note: The five-year limitation provided for in subsection (3), as it read immediately before September 30, 1998, continues to apply with respect to convictions for offences committed before that date. See: 1997, c. 12, s. 1 (4).

Exception

[\(3.0.1\)](#) Despite subsection (3), when the subsequent conviction is within 10 years after the previous conviction, all previous convictions that were not followed by a 10-year period without a conviction shall be taken into account for the purpose of clauses (1) (g) and (h). 1997, c. 12, s. 1 (2).

Transition

[\(3.0.2\)](#) Despite subsections (3) and (3.0.1), a conviction that was more than five years before the date on which this subsection comes into force shall not be taken into account for the purpose of clauses (1) (g) and (h). 1997, c. 12, s. 1 (2).

Suspension concurrent with s. 48.3 suspension

[\(3.1\)](#) The licence suspension under this section runs concurrently with the remaining portion, if any, of a suspension under section 48.3. 1996, c. 20, s. 5.

Order extending suspension

[\(4\)](#) Where the court or judge, as the case may be, making the conviction referred to in subsection (1) considers it to be desirable for the protection of the public using the highways, the court or judge may make an order extending the suspension of the licence,

- (a) for any period in addition to the period specified in subsection (1) that the court or judge considers proper, if the person is liable to imprisonment for life in respect of the offence; or
- (b) for any period in addition to the period specified in subsection (1) that the court or judge considers proper but not exceeding three years, if the person is not liable to imprisonment for life in respect of the offence. R.S.O. 1990, c. H.8, s. 41 (4).

Reduced suspension with ignition interlock condition

[\(4.1\)](#) A person whose driver's licence is suspended under subsection (1) for an offence listed in clause (1) (b.1) or (c) may apply to the Registrar for the reinstatement of his or her licence before the end of the licence suspension period, and the Registrar may reinstate the person's licence before the end of the licence suspension period, if the person has been notified under section 57 that he or she is required to participate in a conduct review program under that section that consists of or includes an ignition interlock program. 2007, c. 13, s. 6 (2).

Order for discharge

[\(5\)](#) This section applies in the same manner as if a person were convicted of an offence if the person pleads guilty to or is found guilty of an offence referred to in subsection (1) and,

- (a) an order directing that the accused be discharged is made under section 730 of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or
- (b) a disposition is made under section 20 or sections 28 to 32 of the *Young Offenders Act* (Canada) or a youth sentence is imposed under section 42, 59, 94, 95 or 96 of the *Youth Criminal Justice Act* (Canada) or an adult sentence is imposed under the *Youth Criminal Justice Act* (Canada), including a confirmation or variation of the disposition or sentence. R.S.O. 1990, c. H.8, s. 41 (5); 2000, c. 26, Sched. O, s. 1; 2006, c. 19, Sched. D, s. 9 (2).

Appeal

[\(6\)](#) An appeal may be taken from an order for additional suspension made under subsection (4) and the provisions of the *Criminal Code* (Canada) applying to an appeal from the conviction referred to in subsection (1) apply in respect of an appeal from an order made under subsection (4). R.S.O. 1990, c. H.8, s. 41 (6).

Stay of order on appeal

[\(7\)](#) Where an appeal is taken under subsection (6), the court being appealed to may direct that the order being appealed from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. R.S.O. 1990, c. H.8, s. 41 (7).

No cause of action

(8) No person whose licence is or was suspended under subsection (1) or a predecessor thereof has a cause of action against the Registrar of Motor Vehicles or Her Majesty the Queen in right of Ontario for any misapplication of, or misadvice about, the suspension period under subsection (1) or predecessor thereof. R.S.O. 1990, c. H.8, s. 41 (8).

Suspension on: reinstatement, reduction, extension of conviction

Reinstatement of suspended licence

41.1 (1) Where the Registrar is satisfied that a person whose driver's licence is suspended under clause 41 (1) (f) or (g) has completed the prescribed assessments and remedial programs that are applicable to the person, if any, and meets the prescribed requirements that are applicable to the person, if any, the Registrar shall reinstate the driver's licence upon the expiry of the suspension, subject to any other suspension under this Act. 1997, c. 12, s. 2.

Reduction of indefinite suspension and reinstatement of licence

(2) Where the Registrar is satisfied that a person whose driver's licence is suspended under clause 41 (1) (h) for a second subsequent conviction has completed the prescribed assessments and remedial programs that are applicable to the person, if any, and meets the prescribed requirements that are applicable to the person, if any, the Registrar shall reduce the period of the suspension to 10 years and shall reinstate the driver's licence upon the expiry of the reduced suspension, subject to any other suspension under this Act. 1997, c. 12, s. 2.

Further suspension

(3) If, upon the expiry of a suspension under subsection 41 (1), the person whose driver's licence is suspended has not satisfied the Registrar that he or she has completed the prescribed assessments and remedial programs that are applicable to the person, if any, and meets the prescribed requirements that are applicable to the person, if any, the Registrar shall suspend the person's driver's licence until such time as the Registrar is so satisfied. 1997, c. 12, s. 2.

Effective date of further suspension

(4) A suspension under subsection (3) takes effect from the time notice of the suspension is given, in accordance with section 52, to the person whose driver's licence is suspended. 1997, c. 12, s. 2.

Parties to judicial review

(5) The parties to any judicial review brought in respect of this section are the Registrar and the person whose driver's licence is suspended. 1997, c. 12, s. 2.

Documents privileged

(6) Documents filed with the Ministry for the purposes of this section are privileged for the information of the Ministry only and shall not be open for public inspection. 1997, c. 12, s. 2.

Persons authorized to provide programs

(6.1) The Minister may authorize or require any person or class of persons to provide or conduct assessments and programs for the purposes of this section and may require them to prepare, keep and submit reports to the Ministry as specified by the Ministry. 2007, c. 13, s. 7 (1).

Protection from personal liability

(7) No action or other proceeding for damages shall be instituted against a person authorized or required to conduct an assessment or program or submit a report for the purposes of this

section, unless the person was negligent in the conduct of the assessment or program or in the preparation or submission of the report. 1997, c. 12, s. 2; 2007, c. 13, s. 7 (2).

Same

(8) No action or other proceeding for damages shall be instituted against the Registrar or any employee of the Ministry for the suspension or reinstatement of a driver's licence in good faith in the execution or intended execution of a duty under this section. 1997, c. 12, s. 2.

Crown not relieved of liability

(9) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsections (7) and (8) do not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (7) or (8) to which it would otherwise be subject. 1997, c. 12, s. 2.

Regulations

(10) The Lieutenant Governor in Council may make regulations,

- (a) governing the assessments and remedial programs required under this section and prescribing what constitutes their completion;
- (b) prescribing fees for assessments and remedial programs;
- (c) Repealed: 2007, c. 13, s. 7 (3).
- (d) respecting documents required to be filed with the Registrar to satisfy him or her with respect to the completion of assessments and remedial programs;
- (e) prescribing the requirements to be met by a person in order to have his or her suspension reduced or his or her driver's licence reinstated under this section;
- (f) prescribing conditions that the Minister may impose on a driver's licence reinstated under this section;
- (g) prescribing the length of time that conditions imposed on a driver's licence reinstated under this section will apply, or a method for determining it;
- (h) requiring a person whose licence is suspended under subsection 41 (1) or whose licence is reinstated under this section to attend an interview with an official of the Ministry and prescribing the circumstances where the interview will be required and the purposes of the interview;
- (i) defining classes of persons, based on the nature of the offence or offences for which a driver's licence may be suspended under section 41 and on the number of convictions a person has for offences described in subsection 41 (1);
- (j) providing that this section, or any part of it, applies to a class or classes of persons or exempting any class or classes of persons from this section or any part of it, prescribing conditions for any such applications or exemptions and prescribing circumstances in which any such applications or exemptions apply. 1997, c. 12, s. 2; 2007, c. 13, s. 7 (3, 4).

Same

(11) A regulation made under subsection (10) may provide differently for different classes of persons and in different parts of Ontario. 1997, c. 12, s. 2.

Reinstatement conditions, ignition interlock devices

Reinstated licence subject to condition: first conviction

[41.2 \(1\)](#) If a person's driver's licence is suspended under section 41 as a result of a first conviction for an offence under section 253, 254 or 255 of the *Criminal Code* (Canada) and his or her driver's licence is reinstated under section 41.1 and not under subsection 41 (4.1), it is a condition of the person's driver's licence that he or she is prohibited from driving any motor vehicle that is not equipped with an approved ignition interlock device. 2000, c. 35, s. 1; 2002, c. 18, Sched. P, s. 13 (1); 2007, c. 13, s. 8 (1).

Application to remove condition

[\(2\)](#) A person mentioned in subsection (1) may apply to the Registrar to remove the condition prohibiting him or her from driving any motor vehicle that is not equipped with an approved ignition interlock device. 2000, c. 35, s. 1.

Time limit

[\(3\)](#) An application under subsection (2) may not be made earlier than one year from the day the person's driver's licence was reinstated under section 41.1. 2000, c. 35, s. 1.

Prescribed criteria must be met

[\(4\)](#) On receiving an application made in accordance with subsections (2) and (3), the Registrar shall remove the condition, if the person meets the criteria prescribed for the purpose of this subsection. 2000, c. 35, s. 1.

Reinstated licence subject to condition: second conviction

[\(5\)](#) If a person's driver's licence is suspended under section 41 as a result of a second conviction for an offence under section 253, 254 or 255 of the *Criminal Code* (Canada) and his or her driver's licence is reinstated under section 41.1, it is a condition of the person's driver's licence that he or she is prohibited from driving any motor vehicle that is not equipped with an approved ignition interlock device. 2000, c. 35, s. 1; 2002, c. 18, Sched. P, s. 13 (2).

Application to remove condition

[\(6\)](#) A person mentioned in subsection (5) may apply to the Registrar to remove the condition prohibiting him or her from driving any motor vehicle that is not equipped with an approved ignition interlock device. 2000, c. 35, s. 1.

Time limit

[\(7\)](#) An application under subsection (6) may not be made earlier than three years from the day the person's driver's licence was reinstated under section 41.1. 2000, c. 35, s. 1.

Prescribed criteria must be met

[\(8\)](#) On receiving an application made in accordance with subsections (6) and (7), the Registrar shall remove the condition, if the person meets the criteria prescribed for the purpose of this subsection. 2000, c. 35, s. 1.

Reinstated licence subject to permanent condition

[\(9\)](#) If, in accordance with subsection 41.1 (2), the Registrar reduces an indefinite licence suspension that was imposed for a second subsequent conviction or an additional subsequent conviction of an offence under section 253, 254 or 255 of the *Criminal Code* (Canada), and reinstates a person's driver's licence, it is a permanent condition of the person's driver's licence that he or she is prohibited from driving any motor vehicle that is not equipped with an approved

ignition interlock device. 2007, c. 13, s. 8 (2).

Responsibility of owner of motor vehicle

(10) No person who is the owner or is in possession or control of a motor vehicle that is not equipped with an approved ignition interlock device shall knowingly permit a person to drive the vehicle, if that person is prohibited from driving any motor vehicle that is not equipped with such a device. 2000, c. 35, s. 1; 2002, c. 18, Sched. P, s. 13 (3).

No tampering with devices

(11) Except in accordance with an authorization under subsection (14), no person shall tamper with an approved ignition interlock device. 2000, c. 35, s. 1.

Inspections

(12) If, under the authority of this Act, a police officer stops a motor vehicle, inspects a person's driver's licence and determines that the person is prohibited from driving any motor vehicle that is not equipped with an approved ignition interlock device, the police officer may, without warrant or court order, inspect the vehicle to the extent that is reasonably necessary to determine,

- (a) whether the vehicle is equipped with such a device; and
- (b) if the vehicle has the device, whether the device has been tampered with in any manner. 2000, c. 35, s. 1.

Penalty

(13) Every person who drives a motor vehicle that is not equipped with an approved ignition interlock device while prohibited from doing so or who contravenes subsection (10) or (11) is guilty of an offence and on conviction is liable,

- (a) in the case involving a commercial motor vehicle within the meaning of subsection 16 (1), to a fine of not less than \$200 and not more than \$20,000;
- (b) in every other case, to a fine of not less than \$200 and not more than \$1,000. 2000, c. 35, s. 1.

Authorization to install devices

(14) The Minister may in writing authorize any person to install, maintain and remove approved ignition interlock devices. 2000, c. 35, s. 1.

Authorization to charge fees

(15) Where, under subsection (14), the Minister has authorized a person to install, maintain and remove approved ignition interlock devices, the Minister may in writing authorize that person to charge a fee for the installation, maintenance and removal of such devices. 2000, c. 35, s. 1.

Regulations

(16) The Lieutenant Governor in Council may make regulations,

- (a) approving ignition interlock devices for the purpose of this section;
- (b) respecting the standards governing the installation, operation and maintenance of approved ignition interlock devices for the purposes of this section and Part III.1 of the *Civil Remedies Act, 2001* and requiring persons authorized under subsection (14) to comply with those standards;

- (c) providing for the purposes of this section that “motor vehicle” includes a streetcar or a motorized snow vehicle;
- (d) prescribing exemptions from subsection (1), (5) or (9) and providing that an exemption is subject to restrictions or conditions specified in the regulations and providing that any such restriction or condition shall be deemed to be a condition contained on a person’s driver’s licence;
- (e) prescribing criteria for the purpose of subsections (4) and (8);
- (f) requiring a driver who is prohibited from driving any motor vehicle that is not equipped with an approved ignition interlock device to attend upon a person authorized under subsection (14) for the purpose of enabling that person to gather information from the device;
- (g) governing reports that shall be made to the Ministry by persons authorized under subsection (14) in respect of information gathered under clause (f);
- (h) respecting programs of supervision for persons prohibited from driving a motor vehicle that is not equipped with an approved ignition interlock device;
- (i) respecting any other matter necessary for the administration of this section. 2000, c. 35, s. 1; 2007, c. 13, s. 8 (3).

Same

[\(17\)](#) A regulation made under subsection (16) may be general or particular in its application. 2000, c. 35, s. 1.

Adoption of codes in regulations

[\(18\)](#) A regulation under clause (16) (b) may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, standard, protocol, procedure or policy, and may require compliance with any code, standard, protocol, procedure or policy. 2000, c. 35, s. 1.

Amendments to codes

[\(19\)](#) The power to adopt by reference and require compliance with a code, standard, protocol, procedure or policy in subsection (18) includes the power to adopt a code, standard, protocol, procedure or policy as it may be amended from time to time. 2000, c. 35, s. 1.

Definitions

[\(20\)](#) In this section and in section 41.3,

“approved” means approved under clause (16) (a); (“approuvé”)

“driver’s licence” includes a driver’s licence issued by any other jurisdiction; (“permis de conduire”)

“ignition interlock device” means a device designed to ascertain the presence of alcohol in the driver’s body and to prevent a motor vehicle from being started if the concentration of alcohol in the driver’s body exceeds the prescribed limit. (“dispositif de verrouillage du système de démarrage”) 2000, c. 35, s. 1.

Ignition interlock devices, further provisions

Parties to judicial review

41.3 (1) The parties to any judicial review brought in respect of section 41.2 are the Registrar and the person whose driver's licence is subject to the condition prohibiting him or her from driving any motor vehicle that is not equipped with an approved ignition interlock device. 2000, c. 35, s. 1.

Documents privileged

(2) Documents filed with the Ministry for the purposes of section 41.2 are privileged for the information of the Ministry only and shall not be open for public inspection. 2000, c. 35, s. 1.

Protection from personal liability

(3) No action or other proceeding for damages shall be instituted against a person authorized under subsection 41.2 (14) to install or maintain an approved ignition interlock device, unless the person was negligent in the performance of his or her duties and responsibilities under section 41.2. 2000, c. 35, s. 1.

Same

(4) No action or other proceeding for damages shall be instituted against the Registrar or any employee of the Ministry for the removal of a condition prohibiting a person from driving a motor vehicle that is not equipped with an approved ignition interlock device or for the failure to remove the condition, if the Registrar or employee acted in good faith in the execution or intended execution of his or her duties under section 41.2. 2000, c. 35, s. 1.

Crown not relieved of liability

(5) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsections (3) and (4) do not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (3) and (4) to which it would otherwise be subject. 2000, c. 35, s. 1.

Administrative vehicle impoundment for contravening ignition interlock condition

41.4 (1) Where a police officer is satisfied that a person was driving a motor vehicle in contravention of a condition that was imposed on the person's driver's licence under section 41.2 or pursuant to a conduct review program under section 57 that prohibits him or her from driving a motor vehicle that is not equipped with an approved ignition interlock device, the officer shall detain the motor vehicle that was being driven by the person and the vehicle shall, at the cost and risk of its owner,

- (a) be removed to an impound facility as directed by a police officer; and
- (b) be impounded for seven days from the time it was detained. 2009, c. 5, s. 11; 2010, c. 16, Sched. 12, s. 2 (1).

Release of vehicle

(2) Subject to subsection (14), the motor vehicle shall be released to its owner from the impound facility upon the expiry of the period of impoundment. 2009, c. 5, s. 11.

Early release of vehicle

(3) Despite the detention or impoundment of a motor vehicle under this section, a police officer may release the motor vehicle to its owner before it is impounded or, subject to subsection (14), may direct the operator of the impound facility where the motor vehicle is impounded to release the motor vehicle to its owner before the expiry of the seven days if the officer is satisfied that the motor vehicle was stolen at the time that it was driven as described in subsection (1). 2009,

c. 5, s. 11.

Duty of officer re impoundment

- (4) Every officer who detains a motor vehicle under this section shall, as soon as practicable,
- (a) prepare a notice identifying the motor vehicle that is to be impounded, the name and address of the driver, the date and time of the impoundment, the period of time for which the motor vehicle is impounded and the place where the vehicle may be recovered; and
 - (b) serve the driver with a copy of the notice. 2009, c. 5, s. 11.

Service on driver is deemed service on owner and operator

(5) Service of a copy of a notice under subsection (4) on the driver of the motor vehicle is deemed to be service on and sufficient notice to the owner of the vehicle and the operator of the vehicle, if there is an operator. 2009, c. 5, s. 11.

Further notice to owner

(6) In addition to serving the owner of the motor vehicle through service on the driver under subsection (4), a police officer shall provide a copy of the notice prepared under subsection (4) to the owner of the motor vehicle by delivering it personally or by mail to the address of the owner shown on the permit for the motor vehicle or to the latest address for the owner appearing on the records of the Ministry. 2009, c. 5, s. 11.

Surrender of documents, information re trip and goods carried

(7) If the motor vehicle that is to be impounded contains goods, the police officer may require the driver and any other person present who is in charge of the motor vehicle to surrender all documents in his or her possession or in the vehicle that relate to the operation of the vehicle or to the carriage of the goods and to furnish all information within that person's knowledge relating to the details of the current trip and the ownership of the goods. 2009, c. 5, s. 11.

Operator, owner to remove load

(8) Upon being served with notice of the impoundment through service on the driver under subsection (4), the operator of the motor vehicle or, if there is no operator, the owner shall forthwith remove any vehicle drawn by the motor vehicle and any load from the motor vehicle. 2009, c. 5, s. 11.

Application of *Dangerous Goods Transportation Act*

(9) If the goods are dangerous goods, within the meaning of the *Dangerous Goods Transportation Act*, the operator or, if there is no operator, the owner shall remove them in accordance with that Act. 2009, c. 5, s. 11.

Officer may remove load, trailer at operator's cost, risk

(10) If, in the opinion of a police officer, the operator or owner fails to remove a drawn vehicle or load as required by subsection (8) within a reasonable time after being served with notice of the impoundment, the officer may cause the drawn vehicle or load to be removed and stored or disposed of at the cost and risk of the operator or, if there is no operator, the owner. 2009, c. 5, s. 11.

Same

- (11) If a police officer is of the opinion that the operator or owner has not made appropriate

arrangements for the removal of a drawn vehicle or load, having regard to the nature of the goods, including the fact that they are or appear to be dangerous goods within the meaning of the *Dangerous Goods Transportation Act* or are perishable, the officer may cause the drawn vehicle or load to be removed, stored or otherwise disposed of at the cost and risk of the operator or, if there is no operator, the owner. 2009, c. 5, s. 11.

Personal property in vehicle available to owner

(12) Any personal property that is left in the impounded motor vehicle and that is not attached to or used in connection with its operation shall, upon request and proof of ownership, be made available, at reasonable times, to the owner of the property. 2009, c. 5, s. 11.

No appeal or right to be heard

(13) There is no appeal from, or right to be heard before, a vehicle detention or impoundment under subsection (1). 2009, c. 5, s. 11.

Impound costs to be paid before release of vehicle

(14) The person who operates the impound facility where a motor vehicle is impounded under this section is not required to release the motor vehicle until the removal and impound costs for the vehicle have been paid. 2009, c. 5, s. 11.

Lien for impound costs

(15) The costs incurred by the person who operates the impound facility where a motor vehicle is impounded under this section are a lien on the motor vehicle that may be enforced under the *Repair and Storage Liens Act*. 2009, c. 5, s. 11.

Impound costs a recoverable debt

(16) The costs incurred by the person who operates the impound facility where a motor vehicle is impounded under this section are a debt due by the owner and the driver of the motor vehicle at the time the vehicle was detained, for which the owner and the driver are jointly and severally liable, and the debt may be recovered in any court of competent jurisdiction. 2009, c. 5, s. 11.

Owner may recover losses from driver

(17) The owner of a motor vehicle that is impounded under this section may bring an action against the driver of the motor vehicle at the time the vehicle was detained under subsection (1) to recover any costs or other losses incurred by the owner in connection with the impoundment. 2009, c. 5, s. 11.

Debt due to police or Crown

(18) The costs incurred by a police force or the Crown in removing, storing or disposing of a drawn vehicle or load from a motor vehicle under subsection (10) or (11) are a debt due to the police force or Crown, as the case may be, and may be recovered by the police force or Crown in any court of competent jurisdiction. 2009, c. 5, s. 11.

Offence

(19) Every person who obstructs or interferes with a police officer in the performance of his or her duties under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000 or to imprisonment for a term of not more than six months, or to both. 2009, c. 5, s. 11.

Intent of impoundment

[\(20\)](#) The impoundment of a motor vehicle under this section is intended to promote compliance with this Act and to thereby safeguard the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2009, c. 5, s. 11.

Impoundment concurrent with other administrative impoundments

[\(21\)](#) The impoundment of a motor vehicle under this section runs concurrently with an impoundment, if any, of the same motor vehicle under section 48.4, 55.1, 55.2, 82.1 or 172. 2009, c. 5, s. 11.

Forms

[\(22\)](#) The Minister may require that forms approved by the Minister be used for any purpose of this section. 2009, c. 5, s. 11.

Regulations

[\(23\)](#) The Minister may make regulations,

- (a) requiring police officers to keep records with respect to vehicle impoundments under this section for a specified period of time and to report specified information with respect to vehicle impoundments to the Registrar and governing such records and reports;
- (b) exempting any class of persons or class or type of vehicles from any provision or requirement of this section or of any regulation made under this section and prescribing conditions and circumstances for any such exemption;
- (c) exempting commercial motor vehicles, or any class or type of commercial motor vehicles, or drivers, owners or operators of commercial motor vehicles or any class of them, from any provision or requirement of this section or of any regulation made under this section, prescribing a different scheme of consequences and requirements from those set out in this section if a police officer is satisfied that a person was driving a commercial motor vehicle, or a specified class or type of commercial motor vehicle, as described in subsection (1), including prescribing different penalties, and prescribing conditions and circumstances for any such exemption or for a different scheme to apply;
- (d) designating provisions of legislation enacted by another province, a territory of Canada or a state of the United States of America that are comparable to the provisions referred to in subsection (1) and providing that this section applies to a person who is driving a motor vehicle in contravention of a condition or requirement imposed under such provisions. 2009, c. 5, s. 11.

Contravention of different scheme

[\(24\)](#) Every person who contravenes or fails to comply with a regulation made under clause (23) (c) that prescribes a different scheme of consequences and requirements from those set out in this section is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 2009, c. 5, s. 11.

Definition

[\(25\)](#) In this section,

“operator” means,

- (a) the person directly or indirectly responsible for the operation of a commercial motor vehicle, including the conduct of the driver of, and the carriage of goods or passengers, if any, in, the commercial motor vehicle or combination of vehicles, and
- (b) in the absence of evidence to the contrary, where no CVOR certificate, as defined in subsection 16 (1), or lease applicable to a commercial motor vehicle, is produced, the holder of the plate portion of the permit for the commercial motor vehicle. 2009, c. 5, s. 11.

Suspension for driving while disqualified

42. (1) The driver's licence of a person who is convicted of an offence under subsection 259 (4) of the *Criminal Code* (Canada) or under a provision that is enacted by another jurisdiction, including by a municipality in another jurisdiction, and is designated in a reciprocal agreement entered into under section 40 is thereupon suspended for a period of,

- (a) upon the first conviction, one year; and
- (b) upon a subsequent conviction, two years,

in addition to any other period for which the licence is suspended and consecutively thereto. R.S.O. 1990, c. H.8, s. 42 (1); 2009, c. 5, s. 12 (1).

Determining subsequent conviction

(2) In determining whether a conviction is a subsequent conviction for the purposes of subsection (1), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction. R.S.O. 1990, c. H.8, s. 42 (2).

Five-year limitation

(3) Clause (1) (b) does not apply when the subsequent conviction is more than five years after the previous conviction. R.S.O. 1990, c. H.8, s. 42 (3).

Order for discharge

(4) This section applies in the same manner as if a person were convicted of an offence if the person pleads guilty to or is found guilty of an offence referred to in subsection (1) and,

- (a) an order directing that the accused be discharged is made under section 730 of the *Criminal Code* (Canada) or under a provision that is enacted by a state of the United States of America and that is designated by the regulations; or
- (b) a disposition is made under section 20 or sections 28 to 32 of the *Young Offenders Act* (Canada) or a youth sentence is imposed under section 42, 59, 94, 95 or 96 of the *Youth Criminal Justice Act* (Canada) or an adult sentence is imposed under the *Youth Criminal Justice Act* (Canada), including a confirmation or variation of the disposition or sentence. R.S.O. 1990, c. H.8, s. 42 (4); 2000, c. 26, Sched. O, s. 2; 2006, c. 19, Sched. D, s. 9 (3).

(5) Repealed: 2009, c. 5, s. 12 (2).

Suspension while prohibited from driving

43. (1) Where the licence of a person who is subject to an order made under section 259 of the *Criminal Code* (Canada), if the order is the result of an offence committed while operating a motor vehicle or street car within the meaning of this Act, a vessel within the meaning of section

48 or a motorized snow vehicle, is suspended under subsection 41 (1) or under subsection 42 (1), the licence shall remain suspended during the period of prohibition set out in the order despite the expiration of any other period of suspension. 2006, c. 20, s. 2; 2009, c. 5, s. 13.

Expanded meaning of order

[\(2\)](#) For the purposes of subsection (1),

“an order made under section 259 of the *Criminal Code* (Canada)” includes an order made under subsection 238 (1) of the *Criminal Code* (Canada) before the 26th day of April, 1976. R.S.O. 1990, c. H.8, s. 43 (2).

Increased suspension time

[44. \(1\)](#) Where an order is made under section 259 of the *Criminal Code* (Canada) or under subsection 41 (4) of this Act and the court or judge, when sentencing the offender or making the conviction, orders the imprisonment of the offender and that the period of prohibition or suspension, as the case may be, shall start to run on the termination of the imprisonment, the suspension imposed by subsection 41 (1) of this Act is thereupon increased by the period of imprisonment. R.S.O. 1990, c. H.8, s. 44 (1).

Modification to increased suspension

[\(2\)](#) Where the period of imprisonment referred to in subsection (1) is less than that ordered by the court or judge, the length of the increased suspension imposed by subsection (1) shall, upon the application of the offender, be reduced by a period equal to that by which the period of imprisonment was reduced. R.S.O. 1990, c. H.8, s. 44 (2).

Condition on licence that blood alcohol concentration level be zero

Novice drivers

[44.1 \(1\)](#) It is a condition of the driver's licence of every novice driver that his or her blood alcohol concentration level be zero while he or she is driving a motor vehicle on a highway. 2009, c. 5, s. 14.

Young drivers

[\(2\)](#) It is a condition of the driver's licence of every young driver that his or her blood alcohol concentration level be zero while he or she is driving a motor vehicle on a highway. 2009, c. 5, s. 14.

Penalty, novice drivers

[\(3\)](#) Every novice driver who contravenes the condition of his or her driver's licence imposed under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$60 and not more than \$500. 2009, c. 5, s. 14.

Same

[\(4\)](#) If a novice driver is convicted of an offence under subsection (3), the Registrar may suspend, cancel or change his or her driver's licence in accordance with the regulations. 2009, c. 5, s. 14.

Same, young drivers

[\(5\)](#) Every young driver who contravenes the condition of his or her driver's licence imposed under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$60 and not more than \$500 and his or her driver's licence is thereupon suspended for 30 days. 2009, c. 5, s. 14.

Intent of suspension

[\(6\)](#) The suspension of a licence under this section is intended to ensure that novice drivers and young drivers acquire experience and develop or improve safe driving skills in controlled conditions and to safeguard the licensee and the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2009, c. 5, s. 14.

Regulations

[\(7\)](#) The Lieutenant Governor in Council may make regulations governing the suspension or cancellation of drivers' licences of novice drivers or the change in respect of their class for the purpose of subsection (4). 2009, c. 5, s. 14.

Definitions

[\(8\)](#) In this section,

“driver” includes a person who has care or control of a motor vehicle; (“conducteur”)

“driver’s licence” includes a motorized snow vehicle operator’s licence and a driver’s licence issued by any other jurisdiction; (“permis de conduire”)

“motor vehicle” includes a motorized snow vehicle; (“véhicule automobile”)

“novice driver” has the meaning prescribed by the regulations made under section 57.1; (“conducteur débutant”)

“young driver” means a driver who is under 22 years old. (“jeune conducteur”) 2009, c. 5, s. 14.

When driver may be disqualified

[45.](#) A provincial judge or justice of the peace by whom a person is convicted of a contravention of this Act, if the person convicted is required to hold a driver’s licence and does not hold the licence, may declare him or her disqualified to hold a licence for the time that the provincial judge or justice of the peace thinks fit and shall so report with the certificate of the conviction to the Minister. R.S.O. 1990, c. H.8, s. 45.

Defaulted fine

[46. \(1\)](#) This section applies if a fine is imposed on conviction for an offence and the offence is an offence,

- (a) under this Act or the regulations;
- (b) under any other Act listed in the Schedule to this section or under the regulations made under such an Act;
- (c) under clause 17 (1) (a) or subsection 24 (1) of the *Fish and Wildlife Conservation Act, 1997*;
- (d) under subsection 32 (1) of the *Liquor Licence Act*; or
- (e) that was committed with a motor vehicle under section 249, 249.1, 249.2, 249.3, 249.4, 252, 253, 254, 255 or 259 of the *Criminal Code (Canada)*. 1993, c. 31, s. 2 (6); 1997, c. 41, s. 120; 2001, c. 9, Sched. O, s. 3; 2002, c. 18, Sched. P, s. 14 (1); 2007, c. 13, s. 9.

Order or direction

(2) If the payment of a fine imposed on conviction for an offence is in default, an order or direction may be made under section 69 of the *Provincial Offences Act* directing that the convicted person's driver's licence be suspended and that no driver's licence be issued to him or her until the fine is paid. 1993, c. 31, s. 2 (6).

Suspension by Registrar

(3) On being informed of an outstanding order or direction referred to in subsection (2), the Registrar shall suspend the person's driver's licence if it has not already been suspended under another order or direction referred to in subsection (2). 1993, c. 31, s. 2 (6).

Reinstatement

(4) On being informed that the fine and any applicable administrative fee for reinstatement of the person's driver's licence have been paid, the Registrar shall reinstate the licence, unless he or she has also been informed that,

- (a) another order or direction referred to in subsection (2) is outstanding;
- (b) the licence is suspended under any other order or direction or under another statute;
- (c) interest charged or a penalty imposed under subsection 5 (2) has not been paid; or
- (d) an applicable prescribed administrative fee for handling a dishonoured cheque has not been paid. 1993, c. 31, s. 2 (6).

Regulations

(5) The Lieutenant Governor in Council may make regulations prescribing forms and procedures and respecting any matter considered necessary or advisable to carry out effectively the intent and purpose of this section. 1993, c. 31, s. 2 (6).

SCHEDULE

Compulsory Automobile Insurance Act

Dangerous Goods Transportation Act

Motorized Snow Vehicles Act

Off-Road Vehicles Act

Public Vehicles Act

1993, c. 31, s. 2 (6); 2002, c. 18, Sched. P, s. 14 (2).

Suspension and cancellation of licence, etc., general

47. (1) Subject to section 47.1, the Registrar may suspend or cancel,

- (a) the plate portion of a permit as defined in Part II;
- (b) a driver's licence; or
- (c) a CVOR certificate,

on the grounds of,

- (d) misconduct for which the holder is responsible, directly or indirectly, related to the

operation or driving of a motor vehicle;

- (e) conviction of the holder for an offence referred to in subsection 210 (1) or (2);
- (f) the Registrar having reason to believe, having regard to the safety record of the holder or of a person related to the holder, and any other information that the Registrar considers relevant, that the holder will not operate a commercial motor vehicle safely or in accordance with this Act, the regulations and other laws relating to highway safety; or
- (g) any other sufficient reason not referred to in clause (d), (e) or (f). R.S.O. 1990, c. H.8, s. 47 (1); 1996, c. 33, s. 7 (1, 2).

Restriction

[\(2\)](#) As an alternative to a suspension or cancellation under subsection (1), the Registrar may, subject to section 47.1, restrict the number of commercial motor vehicles that may be operated by a holder of a CVOR certificate during the period that the Registrar stipulates. R.S.O. 1990, c. H.8, s. 47 (2); 1996, c. 33, s. 7 (3).

Interpretation

[\(2.1\)](#) Subsection 17 (4) applies, with necessary modifications, for the purpose of determining who are related persons under clause (1) (f). 1996, c. 33, s. 7 (4).

New permit not to be issued

[\(3\)](#) A person whose permit is under suspension or is cancelled under this section is not entitled to be issued a plate portion of a permit while the permit is under suspension or is cancelled. 2002, c. 18, Sched. P, s. 15 (1).

New licence not to be issued

[\(3.1\)](#) A person whose licence is under suspension or is cancelled under this section is not entitled to be issued a licence while the licence is under suspension or is cancelled. 2002, c. 18, Sched. P, s. 15 (1).

New CVOR certificate not to be issued

[\(3.2\)](#) A person whose CVOR certificate is under suspension under this section or is revoked under section 17.0.1 is not entitled to be issued a CVOR certificate while the CVOR certificate is under suspension or is revoked. 2002, c. 18, Sched. P, s. 15 (1).

Same

[\(3.3\)](#) A person whose CVOR certificate has been cancelled under this section is never entitled to be issued a CVOR certificate. 2002, c. 18, Sched. P, s. 15 (1).

Fleet limitation certificates

[\(4\)](#) Where a restriction is imposed under subsection (2), the Registrar shall issue to the holder of the CVOR certificate fleet limitation certificates in a number equal to the number of vehicles permitted to be operated. R.S.O. 1990, c. H.8, s. 47 (4).

Offence

[\(5\)](#) Every person whose permit for a motor vehicle is suspended or cancelled and who, while prohibited from having such a motor vehicle registered in their name, applies for or procures the issue of or has possession of the plate portion of a permit for a motor vehicle issued to them is guilty of an offence and on conviction is liable,

- (a) to a fine of not less than \$60 and not more than \$500 where the vehicle is not a

commercial motor vehicle; or

(b) to a fine of not less than \$200 and not more than \$2,000 where the vehicle is a commercial motor vehicle,

or to imprisonment for a term of not more than thirty days, or to both a fine and imprisonment. R.S.O. 1990, c. H.8, s. 47 (5); 1996, c. 33, s. 7 (5).

Same

(6) Every person whose licence is suspended or cancelled and who, while prohibited from driving a motor vehicle, applies for or procures the issue of or has possession of any portion of a licence issued to him or her, other than a licence card that has been marked by the Ministry as valid only to show the driver's photograph, is guilty of an offence and on conviction is liable to a fine of not less than \$60 and not more than \$500 and to imprisonment for a term of not more than 30 days. 2008, c. 17, s. 36.

Same

(7) Every person whose CVOR certificate is suspended or cancelled who applies for or procures the issue of a CVOR certificate to themselves is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$2,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1990, c. H.8, s. 47 (7); 1996, c. 33, s. 7 (6); 2002, c. 18, Sched. P, s. 15 (2).

Same

(8) Every person,

- (a) in respect of whom a restriction is imposed under subsection (2) who operates a commercial motor vehicle in which a valid fleet limitation certificate is not carried; or
- (b) who operates a commercial motor vehicle without a permit or certificate or when their permit or certificate is under suspension,

is guilty of an offence and on conviction is liable to a fine of not more than \$5,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.8, s. 47 (8); 1996, c. 33, s. 7 (7).

Power to seize number plates

(8.1) If the plate portion of a permit is suspended or cancelled under clause (1) (a), the Registrar may order that the plate portion of the permit or the number plates issued in connection with the plate portion of the permit be seized and any police officer or officer appointed for carrying out this Act may seize the plate portion of the permit and the number plates and deliver them to the Ministry. 1996, c. 33, s. 7 (8).

Definitions, "commercial motor vehicle", etc.

(9) For the purposes of this section and section 47.1,

"commercial motor vehicle", "operator" and "safety record" have the same meanings as in subsection 16 (1). ("véhicule utilitaire", "utilisateur", "fiche de sécurité") 1996, c. 33, s. 7 (9); 2001, c. 9, Sched. O, s. 4.

Power to seize out-of-province permits and plates

(10) The Registrar may, at any time, for misconduct or contravention of this Act or the *Public Vehicles Act* or of any regulation thereunder by an owner or lessee of one or more motor

vehicles or trailers for which permits have been issued by a jurisdiction or jurisdictions other than the Province of Ontario, order that the permit and number plates issued for the vehicle or vehicles be seized. 2002, c. 18, Sched. P, s. 15 (3).

Same

[\(11\)](#) Any police officer or officer appointed for carrying out this Act or for the enforcement of the *Public Vehicles Act* may seize the permit and number plates pursuant to an order under subsection (10) and deliver them to the Ministry, which shall return them to the authority that issued them. 2002, c. 18, Sched. P, s. 15 (3).

Notice, proposed action s. 47 or safety concern

Notice of proposed action, s. 47

[47.1 \(1\)](#) Before taking any action under clause 47 (1) (a) or (c) or subsection 47 (2), the Registrar shall notify the person whose plate portion of a permit or CVOR certificate is to be affected of his or her proposed action. 1996, c. 33, s. 8.

Notice of safety record concerns

[\(1.1\)](#) The Registrar may also notify an operator at any time if the Registrar has reason to believe that the operator may not operate a commercial motor vehicle safely or in accordance with this Act, the regulations or other laws relating to highway safety. 2001, c. 9, Sched. O, s. 5 (1).

Method of giving notice

- [\(2\)](#) Notice under subsection (1) or (1.1), or withdrawal of such a notice, is sufficiently given,
- (a) if it is delivered personally;
 - (b) if it is delivered by registered mail addressed to the person at the latest address for the person appearing on the Ministry records; or
 - (c) if it is sent by telephone transmission of a facsimile or by some other electronic or other transmission medium permitted by the regulations to the person at the latest facsimile number or other medium address for the person provided by the person to the Ministry. 1996, c. 33, s. 8; 2001, c. 9, Sched. O, s. 5 (2).

Same

[\(3\)](#) Unless the person establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice,

- (a) notice given by registered mail shall be deemed to have been received on the fifth day after it was mailed;
- (b) notice given by telephone transmission of a facsimile or by some other electronic or other transmission medium shall be deemed to have been received on the first business day after it was sent. 1996, c. 33, s. 8.

Restrictions on vehicle transfers

[\(4\)](#) If a notice under subsection (1) or (1.1) is issued to an operator, no person shall, without the consent of the Registrar, transfer or lease any commercial motor vehicle or trailer for which the operator's name is on the vehicle or plate portion of the permit or do anything that will result in a change of name on the vehicle or plate portion of the permit for any such vehicle or trailer. 2001, c. 9, Sched. O, s. 5 (3).

Duration of restrictions

(4.1) Subsection (4) is effective in respect of a notice under subsection (1) from the earlier of the date the notice is actually received by the operator and the date the notice is deemed by subsection (3) to have been received by the operator,

- (a) in the case of a proposed suspension or fleet limitation, until the end of the suspension or fleet limitation;
- (b) in the case of a proposed cancellation, forever. 2001, c. 9, Sched. O, s. 5 (3).

Same

(4.2) Despite subsection (4.1), subsection (4) ceases to apply in respect of a notice under subsection (1),

- (a) if the Registrar withdraws the proposal to suspend or cancel the plate portion of the permit or the CVOR certificate or to impose a fleet limitation; or
- (b) if the suspension, cancellation or limitation is set aside on appeal. 2001, c. 9, Sched. O, s. 5 (3).

Same

(5) Subsection (4) is effective in respect of a notice under subsection (1.1) from the earlier of the date the notice is actually received by the operator and the date the notice is deemed by subsection (3) to have been received by the operator,

- (a) if a notice under subsection (1) is issued to the operator on or before the first anniversary of the date the notice under subsection (1.1) was issued, until the earlier of the date the notice under subsection (1) is actually received by the operator and the date the notice under subsection (1) is deemed by subsection (3) to have been received by the operator;
- (b) if a notice under subsection (1) is not issued to the operator on or before the first anniversary of the date the notice under subsection (1.1) was issued, until the earlier of the date the Registrar withdraws the notice under subsection (1.1) or the first anniversary of the date the notice under subsection (1.1) was issued. 2001, c. 9, Sched. O, s. 5 (3).

Registrar not to withhold consent without reason

(6) The Registrar shall not withhold consent under subsection (4) if the operator satisfies him or her that the transfer, lease or other action is not being made for the purpose of avoiding an action under clause 47 (1) (a) or (c) or subsection 47 (2). 2001, c. 9, Sched. O, s. 5 (3).

Regulations

(7) The Lieutenant Governor in Council may, for the purpose of subsection (3), make regulations,

- (a) prescribing other methods of transmission;
- (b) governing the giving of notice by telephone transmission of a facsimile or by a method prescribed by clause (a). 1996, c. 33, s. 8.

Administrative licence suspension for blood alcohol concentration above .05

Determining whether to make a demand

48. (1) A police officer, readily identifiable as such, may require the driver of a motor

vehicle to stop for the purpose of determining whether or not there is evidence to justify making a demand under section 254 of the *Criminal Code* (Canada). 2007, c. 13, s. 10.

Screening device breath test

(2) Where, upon demand of a police officer made under section 254 of the *Criminal Code* (Canada), the driver of a motor vehicle or the operator of a vessel provides a sample of breath which, on analysis by an approved screening device as defined in that section, registers “Warn” or “Alert” or otherwise indicates that the concentration of alcohol in the person’s blood is 50 milligrams or more of alcohol in 100 millilitres of blood, the police officer may request that the person surrender his or her driver’s licence. 2007, c. 13, s. 10; 2009, c. 5, s. 15 (2).

Approved instrument test

(3) Where, upon demand of a police officer made under section 254 of the *Criminal Code* (Canada), the driver of a motor vehicle or the operator of a vessel provides a sample of breath which, on analysis by an instrument approved as suitable for the purpose of section 254 of the *Criminal Code* (Canada), indicates that the concentration of alcohol in his or her blood is 50 milligrams or more of alcohol in 100 millilitres of blood, a police officer may request that the person surrender his or her driver’s licence. 2007, c. 13, s. 10; 2009, c. 5, s. 15 (4).

Licence suspension

(4) Upon a request being made under subsection (2) or (3), the person to whom the request is made shall forthwith surrender his or her driver’s licence to the police officer and, whether or not the person is unable or fails to surrender the licence to the police officer, his or her driver’s licence is suspended from the time the request is made for the period of time determined under subsection (14). 2007, c. 13, s. 10.

Suspension concurrent with administrative suspensions

(5) The licence suspension under this section runs concurrently with a suspension, if any, under section 48.1, 48.2.1 or 48.3. 2009, c. 5, s. 15 (6).

Opportunity for second analysis

(6) Where an analysis of the breath of a person is made under subsection (2) and registers “Warn” or “Alert” or otherwise indicates that the concentration of alcohol in the person’s blood is 50 milligrams or more of alcohol in 100 millilitres of blood, the person may require that a second analysis be performed if the person requests the second analysis immediately after the police officer requests the surrender of his or her licence under subsection (2). 2009, c. 5, s. 15 (8).

Screening device, instrument used for second analysis

(6.1) The second analysis must be performed with a different approved screening device than was used in the analysis under subsection (2) or, if the police officer thinks it is preferable, with an instrument approved as suitable for the purpose of section 254 of the *Criminal Code* (Canada). 2009, c. 5, s. 15 (8).

Second analysis governs

(6.2) Where a person provides a sample of breath for the second analysis requested under subsection (6) immediately upon being requested to do so by the police officer, the result of the second analysis governs and any suspension resulting from the analysis under subsection (2) continues or terminates accordingly. 2009, c. 5, s. 15 (8).

Calibration of screening device

(7) For the purposes of subsection (2), the approved screening device shall not be calibrated to register “Warn” or “Alert” or to otherwise indicate that the concentration of alcohol in the person’s blood is 50 milligrams or more of alcohol in 100 millilitres of blood if the concentration of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood. 2007, c. 13, s. 10.

Same

(8) It shall be presumed, in the absence of proof to the contrary, that any approved screening device used for the purposes of subsection (2) has been calibrated as required under subsection (7). 2007, c. 13, s. 10.

No appeal or hearing

(9) There is no appeal from, or right to be heard before, the suspension of a driver’s licence under this section. 2007, c. 13, s. 10; 2009, c. 5, s. 15 (9).

Intent of suspension

(10) The suspension of a licence under this section is intended to safeguard the licensee and the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2007, c. 13, s. 10.

Duties of officer

- (11) Every officer who asks for the surrender of a licence under this section shall,
- (a) notify the Registrar of that fact, or cause the Registrar to be so notified, in the form and manner and within the time prescribed by the regulations;
 - (b) keep a record of the licence received with the name and address of the person and the date and time of the suspension; and
 - (c) as soon as practicable after receiving the licence, provide the licensee with a notice of suspension showing the time from which the suspension takes effect and the period of time for which the licence is suspended. 2007, c. 13, s. 10.

Removal of vehicle

(12) If the motor vehicle of a person whose licence is suspended under this section is at a location from which, in the opinion of a police officer, it should be removed and there is no person available who may lawfully remove the vehicle, the officer may remove and store the vehicle or cause it to be removed and stored, in which case the officer shall notify the person of the location of the storage. 2007, c. 13, s. 10.

Cost of removal

(13) Where a police officer obtains assistance for the removal and storage of a motor vehicle under this section, the costs incurred in moving and storing the vehicle are a lien on the vehicle that may be enforced under the *Repair and Storage Liens Act* by the person who moved or stored the vehicle at the request of the officer. 2007, c. 13, s. 10.

Period of suspension

- (14) A driver’s licence suspended under subsection (4) shall be suspended for,
- (a) three days, in the case of a first suspension under this section;
 - (b) seven days, in the case of a second suspension under this section;

- (c) 30 days, in the case of a third or subsequent suspension under this section. 2007, c. 13, s. 10.

Same

[\(15\)](#) The following previous suspensions shall not be taken into account in determining whether the current suspension is a first, second or subsequent suspension for the purpose of subsection (14):

1. A previous suspension that took effect more than five years before the current suspension takes effect.
2. A previous suspension that took effect before section 10 of the *Safer Roads for a Safer Ontario Act, 2007* comes into force. 2007, c. 13, s. 10.

Police officer's other powers unchanged

[\(16\)](#) Subsection (1) shall not be construed so as to prevent a police officer from requiring a driver stopped under that subsection to surrender any licence, permit, card or other document that the officer is otherwise authorized to demand under this Act or the *Compulsory Automobile Insurance Act* or from requiring a driver to submit a vehicle to examinations and tests under subsection 82 (2) of this Act. 2007, c. 13, s. 10.

Regulations

[\(17\)](#) The Lieutenant Governor in Council may make regulations,

- (a) respecting the form, manner and time within which the Registrar must be notified under subsection (11);
- (b) prescribing other material or information to be forwarded to the Registrar under subsection (11). 2007, c. 13, s. 10.

Definitions

[\(18\)](#) In this section,

“driver” includes a person who has care or control of a motor vehicle; (“conducteur”)

“driver’s licence” includes a motorized snow vehicle operator’s licence and a driver’s licence issued by any other jurisdiction; (“permis de conduire”)

“motor vehicle” includes a motorized snow vehicle; (“véhicule automobile”)

“vessel” means a vessel within the meaning of section 214 of the *Criminal Code* (Canada). (“bateau”) 2007, c. 13, s. 10; 2009, c. 5, s. 15 (11).

Meaning of suspension for out-of-province licences

[\(19\)](#) With respect to a driver’s licence issued by another jurisdiction, instead of suspending the person’s driver’s licence, the Registrar shall suspend the person’s privilege to drive a motor vehicle in Ontario for the applicable period determined under subsection (14). 2009, c. 5, s. 15 (13).

Breath testing, novice drivers

Application of subss. (2), (3) and (4)

[48.1 \(1\)](#) Subsections (2) and (3) apply and subsection (4) does not apply if the police officer who stops a novice driver uses one screening device for the purposes of section 48 and another screening device for the purposes of this section, and subsection (4) applies and subsections (2)

and (3) do not apply if the police officer uses one screening device for the purposes of both section 48 and this section. 1993, c. 40, s. 5.

Screening device test, novice drivers

(2) Where a novice driver has been brought to a stop by a police officer under the authority of this Act and has provided a sample of breath under section 48 which, on analysis registers “Pass” or otherwise indicates that the novice driver has no alcohol in his or her body, but the police officer reasonably suspects that the novice driver has alcohol in his or her body, the police officer may, for the purposes of determining compliance with the regulations respecting novice drivers, demand that the novice driver provide within a reasonable time such a sample of breath as, in the opinion of the police officer, is necessary to enable a proper analysis of the breath to be made by means of a provincially approved screening device and, where necessary, to accompany the police officer for the purpose of enabling such a sample of breath to be taken. 1993, c. 40, s. 5; 2007, c. 13, s. 11 (1).

Surrender of licence

(3) Where, upon demand of a police officer made under subsection (2), a novice driver fails or refuses to provide a sample of breath or provides a sample of breath which, on analysis by a provincially approved screening device, registers “Presence of Alcohol” or otherwise indicates that the novice driver has alcohol in his or her body, the police officer may request the novice driver to surrender his or her driver’s licence. 1993, c. 40, s. 5; 2007, c. 13, s. 11 (2).

Same

(4) Where a novice driver has been brought to a stop by a police officer under the authority of this Act and has provided a sample of breath under section 48 which, on analysis registers “Warn”, “Alert” or “Presence of Alcohol” or otherwise indicates that the novice driver has alcohol in his or her body, or, upon demand of a police officer made under section 254 of the *Criminal Code* (Canada), fails or refuses to provide a sample of breath, the police officer may request the novice driver to surrender his or her licence. 1993, c. 40, s. 5; 2007, c. 13, s. 11 (3); 2009, c. 5, s. 16 (1).

Suspension of licence

(5) Upon a request being made under subsection (3), the novice driver to whom the request is made shall forthwith surrender his or her driver’s licence to the police officer and, whether or not the novice driver is unable or fails to surrender the licence to the police officer, his or her licence is suspended for a period of 24 hours from the time of the request. 2009, c. 5, s. 16 (3).

Same

(5.1) Upon a request being made under subsection (4), the novice driver to whom the request is made shall forthwith surrender his or her driver’s licence to the police officer and, whether or not the novice driver is unable or fails to surrender the licence to the police officer, his or her licence is suspended,

- (a) if the novice driver provides a sample of breath that on analysis registers “Presence of Alcohol” or otherwise indicates that the novice driver has alcohol in his or her body, for 24 hours from the time the request is made;
- (b) if the novice driver provides a sample of breath that on analysis registers “Warn” or “Alert” or otherwise indicates that the concentration of alcohol in the novice driver’s blood is 50 milligrams or more of alcohol in 100 millilitres of blood, for the period determined under subsection 48 (14). 2009, c. 5, s. 16 (3).

Same

[\(5.2\)](#) A suspension under clause (5.1) (b) is deemed to be a suspension under section 48. 2009, c. 5, s. 16 (4).

Suspension concurrent with other administrative suspensions

[\(5.3\)](#) The licence suspension under this section runs concurrently with a suspension, if any, under section 48, 48.2.1 or 48.3. 2009, c. 5, s. 16 (5).

Opportunity for second analysis

[\(6\)](#) Where an analysis of the breath of the novice driver is made under subsection (3) or (4) and registers “Warn”, “Alert” or “Presence of Alcohol” or otherwise indicates that the novice driver has alcohol in his or her body, the novice driver may require that a second analysis be performed if the novice driver requests the second analysis immediately after the police officer requests the surrender of his or her licence under subsection (3) or (4). 2009, c. 5, s. 16 (7).

Screening device, instrument used for second analysis

[\(6.1\)](#) The second analysis must be performed with a different approved screening device than was used in the analysis under subsection (3) or (4), as the case may be, or, if the police officer thinks it is preferable, with an instrument approved as suitable for the purpose of section 254 of the *Criminal Code* (Canada). 2009, c. 5, s. 16 (7).

Second analysis governs

[\(6.2\)](#) Where a novice driver provides a sample of breath for the second analysis requested under subsection (6) immediately upon being requested to do so by the police officer, the result of the second analysis governs and any suspension resulting from the analysis under subsection (3) or (4) continues or terminates accordingly. 2009, c. 5, s. 16 (7).

Calibration of screening device

[\(7\)](#) The provincially approved screening device shall not be calibrated to register “Presence of Alcohol” if the concentration of alcohol in the blood of the person whose breath is being analyzed is less than 10 milligrams of alcohol in 100 millilitres of blood, and despite anything in this section, the reading shown on a provincially approved screening device for “Presence of Alcohol” may be another term or symbol that conveys the same meaning. 2009, c. 5, s. 16 (8).

Same

[\(8\)](#) It shall be presumed, in the absence of proof to the contrary, that any provincially approved screening device used for the purposes of this section has been calibrated as required by subsection (7). 2009, c. 5, s. 16 (8).

No appeal or right to be heard

[\(8.1\)](#) There is no appeal from, or right to be heard before, the suspension of a driver’s licence under this section. 2009, c. 5, s. 16 (8).

Intent of suspension

[\(9\)](#) The suspension of a licence under this section is intended to ensure that novice drivers acquire experience and develop or improve safe driving skills in controlled conditions and to safeguard the licensee and the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 1993, c. 40, s. 5.

Duty of officer

[\(10\)](#) Every officer who asks for the surrender of a licence under this section shall keep a

written record of the licence received with the name and address of the person and the date and time of the suspension and, at the time of receiving the licence, shall provide the licensee with a written statement of the time from which the suspension takes effect, the length of the period during which the licence is suspended and the place where the licence may be recovered. 2008, c. 17, s. 38.

Removal of vehicle

(11) If the motor vehicle of a person whose licence is suspended under this section is at a location from which, in the opinion of a police officer, it should be removed and there is no person available who may lawfully remove the vehicle, the officer may remove and store the vehicle or cause it to be removed and stored, in which case, the officer shall notify the person of the location of the storage. 1993, c. 40, s. 5.

Cost of removal

(12) Where a police officer obtains assistance for the removal and storage of a motor vehicle under this section, the costs incurred in moving and storing the vehicle are a lien on the vehicle that may be enforced under the *Repair and Storage Liens Act* by the person who moved or stored the vehicle at the request of the officer. 1993, c. 40, s. 5.

Offence

(13) Every person commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to him or her by a police officer under this section. 1993, c. 40, s. 5.

Definitions

(14) In this section,

“driver” includes a person who has care or control of a motor vehicle; (“conducteur”)

“driver’s licence” includes a motorized snow vehicle operator’s licence and a driver’s licence issued by any other jurisdiction; (“permis de conduire”)

“motor vehicle” includes a motorized snow vehicle; (“véhicule automobile”)

“novice driver” has the meaning prescribed by the regulations made under section 57.1; (“conducteur débutant”)

“provincially approved screening device” means,

(a) an approved screening device as defined in the *Criminal Code* (Canada), or

(b) a screening device that meets the standards of the Alcohol Test Committee of the Canadian Society of Forensic Sciences. (“appareil de détection approuvé par la province”) 1993, c. 40, s. 5; 2009, c. 5, s. 16 (9, 10).

Meaning of suspension for out-of-province licences

(15) With respect to a driver’s licence issued by another jurisdiction, instead of suspending the person’s driver’s licence, the Registrar shall suspend the person’s privilege to drive a motor vehicle in Ontario for the applicable period specified in subsection (5) or determined under subsection (5.1). 2009, c. 5, s. 16 (11).

Breath testing, driver accompanying novice

48.2 (1) Where a police officer has brought a novice driver to a stop under the authority of this Act, and the police officer reasonably suspects that the accompanying driver has alcohol in his or her body, the police officer may, for the purposes of determining whether the novice driver is in

compliance with the regulations respecting novice drivers, demand that the accompanying driver provide forthwith a sample of breath into an approved screening device as defined in section 254 of the *Criminal Code* (Canada) as if he or she was the person operating the motor vehicle. 1993, c. 40, s. 5.

Direction to novice driver

(2) Where, upon demand of a police officer made under subsection (1), an accompanying driver fails or refuses to provide a sample of breath or provides a sample of breath which, on analysis by an approved screening device, as defined in section 254 of the *Criminal Code* (Canada), registers “Warn”, “Alert” or “Fail” or otherwise indicates that the concentration of alcohol in the accompanying driver’s blood is 50 milligrams or more of alcohol in 100 millilitres of blood, the police officer may direct the novice driver not to drive a motor vehicle on a highway except in compliance with the regulations respecting novice drivers. 1993, c. 40, s. 5; 2007, c. 13, s. 12 (1).

Opportunity for second analysis

(3) Where an analysis of the breath of an accompanying driver is made under subsection (2) and registers “Warn”, “Alert” or “Fail” or otherwise indicates that the concentration of alcohol in the accompanying driver’s blood is 50 milligrams or more of alcohol in 100 millilitres of blood, the accompanying driver may require that a second analysis be performed if the accompanying driver requests the second analysis immediately after the police officer gives a direction to the novice driver under subsection (2). 2009, c. 5, s. 17 (2).

Screening device, instrument used for second analysis

(3.1) The second analysis must be performed with a different approved screening device than was used in the analysis under subsection (2) or, if the police officer thinks it is preferable, with an instrument approved as suitable for the purpose of section 254 of the *Criminal Code* (Canada). 2009, c. 5, s. 17 (2).

Second analysis governs

(3.2) Where an accompanying driver provides a sample of breath for the second analysis requested under subsection (3) immediately upon being requested to do so by the police officer, the result of the second analysis governs and any direction given by the police officer under subsection (2) continues or terminates accordingly. 2009, c. 5, s. 17 (2).

Calibration of screening device

(4) For the purposes of subsection (2), the approved screening device referred to in that subsection shall not be calibrated to register “Warn” or “Alert” if the concentration of alcohol in the blood of the person whose breath is being analyzed is less than 50 milligrams of alcohol in 100 millilitres of blood. 1993, c. 40, s. 5.

Same

(5) It shall be presumed, in the absence of proof to the contrary, that any approved screening device used for the purposes of subsection (2) has been calibrated as required under subsection (4). 1993, c. 40, s. 5.

Intent of direction

(6) The direction under this section to a novice driver not to drive a motor vehicle on a highway is intended to ensure that novice drivers acquire experience and develop or improve safe driving skills in controlled conditions and to safeguard the licensee and the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or

around the same time. 1993, c. 40, s. 5.

Removal of vehicle

(7) If the motor vehicle of a person who is directed not to drive under this section is at a location from which, in the opinion of a police officer, it should be removed and there is no person available who may lawfully remove the vehicle, the officer may remove and store the vehicle or cause it to be removed and stored, in which case, the officer shall notify the person of the location of the storage. 1993, c. 40, s. 5.

Cost of removal

(8) Where a police officer obtains assistance for the removal and storage of a motor vehicle under this section, the costs incurred in moving and storing the vehicle are a lien on the vehicle that may be enforced under the *Repair and Storage Liens Act* by the person who moved or stored the vehicle at the request of the officer. 1993, c. 40, s. 5.

Offence

(9) Every person commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to him or her by a police officer under this section. 1993, c. 40, s. 5.

Definitions

(10) In this section,

“accompanying driver” and “novice driver” have the meanings prescribed by the regulations made under section 57.1. 1993, c. 40, s. 5.

Breath testing, young drivers

Application of subs. (2), (3), (4) and (5)

48.2.1 (1) Subsections (2) and (3) apply and subsections (4) and (5) do not apply if the police officer who stops a young driver uses one screening device for the purposes of section 48 and another screening device for the purposes of this section, and subsections (4) and (5) apply and subsections (2) and (3) do not apply if the police officer uses one screening device for the purposes of both section 48 and this section. 2009, c. 5, s. 18.

Test registers “Pass”, second test requested for presence of alcohol

(2) Where a young driver has been brought to a stop by a police officer under the authority of this Act and has provided a sample of breath under section 48 which, on analysis registers “Pass” or otherwise indicates that the young driver has no alcohol in his or her body, but the police officer reasonably suspects that the young driver has alcohol in his or her body, the police officer may, for the purposes of determining the concentration of alcohol in the young driver’s blood, demand that the young driver provide within a reasonable time such a sample of breath as, in the opinion of the police officer, is necessary to enable a proper analysis of the breath to be made by means of a provincially approved screening device and, where necessary, to accompany the police officer for the purpose of enabling such a sample of breath to be taken. 2009, c. 5, s. 18.

Test registers “Presence of Alcohol”, surrender of licence

(3) Where, upon demand of a police officer made under subsection (2), a young driver fails or refuses to provide a sample of breath or provides a sample of breath which, on analysis by a provincially approved screening device, registers “Presence of Alcohol” or otherwise indicates that the young driver has alcohol in his or her body, the police officer may request that the young driver surrender his or her driver’s licence. 2009, c. 5, s. 18.

Test registers “Warn” or “Alert”, surrender of licence

(4) Where a young driver has been brought to a stop by a police officer under the authority of this Act and fails or refuses to provide a sample of breath or provides a sample of breath under section 48 which, on analysis registers “Warn”, “Alert” or “Presence of Alcohol” or otherwise indicates that the young driver has alcohol in his or her body, the police officer may request that the young driver surrender his or her licence. 2009, c. 5, s. 18.

Test registers “Warn” or “Alert”, surrender of licence

(5) Where, upon demand of a police officer made under section 254 of the *Criminal Code* (Canada), a young driver fails or refuses to provide a sample of breath or provides a sample of breath which, on analysis by an approved screening device as defined in that section, registers “Warn” or “Alert” or otherwise indicates that the young driver has alcohol in his or her body, the police officer may request that the young driver surrender his or her driver’s licence. 2009, c. 5, s. 18.

Test indicates presence of alcohol, surrender of licence

(6) Where, upon demand of a police officer made under section 254 of the *Criminal Code* (Canada), a young driver fails or refuses to provide a sample of breath or provides a sample of breath which, on analysis by an instrument approved as suitable for the purpose of that section, indicates the presence of alcohol in the young driver’s body, the police officer may request that the young driver surrender his or her driver’s licence. 2009, c. 5, s. 18.

Opportunity for second analysis

(7) Where an analysis of the breath of the young driver is made under subsection (3), (4) or (5) and registers “Warn”, “Alert” or “Presence of Alcohol” or otherwise indicates that the young driver has alcohol in his or her body, the young driver may require that a second analysis be performed if the young driver requests the second analysis immediately after the police officer requests the surrender of his or her licence under any of those subsections. 2009, c. 5, s. 18.

Screening device, instrument used for second analysis

(8) The second analysis must be performed with a different approved screening device than was used in the analysis under subsection (3), (4) or (5), as the case may be, or, if the police officer thinks it is preferable, with an instrument approved as suitable for the purpose of section 254 of the *Criminal Code* (Canada). 2009, c. 5, s. 18.

Second analysis governs

(9) Where a young driver provides a sample of breath for the second analysis requested under subsection (7) immediately upon being requested to do so by the police officer, the result of the second analysis governs and any suspension resulting from the analysis under subsection (3), (4) or (5) continues or terminates accordingly. 2009, c. 5, s. 18.

Licence suspension

(10) Upon a request being made under subsection (3), the young driver to whom the request is made shall forthwith surrender his or her driver’s licence to the police officer and, whether or not the young driver is unable or fails to surrender the licence to the police officer, his or her driver’s licence is suspended for 24 hours from the time the request is made. 2009, c. 5, s. 18.

Same

(11) Upon a request being made under subsection (4), (5) or (6), the young driver to whom the request is made shall forthwith surrender his or her driver’s licence to the police officer and,

whether or not the young driver is unable or fails to surrender the licence to the police officer, his or her driver's licence is suspended,

- (a) if the young driver provides a sample of breath that on analysis registers "Presence of Alcohol" or otherwise indicates that the young driver has alcohol in his or her body, for 24 hours from the time the request is made;
- (b) if the young driver provides a sample of breath that on analysis registers "Warn" or "Alert" or otherwise indicates that the concentration of alcohol in the young driver's blood is 50 milligrams or more of alcohol in 100 millilitres of blood, for the period determined under subsection 48 (14). 2009, c. 5, s. 18.

Same

[\(12\)](#) A suspension under clause (11) (b) is deemed to be a suspension under section 48. 2009, c. 5, s. 18.

Suspension concurrent with other administrative suspensions

[\(13\)](#) The licence suspension under this section runs concurrently with a suspension, if any, under section 48, 48.1 or 48.3. 2009, c. 5, s. 18.

Calibration of screening device

[\(14\)](#) The provincially approved screening device shall not be calibrated to register "Presence of Alcohol" if the concentration of alcohol in the blood of the person whose breath is being analyzed is less than 10 milligrams of alcohol in 100 millilitres of blood, and despite anything in this section, the reading shown on a provincially approved screening device for "Presence of Alcohol" may be another term or symbol that conveys the same meaning. 2009, c. 5, s. 18.

Same

[\(15\)](#) It shall be presumed, in the absence of proof to the contrary, that any provincially approved screening device used for the purposes of this section has been calibrated as required by subsection (14). 2009, c. 5, s. 18.

No appeal or right to be heard

[\(16\)](#) There is no appeal from, or right to be heard before, the suspension of a driver's licence under this section. 2009, c. 5, s. 18.

Intent of suspension

[\(17\)](#) The suspension of a licence under this section is intended to ensure that young drivers acquire experience and develop or improve safe driving skills in controlled conditions and to safeguard the licensee and the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2009, c. 5, s. 18.

Duty of officer

[\(18\)](#) Every police officer who asks for the surrender of a licence under this section shall keep a written record of the licence received with the name and address of the person and the date and time of the suspension and, at the time of receiving the licence, provide the licensee with a written statement of the time from which the suspension takes effect, the length of the period during which the licence is suspended and the place where the licence may be recovered. 2009, c. 5, s. 18.

Removal of vehicle

[\(19\)](#) If the motor vehicle of a young driver whose licence is suspended under this section is at a location from which, in the opinion of a police officer, it should be removed and there is no person available who may lawfully remove the vehicle, the officer may remove and store the vehicle or cause it to be removed and stored, in which case the officer shall notify the person of the location of the storage. 2009, c. 5, s. 18.

Cost of removal

[\(20\)](#) Where a police officer obtains assistance for the removal and storage of a motor vehicle under this section, the costs incurred in moving and storing the vehicle are a lien on the vehicle that may be enforced under the *Repair and Storage Liens Act* by the person who moved or stored the vehicle at the request of the officer. 2009, c. 5, s. 18.

Offence

[\(21\)](#) Every person commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to him or her by a police officer under this section. 2009, c. 5, s. 18.

Definitions

[\(22\)](#) In this section,

“driver” includes a person who has care or control of a motor vehicle; (“conducteur”)

“driver’s licence” includes a motorized snow vehicle operator’s licence and a driver’s licence issued by any other jurisdiction; (“permis de conduire”)

“motor vehicle” includes a motorized snow vehicle; (“véhicule automobile”)

“provincially approved screening device” means,

(a) an approved screening device as defined in the *Criminal Code* (Canada), or

(b) a screening device that meets the standards of the Alcohol Test Committee of the Canadian Society of Forensic Sciences; (“appareil de détection approuvé par la province”)

“young driver” means a driver who is under 22 years old. (“jeune conducteur”) 2009, c. 5, s. 18.

Meaning of suspension for out-of-province licences

[\(23\)](#) With respect to a driver’s licence issued by another jurisdiction, instead of suspending the person’s driver’s licence, the Registrar shall suspend the person’s privilege to drive a motor vehicle in Ontario for the applicable period specified in subsection (10) or determined under subsection (11). 2009, c. 5, s. 18.

Administrative suspension of licence for blood alcohol concentration above .08, failing or refusing to provide breath sample

Licence surrendered

[48.3 \(1\)](#) Where a police officer is satisfied that a person driving or having the care, charge or control of a motor vehicle or operating or having the care or control of a vessel meets one of the criteria set out in subsection (3), the officer shall request that the person surrender his or her driver’s licence. 2009, c. 5, s. 19 (1).

90-day licence suspension

[\(2\)](#) Upon a request being made under subsection (1), the person to whom the request is made shall forthwith surrender his or her driver’s licence to the police officer and, whether or not the

person is unable or fails to surrender the licence to the police officer, his or her driver's licence is suspended for 90 days from the time the request is made. 2009, c. 5, s. 19 (1).

[\(2.1\)](#) Repealed: 2009, c. 5, s. 19 (1).

Criteria

[\(3\)](#) The criteria for the purpose of subsection (1) are:

1. The person is shown, by an analysis of breath or blood taken pursuant to a demand made under subsection 254 (3) of the *Criminal Code* (Canada) or pursuant to section 256 of the *Criminal Code* (Canada), to have a concentration of alcohol in his or her blood in excess of 80 milligrams in 100 millilitres of blood.
2. The person failed or refused, in response to a demand made under section 254 of the *Criminal Code* (Canada),
 - i. to provide a sample of breath, blood, oral fluid or urine,
 - ii. to perform physical co-ordination tests, or
 - iii. to submit to an evaluation. 2009, c. 5, s. 19 (1).

No right to be heard

[\(3.1\)](#) A person has no right to be heard before surrendering his or her licence under subsection (2). 2009, c. 5, s. 19 (1).

Duty of officer

[\(4\)](#) Every officer who asks for the surrender of a person's driver's licence under this section shall keep a record of the licence received with the name and address of the person and the date and time of the suspension and shall, as soon as practicable after receiving the licence,

- (a) provide the person with a notice of suspension showing the time from which the suspension takes effect and the period of time for which the licence is suspended; and
- (b) forward a copy of the notice to the Registrar. 2009, c. 5, s. 19 (1).

Notice by Registrar

[\(5\)](#) The Registrar may provide a notice of suspension, containing the information included on the notice of suspension required by subsection (4), to the person whose licence is suspended by mailing it to the address of the person shown on his or her driver's licence or to the latest address for the person appearing on the records of the Ministry. 2009, c. 5, s. 19 (1).

Same

[\(6\)](#) Where the officer is unable to request that a person surrender his or her driver's licence under subsection (1), the officer shall notify the Registrar of that fact and the Registrar shall mail a notice of suspension, containing the information included on the notice of suspension required by subsection (4), to the person whose licence is suspended by mailing it to the address of the person shown on his or her driver's licence or to the latest address for the person appearing on the records of the Ministry. 2009, c. 5, s. 19 (1).

Effective date of suspension

[\(7\)](#) Despite subsection (2), the driver's licence of a person who is notified of the suspension under subsection (6) is suspended from the date set out in the notice. 2009, c. 5, s. 19 (1).

Suspension concurrent with other administrative suspensions

[\(7.1\)](#) The licence suspension under this section runs concurrently with a suspension, if any, under section 48, 48.1 or 48.2.1. 2009, c. 5, s. 19 (1).

[\(8\)](#) Repealed: 2008, c. 17, s. 39 (2).

Licence delivered to Registrar

[\(9\)](#) A police officer who has notified the Registrar under subsection (1) or a police officer who has personally delivered notice of the suspension to the person shall, as soon as practicable, forward to the Registrar,

- (a) the person's driver's licence, if the licence was surrendered to the police officer; and
- (b) such other material or information as may be prescribed by the regulations. 1996, c. 20, s. 8; 2008, c. 17, s. 39 (3).

Intent of suspension

[\(10\)](#) The suspension of a driver's licence under this section is intended to safeguard the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 1996, c. 20, s. 8.

Removal of vehicle

[\(11\)](#) If the motor vehicle of a person whose licence is suspended under this section is at a location from which, in the opinion of a police officer, it should be removed and there is no person available who may lawfully remove the vehicle, the officer may remove and store the vehicle or cause it to be removed and stored, in which case the officer shall notify the person of the location of the storage. 1996, c. 20, s. 8.

Cost of removal

[\(12\)](#) Where a police officer obtains assistance for the removal and storage of a motor vehicle under this section, the costs incurred in moving and storing the vehicle are a lien on the vehicle that may be enforced under the *Repair and Storage Liens Act* by the person who moved or stored the vehicle at the request of the officer. 1996, c. 20, s. 8.

Protection from personal liability

[\(13\)](#) No action or other proceeding for damages shall be instituted against the Registrar or any employee of the Ministry for the suspension of a licence in good faith in the execution or intended execution of a duty under this section. 1996, c. 20, s. 8.

Crown not relieved of liability

[\(14\)](#) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (13) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (13) to which it would otherwise be subject. 1996, c. 20, s. 8.

Regulations

[\(15\)](#) The Lieutenant Governor in Council may make regulations,

- (a) Repealed: 2009, c. 5, s. 19 (2).
- (b) respecting the information to be provided to persons whose licences are suspended under this section;
- (c) prescribing other material or information to be forwarded to the Registrar under

subsection (9). 1996, c. 20, s. 8; 2009, c. 5, s. 19 (2).

Definitions

[\(16\)](#) In this section and in section 50.1,

“driver’s licence” includes a motorized snow vehicle operator’s licence and a driver’s licence issued by any other jurisdiction; (“permis de conduire”)

“motor vehicle” includes a street car and a motorized snow vehicle; (“véhicule automobile”)

“vessel” means a vessel within the meaning of section 214 of the *Criminal Code* (Canada). (“bateau”) 1996, c. 20, s. 8; 2006, c. 20, s. 4 (2).

Meaning of suspension for out-of-province licences

[\(17\)](#) With respect to a driver’s licence issued by another jurisdiction, instead of suspending the person’s driver’s licence, the Registrar shall suspend the person’s privilege to drive a motor vehicle in Ontario for a period of ninety days, and this section and section 50.1 apply to the suspension of that privilege with necessary modifications. 1996, c. 20, s. 8.

Administrative vehicle impoundment for blood alcohol concentration above .08, failing or refusing to provide breath sample

[48.4 \(1\)](#) Where a police officer is satisfied that a person driving or having the care, charge or control of a motor vehicle meets one of the criteria set out in subsection 48.3 (3), the officer shall detain the motor vehicle that was being driven by the person and the vehicle shall, at the cost and risk of its owner,

- (a) be removed to an impound facility as directed by a police officer; and
- (b) be impounded for seven days from the time it was detained. 2009, c. 5, s. 20.

Release of vehicle

[\(2\)](#) Subject to subsection (14), the motor vehicle shall be released to its owner from the impound facility upon the expiry of the period of impoundment. 2009, c. 5, s. 20.

Early release of vehicle

[\(3\)](#) Despite the detention or impoundment of a motor vehicle under this section, a police officer may release the motor vehicle to its owner before it is impounded or, subject to subsection (14), may direct the operator of the impound facility where the motor vehicle is impounded to release the motor vehicle to its owner before the expiry of the seven days if the officer is satisfied that the motor vehicle was stolen at the time that it was driven as described in subsection (1). 2009, c. 5, s. 20.

Duty of officer re impoundment

- [\(4\)](#) Every officer who detains a motor vehicle under this section shall, as soon as practicable,
- (a) prepare a notice identifying the motor vehicle that is to be impounded, the name and address of the driver, the date and time of the impoundment, the period of time for which the motor vehicle is impounded and the place where the vehicle may be recovered; and
 - (b) serve the driver with a copy of the notice. 2009, c. 5, s. 20.

Service on driver is deemed service on owner and operator

[\(5\)](#) Service of a copy of a notice under subsection (4) on the driver of the motor vehicle is

deemed to be service on and sufficient notice to the owner of the vehicle and the operator of the vehicle, if there is an operator. 2009, c. 5, s. 20.

Further notice to owner

(6) In addition to serving the owner of the motor vehicle through service on the driver under subsection (4), a police officer shall provide a copy of the notice prepared under subsection (4) to the owner of the motor vehicle by delivering it personally or by mail to the address of the owner shown on the permit for the motor vehicle or to the latest address for the owner appearing on the records of the Ministry. 2009, c. 5, s. 20.

Surrender of documents, information re trip and goods carried

(7) If the motor vehicle that is to be impounded contains goods, the police officer may require the driver and any other person present who is in charge of the motor vehicle to surrender all documents in his or her possession or in the vehicle that relate to the operation of the vehicle or to the carriage of the goods and to furnish all information within that person's knowledge relating to the details of the current trip and the ownership of the goods. 2009, c. 5, s. 20.

Operator, owner to remove load

(8) Upon being served with notice of the impoundment through service on the driver under subsection (4), the operator of the motor vehicle or, if there is no operator, the owner shall forthwith remove any vehicle drawn by the motor vehicle and any load from the motor vehicle. 2009, c. 5, s. 20.

Application of *Dangerous Goods Transportation Act*

(9) If the goods are dangerous goods, within the meaning of the *Dangerous Goods Transportation Act*, the operator or, if there is no operator, the owner shall remove them in accordance with that Act. 2009, c. 5, s. 20.

Officer may remove load, trailer at operator's cost, risk

(10) If, in the opinion of a police officer, the operator or owner fails to remove a drawn vehicle or load as required by subsection (8) within a reasonable time after being served with notice of the impoundment, the officer may cause the drawn vehicle or load to be removed and stored or disposed of at the cost and risk of the operator or, if there is no operator, the owner. 2009, c. 5, s. 20.

Same

(11) If a police officer is of the opinion that the operator or owner has not made appropriate arrangements for the removal of a drawn vehicle or load, having regard to the nature of the goods, including the fact that they are or appear to be dangerous goods within the meaning of the *Dangerous Goods Transportation Act* or are perishable, the officer may cause the drawn vehicle or load to be removed, stored or otherwise disposed of at the cost and risk of the operator or, if there is no operator, the owner. 2009, c. 5, s. 20.

Personal property in vehicle available to owner

(12) Any personal property that is left in the impounded motor vehicle and that is not attached to or used in connection with its operation shall, upon request and proof of ownership, be made available, at reasonable times, to the owner of the property. 2009, c. 5, s. 20.

No appeal or right to be heard

(13) There is no appeal from, or right to be heard before, a vehicle detention or

impoundment under subsection (1). 2009, c. 5, s. 20.

Impound costs to be paid before release of vehicle

(14) The person who operates the impound facility where a motor vehicle is impounded under this section is not required to release the motor vehicle until the removal and impound costs for the vehicle have been paid. 2009, c. 5, s. 20.

Lien for impound costs

(15) The costs incurred by the person who operates the impound facility where a motor vehicle is impounded under this section are a lien on the motor vehicle that may be enforced under the *Repair and Storage Liens Act*. 2009, c. 5, s. 20.

Impound costs a recoverable debt

(16) The costs incurred by the person who operates the impound facility where a motor vehicle is impounded under this section are a debt due by the owner and the driver of the motor vehicle at the time the vehicle was detained, for which the owner and the driver are jointly and severally liable, and the debt may be recovered in any court of competent jurisdiction. 2009, c. 5, s. 20.

Owner may recover losses from driver

(17) The owner of a motor vehicle that is impounded under this section may bring an action against the driver of the motor vehicle at the time the vehicle was detained under subsection (1) to recover any costs or other losses incurred by the owner in connection with the impoundment. 2009, c. 5, s. 20.

Debt due to police or Crown

(18) The costs incurred by a police force or the Crown in removing, storing or disposing of a drawn vehicle or load from a motor vehicle under subsection (10) or (11) are a debt due to the police force or Crown, as the case may be, and may be recovered by the police force or Crown in any court of competent jurisdiction. 2009, c. 5, s. 20.

Offence

(19) Every person who obstructs or interferes with a police officer in the performance of his or her duties under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000 or to imprisonment for a term of not more than six months, or to both. 2009, c. 5, s. 20.

Intent of impoundment

(20) The impoundment of a motor vehicle under this section is intended to promote compliance with this Act and to thereby safeguard the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2009, c. 5, s. 20.

Impoundment concurrent with other administrative impoundments

(21) The impoundment of a motor vehicle under this section runs concurrently with an impoundment, if any, of the same motor vehicle under section 41.4, 55.1, 55.2, 82.1 or 172. 2009, c. 5, s. 20.

Forms

(22) The Minister may require that forms approved by the Minister be used for any purpose of this section. 2009, c. 5, s. 20.

Regulations

[\(23\)](#) The Minister may make regulations,

- (a) requiring police officers to keep records with respect to vehicle impoundments under this section for a specified period of time and to report specified information with respect to vehicle impoundments to the Registrar and governing such records and reports;
- (b) exempting any class of persons or class or type of vehicles from any provision or requirement of this section or of any regulation made under this section and prescribing conditions and circumstances for any such exemption;
- (c) exempting commercial motor vehicles, or any class or type of commercial motor vehicles, or drivers, owners or operators of commercial motor vehicles or any class of them, from any provision or requirement of this section or of any regulation made under this section, prescribing a different scheme of consequences and requirements from those set out in this section if a police officer is satisfied that a person driving or having the care, charge or control of a commercial motor vehicle, or a specified class or type of commercial motor vehicle, meets one of the criteria set out in subsection 48.3 (3), including prescribing different penalties, and prescribing conditions and circumstances for any such exemption or for a different scheme to apply. 2009, c. 5, s. 20.

Contravention of different scheme

[\(24\)](#) Every person who contravenes or fails to comply with a regulation made under clause (23) (c) that prescribes a different scheme of consequences and requirements from those set out in this section is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 2009, c. 5, s. 20.

Definitions

[\(25\)](#) In this section,

“driver’s licence” includes a driver’s licence issued by another jurisdiction; (“permis de conduire”)

“operator” means,

- (a) the person directly or indirectly responsible for the operation of a commercial motor vehicle, including the conduct of the driver of, and the carriage of goods or passengers, if any, in, the commercial motor vehicle or combination of vehicles, and
- (b) in the absence of evidence to the contrary, where no CVOR certificate, as defined in subsection 16 (1), or lease applicable to a commercial motor vehicle, is produced, the holder of the plate portion of the permit for the commercial motor vehicle.
 (“utilisateur”) 2009, c. 5, s. 20.

Proceedings before Tribunal

[49.](#) Subsections 210 (7), (8), (11) and (13) apply with necessary modifications to proceedings before the Tribunal with respect to appeals to the Tribunal under this Act. 1999, c. 12, Sched. G, s. 24 (3).

Note: Despite the re-enactment of section 49 by the Statutes of Ontario, 1999, chapter 12, Schedule G, subsection 24 (3), members of the Licence Suspension Appeal Board

immediately before April 1, 2000 shall be members of the Licence Appeal Tribunal for the purpose of performing the duties of the Tribunal with respect to proceedings before the Board that were commenced before April 1, 2000. See: 1999, c. 12, Sched. G, s. 24 (4).

Appeal

50. (1) Every person aggrieved by a decision of the Minister made under subsection 32 (5) for which there is a right of appeal pursuant to a regulation made under clause 32 (14) (n) or a decision of the Registrar under section 17 or 47 may appeal the decision to the Tribunal. 2002, c. 18, Sched. P, s. 17.

Powers of Tribunal

(2) The Tribunal may confirm, modify or set aside the decision of the Minister or Registrar. R.S.O. 1990, c. H.8, s. 50 (2); 1999, c. 12, Sched. G, s. 24 (6).

Appeal to judge

(3) Every person aggrieved by a decision of the Tribunal with respect to a decision of the Minister under subsection 32 (5) for which there is a right of appeal pursuant to a regulation made under clause 32 (14) (n) or a decision of the Registrar under clause 47 (1) (b) may, within 30 days after a notice of the decision is sent to the person's latest address as recorded with the Tribunal, appeal the decision of the Tribunal to a judge of the Superior Court of Justice. 2002, c. 18, Sched. P, s. 17.

Appeal to Divisional Court

(3.1) Every person aggrieved by a decision of the Tribunal with respect to a decision of the Registrar under section 17 or 47, other than a decision under clause 47 (1) (b), may, within 30 days after a notice of the decision is sent to the person's latest address as recorded with the Tribunal, appeal the decision of the Tribunal to the Divisional Court. 2001, c. 9, Sched. O, s. 6 (2).

Decision not stayed

(3.2) Despite the *Statutory Powers Procedure Act*, the filing of an appeal under subsection (3.1) does not stay the decision of the Tribunal being appealed, unless the Divisional Court orders a stay. 2001, c. 9, Sched. O, s. 6 (2).

Powers of judge

(4) The judge may confirm, modify or set aside the decision of the Tribunal. R.S.O. 1990, c. H.8, s. 50 (4); 1999, c. 12, Sched. G, s. 24 (8).

Application of s. 55

(5) Section 55 does not apply to the suspension or cancellation of a licence or permit under section 47. R.S.O. 1990, c. H.8, s. 50 (5).

Appeal of ninety-day suspension

50.1 (1) A person whose driver's licence is suspended under section 48.3 may appeal the suspension to the Tribunal. 1996, c. 20, s. 10; 1999, c. 12, Sched. G, s. 24 (8).

Grounds for appeal

(2) The only grounds on which a person may appeal a suspension under section 48.3 and the only grounds on which the Tribunal may order that the suspension be set aside are,

- (a) that the person whose licence was suspended is not the same individual to whom a demand was made, or from whom a sample was taken, or who performed physical co-

ordination tests or submitted to an evaluation, as the case may be, under section 254 or 256 of the *Criminal Code* (Canada); or

- (b) that the person failed or refused to comply with a demand made under section 254 of the *Criminal Code* (Canada) because he or she was unable to do so for a medical reason. 2009, c. 5, s. 21.

Supporting material

(3) A person who appeals to the Tribunal under subsection (1) shall file such written material in support of the appeal as may be required by the regulations made under clause 49 (4) (c), together with such other material as the person may wish to submit, and the Tribunal shall not hold a hearing until all the supporting material is filed. 1996, c. 20, s. 10; 1999, c. 12, Sched. G, s. 24 (8).

Powers of Board

(4) The Tribunal may confirm the suspension or may order that the suspension be set aside. 1996, c. 20, s. 10; 1999, c. 12, Sched. G, s. 24 (8).

Licence reinstated

(5) If the Tribunal orders that the suspension be set aside, it shall give written notice of the order to the appellant and the Registrar and, upon receipt of such notice, the Registrar shall reinstate the appellant's driver's licence, subject to any other suspension under this Act. 1996, c. 20, s. 10; 1999, c. 12, Sched. G, s. 24 (8).

Decision final

(6) The decision of the Tribunal under this section is final and binding. 1996, c. 20, s. 10; 1999, c. 12, Sched. G, s. 24 (8).

Suspension not stayed

(7) The suspension under section 48.3 continues to apply despite the filing of an appeal under this section unless the Registrar reinstates the licence pursuant to the Tribunal's order that the suspension be set aside, and this subsection prevails over the *Statutory Powers Procedure Act*. 1996, c. 20, s. 10; 1999, c. 12, Sched. G, s. 24 (9).

When oral hearing required

(8) The Tribunal is not required to hold an oral hearing under this section unless the appellant requests an oral hearing at the time of filing the appeal and bases the appeal on one of the grounds set out in subsection (2). 1996, c. 20, s. 10; 1999, c. 12, Sched. G, s. 24 (10).

Exception

(9) Despite a request by the appellant for an oral hearing, the Tribunal may order that the suspension be set aside on the basis of the material filed with the Tribunal without holding an oral hearing. 1996, c. 20, s. 10; 1999, c. 12, Sched. G, s. 24 (10).

(10) Repealed: 1999, c. 12, Sched. G, s. 24 (11).

Appeal of a long-term vehicle impoundment for driving while suspended

50.2 (1) The owner of a motor vehicle that is impounded under section 55.1 may, upon paying the fee established by the Tribunal, appeal the impoundment to the Tribunal. 2009, c. 5, s. 22.

Parties

(2) The owner and the Registrar are the parties to an appeal under this section. 1997, c. 12,

s. 5.

Grounds for appeal

(3) The only grounds on which an owner may appeal under subsection (1) and the only grounds on which the Tribunal may order the Registrar to release the motor vehicle are,

- (a) that the motor vehicle that is impounded was stolen at the time it was detained in order to be impounded;
- (b) that the driver's licence of the driver of the motor vehicle at the time it was detained in order to be impounded was not then under suspension;
- (c) that the owner of the motor vehicle exercised due diligence in attempting to determine that the driver's licence of the driver of the motor vehicle at the time it was detained in order to be impounded was not then under suspension; or
- (d) that the impoundment will result in exceptional hardship. 2009, c. 5, s. 22.

Exception

(4) Clause (3) (d) does not apply if there was a previous impoundment under section 55.1 with respect to any motor vehicle then owned by the same owner. 2009, c. 5, s. 22.

Powers of Tribunal

(5) The Tribunal may confirm the impoundment or order the Registrar to release the motor vehicle. 2009, c. 5, s. 22.

Notice of decision

(6) The Tribunal shall give written notice of its decision to the owner and the Registrar. 1997, c. 12, s. 5; 1999, c. 12, Sched. G, s. 24 (12).

Registrar's actions if Tribunal orders release of vehicle

(7) If the Tribunal orders the Registrar to release the motor vehicle, the Registrar shall, upon receipt of the notice,

- (a) issue an order to release the vehicle;
- (b) pay on behalf of the owner the amount incurred by the owner, as a result of the impoundment, for removing and impounding the vehicle, not including any amount for economic losses; and
- (c) pay the operator or the owner the amount incurred by the operator or owner, as a result of the impoundment, for removing the load or drawn vehicle from the motor vehicle, not including any amount for economic losses. 2009, c. 5, s. 22.

Decision final

(8) The decision of the Tribunal under this section is final and binding. 1997, c. 12, s. 5; 1999, c. 12, Sched. G, s. 24 (12).

Impoundment not stayed

(9) Despite the *Statutory Powers Procedure Act*, the filing of an appeal under this section does not suspend or terminate the impoundment under section 55.1. 2009, c. 5, s. 22.

Civil Remedies Act, 2001 prevails

(10) Subsection (7) does not apply if the vehicle is subject to an order under Part III.1 of the

Civil Remedies Act, 2001. 2007, c. 13, s. 14.

Definitions

[\(11\)](#) In this section,

“operator” has the same meaning as in section 55.1; (“utilisateur”)

“owner” means each person whose name appears on the certificate of registration for the vehicle but in subsection (4) “owner” means the person whose name appears on the plate portion of a permit in cases where the certificate of registration consists of a vehicle portion and a plate portion and different persons are named on each portion. (“propriétaire”) 1997, c. 12, s. 5; 2000, c. 26, Sched. O, s. 3 (2).

Appeal of impoundment, commercial motor vehicles

[50.3 \(1\)](#) The owner of a commercial motor vehicle or trailer that is impounded under section 82.1 may, upon paying the fee established by the Tribunal, appeal the impoundment to the Tribunal. 2009, c. 5, s. 23.

Parties

[\(2\)](#) The owner and the Registrar are the parties to an appeal under this section. 1997, c. 12, s. 6.

Grounds for appeal

[\(3\)](#) The only grounds on which an owner may appeal under subsection (1) and the only grounds on which the Tribunal may order the Registrar to release the vehicle are,

- (a) that the commercial motor vehicle or trailer that is impounded was stolen at the time the vehicle was detained under section 82.1; or
- (b) that the commercial motor vehicle or trailer had no critical defects at the time of the inspection under section 82.1. 2009, c. 5, s. 23.

Effect of withdrawal of appeal

[\(4\)](#) If the owner withdraws the appeal after the Registrar has ordered the release of the vehicle pursuant to an order by the Superior Court of Justice under section 82.1, the Registrar shall order the owner of the commercial motor vehicle or trailer to return it, without any load, to an impound facility at a location and within the time specified in the Registrar’s order, failing which the security deposited in the Superior Court of Justice under section 82.1 shall be forfeited to the Crown. 2009, c. 5, s. 23.

Powers of Tribunal

[\(5\)](#) The Tribunal may confirm the impoundment or order the Registrar to release the vehicle. 2009, c. 5, s. 23.

Notice of decision

[\(6\)](#) The Tribunal shall give written notice of its decision to the owner and the Registrar. 1997, c. 12, s. 6; 1999, c. 12, Sched. G, s. 24 (14).

Owner must return vehicle to impound facility if order confirmed

[\(7\)](#) If the Tribunal confirms the impoundment, the Registrar shall order the owner of the commercial motor vehicle or trailer, if the vehicle had been previously released from the impound facility, to return it, without any load, to an impound facility at a location and within the time specified in the Registrar’s order and for the period set out in subsection 82.1 (8) less the number

of days the vehicle was impounded prior to its release under subsection 82.1 (24), failing which the security deposited in the Superior Court of Justice under section 82.1 shall be forfeited to the Crown. 2009, c. 5, s. 23.

Registrar's actions if ordered to release vehicle

(8) If the Tribunal orders the Registrar to release the vehicle, the Registrar shall, upon receipt of the notice,

- (a) issue an order to release the vehicle;
- (b) reinstate the vehicle portion of the permit that was suspended under subsection 82.1 (12);
- (c) pay on behalf of the owner the amount incurred by the owner, as a result of the impoundment, for removing and impounding the vehicle, not including any amount for economic losses; and
- (d) pay the operator of the vehicle the amount incurred by the operator, as a result of the impoundment, for removing the load from the vehicle, not including any amount for economic losses. 2009, c. 5, s. 23.

Vehicle cannot be operated until made safe

(9) Despite the fact that the Registrar is ordered to release the vehicle, the order to suspend the vehicle portion of the vehicle's permit is set aside and the vehicle portion of the permit is reinstated, no person shall drive or operate on a highway the vehicle that was the subject of the order until it has been placed in a safe condition. 2009, c. 5, s. 23.

Decision final

(10) The decision of the Tribunal under this section is final and binding. 1997, c. 12, s. 6; 1999, c. 12, Sched. G, s. 24 (14).

Impoundment not stayed

(11) Despite the *Statutory Powers Procedure Act*, the filing of an appeal under this section does not suspend or terminate the impoundment or order to suspend under section 82.1. 2009, c. 5, s. 23.

(12) Repealed: 1999, c. 12, Sched. G, s. 24 (15).

Definitions

(13) In this section,

“commercial motor vehicle”, “operator”, “owner” and “permit” have the same meanings as in section 82.1. (“véhicule utilitaire”, “utilisateur”, “propriétaire”, “certificat d'immatriculation”) 1997, c. 12, s. 6.

Penalty for driving motor vehicle when permit suspended or cancelled

51. Every person who drives a motor vehicle the permit for which is under suspension or has been cancelled is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.8, s. 51.

Service of notice of licence suspension

52. (1) Where a person's driver's licence is suspended, notice of the suspension is

sufficiently given if delivered personally or,

- (a) in the case of a suspension under section 41 or 42, sent by registered mail addressed to the person to whom the licence was issued at the latest current address of the person appearing on the records of the Ministry;
- (b) in the case of all other suspensions, sent by mail addressed to the person to whom the licence was issued at the latest current address of the person appearing on the records of the Ministry. 2000, c. 26, Sched. O, s. 4.

Deemed date of service

(2) Notice sent by registered mail under clause (1) (a) or by mail under clause (1) (b) shall be deemed to have been given on the seventh day after the mailing unless the person to whom the notice is sent establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice. 2000, c. 26, Sched. O, s. 4.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) prescribing other methods of service that may be used in the case of a suspension described in clause (1) (a) or a suspension described in clause (1) (b) and prescribing the day on which the notice sent or delivered by such other means shall be deemed to have been given;
- (b) prescribing means of proving that a notice was given by a method permitted by subsection (1) or by a method permitted by regulation. 2000, c. 26, Sched. O, s. 4.

Driving while driver's licence suspended

53. (1) Every person who drives a motor vehicle or street car on a highway while his or her driver's licence is suspended under an Act of the Legislature or a regulation made thereunder is guilty of an offence and on conviction is liable,

- (a) for a first offence, to a fine of not less than \$1,000 and not more than \$5,000; and
- (b) for each subsequent offence, to a fine of not less than \$2,000 and not more than \$5,000,

or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.8, s. 53 (1); 1997, c. 12, s. 7 (1).

Same

(1.1) Despite subsection (1), every person who drives a motor vehicle or street car on a highway while his or her driver's licence is suspended under section 41 or 42, even if it is under suspension at the same time for any other reason, is guilty of an offence and on conviction is liable,

- (a) for a first offence, to a fine of not less than \$5,000 and not more than \$25,000; and
- (b) for each subsequent offence, to a fine of not less than \$10,000 and not more than \$50,000,

or to imprisonment for a term of not more than six months, or to both. 1997, c. 12, s. 7 (2).

Subsequent offence

(2) Where a person who has previously been convicted of an offence under subsection (1) is convicted of the same offence within five years after the date of the previous conviction, the

offence for which he or she is last convicted shall be deemed to be a subsequent offence for the purpose of clause (1) (b). R.S.O. 1990, c. H.8, s. 53 (2).

Same

[\(2.1\)](#) Where a person who has previously been convicted of an offence under subsection (1.1) is convicted of the same offence within five years after the date of the previous conviction, the offence for which he or she is last convicted shall be deemed to be a subsequent offence for the purpose of clause (1.1) (b). 1998, c. 5, s. 25 (1).

Licence suspended

[\(3\)](#) The driver's licence of a person who is convicted of an offence under subsection (1) or (1.1) is thereupon suspended for a period of six months in addition to any other period for which the licence is suspended, and consecutively thereto. R.S.O. 1990, c. H.8, s. 53 (3); 1998, c. 5, s. 25 (2).

Where person whose permit or licence suspended does not hold permit or licence

[54.](#) Where by or under the provisions of an Act of the Legislature or a regulation made thereunder a permit or licence is suspended and the person to whom the suspension applies is not the holder of a permit or licence, as the case may be, the person shall be deemed for all the purposes of this Act or the regulations to be a person whose permit or licence, as the case may be, has been suspended. R.S.O. 1990, c. H.8, s. 54.

Suspension on appeal

[55.](#) If a person whose licence has been suspended enters an appeal against his or her conviction and serves notice of the appeal on the Registrar, the suspension is stayed from the time notice is served on the Registrar unless the conviction is sustained on appeal. R.S.O. 1990, c. H.8, s. 55; 1996, c. 33, s. 10.

Long-term vehicle impoundment for driving while suspended

Detention

[55.1 \(1\)](#) Where a police officer or officer appointed for carrying out the provisions of this Act is satisfied that a person was driving a motor vehicle on a highway while his or her driver's licence is under suspension under section 41, 42 or 43 even if it is under suspension at the same time for any other reason, the officer shall detain the motor vehicle that was being driven by the person whose driver's licence is under suspension. 2009, c. 5, s. 24.

Impoundment

[\(2\)](#) Once the drawn vehicle and load, if any, have been removed as may be required by subsection (10), (11), (12) or (13), the detained vehicle shall, at the cost and risk of the owner,

- (a) be removed to an impound facility as directed by a police officer or officer appointed for carrying out the provisions of this Act; and
- (b) be impounded from the time it was detained for the period described in subsection (3) or until ordered to be released by the Registrar under subsection (14) or under section 50.2. 2009, c. 5, s. 24.

Impound period

[\(3\)](#) A motor vehicle detained under subsection (1) shall be impounded as follows:

1. For 45 days, if there has not been any previous impoundment under this section, within a

prescribed period, with respect to any motor vehicle then owned by the owner of the vehicle currently being impounded.

2. For 90 days, if there has been one previous impoundment under this section, within a prescribed period, with respect to any motor vehicle then owned by the owner of the vehicle currently being impounded.
3. For 180 days, if there have been two or more previous impoundments under this section, within a prescribed period, with respect to any motor vehicle then owned by the owner of the vehicle currently being impounded. 2009, c. 5, s. 24.

Release of vehicle

(4) Subject to subsection (20), the motor vehicle shall be released to its owner from the impound facility upon the expiry of the period of the impoundment or upon being ordered to be released by the Registrar under subsection (14) or under section 50.2. 2009, c. 5, s. 24.

Duty of officer re impoundment

- (5) Every officer who detains a motor vehicle under this section shall, as soon as practicable,
- (a) prepare a notice identifying the motor vehicle that is to be impounded, the name and address of the driver, the date and time of the impoundment, the period of time for which the motor vehicle is impounded and the place where the vehicle may be recovered;
 - (b) serve the driver with a copy of the notice; and
 - (c) forward a copy of the notice to the Registrar. 2009, c. 5, s. 24.

Service on driver is deemed service on owner and operator

(6) Service of the notice of the impoundment on the driver of the motor vehicle under clause (5) (b) is deemed to be service on and sufficient notice to the owner of the vehicle and the operator of the vehicle, if there is an operator. 2009, c. 5, s. 24.

Notice by Registrar

(7) The Registrar may provide notice of the impoundment to the owner and operator of the motor vehicle by mailing it to them at the latest address for them appearing on the records of the Ministry. 2009, c. 5, s. 24.

No hearing before impoundment

(8) There is no right to be heard before a vehicle detention or impoundment under this section. 2009, c. 5, s. 24.

Surrender of documents, information re trip and goods carried

(9) If the motor vehicle that is to be impounded contains goods, the police officer or officer appointed for carrying out the provisions of this Act may require the driver and any other person present who is in charge of the motor vehicle to surrender all documents in his or her possession or in the vehicle that relate to the operation of the vehicle or to the carriage of the goods and to furnish all information within that person's knowledge relating to the details of the current trip and the ownership of the goods. 2009, c. 5, s. 24.

Operator, owner to remove load

(10) Upon being served with notice of the impoundment through service on the driver under subsection (5), the operator of the motor vehicle or, if there is no operator, the owner shall forthwith remove any vehicle drawn by the motor vehicle and any load from the motor vehicle.

2009, c. 5, s. 24.

Application of *Dangerous Goods Transportation Act*

[\(11\)](#) If the goods are dangerous goods, within the meaning of the *Dangerous Goods Transportation Act*, the operator or, if there is no operator, the owner shall remove them in accordance with that Act. 2009, c. 5, s. 24.

Officer may remove load, trailer at operator's cost, risk

[\(12\)](#) If, in the opinion of a police officer or officer appointed for carrying out the provisions of this Act, the operator or owner fails to remove a drawn vehicle or load as required by subsection (10) within a reasonable time after being served with notice of the impoundment, the officer may cause the drawn vehicle or load to be removed and stored or disposed of at the cost and risk of the operator or, if there is no operator, the owner. 2009, c. 5, s. 24.

Same

[\(13\)](#) If a police officer or officer appointed for carrying out the provisions of this Act is of the opinion that the operator or owner has not made appropriate arrangements for the removal of a drawn vehicle or load, having regard to the nature of the goods, including the fact that they are or appear to be dangerous goods within the meaning of the *Dangerous Goods Transportation Act* or are perishable, the officer may cause the drawn vehicle or load to be removed, stored or otherwise disposed of at the cost and risk of the operator or, if there is no operator, the owner. 2009, c. 5, s. 24.

Release of vehicle before end of impound period

[\(14\)](#) The Registrar may, on application by a person belonging to a class of persons prescribed by regulation, order the release of an impounded motor vehicle of a prescribed class prior to the end of the impound period on such conditions as he or she considers just. 2009, c. 5, s. 24.

Consequence of order to release

[\(15\)](#) Where an order to release is made under subsection (14), the impoundment shall not be considered a previous impoundment for the purposes of subsection (3) or subsection 50.2 (4). 2009, c. 5, s. 24.

Personal property in vehicle available to owner

[\(16\)](#) Any personal property that is left in the impounded motor vehicle and that is not attached to or used in connection with its operation shall, upon request and proof of ownership, be made available, at reasonable times, to the owner of the property. 2009, c. 5, s. 24.

Vehicle released from impound facility

[\(17\)](#) Upon the expiry of the period of impoundment, the Registrar shall order that the motor vehicle be released to its owner from the impound facility. 2009, c. 5, s. 24.

Release to holder of vehicle portion

[\(18\)](#) Despite subsection (17), the holder of the vehicle portion of a certificate of registration may apply to the Registrar for the motor vehicle to be released to that holder upon the expiry of the period of impoundment, rather than to the holder of the plate portion, and the Registrar may order the motor vehicle released to the applicant on such conditions as he or she considers appropriate. 2009, c. 5, s. 24.

Obligations of holder of vehicle portion

[\(19\)](#) An order under subsection (18) has the effect of making the applicant liable for meeting

the owner's obligations under subsection (22). 2009, c. 5, s. 24.

Costs to be paid before release

(20) Despite subsection (15) and despite being served with an order under subsection (14) or (18), the person who operates the impound facility is not required to release the motor vehicle until the removal and impound costs for the motor vehicle have been paid. 2009, c. 5, s. 24.

Lien on vehicle for removal, impound costs

(21) The costs incurred by the person who operates the impound facility in respect of an impoundment under this section are a lien on the motor vehicle, which may be enforced in the manner provided under Part III of the *Repair and Storage Liens Act*. 2009, c. 5, s. 24.

Impound costs

(22) The costs incurred by the person who operates the impound facility in respect of an impoundment under this section are a debt due by the owner and the driver of the motor vehicle at the time the vehicle was detained under this section, for which the owner and the driver are jointly and severally liable, and the debt may be recovered in any court of competent jurisdiction. 2009, c. 5, s. 24.

Defence

(23) It is a defence to an action referred to in subsection (22) that the owner sold or transferred the motor vehicle to another person before the vehicle was detained. 2009, c. 5, s. 24.

Debt due to police, Crown

(24) The costs incurred by a police force or the Crown in removing, storing or disposing of a drawn vehicle or load from a motor vehicle under subsection (12) or (13) are a debt due to the police force or Crown, as the case may be, and may be recovered by the police force or Crown in any court of competent jurisdiction. 2009, c. 5, s. 24.

Civil Remedies Act, 2001 prevails

(25) Despite subsections (14), (17) and (18), a vehicle that is subject to an order under Part III.1 of the *Civil Remedies Act, 2001* shall not be released from detention or the impound facility except in accordance with the terms of that order, or another order, made under that Act. 2009, c. 5, s. 24.

Impound, removal service providers are independent contractors

(26) Persons who provide removal services or load removal services or who operate impound facilities, and their subcontractors, are independent contractors and not agents of the Ministry for the purposes of this section; such persons shall not charge more for their services in connection with this section than is permitted by regulation. 2009, c. 5, s. 24.

Owner may recover losses from driver

(27) The owner of a motor vehicle that is impounded under this section may bring an action against the driver of the motor vehicle at the time the motor vehicle was detained under this section to recover any costs or other losses incurred by the owner in connection with the impoundment. 2009, c. 5, s. 24.

Holder of vehicle portion may recover costs

(28) The holder of the plate portion of the permit and the driver of the motor vehicle at the time of the impoundment are jointly and severally liable to the holder of the vehicle portion of the permit who obtains an order under subsection (18) for any costs or losses incurred in connection

with the impoundment, and the costs and losses may be recovered in any court of competent jurisdiction. 2009, c. 5, s. 24.

Protection from personal liability

[\(29\)](#) No action or other proceeding for damages shall be instituted against the Registrar or any employee of the Ministry for any act done in good faith in the execution or intended execution of his or her duty under this section or for any alleged neglect or default in the execution in good faith of that duty. 2009, c. 5, s. 24.

Crown not relieved of liability

[\(30\)](#) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (29) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in that subsection to which it would otherwise be subject. 2009, c. 5, s. 24.

Offence

[\(31\)](#) Every person who fails to comply with subsection (10) or with a requirement of a police officer or officer appointed for carrying out the provisions of this Act under subsection (9) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 2009, c. 5, s. 24.

Same

[\(32\)](#) Every person who drives or operates or removes a motor vehicle that is impounded under this section and every person who causes or permits such a motor vehicle to be driven, operated or removed is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 2009, c. 5, s. 24.

Same

[\(33\)](#) Every person who provides removal services or who operates an impound facility and who charges fees for services provided in connection with this section in excess of those permitted by regulation is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000. 2009, c. 5, s. 24.

Same

[\(34\)](#) Every person who obstructs or interferes with a police officer or officer appointed for carrying out the provisions of this Act in the performance of his or her duties under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000 or to imprisonment for a term of not more than six months, or to both. 2009, c. 5, s. 24.

Decision without hearing is final

[\(35\)](#) The Registrar shall assess applications made under subsections (14) and (18) without a hearing and the Registrar's decision is final. 2009, c. 5, s. 24.

Intent of impoundment

[\(36\)](#) The impoundment of a motor vehicle under this section is intended to promote compliance with this Act and to thereby safeguard the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2009, c. 5, s. 24.

Impoundment concurrent with other administrative impoundments

[\(37\)](#) The impoundment of a motor vehicle under this section runs concurrently with an impoundment, if any, of the same motor vehicle under section 41.4, 48.4, 55.2, 82.1 or 172. 2009,

c. 5, s. 24.

Regulations

- [\(38\)](#) The Lieutenant Governor in Council may make regulations,
- (a) requiring police officers and officers appointed for carrying out the provisions of this Act to keep records with respect to vehicle impoundments under this section for a specified period of time and to report specified information with respect to vehicle impoundments to the Registrar and governing such records and reports;
 - (b) prescribing the period for the purpose of subsection (3);
 - (c) prescribing a schedule of fees that may be charged by independent contractors for services in connection with this section;
 - (d) prescribing the manner in which notices of impoundments under this section may be given under this section;
 - (e) prescribing methods for and rules of service for any notices required to be given under this section;
 - (f) classifying persons and motor vehicles and exempting any class of person or any class of motor vehicle from any provision of this section or any regulation made under this section and prescribing conditions for any such exemptions;
 - (g) prescribing a period of time during which all persons and motor vehicles are exempt from paragraphs 2 and 3 of subsection (3) and providing that an order to impound for 45 days under paragraph 1 of subsection (3) shall be made during that period where paragraph 2 or 3 of subsection (3) would otherwise apply;
 - (h) classifying persons and motor vehicles and exempting any class of person or motor vehicle from paragraphs 2 and 3 of subsection (3) and providing that an order to impound for 45 days under paragraph 1 of subsection (3) shall be made with respect to that class of person or motor vehicle where paragraph 2 or 3 of subsection (3) would otherwise apply, and prescribing conditions for any such exemption;
 - (i) prescribing classes of persons and motor vehicles for the purposes of subsection (14) and specifying eligibility criteria;
 - (j) prescribing fees for the administration of this section;
 - (k) prescribing the time within which an appeal may be brought under section 50.2 with respect to an impoundment under this section, and governing any other time requirements in the appeal process;
 - (l) prescribing criteria to be considered, and criteria not to be considered, by the Tribunal in determining in an appeal under section 50.2 whether exceptional hardship will result from an impoundment under this section;
 - (m) prescribing rules, time periods and procedures with respect to applications under subsection (14). 2009, c. 5, s. 24.

Forms

- [\(39\)](#) The Minister may require that forms approved by the Minister be used for any purpose

of this section. 2009, c. 5, s. 24.

Definitions

[\(40\)](#) In this section,

“operator” means,

- (a) the person directly or indirectly responsible for the operation of a commercial motor vehicle, including the conduct of the driver of, and the carriage of goods or passengers, if any, in, the commercial motor vehicle or combination of vehicles, and
- (b) in the absence of evidence to the contrary, where no CVOR certificate, as defined in subsection 16 (1), or lease applicable to a commercial motor vehicle, is produced, the holder of the plate portion of the permit for the commercial motor vehicle; (“utilisateur”)

“owner” means the person whose name appears on the certificate of registration for the vehicle, and, where the certificate of registration for the vehicle consists of a vehicle portion and a plate portion and different persons are named on each portion, means,

- (a) in subsections (2), (6) and (7), the person whose name appears on the vehicle portion, and
- (b) in subsections (2), (3), (4), (6), (7), (10), (11), (12), (13), (17), (19), (22), (23) and (27), the person whose name appears on the plate portion. (“propriétaire”) 2009, c. 5, s. 24.

Short-term vehicle impoundment for driving while suspended

[55.2 \(1\)](#) Where a police officer is satisfied that a person was driving a motor vehicle on a highway while his or her driver’s licence is under suspension other than under section 32, 41, 42, 43, 46 or 47, the officer shall detain the motor vehicle that was being driven by the person and the vehicle shall, at the cost and risk of the owner,

- (a) be removed to an impound facility as directed by a police officer; and
- (b) be impounded for seven days from the time it was detained. 2009, c. 5, s. 25.

Release of vehicle

[\(2\)](#) Subject to subsection (14), the motor vehicle shall be released to its owner from the impound facility upon the expiry of the period of impoundment. 2009, c. 5, s. 25.

Early release of vehicle

[\(3\)](#) Despite the detention or impoundment of a motor vehicle under this section, a police officer may release the motor vehicle to its owner before it is impounded or, subject to subsection (14), may direct the operator of the impound facility where the motor vehicle is impounded to release the motor vehicle to its owner before the expiry of the seven days if the officer is satisfied that the motor vehicle was stolen at the time that it was driven as described in subsection (1). 2009, c. 5, s. 25.

Duty of officer re impoundment

- [\(4\)](#) Every officer who detains a motor vehicle under this section shall, as soon as practicable,
- (a) prepare a notice identifying the motor vehicle that is to be impounded, the name and address of the driver, the date and time of the impoundment, the period of time for

which the motor vehicle is impounded and the place where the vehicle may be recovered;
and

(b) serve the driver with a copy of the notice. 2009, c. 5, s. 25.

Service on driver is deemed service on owner and operator

(5) Service of a copy of a notice under subsection (4) on the driver of the motor vehicle is deemed to be service on and sufficient notice to the owner of the vehicle and the operator of the vehicle, if there is an operator. 2009, c. 5, s. 25.

Further notice to owner

(6) In addition to serving the owner of the motor vehicle through service on the driver under subsection (4), a police officer shall provide a copy of the notice prepared under subsection (4) to the owner of the motor vehicle by delivering it personally or by mail to the address of the owner shown on the permit for the motor vehicle or to the latest address for the owner appearing on the records of the Ministry. 2009, c. 5, s. 25.

Surrender of documents, information re trip and goods carried

(7) If the motor vehicle that is to be impounded contains goods, the police officer may require the driver and any other person present who is in charge of the motor vehicle to surrender all documents in his or her possession or in the vehicle that relate to the operation of the vehicle or to the carriage of the goods and to furnish all information within that person's knowledge relating to the details of the current trip and the ownership of the goods. 2009, c. 5, s. 25.

Operator, owner to remove load

(8) Upon being served with notice of the impoundment through service on the driver under subsection (4), the operator of the motor vehicle or, if there is no operator, the owner shall forthwith remove any vehicle drawn by the motor vehicle and any load from the motor vehicle. 2009, c. 5, s. 25.

Application of *Dangerous Goods Transportation Act*

(9) If the goods are dangerous goods, within the meaning of the *Dangerous Goods Transportation Act*, the operator or, if there is no operator, the owner shall remove them in accordance with that Act. 2009, c. 5, s. 25.

Officer may remove load, trailer at operator's cost, risk

(10) If, in the opinion of a police officer, the operator or owner fails to remove a drawn vehicle or load as required by subsection (8) within a reasonable time after being served with notice of the impoundment, the officer may cause the drawn vehicle or load to be removed and stored or disposed of at the cost and risk of the operator or, if there is no operator, the owner. 2009, c. 5, s. 25.

Same

(11) If a police officer is of the opinion that the operator or owner has not made appropriate arrangements for the removal of a drawn vehicle or load, having regard to the nature of the goods, including the fact that they are or appear to be dangerous goods within the meaning of the *Dangerous Goods Transportation Act* or are perishable, the officer may cause the drawn vehicle or load to be removed, stored or otherwise disposed of at the cost and risk of the operator or, if there is no operator, the owner. 2009, c. 5, s. 25.

Personal property in vehicle available to owner

(12) Any personal property that is left in the impounded motor vehicle and that is not attached to or used in connection with its operation shall, upon request and proof of ownership, be made available, at reasonable times, to the owner of the property. 2009, c. 5, s. 25.

No appeal or right to be heard

(13) There is no appeal from, or right to be heard before, a vehicle detention or impoundment under subsection (1). 2009, c. 5, s. 25.

Impound costs to be paid before release of vehicle

(14) The person who operates the impound facility where a motor vehicle is impounded under this section is not required to release the motor vehicle until the removal and impound costs for the vehicle have been paid. 2009, c. 5, s. 25.

Lien for impound costs

(15) The costs incurred by the person who operates the impound facility where a motor vehicle is impounded under this section are a lien on the motor vehicle that may be enforced under the *Repair and Storage Liens Act*. 2009, c. 5, s. 25.

Impound costs a recoverable debt

(16) The costs incurred by the person who operates the impound facility where a motor vehicle is impounded under this section are a debt due by the owner and the driver of the motor vehicle at the time the vehicle was detained, for which the owner and the driver are jointly and severally liable, and the debt may be recovered in any court of competent jurisdiction. 2009, c. 5, s. 25.

Owner may recover losses from driver

(17) The owner of a motor vehicle that is impounded under this section may bring an action against the driver of the motor vehicle at the time the vehicle was detained under subsection (1) to recover any costs or other losses incurred by the owner in connection with the impoundment. 2009, c. 5, s. 25.

Debt due to police or Crown

(18) The costs incurred by a police force or the Crown in removing, storing or disposing of a drawn vehicle or load from a motor vehicle under subsection (10) or (11) are a debt due to the police force or Crown, as the case may be, and may be recovered by the police force or Crown in any court of competent jurisdiction. 2009, c. 5, s. 25.

Offence

(19) Every person who obstructs or interferes with a police officer in the performance of his or her duties under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000 or to imprisonment for a term of not more than six months, or to both. 2009, c. 5, s. 25.

Intent of impoundment

(20) The impoundment of a motor vehicle under this section is intended to promote compliance with this Act and to thereby safeguard the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2009, c. 5, s. 25.

Impoundment concurrent with other administrative impoundments

(21) The impoundment of a motor vehicle under this section runs concurrently with an

impoundment, if any, of the same motor vehicle under section 41.4, 48.4, 55.1, 82.1 or 172. 2009, c. 5, s. 25.

Forms

[\(22\)](#) The Minister may require that forms approved by the Minister be used for any purpose of this section. 2009, c. 5, s. 25.

Regulations

[\(23\)](#) The Minister may make regulations,

- (a) requiring police officers to keep records with respect to vehicle impoundments under this section for a specified period of time and to report specified information with respect to vehicle impoundments to the Registrar and governing such records and reports;
- (b) exempting any class of persons or class or type of vehicles from any provision or requirement of this section or of any regulation made under this section and prescribing conditions and circumstances for any such exemptions;
- (c) exempting commercial motor vehicles, or any class or type of commercial motor vehicles, or drivers, owners or operators of commercial motor vehicles or any class of them, from any provision or requirement of this section or of any regulation made under this section, prescribing a different scheme of consequences and requirements from those set out in this section if a police officer is satisfied that a person was driving a commercial motor vehicle, or a specified class or type of commercial motor vehicle, as described in subsection (1), including prescribing different penalties, and prescribing conditions and circumstances for any such exemption or for a different scheme to apply.
- (d) designating provisions of legislation enacted by another province, a territory of Canada or a state of the United States of America that are comparable to the provisions under which a person's driver's licence is suspended under this Act and for which his or her motor vehicle may be impounded under this section and providing that this section applies to a person whose driver's licence is suspended under such provisions. 2009, c. 5, s. 25.

Contravention of different scheme

[\(24\)](#) Every person who contravenes or fails to comply with a regulation made under clause (23) (c) that prescribes a different scheme of consequences and requirements from those set out in this section is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 2009, c. 5, s. 25.

Definition

[\(25\)](#) In this section,

“operator” means,

- (a) the person directly or indirectly responsible for the operation of a commercial motor vehicle, including the conduct of the driver of, and the carriage of goods or passengers, if any, in, the commercial motor vehicle or combination of vehicles, and
- (b) in the absence of evidence to the contrary, where no CVOR certificate, as defined in subsection 16 (1), or lease applicable to a commercial motor vehicle, is produced, the

holder of the plate portion of the permit for the commercial motor vehicle. 2009, c. 5, s. 25.

Demerit point system

56. (1) The Lieutenant Governor in Council may make regulations providing for a demerit point system for drivers of motor vehicles or of street cars. 2005, c. 26, Sched. A, s. 5.

Same

(2) The demerit point system may provide for the cancellation and suspension of licences and may require that a driver, in order to show cause why his or her licence should not be cancelled or suspended, attend an interview or group session with an official of the Ministry or provide written information to the Ministry or both attend an interview or group session and provide written information. 2005, c. 26, Sched. A, s. 5.

Format for interviews, group sessions

(3) An interview or group session required under the demerit point system may be held in person or by telephone or other electronic means, as specified by the Ministry. 2005, c. 26, Sched. A, s. 5.

Fees

(4) The Minister may require the payment of fees for the attendance at an interview or group session or for providing written information under the demerit point system. 2005, c. 26, Sched. A, s. 5.

Same

(5) The Minister may set the amount of the fees required under subsection (4) and may set different fees for different classes of persons and for different circumstances. 2005, c. 26, Sched. A, s. 5.

Conduct review programs

57. (1) The Lieutenant Governor in Council may make regulations establishing conduct review programs for persons who are applicants for or holders of a licence, permit or certificate under this Act. 2007, c. 13, s. 16.

Different programs

- (2)** Different conduct review programs may be established for,
- (a) persons whose driver's licence has been suspended under this Act;
 - (b) persons involved in more than one motor vehicle accident;
 - (c) persons convicted of an offence under this Act or the regulations; or
 - (d) any other prescribed class of persons. 2007, c. 13, s. 16.

Program features

(3) A conduct review program may consist of or include interviews, assessments, remedial programs, courses, individual or group education sessions, examinations, the required installation and use of a device in a motor vehicle, such as an ignition interlock device, and any other feature that, in the opinion of the Lieutenant Governor in Council, may serve to improve road safety, including by improving individuals' driving skills and by assisting individuals in changing their past conduct. 2007, c. 13, s. 16.

Same

- (4) A regulation made under subsection (1) may,
- (a) establish criteria and conditions to determine who may be required to participate in a conduct review program;
 - (b) prescribe classes of persons for the purpose of clause (2) (d);
 - (c) establish the features of a conduct review program, including features that may only apply to a person based on the results of an interview, assessment or examination;
 - (d) establish and govern ignition interlock programs, including an ignition interlock program for the purposes of subsection 259 (1.1) of the *Criminal Code* (Canada) and govern the required installation and use of other devices in a motor vehicle;
 - (e) prescribe what constitutes the successful completion of a conduct review program or of any feature or stage of a conduct review program;
 - (f) prescribe the circumstances in which a participant in a conduct review program will be required to leave the program;
 - (g) govern the requirements, conditions and circumstances for a person who does not successfully complete a conduct review program to participate in a conduct review program again, including prescribing the period of time that a person must wait before recommencing a program, or any feature or stage of it, or before commencing another conduct review program;
 - (h) provide for and govern the suspension, cancellation or change of class of a licence, permit or certificate in specified circumstances, including for failure to successfully complete a conduct review program or a feature or stage of a conduct review program;
 - (i) provide for and govern the imposition of a specified condition, restriction or limitation on a licence, permit or certificate in specified circumstances, including for failure to successfully complete a conduct review program or a feature or stage of a conduct review program;
 - (j) govern the reinstatement of a licence, permit or certificate that is suspended or cancelled under a conduct review program, the reinstatement of a class of licence, permit or certificate that is changed under a conduct review program and the removal of a condition, restriction or limitation that is imposed on a licence, permit or certificate under a conduct review program;
 - (k) require that participants in a conduct review program prepare or obtain and keep specified records and submit them as specified in the regulation to the Ministry during the program and at its conclusion. 2007, c. 13, s. 16.

Same

(5) A regulation made under this section may provide differently for different classes of persons and in different parts of Ontario. 2007, c. 13, s. 16.

Persons authorized to provide programs

(6) The Minister may authorize or require any person or class of persons to provide or conduct a conduct review program, or any feature or stage of a conduct review program and may

require them to prepare, keep and submit to the Ministry records and reports as specified by the Ministry. 2007, c. 13, s. 16.

Records, reports privileged

(7) Records and reports filed with the Ministry for the purposes of this section are privileged for the information of the Ministry only and shall not be open for public inspection. 2007, c. 13, s. 16.

Format for courses, sessions, etc.

(8) Participation in any course, individual or group session or other feature or stage of a conduct review program may be in person or by telephone or other electronic means, as specified by the Ministry. 2007, c. 13, s. 16.

Fees

(9) The Minister,

- (a) may require a participant in a conduct review program to pay fees to the Minister or to the person who is providing or conducting a conduct review program or any feature or stage of a conduct review program or to both the Minister and the person; and
- (b) may require different fees for different classes of persons and for different circumstances. 2007, c. 13, s. 16.

Same

(10) The Minister may require that any fees be paid, in whole or in part,

- (a) prior to participating in a conduct review program;
- (b) in instalments based on the completion of different features or stages of a conduct review program;
- (c) together with the submission of any required records during or on the completion of a conduct review program; or
- (d) in any combination of clauses (a), (b) and (c). 2007, c. 13, s. 16.

Notification

(11) The Registrar may notify a person who meets the prescribed criteria and conditions that he or she is required to participate in a conduct review program, but not every person who meets the prescribed criteria and conditions will be notified by the Registrar, and the decision whether to notify a person or not is in the discretion of the Registrar. 2007, c. 13, s. 16.

Same

(12) The notification shall be delivered personally or mailed to the person at his or her latest address appearing on the records of the Ministry. 2007, c. 13, s. 16.

Required to attend

(13) A person who receives a notification to participate in a conduct review program shall do so as specified by the Ministry, and a person who does not receive a notification to participate in a conduct review program is not permitted to do so. 2007, c. 13, s. 16.

Registrar's discretion in requiring persons to participate

(14) In exercising his or her discretion under subsection (11), the Registrar shall take into account the interests of road safety, the driving record and past conduct of any person who meets

the prescribed criteria and conditions and the capacity of any conduct review program to accommodate all of the persons who meet the prescribed criteria and conditions. 2007, c. 13, s. 16.

Parties to judicial review

[\(15\)](#) The parties to any judicial review brought in respect of this section are the Registrar and the person whose licence, permit or certificate is affected. 2007, c. 13, s. 16.

Protection from personal liability

[\(16\)](#) No action or other proceeding for damages shall be instituted against a person authorized or required by this section to provide or conduct a conduct review program, or any feature or stage of a conduct review program, or to submit a record or report for the purposes of this section, unless the person was negligent in the conduct of the program or feature or stage of the program or in the preparation or submission of the record or report. 2007, c. 13, s. 16.

Same

[\(17\)](#) No action or other proceeding for damages shall be instituted against the Minister, the Registrar or any employee of the Ministry for any action taken or not taken, in respect of a licence, permit or certificate or in respect of a person's participation in a conduct review program, in good faith in the execution or exercise or intended execution or exercise of a duty or power under this section, including the Registrar's decision to notify or not notify a person that he or she is required to participate in a conduct review program. 2007, c. 13, s. 16.

Crown not relieved of liability

[\(18\)](#) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsections (16) and (17) do not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (16) or (17) to which it would otherwise be subject. 2007, c. 13, s. 16.

Regulations, novice drivers

[57.1 \(1\)](#) The Lieutenant Governor in Council may make regulations in respect of novice drivers,

- (a) defining novice driver and accompanying driver;
- (b) prescribing drivers' licences of different classes and levels for novice drivers;
- (b.1) prescribing the qualifications of applicants for and holders of any class or level of driver's licence for novice drivers;
- (c) prescribing the qualifications and requirements, including a maximum blood alcohol concentration level, for accompanying drivers;
- (d) requiring novice drivers with drivers' licences of any class or level to be accompanied, while driving, by an accompanying driver;
- (e) respecting practical and written driving examinations and mental and physical, including ophthalmic and auditory, examinations for applicants for drivers' licences for novice drivers of any class or level;
- (f) prescribing the length of time or the method of determining the length of time during which a person shall be a novice driver or shall be restricted to any level of driver's licence for novice drivers;

- (g) prescribing circumstances under which the driver's licence of a novice driver shall be cancelled or suspended and the length of the suspension or suspensions;
- (h) prescribing circumstances under which a novice driver may be required to attend before an official of the Ministry for an interview and the examination or examinations that may be required;
- (i) prescribing circumstances under which a novice driver may be required to produce evidence with regard to successful completion of a Ministry-approved driver education or improvement course;
- (j) Repealed: 2005, c. 26, Sched. A, s. 7 (1).
- (k) prescribing modifications to the demerit point system prescribed under section 56 in so far as it applies to novice drivers and exempting novice drivers or any class or level of driver's licence for novice drivers from any of the provisions of the demerit point system;
- (l) prescribing conditions and restrictions that shall apply to any class or level of driver's licence for novice drivers;
- (l.1) prescribing circumstances under which the driver's licence of a novice driver may be changed in respect of its class as a consequence of a conviction for any offence under this Act or for a contravention of any condition on his or her driver's licence;
- (m) prescribing markers or identifying devices to be displayed on or in motor vehicles driven by novice drivers or novice drivers with drivers' licences of any class or level and governing the conditions of their use and the manner of displaying them;
- (n) exempting novice drivers or novice drivers with a driver's licence of any class or level from any requirement under this Part or any regulation made under this Part and prescribing conditions for the exemption;
- (o) Repealed: 2009, c. 5, s. 26 (2).

1993, c. 40, s. 7; 2004, c. 22, s. 2; 2005, c. 26, Sched. A, s. 7 (1); 2009, c. 5, s. 26.

Classes

[\(2\)](#) A regulation under subsection (1) may apply in respect of any class of driver's licence for novice drivers. 1993, c. 40, s. 7.

Approved courses

[\(3\)](#) The Minister may approve driver education and improvement courses for the purpose of clause (1) (i). 2005, c. 26, Sched. A, s. 7 (2).

Police request for novice driver's passenger's identification

[57.1.1 \(1\)](#) A police officer or officer appointed for carrying out the provisions of this Act may request that a passenger in a motor vehicle driven by a novice driver identify himself or herself if the officer suspects that the novice driver is contravening a regulation made under section 57.1 and the passenger of whom the request is made shall give the officer his or her correct name and address. 2004, c. 22, s. 3.

Additional information

[\(2\)](#) The officer may also request additional prescribed information from a passenger of whom he or she requests identification under subsection (1) and the passenger of whom the request is made shall give the officer the requested information. 2004, c. 22, s. 3.

Regulations

[\(3\)](#) The Lieutenant Governor in Council may make regulations prescribing additional information that a police officer or officer appointed for carrying out the provisions of this Act may request and that a passenger is required to give under subsection (2). 2004, c. 22, s. 3.

Offence, novice driver regulations

[57.2 \(1\)](#) Every novice driver who contravenes a condition or restriction prescribed by a regulation made under section 57.1 is guilty of an offence. 1993, c. 40, s. 7.

Defence to accompanying driver charge

[\(2\)](#) It is a defence to a charge under subsection (1) relating to the qualifications or requirements of the accompanying driver if the accused novice driver establishes that he or she took all reasonable measures to comply with the regulations. 1993, c. 40, s. 7.

Driving instructors

[58. \(1\)](#) An individual shall not provide a prescribed class of driving instruction for compensation except under the authority of a driving instructor licence issued under this section that authorizes the individual to provide that class of driving instruction. 2005, c. 26, Sched. A, s. 8.

Issuance of driving instructor licence

[\(2\)](#) The Minister may issue a driving instructor licence to an individual authorizing the individual to provide a prescribed class or classes of driving instruction if the individual applies for the licence and meets the requirements of this section and the regulations made under it. 2005, c. 26, Sched. A, s. 8.

Conditions

[\(3\)](#) The Minister may issue a driving instructor licence subject to such conditions as the Minister considers appropriate. 2005, c. 26, Sched. A, s. 8.

Licensee's authority and duty

[\(4\)](#) A licensed driving instructor may provide driving instruction for compensation in the prescribed class or classes of driving instruction authorized by his or her licence and shall provide such instruction in accordance with this Act and the regulations made under this section. 2005, c. 26, Sched. A, s. 8.

Licence not transferable

[\(5\)](#) A driving instructor licence is not transferable. 2005, c. 26, Sched. A, s. 8.

Holding out

[\(6\)](#) No person shall hold himself out as being qualified to provide driving instruction for compensation in a prescribed class of driving instruction unless the person is licensed to do so under this section. 2005, c. 26, Sched. A, s. 8.

Fees

[\(7\)](#) It is a condition of a driving instructor licence that the licensee pay all prescribed fees in the manner and at the times prescribed. 2005, c. 26, Sched. A, s. 8.

Co-operation with inspector

(8) It is a condition of a driving instructor licence that the licensee co-operate with an inspector carrying out his or her duties under section 58.2. 2005, c. 26, Sched. A, s. 8.

Regulations

(9) The Minister may make regulations,

- (a) prescribing classes of driving instruction for which a driving instructor licence is required in order to provide such instruction for compensation and prescribing classes of driving instructor licences;
- (b) prescribing the qualifications and requirements for the issue of driving instructor licences or any class of them;
- (c) governing the issuing and renewal of driving instructor licences;
- (d) prescribing standards for driving instruction or for any prescribed class of driving instruction;
- (e) governing the safety and maintenance of motor vehicles and other equipment used by licensed driving instructors or any class of them;
- (f) prescribing qualifications and requirements for holders of driving instructor licences or any class of them;
- (g) governing the suspension and revocation of driving instructor licences or any class of them;
- (h) governing appeals from a refusal to issue or renew a driving instructor licence or from a suspension or revocation of a driving instructor licence and a right to be heard in respect of a proposal to refuse to issue or renew or to suspend or revoke a driving instructor licence, including prescribing circumstances in which there is no right to an appeal or to be heard;
- (i) prescribing books and records to be maintained by licensed driving instructors and requiring and governing the submission of reports and returns to the Ministry by licensees;
- (j) prescribing fees to be paid for applications and for the issue and renewal of licences;
- (k) establishing a system of fees to be paid by licensees in respect of the driving instruction they provide;
- (l) governing the manner and times of payment of any prescribed fees;
- (m) exempting driving instructors holding any class of licence from any provision of this section or of a regulation made under this section and prescribing conditions and circumstances for such exemption. 2005, c. 26, Sched. A, s. 8.

Classes

(10) A regulation made under subsection (9) may apply in respect of any class of persons, driving instruction or licences. 2005, c. 26, Sched. A, s. 8.

Conflict between regulations and by-law

(11) Where there is a conflict between a regulation made under subsection (9) and a by-law of a municipal council or police services board regulating or governing driving instructors or

driving instruction, the regulation prevails. 2005, c. 26, Sched. A, s. 8.

Definition

[\(12\)](#) In this section,

“compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable, promised, received or demanded, directly or indirectly. 2005, c. 26, Sched. A, s. 8.

Interpretation

[\(13\)](#) For the purposes of this section,

- (a) a person who provides driving instruction as part of his or her employment or contractual duties is providing driving instruction for compensation;
- (b) a person who provides driving instruction as an employee or contractor of a licensed driving school or otherwise under the auspices of a licensed driving school is providing driving instruction for compensation even if the compensation for the driving instruction is paid to the driving school. 2005, c. 26, Sched. A, s. 8.

Driving schools

Definitions

[58.1 \(1\)](#) In this section and in section 58.2,

“driving school” means a business of providing driving instruction; (“auto-école”)

“licensed driving school” means a driving school operated by one or more persons who hold a driving school licence. (“auto-école titulaire de permis”) 2005, c. 26, Sched. A, s. 9.

Licence required

[\(2\)](#) No person shall operate a driving school that offers or provides a Ministry-approved course in a prescribed class of driving instruction except under the authority of a driving school licence issued under this section that authorizes that class of driving instruction. 2005, c. 26, Sched. A, s. 9.

Issuance of driving school licence

[\(3\)](#) The Minister may issue a driving school licence to a person or persons authorizing the person or persons to provide a Ministry-approved course or courses in a prescribed class or classes of driving instruction if the person or persons apply for the licence and meet the requirements of this section and the regulations made under it. 2005, c. 26, Sched. A, s. 9.

Conditions

[\(4\)](#) The Minister may issue a driving school licence subject to such conditions as the Minister considers appropriate. 2005, c. 26, Sched. A, s. 9.

Licensee’s authority and duty

[\(5\)](#) A licensed driving school may offer or provide Ministry-approved courses in the prescribed class or classes of driving instruction authorized by its licence and shall provide such instruction in accordance with this Act and the regulations made under this section. 2005, c. 26, Sched. A, s. 9.

Driver education certificate

[\(6\)](#) No person shall issue a driver education certificate prescribed under a regulation made under this section unless the person is licensed as a driving school under this section and issues the

certificate in accordance with the regulations. 2005, c. 26, Sched. A, s. 9.

Licence not transferable

[\(7\)](#) A driving school licence is not transferable. 2005, c. 26, Sched. A, s. 9.

Notice of change

[\(8\)](#) A corporation that holds a driving school licence and persons that hold a driving school licence as a partnership shall, within 15 days of any change in officers, directors or partners, as the case may be, notify the Minister in writing of the change and of any other prescribed information, in accordance with the regulations. 2005, c. 26, Sched. A, s. 9.

Fees

[\(9\)](#) It is a condition of a driving school licence that the licensee pay all prescribed fees in the manner and at the times prescribed. 2005, c. 26, Sched. A, s. 9.

Co-operation with inspector

[\(10\)](#) It is a condition of a driving school licence that the licensee and the officers, directors, employees and contractors of the licensee co-operate with an inspector carrying out his or her duties under section 58.2. 2005, c. 26, Sched. A, s. 9.

Holding out

[\(11\)](#) No person shall hold themselves out as being a licensed driving school or as being qualified to offer or provide a Ministry-approved course in a prescribed class of driving instruction unless the person is licensed to do so under this section. 2005, c. 26, Sched. A, s. 9.

Regulations

[\(12\)](#) The Minister may make regulations,

- (a) prescribing classes of driving instruction for which a driving school licence is required in order to provide instruction in Ministry-approved driving courses;
- (b) prescribing the qualifications and requirements for the issue of driving school licences or any class of them;
- (c) governing the issuing and renewal of driving school licences;
- (d) prescribing standards for driving instruction or any class of driving instruction to be met by licensed driving schools or any class of them;
- (e) governing the safety and maintenance of the premises, motor vehicles and other equipment used by licensed driving schools or any class of them;
- (f) prescribing qualifications and requirements for holders of driving school licences or any class of them;
- (g) governing the suspension and revocation of driving school licences or any class of them;
- (h) governing appeals from a refusal to issue or renew a driving school licence or from a suspension or revocation of a driving school licence and a right to be heard in respect of a proposal to refuse to issue or renew or to suspend or revoke a driving school licence, including prescribing circumstances in which there is no right to an appeal or to be heard;
- (i) prescribing information for the purpose of subsection (8) and governing the notification

required under that subsection;

- (j) prescribing books and records to be maintained by licensed driving schools and requiring and governing the submission of reports and returns to the Ministry by licensees;
- (k) prescribing fees to be paid for applications and for the issue and renewal of licences;
- (l) establishing a system of fees to be paid by licensees in respect of the driving instruction they provide;
- (m) requiring applicants for a licence to pay a fee determined in accordance with the regulation in respect of the driving education provided, between November 6, 2004 and the date the licence is issued, by the applicant or, if the applicant is two or more persons or a corporation, by one of the persons or shareholders;
- (n) governing the manner and times of payment of any prescribed fees;
- (o) governing the issuing of driver education certificates by licensed driving schools and governing the provision of driver education certificate forms by the Ministry to licensed driving schools, including prescribing fees to be paid by licensed driving schools for the certificate forms and governing the return of unused certificate forms to the Ministry and the payment of refunds for their return;
- (p) exempting any class of persons, driving instruction or driving schools from any provision of this section or of a regulation made under this section and prescribing conditions and circumstances for such exemption. 2005, c. 26, Sched. A, s. 9.

Classes

[\(13\)](#) A regulation made under subsection (12) may apply in respect of any class of persons, driving instruction, driving schools or driving school licences. 2005, c. 26, Sched. A, s. 9.

Conflict between regulations and by-law

[\(14\)](#) Where there is a conflict between a regulation made under subsection (12) and a by-law of a municipal council or police services board regulating or governing driving instructors, driving schools or driving instruction, the regulation prevails. 2005, c. 26, Sched. A, s. 9.

Approved courses

[\(15\)](#) The Minister may approve courses in classes of driving instruction for the purposes of this section. 2005, c. 26, Sched. A, s. 9.

Inspectors

[58.2 \(1\)](#) The Minister may appoint one or more persons as inspectors for the purposes of this section. 2005, c. 26, Sched. A, s. 10.

Certificate of appointment

[\(2\)](#) The Minister shall issue to every inspector appointed under subsection (1) a certificate of appointment and every inspector, in the execution of his or her duties under this section, shall produce his or her certificate of appointment upon request. 2005, c. 26, Sched. A, s. 10.

Powers of inspectors

[\(3\)](#) For the purpose of ensuring compliance with sections 58 and 58.1 and the regulations made under them, an inspector may, without a warrant,

- (a) enter any premises of a licensed driving school;

- (b) enter any premises where the records of a licensed driving instructor or licensed driving school or the motor vehicles, equipment and other things used by a licensed driving instructor or licensed driving school in providing driver education are kept;
- (c) examine a record, motor vehicle, equipment or other thing that is relevant to the inspection;
- (d) demand the production for inspection of a motor vehicle, equipment, record or other thing that is relevant to the inspection;
- (e) remove for examination or testing a motor vehicle or any equipment or thing that is relevant to the inspection;
- (f) remove for review and copying a record or other thing that is relevant to the inspection;
- (g) in order to produce a record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business in the place;
- (h) carry out any examination, test, audit or investigation procedure that is relevant to the inspection; and
- (i) question a person on matters relevant to the inspection. 2005, c. 26, Sched. A, s. 10.

Dwellings

[\(4\)](#) The power to enter and inspect a place shall not be exercised to enter and inspect a part of the place that is used as a dwelling without the consent of the occupier. 2005, c. 26, Sched. A, s. 10.

Time of entry

[\(5\)](#) The power to enter and inspect a place shall be exercised during the regular business hours of the place or, if it does not have regular business hours, at any time the place is open for business. 2005, c. 26, Sched. A, s. 10.

Written demand

[\(6\)](#) A demand that a motor vehicle, equipment, record or other thing be produced for inspection must be in writing and must include a statement of the nature of the motor vehicle, equipment, record or thing required. 2005, c. 26, Sched. A, s. 10.

Obligation to produce and assist

[\(7\)](#) If an inspector demands that a motor vehicle, equipment, record or other thing be produced for inspection, the person who has custody of the motor vehicle, equipment, record or thing shall produce it immediately and, in the case of a record, shall on request provide any assistance that is reasonably necessary to interpret the record or to produce it in a readable form. 2005, c. 26, Sched. A, s. 10.

Things removed

[\(8\)](#) An inspector who removes a motor vehicle, equipment, record or other thing under clause (3) (e) or (f) or to whom a motor vehicle, equipment, record or other thing is delivered pursuant to a demand made under clause (3) (d) shall give a receipt for the motor vehicle, equipment, record or thing and return it to the person who produced or delivered it within a reasonable time. 2005, c. 26, Sched. A, s. 10.

Copy admissible in evidence

(9) A copy of a record that purports to be certified by an inspector as being a true copy of the original is admissible in evidence to the same extent as the original, and has the same evidentiary value. 2005, c. 26, Sched. A, s. 10.

Obstruction

(10) No person shall hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with information, on matters relevant to the inspection, that the person knows to be false or misleading. 2005, c. 26, Sched. A, s. 10.

Regulations re costs of inspection

(11) The Minister may make regulations requiring licensees to pay to the Ministry the costs of any inspection conducted under this section. 2005, c. 26, Sched. A, s. 10.

Definition

(12) In this section,

“inspection” includes an examination, test, audit, inquiry and investigation. 2005, c. 26, Sched. A, s. 10.

PART V GARAGE AND STORAGE LICENCES

Licence respecting dealing in motor vehicles, etc.

59. (1) No person shall deal in motor vehicles or trailers, operate a used car lot or engage in the business of wrecking or dismantling of vehicles without having been licensed so to do by the Ministry in respect of each separate premises used by the person for the purpose of the business. R.S.O. 1990, c. H.8, s. 59 (1).

Exception

(2) Subsection (1) does not apply to a person who is registered as a motor vehicle dealer in accordance with the *Motor Vehicle Dealers Act, 2002*. R.S.O. 1990, c. H.8, s. 59 (2); 2002, c. 30, Sched. E, s. 7.

Fee

(3) The fee for the licence shall be such as may be fixed from time to time by the Lieutenant Governor in Council on the recommendation of the Minister. R.S.O. 1990, c. H.8, s. 59 (3).

Penalty

(4) Every person who deals in motor vehicles or trailers or operates a used car lot or engages in the wrecking or dismantling of vehicles in contravention of subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. H.8, s. 59 (4).

Right of entry and inspection

(5) Any police officer or any officer appointed for carrying out the provisions of this Part may enter into any place where motor vehicles, trailers or bicycles are stored or dealt in, or into any garage, repair shop, used car lot or premises used for the wrecking or dismantling of vehicles, and make the investigation and inspection that he or she thinks proper for the purposes of this Part. R.S.O. 1990, c. H.8, s. 59 (5).

Penalty for interference with police officer

(6) Every person who obstructs, molests or interferes with any police officer or officer in

the performance of his or her duties under subsection (5) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.8, s. 59 (6).

Suspension or cancellation of licence by Minister

(7) The Minister may suspend or cancel the licence issued for dealing in motor vehicles or trailers, operating a used car lot, or for wrecking or dismantling vehicles, for misconduct or for non-compliance with or infraction of this Act or the regulations by the holder of the licence or by any of the licence holder's employees or for any other reason appearing to him or her to be sufficient. R.S.O. 1990, c. H.8, s. 59 (7).

Regulations

(8) The Lieutenant Governor in Council may make regulations controlling and governing the business of dealing in motor vehicles or trailers, operating a garage, repair shop or used car lot, or the wrecking or dismantling of vehicles. R.S.O. 1990, c. H.8, s. 59 (8).

Definition

(9) In this section,

“motor vehicle” does not include a motor assisted bicycle. R.S.O. 1990, c. H.8, s. 59 (9).

Second-hand vehicles, offences

Record-keeping

60. (1) Every person who buys, sells, wrecks or otherwise deals in second-hand motor vehicles, trailers or bicycles shall keep a complete record of all motor vehicles, trailers and bicycles bought, sold or wrecked and of the information that will enable the motor vehicles, trailers and bicycles to be readily identified, and shall transmit to the Ministry, within six days after the event, on forms furnished by the Ministry, a statement of each motor vehicle or trailer bought, sold or wrecked by the person and the information with reference thereto that may be required by the Ministry. R.S.O. 1990, c. H.8, s. 60 (1).

Prohibition as to buying where number obliterated

(2) No person shall buy, sell, wreck or otherwise deal with any motor vehicle or bicycle or a trailer that has a gross weight exceeding 1,360 kilograms where the manufacturer's vehicle identification number or similar identifying mark has been obliterated or defaced or is not readily recognizable. R.S.O. 1990, c. H.8, s. 60 (2).

Defacing vehicle identification

(3) No person shall deface or remove the manufacturer's vehicle identification number or identifying mark from a motor vehicle or from the engine thereof or from a bicycle or from a trailer that has a gross weight exceeding 1,360 kilograms. R.S.O. 1990, c. H.8, s. 60 (3).

Report as to cars stored or parked

(4) If a motor vehicle is placed in the possession of a person who repairs, buys, sells, wrecks or stores motor vehicles or operates a garage business, parking station, parking lot or used car lot and the vehicle remains in the person's possession for more than two weeks without good reason, the person shall forthwith, upon the expiration of the two-week period, make a report to the nearest police officer in accordance with subsection (6). R.S.O. 1990, c. H.8, s. 60 (4).

Report as to damaged or bullet-marked cars

(5) If a motor vehicle that shows evidence of having been involved in a serious accident or

having been struck by a bullet is brought into a garage, parking station, parking lot, used car lot or repair shop, the person in charge of the garage, parking station, parking lot, used car lot or repair shop shall forthwith make a report to the nearest police officer in accordance with subsection (6). R.S.O. 1990, c. H.8, s. 60 (5).

Information to be reported

(6) A person making a report under subsection (4) or (5) shall give a description of the vehicle and, if known, the vehicle identification number, the permit number, and the name and address of the owner or operator. R.S.O. 1990, c. H.8, s. 60 (6).

Offence

(7) Every person who contravenes,

- (a) subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$50 and not more than \$100;
- (b) subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$1,000;
- (c) subsection (4) is guilty of an offence and on conviction is liable to a fine of not less than \$20 and not more than \$100;
- (d) subsection (5) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500. R.S.O. 1990, c. H.8, s. 60 (7).

PART VI EQUIPMENT

Definitions, Part VI

61. In this Part,

“motor vehicle” does not include a motor assisted bicycle; (“véhicule automobile”)

“vehicle”, in addition to the meaning set out in subsection 1 (1), includes a conversion unit and a trailer converter dolly. (“véhicule”) R.S.O. 1990, c. H.8, s. 61; 2009, c. 5, s. 27.

Lamps

Lamps required on all motor vehicles except motorcycles

62. (1) When on a highway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every motor vehicle other than a motorcycle shall carry three lighted lamps in a conspicuous position, one on each side of the front of the vehicle which shall display a white or amber light only, and one on the rear of the vehicle which shall display a red light only. R.S.O. 1990, c. H.8, s. 62 (1).

Lamps required on motorcycles

(2) Subject to subsection (3), when on a highway at any time every motorcycle shall carry two lighted lamps in a conspicuous position, one on the front of the vehicle which shall display a white light only, and one on the rear of the vehicle which shall display a red light only. R.S.O. 1990, c. H.8, s. 62 (2).

Idem

(3) When on a highway at any time every motorcycle with a side car shall carry a lighted lamp in a conspicuous position on each side of the front of the vehicle which lamps shall display a white or amber light only and a lighted lamp on the rear of the vehicle which shall display a red light only. R.S.O. 1990, c. H.8, s. 62 (3).

Light requirement

(4) Any lamp required under subsection (1), (2) or (3) shall, when lighted, be clearly visible at a distance of at least 150 metres from the front or rear, as the case may be. R.S.O. 1990, c. H.8, s. 62 (4).

Exception

(5) Despite subsections (2) and (3), where a motorcycle that was manufactured prior to the 1st day of January, 1970 is operated on a highway, the lighted lamps required under subsections (2) and (3) shall be required only during the period from one-half hour before sunset to one-half hour after sunrise, or at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less. R.S.O. 1990, c. H.8, s. 62 (5).

Strength of lamps

(6) Lamps on the front of a motor vehicle shall be so constructed, located, arranged and adjusted that when lighted as required by subsections (1), (2) and (3) they produce under normal atmospheric conditions and on a level road a driving light sufficient to render clearly discernible to the operator of the motor vehicle any person or vehicle on the highway within a distance of 110 metres ahead of the motor vehicle. R.S.O. 1990, c. H.8, s. 62 (6).

Attachment that affects lamps prohibited

(7) No person shall drive upon a highway a motor vehicle if either or both of the lamps that are required on the front of the vehicle by subsections (1), (2) and (3),

- (a) are coated or covered with a coloured material; or
- (b) have been modified by the attachment to the lamps or the motor vehicle of any device that reduces the effective area of the lenses or the intensity of the beam of the lamps. 2002, c. 18, Sched. P, s. 19 (1).

Exception

(7.1) Clause (7) (a) does not apply if the lamps are of the prescribed type or meet the prescribed standards. 2002, c. 18, Sched. P, s. 19 (1).

Lighted streets

(8) Subsection (6) does not apply to a motor vehicle parked on a highway and subsections (1), (2), (3), (10), (11), (13), (23), (24), (26) and (27) do not apply to a vehicle parked on a highway upon which the speed limit is not greater than 50 kilometres per hour and which is so lighted by the means of any system of street or highway lighting that the vehicle is clearly discernible within a distance of sixty metres. R.S.O. 1990, c. H.8, s. 62 (8).

Strength of front lamps

(9) No motor vehicle shall carry on the front thereof more than four lighted lamps that project a beam having an intensity of over 300 candela. R.S.O. 1990, c. H.8, s. 62 (9).

Clearance lamps required on wide vehicles

(10) When on a highway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less,

- (a) every commercial motor vehicle and trailer having a width at any part in excess of 2.05 metres, other than a truck tractor, shall carry, in addition to the lamps required by subsection (1), two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and two lighted clearance lamps, one on each side of the rear of the vehicle, which shall display a red light; or
- (b) every truck tractor having a width at any part in excess of 2.05 metres shall carry, in addition to the lamps required by subsection (1), two lighted clearance lamps, one on each side of the front of the vehicle, which shall display an amber light, and one lighted clearance lamp on the left side of the rear of the vehicle, which shall display a red light,

and the Ministry may by regulation permit a reflector, approved by the Ministry, to be displayed in lieu of clearance lamps on the rear of the vehicle, and all the lamps shall be affixed so as to indicate the overall width of the vehicle. R.S.O. 1990, c. H.8, s. 62 (10).

Identification lamps

(11) When on a highway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every commercial motor vehicle or combination of a commercial motor vehicle and a trailer having a length in excess of 9.2 metres or a width in excess of 2.05 metres shall carry three lighted lamps displaying green or amber lights at the front, except in the case of a public vehicle which shall display amber lights at the front, and three lighted lamps displaying red lights at the rear, and the lights of each colour shall be evenly placed not less than 150 millimetres nor more than 310 millimetres apart along a horizontal line as near the top of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer as the permanent structure permits, and shall be visible for distances of 150 metres from the front and rear respectively of the commercial motor vehicle or combination of a commercial motor vehicle and a trailer. R.S.O. 1990, c. H.8, s. 62 (11).

Rear identification lamps on tractor without trailer

(12) Despite subsection (11), a truck tractor driven on a highway without a trailer or semi-trailer is not required to carry the three red lamps displaying red lights to the rear. R.S.O. 1990, c. H.8, s. 62 (12).

Side marker lamps

(13) When on a highway at any time from one-half hour before sunset to one half-hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every motor vehicle or combination of vehicles having a length in excess of 6.1 metres shall carry not fewer than four lighted side marker lamps, one of which shall be located on each side of the vehicle or combination of vehicles near the front and shall display a green or amber light and one of which shall be located on each side of the vehicle or combination of vehicles near the rear and shall display a red light and each of which lights shall be visible for a distance of 150

metres from the side of the vehicle or combination of vehicles upon which it is located; provided that a vehicle or combination of vehicles may carry four reflectors approved by the Ministry instead of the side marker lamps required by this section; and provided further that, if the clearance lamps upon the left side of any vehicle or combination of vehicles display lights visible for a distance of 150 metres from the left side of the vehicle or combination of vehicles, it is not necessary to carry side marker lamps as required by this subsection on the left side of the vehicle. R.S.O. 1990, c. H.8, s. 62 (13).

Intermittent red light restricted

[\(14\)](#) Subject to subsections (14.1) and (15), no person shall use a lamp, other than the vehicular hazard warning signal lamps commonly known as four way flashers, that produces intermittent flashes of red light. R.S.O. 1990, c. H.8, s. 62 (14); 2007, c. 13, s. 17 (1).

Red and blue lights to the front restricted

[\(14.1\)](#) In addition to the lighting requirements in this Part, a police department vehicle may carry lamps that cast red and blue lights, but no other motor vehicle shall carry any lamp that casts red and blue lights to the front. 2007, c. 13, s. 17 (2).

Red light in front

[\(15\)](#) In addition to the lighting requirements in this Part, a vehicle described in subsection (15.1) may carry lamps that cast a red light only or such other colour of light that may, with the approval of the ministry, be designated by a by-law of the municipality in which the vehicle is operated, but no other motor vehicle shall carry any lamp that casts a red light to the front. 1998, c. 35, s. 103.

Same

[\(15.1\)](#) The following are vehicles to which subsection (15) applies:

1. An ambulance, fire department vehicle, police department vehicle, public utility emergency vehicle or school bus.
2. A ministry vehicle operated by an officer appointed for carrying out the provisions of this Act or the *Public Vehicles Act*, while the officer is in the course of his or her employment.
3. A vehicle while operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer, while the officer is in the course of his or her employment.
4. A vehicle while operated by a provincial officer designated under the *Environmental Protection Act*, the *Nutrient Management Act, 2002*, the *Ontario Water Resources Act*, the *Pesticides Act*, the *Safe Drinking Water Act, 2002* or the *Toxics Reduction Act, 2009*, while the officer is in the course of his or her employment.
5. A prescribed class or type of vehicle, driven by a prescribed class of persons or engaged in a prescribed activity or in prescribed conditions or circumstances. 1998, c. 35, s. 103; 2002, c. 4, s. 64; 2002, c. 18, Sched. P, s. 19 (2); 2007, c. 13, s. 17 (3, 4); 2009, c. 19, s. 68 (1).

Green flashing light restricted

[\(16\)](#) The following persons may carry on or in his or her vehicle and operate a lamp that

produces intermittent flashes of green light:

1. A firefighter, within the meaning of subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*, while proceeding to a fire or other emergency.
2. A prescribed class of volunteer medical responder, while driving a prescribed class or type of vehicle or engaging in a prescribed activity or in prescribed conditions or circumstances. 2007, c. 13, s. 17 (5).

Same

[\(16.1\)](#) No person other than a person described in subsection (16) shall operate a lamp that produces intermittent flashes of green light. 1994, c. 35, s. 1.

Lights and reflectors on bicycles, etc.

[\(17\)](#) When on a highway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every motor-assisted bicycle and bicycle (other than a unicycle) shall carry a lighted lamp displaying a white or amber light on its front and a lighted lamp displaying a red light or a reflector approved by the Ministry on its rear, and in addition white reflective material shall be placed on its front forks, and red reflective material covering a surface of not less than 250 millimetres in length and 25 millimetres in width shall be placed on its rear. 2009, c. 5, s. 28 (1).

Penalty

[\(18\)](#) Every person who contravenes subsection (17) is guilty of an offence and on conviction is liable to a fine of not more than \$20. R.S.O. 1990, c. H.8, s. 62 (18).

Rear lamps to illuminate number plate

[\(19\)](#) The lamp on the rear of a motor vehicle or trailer shall be of at least three candela and shall be so placed that it will, at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, illuminate the numbers on the number plate, or, if provision is made on the number plate or on any attachment furnished or required by the Ministry for affixing the lamp, it shall be affixed in the position or space provided, and the lamp shall face to the rear and reflect on the number plate a white light only. R.S.O. 1990, c. H.8, s. 62 (19).

Parking lights

[\(20\)](#) A motor vehicle, other than a commercial motor vehicle, while standing upon a highway at the times that lights are required by this section for the vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the vehicle in such a manner as to be clearly visible to the front and rear for a distance of at least sixty metres and to show white to the front and red to the rear of the vehicle; provided that the light shall not be displayed while the motor vehicle is in motion. R.S.O. 1990, c. H.8, s. 62 (20).

Regulations as to lights on vehicles

[\(21\)](#) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the type and maximum strength of lights that shall be carried by vehicles, and regulating the location, direction, focus and use of the lights;

- (b) regulating or prohibiting the use of lights on vehicles that automatically produce intermittent flashes of light;
- (c) prescribing types of, or standards for, lamps coated or covered with a coloured material that may be used for the purpose of subsection (7.1);
- (d) prescribing classes or types of vehicles, classes of drivers, activities, conditions and circumstances for the purpose of paragraph 5 of subsection (15.1);
- (e) prescribing classes of volunteer medical responders, classes or types of vehicles, activities, conditions and circumstances for the purpose of paragraph 2 of subsection (16);
- (f) governing the training, qualifications and certification of persons prescribed under clause (d) or (e) or who may drive vehicles prescribed under those clauses. R.S.O. 1990, c. H.8, s. 62 (21); 2002, c. 18, Sched. P, s. 19 (3); 2007, c. 13, s. 17 (6).

Same

[\(21.1\)](#) A regulation made under clause (21) (c) may prescribe different types of lamps and different standards for different classes of motor vehicles. 2002, c. 18, Sched. P, s. 19 (4).

Same

[\(21.2\)](#) A regulation made under subsection (21) may provide differently for different classes of persons, different types or classes of vehicles or for different activities, conditions or circumstances. 2007, c. 13, s. 17 (7).

Spotlamps

[\(22\)](#) No motor vehicle, other than a public utility emergency vehicle, shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from the lamp will be directed to the left of the prolongation of the extreme left side, nor more than thirty metres ahead, of the vehicle to which it is attached. R.S.O. 1990, c. H.8, s. 62 (22).

Lamps to be carried on engine

[\(23\)](#) Every traction engine shall, at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, carry a lighted lamp in a conspicuous place in front, which shall display a white or green light only, and one on the rear of the engine or of any vehicle that may be attached to it, which shall display a red light only. R.S.O. 1990, c. H.8, s. 62 (23).

Lamps required on rear of trailer, etc.

[\(24\)](#) When on a highway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every trailer and every object or contrivance drawn by a vehicle shall carry on the rear thereof one lighted lamp, which shall display a red light only. R.S.O. 1990, c. H.8, s. 62 (24).

Lights on vehicles, objects and contrivances over 2.6 metres in width

[\(25\)](#) When on a highway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric

conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, every vehicle, and every object or contrivance drawn by a vehicle, having a width at any part in excess of 2.6 metres, shall carry at the rear two lighted lamps displaying red lights or two red reflectors, one of which shall be affixed as nearly as possible to the extreme left side and one as nearly as possible to the extreme right side of the vehicle, and such lamps or reflectors shall be clearly visible at a distance of at least 150 metres from the rear of the vehicle. R.S.O. 1990, c. H.8, s. 62 (25).

Lamps on all vehicles, except motor vehicles, etc.

(26) Subject to subsection (28), every vehicle, other than a motor vehicle, motor-assisted bicycle, bicycle (except a unicycle) or a vehicle referred to in subsection (24), (25) or (27), when on a highway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, shall carry in a conspicuous position on the left side a lighted lamp which shall display a white light to the front and a red light to the rear or a lighted lamp which shall display a white light to the front and a lighted lamp which shall display a red light to the rear, and any lamp so used shall be clearly visible at a distance of at least 150 metres from the front and the rear of the vehicle, as the case may be. 2009, c. 5, s. 28 (2).

Lights on farm tractors

(27) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system, when on a highway at any time from one-half hour before sunset to one-half hour after sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 150 metres or less, shall carry the lighted lamps required for motor vehicles under subsection (1). R.S.O. 1990, c. H.8, s. 62 (27).

Reflectors in certain cases

(28) The Ministry may by regulation permit a reflector approved by the Ministry to be displayed instead of a lighted lamp on vehicles commonly used for conveying flammable materials or vehicles that are structurally unsuitable for carrying lighted lamps. R.S.O. 1990, c. H.8, s. 62 (28).

Signalling devices required on trucks, buses, etc.

(29) Every motor vehicle or combination of motor vehicle and trailer having a width at any part in excess of 2.05 metres or having a length in excess of 6.1 metres shall be equipped with mechanical or electrical signalling devices that comply with subsections 142 (6) and (8). R.S.O. 1990, c. H.8, s. 62 (29).

Visibility of lights

(30) Where any light is required by any provision of this Act to be visible for a specified distance, the requirement shall be deemed to apply during the times indicated in the provision upon level ground and under normal atmospheric conditions. R.S.O. 1990, c. H.8, s. 62 (30).

Flashing blue light on snow-removal equipment

(31) No person shall, while operating a road service vehicle on a highway, plow, salt or de-ice the highway or apply chemicals or abrasives to the highway for snow or ice control unless the road service vehicle is equipped with a lamp producing intermittent flashes of blue light visible for

a distance of 150 metres from all directions. 1996, c. 33, s. 11.

Restriction on use of flashing blue light

[\(32\)](#) No person shall operate a lamp that produces intermittent flashes of blue light on a highway except,

- (a) a person operating a road service vehicle in the circumstances described in subsection (31); or
- (b) a person operating a police department vehicle, together with a lamp that produces intermittent flashes of red light, as permitted by subsection (14.1). 2007, c. 13, s. 17 (8).

Penalty – commercial motor vehicle

[\(33\)](#) Every person who contravenes subsection (1), (6), (7), (9), (10), (11), (13), (14), (14.1), (15), (16.1), (22), (24), (25), (26), (29), (31) or (32) or who contravenes a regulation made under subsection (21) is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 1996, c. 20, s. 13; 2007, c. 13, s. 17 (9).

Vehicles with right hand drive

[63.](#) Every vehicle that is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device as described in subsection 142 (6), have prominently displayed on the rear thereof, in bold face letters of not less than 50 millimetres in height and of a colour which is in contrast to that of the vehicle, the words,

“RIGHT HAND DRIVE VEHICLE”.

R.S.O. 1990, c. H.8, s. 63.

Brakes

Brakes, two systems required

[64. \(1\)](#) Every motor vehicle, other than a motorcycle, when driven on a highway shall be equipped with at least two braking systems, each with a separate means of application and effective on at least two wheels, one of which shall be adequate to stop the vehicle as required by regulations made by the Ministry and the other of which shall be adequate to hold the vehicle stationary. R.S.O. 1990, c. H.8, s. 64 (1).

Motorcycles, etc.

[\(2\)](#) Every motorcycle, motor-assisted bicycle or power-assisted bicycle when being driven on a highway shall be equipped with at least two braking systems, each with a separate means of application, with one effective on the front wheel and one effective on the rear wheel. 2009, c. 5, s. 29 (1).

Brakes on bicycle

[\(3\)](#) No person shall ride a bicycle on a highway unless it is equipped with at least one brake system acting on the rear wheel that will enable the rider to make the braked wheel skid on dry, level and clean pavement. R.S.O. 1990, c. H.8, s. 64 (3).

Meaning of bicycle

[\(4\)](#) In subsection (3),

“bicycle” does not include a unicycle, tricycle or power-assisted bicycle. 2009, c. 5, s. 29 (2).

Trailer or semi-trailer

(5) Every trailer or semi-trailer having a gross weight of 1,360 kilograms or more shall be equipped with brakes adequate to stop and to hold the vehicle. R.S.O. 1990, c. H.8, s. 64 (5).

Additional brakes

(6) The Lieutenant Governor in Council may make regulations,

- (a) requiring vehicles or any type or class thereof to be equipped with brakes or braking systems in addition to the brakes required by subsection (1), (2), (3) or (5);
- (b) prescribing the standards and specifications of brakes and braking systems or any class or type thereof that are required by this section or regulations made under clause (a);
- (c) exempting any person or class of persons or any class of bicycles from subsection (3) and prescribing conditions for any such exemption. R.S.O. 1990, c. H.8, s. 64 (6).

Condition of brakes

(7) All such brakes and braking systems shall be maintained in good working order and shall conform to the regulations made under this section. R.S.O. 1990, c. H.8, s. 64 (7).

(8) Repealed: 1999, c. 12, Sched. R, s. 12.

Penalty

(9) Every person who contravenes subsection (1), (5) or (7) or a regulation made under subsection (6) is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1) or any trailer within the meaning of subsection (5) that is drawn by a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 1996, c. 20, s. 14.

Hydraulic brake and system fluid

65. (1) No person shall sell, offer for sale or install,

- (a) hydraulic brake fluid; or
- (b) hydraulic system mineral oil,

for use in vehicles upon a highway that does not comply with the standards and specifications prescribed by the regulations or in containers not marked in compliance with the regulations. R.S.O. 1990, c. H.8, s. 65 (1).

Regulations

(2) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards and specifications of hydraulic brake fluid or hydraulic system mineral oil or any type or class thereof for use in vehicles;
- (b) providing for the identification and labelling of containers used for hydraulic brake fluid or hydraulic system mineral oil or any type or class thereof. R.S.O. 1990, c. H.8, s. 65 (2).

Adoption of codes by reference

(3) Any regulation may adopt by reference, in whole or in part with the changes that the

Lieutenant Governor in Council considers necessary, any code of standards or specifications of hydraulic brake fluid or hydraulic system mineral oil. R.S.O. 1990, c. H.8, s. 65 (3).

Penalty

[\(4\)](#) Every person who contravenes this section or any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. R.S.O. 1990, c. H.8, s. 65 (4).

Other equipment

Windshield wiper, mirror

[66. \(1\)](#) Every motor vehicle other than a motorcycle shall be equipped with,

- (a) a device for cleaning rain, snow and other moisture from the windshield so constructed as to be controlled or operated by the driver;
- (b) a mirror or mirrors securely attached to the vehicle and placed in such a position as to afford the driver a clearly reflected view of the roadway in the rear, or of any vehicle approaching from the rear. R.S.O. 1990, c. H.8, s. 66 (1).

Exception

[\(2\)](#) Clause (1) (b) applies to all motorcycles except those manufactured in or imported into Canada before the 1st day of January, 1971. R.S.O. 1990, c. H.8, s. 66 (2).

Mudguards

[\(3\)](#) Every motor vehicle and every trailer shall be equipped with mudguards or fenders or other device adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle. R.S.O. 1990, c. H.8, s. 66 (3).

Exception

[\(4\)](#) Subsection (3) does not apply to motor vehicles or trailers in an unfinished condition while proceeding to a works for completion. R.S.O. 1990, c. H.8, s. 66 (4).

Odometers

[\(5\)](#) Every motor vehicle other than a motorcycle shall be equipped with an odometer in good working order. R.S.O. 1990, c. H.8, s. 66 (5).

Penalty

[\(6\)](#) Every person who contravenes this section is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1) or a trailer that is drawn by a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 1996, c. 20, s. 15.

Extended mirrors

[67.](#) No person shall drive upon a highway a motor vehicle, other than a commercial motor vehicle, that has attached thereto any mirror or mirrors that extend more than 305 millimetres from the side of the vehicle, except when the motor vehicle is towing another vehicle. R.S.O. 1990, c. H.8, s. 67.

Speedometers required in buses

[68.](#) Every bus when driven on a highway shall be equipped with a speedometer which shall be maintained in good working order. R.S.O. 1990, c. H.8, s. 68.

Speed-limiting systems

Required use by commercial motor vehicles

68.1 (1) No person shall drive, or permit the operation of, a commercial motor vehicle on a highway unless the vehicle is equipped with a speed-limiting system that is activated and functioning in accordance with the regulations. 2008, c. 8, s. 1.

Same

- (2)** Except as authorized by the regulations, no person shall,
- (a) deactivate, or permit a person to deactivate, a commercial motor vehicle's speed-limiting system; or
 - (b) modify, or permit a person to modify, a commercial motor vehicle's speed-limiting system such that it ceases to function in accordance with the regulations. 2008, c. 8, s. 1.

Tampering device prohibited

(3) No person shall drive, or permit the operation of, a commercial motor vehicle on a highway if the vehicle is equipped with, has attached to it or carries,

- (a) a prescribed device or prescribed equipment; or
- (b) another device or equipment that is designed to disguise the fact that the vehicle is not equipped with a speed-limiting system that is activated and functioning in accordance with the regulations. 2008, c. 8, s. 1.

Verifying compliance

(4) A police officer or officer appointed for carrying out the provisions of this Act, in exercising his or her powers under section 82 or 216.1, may require that the driver or other person in charge of a commercial motor vehicle,

- (a) provide the officer with access to the vehicle's computer system in order to retrieve and read any information relevant to the activation and functioning of the vehicle's speed-limiting system;
- (b) surrender to the officer any device or equipment carried in the vehicle that operates as part of the vehicle's speed-limiting system; and
- (c) surrender to the officer any records that the driver is required by the regulations to carry with him or her while driving the vehicle. 2008, c. 8, s. 1.

Same

(5) A driver or other person in charge of a commercial motor vehicle shall comply with any requirement made under subsection (4) by a police officer or officer appointed for carrying out the provisions of this Act. 2008, c. 8, s. 1.

Seizure of tampering device

(6) If a police officer or officer appointed for carrying out the provisions of this Act finds a device or equipment prohibited by subsection (3) in the course of any inspection of a commercial motor vehicle, he or she may detach, if necessary, and seize any such device or equipment. 2008, c. 8, s. 1.

Sale of tampering devices prohibited

(7) No person shall sell, offer or advertise for sale a device or equipment prohibited by subsection (3). 2008, c. 8, s. 1.

Offence

(8) Every person who contravenes or fails to comply with subsection (1), (2), (3), (5) or (7), or a regulation made under this section, is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000. 2008, c. 8, s. 1.

Evidentiary presumption

(9) In any proceeding under this section and in the absence of evidence to the contrary, proof that a commercial motor vehicle was driven on a highway at a speed equal to or greater than the speed prescribed for the purpose of this subsection is proof that the vehicle was not equipped with a speed-limiting system that was activated and functioning as required by subsection (1). 2008, c. 8, s. 1.

Forfeiture of tampering device

(10) Where a person is convicted of an offence under subsection (3), any device or equipment seized under subsection (6) by means of which the offence was committed is forfeited to the Crown. 2008, c. 8, s. 1.

Regulations

(11) The Lieutenant Governor in Council may make regulations,

- (a) defining “commercial motor vehicle” for the purposes of this section;
- (b) prescribing standards for speed-limiting systems;
- (c) governing the activation and functioning of speed-limiting systems, including prescribing and governing the speed at which speed-limiting systems must be set and prescribing different speed settings for different circumstances;
- (d) prescribing devices and equipment for the purpose of clause (3) (a);
- (e) governing methods to verify compliance with this section and the regulations, including prescribing devices and software to be used to retrieve and read information in computer systems;
- (f) prescribing the speed for the purpose of subsection (9);
- (g) requiring and governing the inspection and maintenance of speed-limiting systems;
- (h) governing records to be kept and submitted in relation to the inspection, maintenance, activation and functioning of speed-limiting systems;
- (i) governing records to be kept and carried by drivers in relation to the activation and functioning of speed-limiting systems;
- (j) exempting any person or class of persons or any commercial motor vehicle or class of commercial motor vehicles from any requirement or provision of this section or of a regulation made under this section and prescribing conditions and circumstances for any such exemption. 2008, c. 8, s. 1.

Tires and wheels

Tires

69. (1) All self-propelled vehicles other than traction engines, and all trailers having a gross weight in excess of 1,820 kilograms, shall be equipped with rubber tires or tires of some composition equally resilient, and a vehicle shall not be operated on any highway with a tire that is broken or defective in such a manner as to cause additional impact or pounding on or cutting of the highway, and in the case of motor vehicles and trailers equipped with solid rubber tires there shall be at least 31.5 millimetres of rubber between the wheel rim and the roadway. R.S.O. 1990, c. H.8, s. 69 (1).

Flanges and clamps

(2) No vehicle shall be operated or object moved over or upon any highway with any flange, rib, clamp or other device attached to its wheels, or made a part thereof, which will injure the highway. R.S.O. 1990, c. H.8, s. 69 (2).

Lock-shoes

(3) No person driving a vehicle drawn by a horse or other animal and used for carrying articles of burden, goods, wares or merchandise shall when descending a grade on a highway lock any wheel of such vehicle except with the device commonly known as a lock-shoe. R.S.O. 1990, c. H.8, s. 69 (3).

Regulations and offences, tires

70. (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the standards and specifications of tires or any class or classes thereof in use on vehicles or any class or classes thereof;
- (b) prescribing classes of tires;
- (c) prescribing the standards and specifications of used or retreaded tires offered for sale and prohibiting the sale of the tires or any type thereof that do not comply with the standards and specifications therefor prescribed by the regulations or that are not marked in accordance with the regulations;
- (d) providing for and requiring the identification and marking of used or retreaded tires;
- (e) prohibiting the use of any type of tire on a highway at any time or during any period of the year and designating the period;
- (e.1) exempting any vehicle or person or class or type of vehicles or class of persons from a prohibition under clause (e) and regulating the use of a type of tire that is otherwise prohibited under clause (e) for the purpose of such exemption, including prescribing the period of the year during which and geographic areas where the exemption applies and other conditions and circumstances that must exist for the exemption to apply;
- (f) prescribing procedures for examining tires for the purpose of determining whether the prescribed standards and specifications have been met;
- (g) regulating installation and placement of tires to be used on vehicles or any class or classes thereof;
- (h) regulating combinations of tires installed on vehicles or any class or classes thereof;
- (i) Repealed: 2006, c. 19, Sched. T, s. 5.

R.S.O. 1990, c. H.8, s. 70 (1); 2005, c. 26, Sched. A, s. 11; 2006, c. 19, Sched. T, s. 5.

Codes

(2) Any regulation may adopt by reference, in whole or in part, with the changes that the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1990, c. H.8, s. 70 (2).

Offence

- (3) No person shall operate or permit to be operated upon a highway a vehicle that is,
- (a) fitted with a tire that does not conform with the standards and specifications prescribed in the regulations; or
 - (b) fitted with tires that are installed in a manner, in a place or in a combination that does not conform with the specifications prescribed in the regulations. R.S.O. 1990, c. H.8, s. 70 (3).

Penalty

(4) Every person who contravenes this section or any regulation made under this section is guilty of an offence and on conviction is liable to a fine of not more than \$1,000. R.S.O. 1990, c. H.8, s. 70 (4).

Same – commercial motor vehicle

(4.1) Despite subsection (4), every person who contravenes this section or any regulation made under this section is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 1996, c. 20, s. 16.

(5) Repealed: 1999, c. 12, Sched. R, s. 13.

(6) Repealed: 1999, c. 12, Sched. R, s. 13.

Rebuilt tires

71. (1) In this section,

“rebuild” means to make or impose a new tread or new surface or to otherwise alter the surface of a used tire so that it will resemble a new tire, by cutting into or adding rubber to the surface thereof, or by a combination of both. R.S.O. 1990, c. H.8, s. 71 (1); 2009, c. 5, s. 30.

Rebuilt tires, to be marked

(2) No person shall rebuild any tire designed for use upon a motor vehicle unless the person causes it to be indicated in letters of not less than six millimetres in height, clearly embossed upon or imposed or cut into the outside surface of each wall of the tire, that it has been rebuilt. R.S.O. 1990, c. H.8, s. 71 (2).

Idem

(3) No person shall sell, offer or expose for sale, or have in the person’s possession with intent to sell, any tire designed for use upon a motor vehicle that has been rebuilt unless it is indicated in letters of not less than six millimetres in height, clearly embossed upon or imposed or cut into the outside surface of each wall of the tire, that it has been rebuilt. R.S.O. 1990, c. H.8, s. 71 (3).

Penalty

(4) Every person who contravenes subsection (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000. R.S.O. 1990, c. H.8,

s. 71 (4); 1996, c. 20, s. 17.

Safety glass

72. (1) In this section,

“motor vehicle” includes any apparatus or device that is permanently or temporarily attached to a motor vehicle, other than for the purpose of towing it, and in which a person can ride. R.S.O. 1990, c. H.8, s. 72 (1).

Motor vehicles to be equipped with safety glass

(2) No person shall sell any new motor vehicle nor shall any new motor vehicle be registered with the Ministry unless the vehicle is equipped with safety glass wherever glass is used in doors, windows and windshields. R.S.O. 1990, c. H.8, s. 72 (2).

Installation of safety glass

(3) No person shall install glass other than safety glass in the door, window or windshield of any motor vehicle. R.S.O. 1990, c. H.8, s. 72 (3).

Regulations as to safety glass in vehicles

(4) The Lieutenant Governor in Council may make regulations,

- (a) prescribing standards and specifications for safety glass used or intended to be used in a door, window or windshield of any motor vehicle;
- (b) providing for and requiring the marking and identification of safety glass used or intended to be used in a door, window or windshield of any motor vehicle. R.S.O. 1990, c. H.8, s. 72 (4).

Adoption of code by reference

(5) Any regulation made under subsection (4) may adopt by reference, in whole or in part with the changes that the Lieutenant Governor in Council considers necessary, any code or standard and may require compliance with any code or standard that is so adopted. R.S.O. 1990, c. H.8, s. 72 (5).

Penalty

(6) Every person who contravenes this section or a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. R.S.O. 1990, c. H.8, s. 72 (6).

Equipment obstructing view

Signs, objects, etc.

73. (1) No person shall drive a motor vehicle upon a highway,

- (a) with any sign, poster or other non-transparent material or object placed on the windshield or on any window of such motor vehicle; or
- (b) with any object placed in, hung on or attached to the motor vehicle,

in a manner that will obstruct the driver’s view of the highway or any intersecting highway. R.S.O. 1990, c. H.8, s. 73 (1).

Colour coating obstructing view prohibited

(2) No person shall drive a motor vehicle upon a highway where the surface of the windshield or of any window of the vehicle has been coated with any colour spray or other colour coating in

such a manner as to obstruct the driver's view of the highway or any intersecting highway. R.S.O. 1990, c. H.8, s. 73 (2).

Colour coating obscuring interior

(3) No person shall drive on a highway a motor vehicle on which the surface of the windshield or of any window to the direct left or right of the driver's seat has been coated with any coloured spray or other coloured or reflective material that substantially obscures the interior of the motor vehicle when viewed from outside the motor vehicle. R.S.O. 1990, c. H.8, s. 73 (3).

Signs, etc., required by Act or regulations

(4) This section does not prevent the use of signs, markers or equipment required under this Act or the regulations. R.S.O. 1990, c. H.8, s. 73 (4).

Windows to afford clear view

74. (1) No person shall drive a motor vehicle upon a highway,

- (a) unless the windshield and the windows on either side of the compartment containing the steering wheel are in such a condition as to afford the driver a clear view to the front and side of the motor vehicle; and
- (b) unless the rear window is in such a condition as to afford the driver a clear view to the rear of the motor vehicle. R.S.O. 1990, c. H.8, s. 74 (1).

Application of cl. (1) (b)

(2) Clause (1) (b) does not apply to a motor vehicle that is equipped with a mirror or mirrors securely attached to the motor vehicle and placed in such a position and maintained in such a condition as to afford the driver, otherwise than through the rear window, a clearly-reflected view of the roadway in the rear or of any vehicle approaching from the rear. R.S.O. 1990, c. H.8, s. 74 (2).

Noise, smoke, bells and horns

Muffler

75. (1) Every motor vehicle or motor assisted bicycle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and excessive smoke, and no person shall use a muffler cut-out, straight exhaust, gutted muffler, hollywood muffler, by-pass or similar device upon a motor vehicle or motor assisted bicycle. R.S.O. 1990, c. H.8, s. 75 (1).

Same

- (2) Subsection (1) does not apply to,
- (a) a motor-assisted bicycle with an attached motor that is driven entirely by electricity; or
 - (b) a motor vehicle that is driven entirely by electricity. 2009, c. 5, s. 31.

Fumes from engine

(3) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. R.S.O. 1990, c. H.8, s. 75 (3).

Unnecessary noise

(4) A person having the control or charge of a motor vehicle shall not sound any bell, horn or other signalling device so as to make an unreasonable noise, and a driver of any motor vehicle shall not permit any unreasonable amount of smoke to escape from the motor vehicle, nor shall the

driver at any time cause the motor vehicle to make any unnecessary noise, but this subsection does not apply to a motor vehicle of a municipal fire department while proceeding to a fire or answering a fire alarm call. R.S.O. 1990, c. H.8, s. 75 (4).

Alarm bell to be sounded

(5) Every motor vehicle, motor assisted bicycle and bicycle shall be equipped with an alarm bell, gong or horn, which shall be kept in good working order and sounded whenever it is reasonably necessary to notify pedestrians or others of its approach. R.S.O. 1990, c. H.8, s. 75 (5).

Prohibition as to use of siren horn

(6) No vehicle other than an ambulance, fire or police department vehicle, public utility emergency vehicle or vehicle operated by the Ministry shall be equipped with a siren horn or a device producing a sound which so nearly resembles that produced by a siren horn as to deceive or confuse. R.S.O. 1990, c. H.8, s. 75 (6).

Slow moving vehicle sign

76. (1) No person shall operate a slow moving vehicle on a highway unless a slow moving vehicle sign is attached, in accordance with the regulations,

- (a) to the rear of the slow moving vehicle, if no trailer, implement of husbandry or other device is being towed;
- (b) to the rear of the rearmost trailer, implement of husbandry or other device that is being towed by the slow moving vehicle, if one or more trailers, implements or other devices are being towed. 1994, c. 28, s. 1; 2002, c. 18, Sched. P, s. 21 (1).

Slow moving vehicles

(2) The following are slow moving vehicles:

1. Farm tractors and self-propelled implements of husbandry.
2. Vehicles (other than bicycles, motor assisted bicycles and disabled motor vehicles in tow) that are not capable of attaining and sustaining a speed greater than 40 kilometres per hour on level ground when operated on a highway.
3. Motor vehicles towing an implement of husbandry. 1994, c. 28, s. 1; 2009, c. 5, s. 32.

Exception

(3) The slow moving vehicle sign is not required if the slow moving vehicle is operated on a highway only to cross it directly. 1994, c. 28, s. 1; 2002, c. 18, Sched. P, s. 21 (2).

Prohibition

(4) No person shall place a slow moving vehicle sign on or near a fixed object where it is readily visible from a highway. 1994, c. 28, s. 1.

Exception

(5) Subsection (4) does not apply to a facsimile of a slow moving vehicle sign that is displayed for the information of highway users. 1994, c. 28, s. 1.

Prohibition

(6) No person shall operate on a highway a vehicle, other than a slow moving vehicle, with a slow moving vehicle sign attached to it or to a trailer, implement of husbandry or other device being towed by it. 2002, c. 18, Sched. P, s. 21 (3).

Same

(6.1) No person shall operate on a highway a slow moving vehicle with a slow moving vehicle sign attached to it or to a trailer, implement of husbandry or other device being towed by it, at a speed greater than 40 kilometres per hour. 2002, c. 18, Sched. P, s. 21 (3).

Regulations

(7) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the type and specifications of the slow moving vehicle sign and its location on the vehicle;
- (b) providing that subsection (1) does not apply to a horse-drawn vehicle when driven by a person whose religious convictions or beliefs prohibit the display of devices such as the slow moving vehicle sign;
- (c) prescribing the type and specifications of a marker or device, requiring that it be displayed, instead of the slow moving vehicle sign, on a horse-drawn vehicle when driven by a person described in clause (b), and prescribing the location of the marker or device on the vehicle;
- (d) respecting any matter considered necessary or advisable to carry out the intent and purpose of this section. 1994, c. 28, s. 1.

Sleigh bells

77. (1) Every person travelling on a highway with a sleigh or sled drawn by a horse or other animal shall have at least two bells attached to the harness or to the sleigh or sled in such a manner as to give ample warning sound. R.S.O. 1990, c. H.8, s. 77 (1).

Penalty

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$5. R.S.O. 1990, c. H.8, s. 77 (2).

Display screen visible to driver prohibited

78. (1) No person shall drive a motor vehicle on a highway if the display screen of a television, computer or other device in the motor vehicle is visible to the driver. 2009, c. 4, s. 1.

Exceptions

(2) Subsection (1) does not apply in respect of the display screen of,

- (a) a global positioning system navigation device while being used to provide navigation information;
- (b) a hand-held wireless communication device or a device that is prescribed for the purpose of subsection 78.1 (1);
- (c) a logistical transportation tracking system device used for commercial purposes to track vehicle location, driver status or the delivery of packages or other goods;
- (d) a collision avoidance system device that has no other function than to deliver a collision avoidance system; or
- (e) an instrument, gauge or system that is used to provide information to the driver regarding the status of various systems of the motor vehicle. 2009, c. 4, s. 1.

Same

(3) Subsection (1) does not apply to the driver of an ambulance, fire department vehicle or police department vehicle. 2009, c. 4, s. 1.

Exemption by regulation

(4) The Minister may make regulations exempting any class of persons or vehicles or any device from this section and prescribing conditions and circumstances for any such exemption. 2009, c. 4, s. 1.

Hand-held devices prohibited**Wireless communication devices**

78.1 (1) No person shall drive a motor vehicle on a highway while holding or using a hand-held wireless communication device or other prescribed device that is capable of receiving or transmitting telephone communications, electronic data, mail or text messages. 2009, c. 4, s. 2.

Entertainment devices

(2) No person shall drive a motor vehicle on a highway while holding or using a hand-held electronic entertainment device or other prescribed device the primary use of which is unrelated to the safe operation of the motor vehicle. 2009, c. 4, s. 2.

Hands-free mode allowed

(3) Despite subsections (1) and (2), a person may drive a motor vehicle on a highway while using a device described in those subsections in hands-free mode. 2009, c. 4, s. 2.

Exceptions

(4) Subsection (1) does not apply to,

- (a) the driver of an ambulance, fire department vehicle or police department vehicle;
- (b) any other prescribed person or class of persons;
- (c) a person holding or using a device prescribed for the purpose of this subsection; or
- (d) a person engaged in a prescribed activity or in prescribed conditions or circumstances. 2009, c. 4, s. 2.

Same

(5) Subsection (1) does not apply in respect of the use of a device to contact ambulance, police or fire department emergency services. 2009, c. 4, s. 2.

Same

(6) Subsections (1) and (2) do not apply if all of the following conditions are met:

1. The motor vehicle is off the roadway or is lawfully parked on the roadway.
2. The motor vehicle is not in motion.
3. The motor vehicle is not impeding traffic. 2009, c. 4, s. 2.

Regulations

(7) The Minister may make regulations,

- (a) prescribing devices for the purpose of subsections (1) and (2);
- (b) prescribing persons, classes of persons, devices, activities, conditions and circumstances for the purpose of subsection (4). 2009, c. 4, s. 2.

Definition

(8) In this section,

“motor vehicle” includes a street car, motorized snow vehicle, farm tractor, self-propelled implement of husbandry and road-building machine. 2009, c. 4, s. 2.

Speed measuring warning devices

79. (1) In this section,

“speed measuring warning device” means any device or equipment designed or intended for use in a motor vehicle to warn the driver of the presence of speed measuring equipment in the vicinity and includes any device or equipment designed or intended for use in a motor vehicle to interfere with the effective operation of speed measuring equipment. 1996, c. 33, s. 12.

Speed measuring warning device prohibited

(2) No person shall drive on a highway a motor vehicle that is equipped with or that carries or contains a speed measuring warning device. 1996, c. 33, s. 12.

Powers of police officer

(3) A police officer may at any time, without a warrant, stop, enter and search a motor vehicle that he or she has reasonable grounds to believe is equipped with or carries or contains a speed measuring warning device contrary to subsection (2) and may seize and take away any speed measuring warning device found in or upon the motor vehicle. 1996, c. 33, s. 12.

Forfeiture of device

(4) Where a person is convicted of an offence under this section, any device seized under subsection (3) by means of which the offence was committed is forfeited to the Crown. R.S.O. 1990, c. H.8, s. 79 (4).

Penalty

(5) Every person who contravenes subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000. R.S.O. 1990, c. H.8, s. 79 (5).

Exception

(6) Subsection (2) does not apply to a person who is transporting speed measuring warning devices in sealed packages in a motor vehicle from a manufacturer to a consignee. 1996, c. 33, s. 12.

Sale of speed measuring warning devices prohibited

(7) No person shall sell, offer or advertise for sale a speed measuring warning device by retail. 1996, c. 33, s. 12.

Penalty

(8) Every person who contravenes subsection (7) is guilty of an offence and on conviction is liable,

(a) for a first offence, to a fine of not more than \$1,000; and

(b) for each subsequent offence, to a fine of not more than \$5,000. R.S.O. 1990, c. H.8, s. 79 (8).

Pre-empting traffic control signal devices prohibited

79.1 (1) No person shall drive on a highway a motor vehicle that is equipped with, carries,

contains or has attached to it a pre-empting traffic control signal device. 2002, c. 18, Sched. P, s. 22.

[\(2\)](#) Repealed: 2005, c. 26, Sched. A, s. 12 (1).

Powers of police officer

[\(3\)](#) A police officer may at any time, without a warrant, stop, enter and search a motor vehicle that he or she has reasonable grounds to believe is equipped with, carries, contains or has attached to it a pre-empting traffic control signal device contrary to subsection (1) and may detach, if required, seize and take away any such device found in or upon the motor vehicle. 2002, c. 18, Sched. P, s. 22.

Forfeiture of device

[\(4\)](#) Where a person is convicted of an offence under this section, any device seized under subsection (3) is forfeited to the Crown. 2002, c. 18, Sched. P, s. 22.

Penalty

[\(5\)](#) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000. 2002, c. 18, Sched. P, s. 22.

Regulations

[\(5.1\)](#) The Lieutenant Governor in Council may make regulations exempting any class of persons or any class or type of vehicles from subsection (1) and prescribing conditions for such exemptions. 2005, c. 26, Sched. A, s. 12 (2).

Definition

[\(6\)](#) In this section,

“pre-empting traffic control signal device” means any device or equipment that may temporarily suppress or extend an indication on a traffic control signal from its current setting. 2002, c. 18, Sched. P, s. 22.

Same

[\(7\)](#) In subsection (6),

“indication” and “traffic control signal” have the same meanings as in section 133. 2002, c. 18, Sched. P, s. 22.

Attachments required when vehicle drawn on highway

[80. \(1\)](#) No motor vehicle, other than a motor vehicle in which there is a person licensed to drive a motor vehicle on a highway, trailer or other object or device shall be drawn by a motor vehicle or farm tractor on a highway unless there are two separate means of attachment so constructed and attached that the failure of one such means will not permit the motor vehicle, trailer, object or device being drawn to become detached; but this section does not apply to a trailer, object or device attached or coupled to the towing vehicle by means of a fifth wheel attachment or to a trailer or other object or device when drawn directly across a highway by a farm tractor. R.S.O. 1990, c. H.8, s. 80.

Penalty

[\(2\)](#) Every person who contravenes this section is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 1996, c. 20, s. 18.

Regulations re bumpers

81. The Lieutenant Governor in Council may make regulations requiring any type or class of commercial motor vehicle or trailer to be equipped with rear bumpers and prescribing the location and means of attachment of the bumpers and prescribing the specifications for the bumpers. R.S.O. 1990, c. H.8, s. 81.

Inspections, unsafe vehicles

82. (1) In this section,

“commercial motor vehicle” has the same meaning as in subsection 16 (1); (“véhicule utilitaire”)

“operator” means,

- (a) the person directly or indirectly responsible for the operation of a commercial motor vehicle, including the conduct of the driver of, and the carriage of goods or passengers, if any, in, the commercial motor vehicle or combination of vehicles, and
- (b) in the absence of evidence to the contrary, where no CVOR certificate, as defined in subsection 16 (1), or lease applicable to the commercial motor vehicle, is produced, the holder of the plate portion of the permit for the commercial motor vehicle.
 (“utilisateur”) 1999, c. 12, Sched. R, s. 14.

Examination of vehicle

(2) Every police officer and every officer appointed for the purpose of carrying out the provisions of this Act may require the driver of any motor vehicle or motor assisted bicycle to stop, move the vehicle to a safe location as directed by the police officer or officer and submit the vehicle, together with its equipment and any vehicle drawn by it, to the examinations and tests that the police officer or officer may consider expedient. 1999, c. 12, Sched. R, s. 14.

Same

(3) Every police officer and every officer appointed for the purpose of carrying out the provisions of this Act may require the owner of a motor vehicle, motor assisted bicycle or vehicle drawn by a motor vehicle and the operator of a commercial motor vehicle to submit the vehicle, together with its equipment and, in the case of a commercial motor vehicle, any vehicle drawn by it, to the examinations and tests that the police officer or officer may consider expedient. 1999, c. 12, Sched. R, s. 14.

Requirement to bring vehicle into compliance

(4) Where any vehicle examined or tested under subsection (2) or (3), or any of its equipment, is found not to be in compliance with the requirements of this Act or the regulations, the police officer or officer making the examinations or tests may require the owner or operator of the vehicle to have the vehicle or its equipment repaired and to,

- (a) submit the vehicle for further examinations and tests to satisfy a police officer or officer appointed for the purpose of carrying out the provisions of this Act that the vehicle and its equipment comply with the requirements of this Act and the regulations; or
- (b) submit evidence to the person or office specified by the police officer or officer that the vehicle and its equipment comply with the requirements of this Act and the regulations.
1999, c. 12, Sched. R, s. 14.

Same

[\(5\)](#) Where any vehicle examined or tested under clause (4) (a), or any of its equipment, is found still not to be in compliance with the requirements of this Act or the regulations, the police officer or officer making the examinations or tests may require the owner or operator of the vehicle to have the vehicle or its equipment repaired and to submit evidence to the person or office specified by the police officer or officer that the vehicle and its equipment comply with the requirements of this Act and the regulations. 1999, c. 12, Sched. R, s. 14.

Notice required

[\(6\)](#) A police officer or officer appointed for the purpose of carrying out the provisions of this Act shall serve written notice in an approved form of a requirement under subsection (3), (4) or (5). 1999, c. 12, Sched. R, s. 14.

Deemed service

[\(7\)](#) Service of a notice under subsection (6) to the driver of the vehicle shall be deemed to be service on the owner and operator, if any, of the vehicle. 1999, c. 12, Sched. R, s. 14.

Requirement to assist

[\(8\)](#) The driver of a vehicle submitted for examinations and tests as required under subsection (2), (3) or (4) and any other person in charge of the vehicle who is present shall, if directed by a police officer or officer appointed for the purposes of carrying out the provisions of this Act, assist with the examinations and tests of the vehicle and of its equipment. 1999, c. 12, Sched. R, s. 14.

Offence

[\(9\)](#) Every person is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 who,

- (a) refuses or fails to comply with a requirement made under subsection (2), (3), (4), (5), (8) or (12); or
- (b) contravenes an order or prohibition made under subsection (12). 1999, c. 12, Sched. R, s. 14.

Same, commercial motor vehicle

[\(10\)](#) Despite subsection (9), every person is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000 who, in respect of a commercial motor vehicle or a vehicle drawn by a commercial motor vehicle,

- (a) refuses or fails to comply with a requirement made under subsection (2), (3), (4), (5), (8) or (12); or
- (b) contravenes an order or prohibition made under subsection (12). 1999, c. 12, Sched. R, s. 14.

Defence if notice not received

[\(11\)](#) Despite subsections (9) and (10), a person is not guilty of an offence for refusing or failing to comply with a requirement under subsection (3), (4) or (5) unless the police officer or officer appointed for the purpose of carrying out the provisions of this Act gave the person a written notice as required by subsection (6). 1999, c. 12, Sched. R, s. 14.

Use of vehicle prohibited

[\(12\)](#) Where any vehicle examined or tested under subsection (2), (3) or (4), or any of its

equipment, is found to have a prescribed defect or to be in a dangerous or unsafe condition, with or without a prescribed defect, the police officer or officer appointed for carrying out the provisions of this Act making the examinations or tests may,

- (a) require the driver, owner or operator of the vehicle to have the prescribed defect repaired and the vehicle and its equipment placed in a safe condition;
- (b) order the vehicle to be removed from the highway; and
- (c) prohibit the operation of the vehicle on the highway until the prescribed defect has been repaired and the vehicle and its equipment are in a safe condition. 1999, c. 12, Sched. R, s. 14.

Seizure of plates, vehicle inspection sticker

[\(13\)](#) Where the operation of a vehicle has been prohibited under subsection (12), the police officer or officer may,

- (a) seize the number plates of the vehicle; and
- (b) remove the vehicle inspection sticker, or comparable device issued by another jurisdiction, from the vehicle. 1999, c. 12, Sched. R, s. 14.

[\(14\)](#) Repealed: 2008, c. 17, s. 41.

Regulations

[\(15\)](#) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the forms and kinds of evidence that may be required under clause (4) (b) and subsection (5) and prescribing rules for submitting the evidence to the person or office specified;
- (b) prescribing the methods and rules for service of notices required to be served under this section;
- (c) prescribing types of defects for the purposes of subsection (12);
- (d) classifying persons and vehicles, exempting any class of person or class of vehicle from any requirement or provision of this section or of any regulation made under this section and prescribing conditions for any such exemption and prescribing different requirements for different classes of persons or vehicles. 1999, c. 12, Sched. R, s. 14.

Inspections, unsafe commercial motor vehicles

[82.1 \(1\)](#) In this section,

“commercial motor vehicle” has the same meaning as in subsection 16 (1); (“véhicule utilitaire”)

“designated inspection station” means any location designated by the Registrar for the purpose of inspecting commercial motor vehicles; (“centre d’inspection désigné”)

“operator” means,

- (a) the person directly or indirectly responsible for the operation of a commercial motor vehicle, including the conduct of the driver of, and the carriage of goods or passengers, if any, in, the commercial motor vehicle or combination of vehicles, and
- (b) in the absence of evidence to the contrary, where no CVOR certificate, as defined in

subsection 16 (1), or lease applicable to a commercial motor vehicle, is produced, the holder of the plate portion of the permit for the commercial motor vehicle;
 (“utilisateur”)

“owner” means the person whose name appears on the certificate of registration for the vehicle, and, where the certificate of registration for the vehicle consists of a vehicle portion and plate portion, means the person whose name appears on the vehicle portion; (“propriétaire”)

“permit” means the permit issued under subsection 7 (7). (“certificat d’immatriculation”) 1997, c. 12, s. 10; 2002, c. 18, Sched. P, s. 23; 2009, c. 5, s. 33 (1).

Commercial motor vehicles ordered to stop for inspection

(2) In exercising his or her powers under section 82, a police officer or officer appointed for carrying out the provisions of this Act may, at any time, require the driver of a commercial motor vehicle being driven on a highway to stop for inspection and the driver of the vehicle, when signalled or requested to stop by the officer, who is readily identifiable as such, shall immediately come to a safe stop. 1997, c. 12, s. 10.

Direction to move vehicle to another location

(3) A police officer or officer appointed for carrying out the provisions of this Act may, at any time before, during or after inspecting a commercial motor vehicle or trailer, direct the driver of the commercial motor vehicle to drive it and to draw the attached trailer, if any, to another location where the inspection will be carried out or continued or the vehicle’s load will be removed, or any of them. 1997, c. 12, s. 10.

Inspection

(4) The police officer or officer appointed for carrying out the provisions of this Act may, at the location where the commercial motor vehicle was first stopped or at the location to which it was directed, inspect the commercial motor vehicle and its trailer for critical defects. 1997, c. 12, s. 10.

Driver, person in charge, to assist inspector

(5) The driver and any other person in charge of the commercial motor vehicle who is present shall assist the police officer or officer appointed for carrying out the provisions of this Act in his or her inspection of the commercial motor vehicle and its trailer. 1997, c. 12, s. 10.

If critical defect found

(6) If the police officer or officer appointed for carrying out the provisions of this Act inspects the commercial motor vehicle and its trailer at a designated inspection station and finds that the commercial motor vehicle or trailer has one or more critical defects, the vehicle shall be deemed to have been found to be in dangerous or unsafe condition under section 82, but instead of exercising the powers set out in section 82, the police officer or officer appointed for carrying out the provisions of this Act shall forthwith,

- (a) seize the number plates of the vehicle that has the critical defect or defects and remove its vehicle inspection sticker or comparable device issued by another jurisdiction; and
- (b) detain the vehicle that has the critical defect or defects. 2009, c. 5, s. 33 (2).

Impoundment

(7) Once the load, if any, has been removed as may be required by subsection (15), (16), (17)

or (18), the detained vehicle shall, at the cost and risk of the owner,

- (a) be removed to an impound facility as directed by a police officer or officer appointed for carrying out the provisions of this Act; and
- (b) be impounded from the time it was detained for the period described in subsection (8) or until ordered to be released by the Registrar under subsection (23) or (24) or under section 50.3. 2009, c. 5, s. 33 (2).

Impound period

(8) A vehicle detained under subsection (6) shall be impounded as follows:

1. For 15 days, if the vehicle has not previously been impounded under this section within a prescribed period.
2. For 30 days, if the vehicle has previously been impounded once under this section within a prescribed period.
3. For 60 days, if the vehicle has previously been impounded two or more times under this section within a prescribed period. 2009, c. 5, s. 33 (2).

Release of vehicle

(9) Subject to subsection (20), the vehicle shall be released to its owner from the impound facility upon the expiry of the period of the impoundment or upon being ordered to be released by the Registrar under subsection (23) or (24) or under section 50.3. 2009, c. 5, s. 33 (2).

Duty of officer re impoundment

(10) Every officer who detains a vehicle under this section shall, as soon as practicable,

- (a) prepare a notice identifying the vehicle that is to be impounded, the name and address of the driver, the date and time of the impoundment, the period of time for which the vehicle is impounded and the place where the vehicle may be recovered;
- (b) serve the driver with a copy of the notice; and
- (c) forward a copy of the notice to the Registrar. 2009, c. 5, s. 33 (2).

Service on driver is deemed service on owner and operator

(11) Service of a copy of a notice of the impoundment on the driver of the vehicle under clause (10) (b) is deemed to be service on and sufficient notice to the owner and operator of the vehicle. 2009, c. 5, s. 33 (2).

Permit suspended

(12) Upon being notified under clause (10) (c), the Registrar may issue an order to suspend the vehicle portion of the permit for the impounded vehicle by mailing it to the owner and operator of the commercial motor vehicle at the most recent address for them appearing in the records of the Ministry, and upon issuing such an order, the Registrar shall suspend the vehicle portion of the permit of the vehicle, and the suspension shall be effective when the order is issued. 2009, c. 5, s. 33 (2).

Notice by Registrar

(13) The Registrar may provide notice of the impoundment to the owner and operator of the vehicle by mailing it to them at the latest address for them appearing in the records of the Ministry. 2009, c. 5, s. 33 (2).

Surrender of documents, information re trip and goods carried

(14) If the commercial motor vehicle or trailer that is to be impounded contains goods, the police officer or officer appointed for carrying out the provisions of this Act may require the driver and any other person present who is in charge of the vehicle to surrender all documents in his or her possession or in the vehicle that relate to the operation of the vehicle or to the carriage of the goods and to furnish all information within that person's knowledge relating to the details of the current trip and the ownership of the goods. 2009, c. 5, s. 33 (2).

Operator to remove load

(15) Upon being served with notice of the impoundment through service on the driver under subsection (10), the operator of the vehicle shall forthwith remove the load from the commercial motor vehicle or trailer, or both, and from the inspection site. 2009, c. 5, s. 33 (2).

Application of *Dangerous Goods Transportation Act*

(16) If the goods are dangerous goods, within the meaning of the *Dangerous Goods Transportation Act*, the operator shall remove them in accordance with that Act. 1997, c. 12, s. 10.

Officer may remove load at operator's cost, risk

(17) If, in the opinion of a police officer or officer appointed for carrying out the provisions of this Act, the operator fails to remove the load as required by subsection (15) within a reasonable time after being served with notice of the impoundment, the officer may cause the load to be removed and stored or disposed of at the cost and risk of the operator. 2009, c. 5, s. 33 (3).

Same

(18) If the police officer or officer appointed for carrying out the provisions of this Act is of the opinion that the operator has not made appropriate arrangements for the removal of the load, having regard to the nature of the goods, including the fact that they are or appear to be dangerous goods, within the meaning of the *Dangerous Goods Transportation Act*, or are perishable, the officer may cause the load to be removed, stored or otherwise disposed of at the cost and risk of the operator. 1997, c. 12, s. 10.

(19) Repealed: 2009, c. 5, s. 33 (4).

Personal property in vehicle available to owner

(20) Any personal property that is left in the impounded commercial motor vehicle or trailer and that is not attached to or used in connection with its operation shall, upon request and proof of ownership, be made available, at reasonable times, to the owner of the property. 1997, c. 12, s. 10.

Court application for interim release of vehicle

(21) The owner of a vehicle impounded under this section may, on notice to the Registrar, apply to the Superior Court of Justice for an order directing the Registrar to release the vehicle and reinstate the vehicle portion of its permit. 1997, c. 12, s. 10; 2009, c. 5, s. 33 (5).

Registrar may request to be a party

(22) The Registrar may, on his or her request, be made a party to an application under subsection (21). 1997, c. 12, s. 10.

Court order to release vehicle, security required

(23) On an application being made under subsection (21), the court may make the order applied for,

- (a) if the owner has also commenced an appeal under section 50.3; and
- (b) on condition that the owner deposit with the court security in the prescribed form and in the amount determined by the court, which shall not be less than \$5,000 or more than \$10,000. 1997, c. 12, s. 10.

Vehicle released from impound facility

[\(24\)](#) If the court makes the order requested, the Registrar, on being served with a copy of the order by the owner of the vehicle, shall,

- (a) order that the vehicle be released to its owner from the impound facility; and
- (b) reinstate the vehicle portion of the permit. 1997, c. 12, s. 10.

Same

[\(25\)](#) If an order is made under subsection (24) but the Registrar later orders the vehicle returned to the impound facility under section 50.3, the Registrar shall, upon the expiry of the remainder of the period of impoundment,

- (a) order that the vehicle be released to its owner from the impound facility; and
- (b) reinstate the vehicle portion of the permit. 2009, c. 5, s. 33 (6).

Owner must pay removal, impound costs

[\(26\)](#) Despite being served with an order under subsection (24) or (25) by the owner of the vehicle, the person who operates the impound facility is not required to release the vehicle to the owner until the owner pays the removal and impound costs related to the Registrar's order to impound and suspend. 1997, c. 12, s. 10.

Vehicle cannot be operated until made safe

[\(27\)](#) Despite the release of the vehicle and the reinstatement of the vehicle portion of the permit, no person shall drive or operate the vehicle on a highway until it has been placed in a safe condition. 1997, c. 12, s. 10.

Lien on vehicle for removal, impound costs

[\(28\)](#) The costs incurred by the person who operates the impound facility in respect of an order to impound and suspend under this section are a lien on the vehicle, which may be enforced in the manner provided under Part III of the *Repair and Storage Liens Act*. 1997, c. 12, s. 10.

Debt due to police, Crown

[\(29\)](#) The costs incurred by a police force or the Crown in removing, storing or disposing of a load from a commercial motor vehicle or trailer under subsection (17) or (18) are a debt due to the police force or Crown, as the case may be, and may be recovered by the police force or Crown in any court of competent jurisdiction. 2009, c. 5, s. 33 (7).

Impound, removal service providers are independent contractors

[\(30\)](#) Persons who provide removal services or load removal services or who operate impound facilities, and their subcontractors, are independent contractors and not agents of the Ministry for the purposes of this section; such persons shall not charge more for their services in connection with this section than is permitted by regulation. 1997, c. 12, s. 10.

Protection from personal liability

[\(31\)](#) No action or other proceeding for damages shall be instituted against the Registrar or

any employee of the Ministry for any act done in good faith in the execution or intended execution of his or her duty under this section or for any alleged neglect or default in the execution in good faith of that duty. 1997, c. 12, s. 10.

Crown not relieved of liability

[\(32\)](#) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (31) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in that subsection to which it would otherwise be subject. 1997, c. 12, s. 10.

Offence

[\(33\)](#) Every person who fails to comply with subsection (2), (5) or (15), or with a requirement or direction of a police officer or officer appointed for carrying out the provisions of this Act under subsection (3) or (14), is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000 and in addition the person's driver's licence may be suspended for a period of not more than six months. 1997, c. 12, s. 10.

Same

[\(34\)](#) Every person who drives or operates or removes a commercial motor vehicle or trailer that is impounded under this section and every person who causes or permits such a commercial motor vehicle or trailer to be driven, operated or removed is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 2009, c. 5, s. 33 (8).

Same

[\(35\)](#) Every person who provides removal services or who operates an impound facility and who charges fees for services provided in connection with this section in excess of those permitted by regulation is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000. 1997, c. 12, s. 10.

Same

[\(36\)](#) Every person who obstructs or interferes with a police officer or officer appointed for carrying out the provisions of this Act in the performance of his or her duties under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000 or to imprisonment for a term of not more than six months, or to both. 1997, c. 12, s. 10.

Intent of impoundment and suspension

[\(36.1\)](#) The impoundment and suspension under this section are intended to promote compliance with the safety standards set out in and under this Act and to thereby safeguard the public and do not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2009, c. 5, s. 33 (9).

Impoundment concurrent with other administrative impoundments

[\(36.2\)](#) The impoundment of a commercial motor vehicle under this section runs concurrently with an impoundment, if any, of the same motor vehicle under section 41.4, 48.4, 55.1, 55.2 or 172. 2009, c. 5, s. 33 (9).

Regulations

[\(37\)](#) The Lieutenant Governor in Council may make regulations,

- (a) prescribing what constitutes a critical defect;
- (b) governing the training and certification of police officers and officers appointed for

- carrying out the provisions of this Act to carry out an inspection under this section;
- (c) prescribing inspection procedures, inspection requirements and equipment and performance standards for carrying out inspections under this section;
 - (c.1) requiring police officers to keep records with respect to vehicle impoundments under this section for a specified period of time and to report specified information with respect to vehicle impoundments to the Registrar and governing such records and reports;
 - (d) prescribing the period for the purpose of subsection (8);
 - (e) prescribing a schedule of fees that may be charged by independent contractors for services in connection with this section;
 - (f) prescribing the form of security that may be deposited pursuant to an order made under subsection (23) and governing the forfeiture and return of the security;
 - (g) prescribing the manner in which orders may be issued and notification of them given under this section;
 - (h) prescribing methods for and rules of service for any notices or orders required to be served under this section;
 - (i) classifying commercial motor vehicles and trailers and exempting any class of commercial motor vehicle or trailer from any provision of this section or from any regulation made under this section and prescribing conditions for any such exemption. 1997, c. 12, s. 10; 2009, c. 5, s. 33 (10, 11).

[\(38\)](#) Repealed: 2008, c. 17, s. 42.

Regulations re inspection of certain motor vehicles

[83.](#) The Lieutenant Governor in Council may make regulations,

- (a) requiring the owners of commercial motor vehicles, or any type or class thereof, uninsured motor vehicles or motor assisted bicycles, and motor vehicles or motor assisted bicycles that have been involved in accidents that are reportable under section 199 to submit them to inspection;
- (b) prescribing the inspection procedures, inspection requirements and performance standards required for the motor vehicles and motor assisted bicycles;
- (c) prohibiting the operation on a highway of motor vehicles and motor assisted bicycles that do not comply with the requirements and standards, and providing for the seizure of the number plates of the motor vehicles and for holding them until the motor vehicle is made to comply with the requirements and standards. R.S.O. 1990, c. H.8, s. 83.

Penalty for driving unsafe vehicle

[84. \(1\)](#) No person shall drive or operate or permit the driving or operation upon a highway of a vehicle, a street car or vehicles that in combination are in a dangerous or unsafe condition. R.S.O. 1990, c. H.8, s. 84; 2009, c. 33, Sched. 26, s. 3 (9).

Vehicle with critical defect deemed unsafe

[\(1.1\)](#) If a commercial motor vehicle or trailer has one or more critical defect, as prescribed

by regulation, it shall be deemed to be in a dangerous or unsafe condition. 1997, c. 12, s. 11; 2009, c. 33, Sched. 26, s. 3 (10).

Penalty

(2) Every person who contravenes this section is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 1996, c. 20, s. 19.

Offence if wheel detaches from commercial motor vehicle

84.1 (1) Where a wheel becomes detached from a commercial motor vehicle, or from a vehicle being drawn by a commercial motor vehicle, while the commercial motor vehicle is on a highway, the operator of the commercial motor vehicle and the owner of the vehicle from which the wheel became detached are guilty of an offence. 1997, c. 12, s. 12.

Exception

(2) If a wheel is detached for the purpose of carrying out a roadside repair, subsection (1) does not apply while the wheel is so detached. 2005, c. 26, Sched. A, s. 13 (1).

Penalty

(3) Upon conviction of an offence under subsection (1), the person is liable to a fine of not less than \$2,000 and not more than \$50,000. 1997, c. 12, s. 12.

No imprisonment or probation

(4) A person convicted of an offence under subsection (1) is not liable to imprisonment or to a probation order under subsection 72 (1) of the *Provincial Offences Act* as a result of the conviction or as a result of default in payment of the fine resulting from the conviction. 1997, c. 12, s. 12.

Absolute liability offence

(5) It is not a defence to a charge under subsection (1) that the person exercised due diligence to avoid or prevent the detaching of the wheel. 1997, c. 12, s. 12.

Deemed owner

(6) For the purpose of this section, the holder of the permit or of the plate portion of the permit shall be deemed to be the owner of the vehicle, if the number plate displayed on the vehicle at the time the offence was committed corresponds to the permit, unless the permit holder proves that the number plate was displayed on the vehicle without the permit holder's consent. 1997, c. 12, s. 12.

Definitions

(7) In this section,

“operator” means,

- (a) the person directly or indirectly responsible for the operation of a commercial motor vehicle, including the conduct of the driver of, and the carriage of goods or passengers, if any, in, the commercial motor vehicle or combination of vehicles, and
- (b) in the absence of evidence to the contrary, where no CVOR certificate, as defined in subsection 16 (1), or lease applicable to a commercial motor vehicle, is produced, the holder of the plate portion of the permit for the commercial motor vehicle;
 (“utilisateur”)

“wheel” includes a major component of a wheel, such as a wheel rim or wheel assembly, and a large piece of a wheel or of a major component of a wheel, but does not include a tire or large piece of a tire. (“roue”) 2005, c. 26, Sched. A, s. 13 (2, 3).

Same

[\(8\)](#) In this section and in sections 84.2 and 84.3,

“commercial motor vehicle” does not include a commercial motor vehicle, other than a bus, having a gross vehicle weight, as defined in subsection 114 (1), or manufacturer’s gross vehicle weight rating, or gross vehicle weight for the purpose of determining the permit fee under subsection 121 (1) of 4,500 kilograms or less; (“véhicule utilitaire”)

“permit” means a permit issued under subsection 7 (7) or a vehicle permit issued by another province or state. (“certificat d’immatriculation”) 2005, c. 26, Sched. A, s. 13 (2).

Offence if parts, etc., detach

[84.2 \(1\)](#) Where any part of a vehicle or anything affixed to a vehicle becomes detached from the vehicle while it is on a highway, the driver of the vehicle is guilty of an offence. 2005, c. 26, Sched. A, s. 14.

Exception

[\(2\)](#) If a part or thing is detached from a vehicle for the purpose of carrying out a roadside repair, subsection (1) does not apply while the part or thing is so detached. 2005, c. 26, Sched. A, s. 14.

Penalty

[\(3\)](#) Upon conviction of an offence under subsection (1), the driver of the vehicle is liable to a fine of not less than \$100 and not more than \$2,000. 2005, c. 26, Sched. A, s. 14.

Same

[\(4\)](#) Where the vehicle from which the part or thing becomes detached is a commercial motor vehicle, a vehicle drawn by a commercial motor vehicle, a mobile crane or a road-building machine, the driver of the vehicle is liable on conviction to a fine of not less than \$400 and not more than \$20,000, and not as provided in subsection (3). 2005, c. 26, Sched. A, s. 14.

Licence suspension

[\(5\)](#) In addition to the penalty under subsection (3) or (4), as the case may be, the court may suspend the person’s driver’s licence for a period of not more than 60 days. 2005, c. 26, Sched. A, s. 14.

Offence of causing parts to detach

[84.3 \(1\)](#) Every person who performs work to repair or maintain a vehicle or a vehicle part and who does anything that causes a part of the vehicle or anything affixed to the vehicle to become detached from the vehicle while it is on a highway is guilty of an offence. 2005, c. 26, Sched. A, s. 15.

Same

[\(2\)](#) Every person who carries on a business of repairing or maintaining vehicles or vehicle parts and who does anything or permits another person to do anything that causes a part of a vehicle or anything affixed to a vehicle to become detached from the vehicle while it is on a highway is guilty of an offence. 2005, c. 26, Sched. A, s. 15.

Exception

(3) If a part or thing is detached from a vehicle for the purpose of carrying out a roadside repair, subsections (1) and (2) do not apply while the part or thing is so detached. 2005, c. 26, Sched. A, s. 15.

Penalty

(4) Upon conviction of an offence under subsection (1) or (2), a person is liable to a fine of not less than \$100 and not more than \$2,000. 2005, c. 26, Sched. A, s. 15.

Same, commercial motor vehicle

(5) Where the vehicle from which the part or thing becomes detached is a commercial motor vehicle, a vehicle drawn by a commercial motor vehicle, a mobile crane or a road-building machine, the person who is guilty of an offence under subsection (1) or (2) is liable on conviction to a fine of not less than \$400 and not more than \$20,000, and not as provided in subsection (4). 2005, c. 26, Sched. A, s. 15.

Prohibition where evidence of inspection required

85. (1) No person shall operate or permit to be operated on a highway a vehicle of a type or class prescribed by the regulations made under clause 87 (a) unless the vehicle displays, affixed in the place and manner prescribed in the regulations, a device issued by the Ministry as evidence that the inspection requirements and performance standards prescribed by the regulations have been complied with. R.S.O. 1990, c. H.8, s. 85 (1).

Where subs. (1) does not apply

(2) Subsection (1) does not apply to an operator of a vehicle of a class or type prescribed by the regulations who produces evidence that the vehicle has met the inspection requirements and performance standards of a reciprocating province or state designated by the regulations. R.S.O. 1990, c. H.8, s. 85 (2).

Removal of plates by officer

(3) Where the device required by subsection (1) is not displayed as prescribed by the regulations, a police officer or officer appointed for the purposes of carrying out the provisions of this Act may seize the number plates of the vehicle. R.S.O. 1990, c. H.8, s. 85 (3).

Penalty

(4) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 1996, c. 20, s. 20.

Certificates and stickers provided by Ministry

86. No person shall issue a safety standards certificate or affix a vehicle inspection sticker except a certificate or sticker provided by the Ministry. R.S.O. 1990, c. H.8, s. 86.

Regulations re inspection of vehicles

87. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the types or classes of vehicles requiring the device mentioned in section 85;
- (b) designating reciprocating provinces and states and prescribing types and classes of vehicles for the purposes of subsection 85 (2);
- (c) prescribing the methods and procedures relating to the use or issue of a device as evidence that the prescribed inspection procedures, inspection requirements and

performance standards have been complied with;

(d) prescribing the period of time for which the device referred to in clause (c) shall be valid and the manner of affixing and displaying the device;

(e) prescribing the times that vehicles shall be submitted to inspection;

(f) defining for purposes of the regulations any word or expression used in the Act or regulations. R.S.O. 1990, c. H.8, s. 87.

Definitions, ss. 88-100

88. In this section and in sections 89 to 100,

“Director” means the Director of Vehicle Inspection Standards appointed under section 89; (“directeur”)

“licensee” means a person who is the holder of a motor vehicle inspection station licence issued under section 91; (“titulaire de permis”)

“motor vehicle inspection mechanic” means a person who certifies by means of a safety standards certificate that a motor vehicle complies with the equipment and performance standards prescribed by the regulations; (“mécanicien préposé à l’inspection des véhicules automobiles”)

“motor vehicle inspection station” means any premises maintained or operated for the inspection of motor vehicles and the issuance of safety standards certificates or vehicle inspection stickers in respect of the motor vehicles; (“centre d’inspection des véhicules automobiles”)

“registrant” means a person who is registered as a motor vehicle inspection station mechanic under section 92; (“mécanicien inscrit”)

“vehicle inspection record” means a form required to be completed in accordance with the regulations prior to the issue of a vehicle inspection sticker; (“fiche d’inspection de véhicule”)

“vehicle inspection sticker” means the device issued as evidence that the inspection requirements and performance standards referred to in section 85 have been complied with. (“vignette d’inspection de véhicule”) R.S.O. 1990, c. H.8, s. 88.

Director

89. The Minister shall appoint an officer of the Ministry to be the Director of Vehicle Inspection Standards for purposes of sections 88 to 100. R.S.O. 1990, c. H.8, s. 89.

Safety standards certificate and vehicle inspection sticker

Issue of safety standards certificate

90. (1) No person other than a licensee or a person authorized in writing by the licensee shall issue a safety standards certificate. R.S.O. 1990, c. H.8, s. 90 (1).

Affixing vehicle inspection sticker

(2) No person other than a licensee, a motor vehicle inspection mechanic or a person authorized in writing by the licensee shall affix a vehicle inspection sticker to a vehicle. R.S.O. 1990, c. H.8, s. 90 (2).

Prerequisite for issue of safety standards certificate or affixing vehicle inspection sticker

(3) A safety standards certificate in respect of a motor vehicle shall not be issued or a vehicle inspection sticker affixed to a vehicle unless,

- (a) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station and the vehicle complies with the inspection requirements and performance standards prescribed by the regulations; and
 - (b) the safety standards certificate or a vehicle inspection record,
 - (i) is made by the motor vehicle inspection mechanic who inspected the vehicle, and
 - (ii) is countersigned by the licensee or a person authorized in writing by the licensee.
- R.S.O. 1990, c. H.8, s. 90 (3).

Motor vehicle inspection station licence

91. (1) No person shall establish, operate or maintain a motor vehicle inspection station except under the authority of a licence issued by the Director under this Act and the Director may issue a licence for a motor vehicle inspection station subject to the conditions that the Director may specify in the licence. R.S.O. 1990, c. H.8, s. 91 (1).

Issuance of licence

(2) Subject to subsection (3), any person who applies in accordance with this Act and the regulations for a licence to establish, operate or maintain a motor vehicle inspection station and who meets the requirements of this Act and the regulations and who pays the prescribed fee is entitled to be issued the licence. R.S.O. 1990, c. H.8, s. 91 (2).

Grounds for refusal

(3) Subject to section 95, the Director may refuse to issue a motor vehicle inspection station licence where, in his or her opinion,

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the motor vehicle inspection station will not be operated in accordance with the law and with honesty and integrity;
- (b) the proposed motor vehicle inspection station or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location;
- (c) the applicant is not competent to operate a motor vehicle inspection station in accordance with this Act and the regulations; or
- (d) the equipment and premises are not suitable for the performance of the inspections for which the licence is sought. R.S.O. 1990, c. H.8, s. 91 (3).

Expiration and renewal of motor vehicle inspection station licence

(4) A motor vehicle inspection station licence expires with the 31st day of December in the year in which it is issued and a renewal shall be issued where the applicant is not disqualified under subsection (8). R.S.O. 1990, c. H.8, s. 91 (4).

Not transferable

(5) A motor vehicle inspection station licence is not transferable. R.S.O. 1990, c. H.8, s. 91 (5).

Operator named in licence

(6) It is a condition of a motor vehicle inspection station licence that the operation of the motor vehicle inspection station be under the charge and control of the licensee. R.S.O. 1990, c. H.8, s. 91 (6).

Notice of change

(7) Where the licensee is a corporation, the corporation shall notify the Director in writing within fifteen days of any change in the officers or directors of the corporation. R.S.O. 1990, c. H.8, s. 91 (7).

Revocation of licence

(8) The Director may revoke or refuse to renew a motor vehicle inspection station licence where,

- (a) any person has made a false statement in the application for the licence or a renewal thereof or in any safety standards certificate signed by the licensee or a person authorized in writing by the licensee or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the motor vehicle inspection station;
- (b) any inspection authorized by the licence is incompetently performed;
- (c) the licensee or any motor vehicle inspection mechanic employed in the motor vehicle inspection station has misrepresented the condition of a vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate, sign a vehicle inspection record or affix a vehicle inspection sticker;
- (d) there is a breach of a condition of the licence;
- (e) the licensee does not comply with this Act or the regulations;
- (f) the inspections that can be performed by the motor vehicle inspection station are misrepresented; or
- (g) a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a motor vehicle inspection station licence under clause (3) (a). R.S.O. 1990, c. H.8, s. 91 (8).

Motor vehicle inspection mechanic

92. (1) No person shall sign a vehicle inspection record as mechanic or certify in a safety standards certificate that a vehicle complies with the standards of equipment and performance prescribed by the regulations unless the person is registered by the Director as a motor vehicle inspection mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made under subsection (2). R.S.O. 1990, c. H.8, s. 92 (1).

Registration

(2) Where a licensee or an applicant for a motor vehicle inspection station licence applies for the registration as a motor vehicle inspection mechanic in the motor vehicle inspection station of the licensee or in the proposed motor vehicle inspection station of the applicant for a licence, as the case may be, of any person who meets the requirements of this Act and the regulations, the person is entitled to be registered as a motor vehicle inspection mechanic in the motor vehicle

inspection station. R.S.O. 1990, c. H.8, s. 92 (2).

Expiration of registration

[\(3\)](#) The registration of a motor vehicle inspection mechanic expires with the licence of the motor vehicle inspection station to which the mechanic is registered. R.S.O. 1990, c. H.8, s. 92 (3).

Grounds for refusal

[\(4\)](#) Subject to section 95, the Director may refuse to register a motor vehicle inspection mechanic where, in his or her opinion,

- (a) the past conduct of the mechanic affords reasonable grounds for belief that the mechanic will not act as a motor vehicle inspection mechanic in accordance with the law and with honesty and integrity; or
- (b) the mechanic is not competent to act as a motor vehicle inspection mechanic. R.S.O. 1990, c. H.8, s. 92 (4).

Revocation of registration of motor vehicle inspection mechanic

[93.](#) The Director may revoke the registration of a motor vehicle inspection mechanic where,

- (a) the registrant or the licensee has made a false statement in the application for registration of the registrant or in a safety standards certificate or in any report, document or other information required to be furnished by this Act or the regulations or any other Act or regulation that applies to the registrant;
- (b) any inspection performed under the authority of the mechanic's registration is incompetently performed by the registrant; or
- (c) the registrant does not comply with this Act or the regulations. R.S.O. 1990, c. H.8, s. 93.

Hearing re terms of licence

[94. \(1\)](#) Where the Director issues a licence under this Act and the licensee is dissatisfied with the conditions thereof prescribed by the Director, he or she may by written notice given to the Director and the Tribunal require a hearing by the Tribunal, and the Tribunal shall appoint a time for and hold a hearing. R.S.O. 1990, c. H.8, s. 94 (1); 1999, c. 12, Sched. G, s. 24 (16).

Decision of Tribunal

[\(2\)](#) After a hearing under subsection (1), the Tribunal may affirm the conditions prescribed for the licence by the Director or may cancel the conditions or may prescribe the other conditions for the licence in the place of those prescribed by the Director that it considers proper and the conditions shall be conditions of the licence. R.S.O. 1990, c. H.8, s. 94 (2); 1999, c. 12, Sched. G, s. 24 (16).

Proposal to refuse to issue or revoke licence or registration

[95. \(1\)](#) Where the Director proposes,

- (a) to refuse to issue or renew a licence;
- (b) to refuse to make a registration; or
- (c) to revoke a licence or registration,

the Director shall serve notice of his or her proposal, together with written reasons therefor,

- (d) in the case of a proposal to refuse to issue a licence, upon the applicant;
- (e) in the case of a proposal to revoke or to refuse to renew a licence, upon the licensee;
- (f) in the case of a proposal to refuse to make a registration, upon the applicant or licensee and upon the proposed registrant; and
- (g) in the case of a proposal to revoke a registration, upon the registrant and the licensee of the motor vehicle inspection station in which the registrant is employed. R.S.O. 1990, c. H.8, s. 95 (1).

Notice

[\(2\)](#) A notice under subsection (1) shall inform the person who is the applicant, licensee, registrant or proposed registrant, as the case may be, that the person is entitled to a hearing by the Tribunal if the person mails or delivers, within fifteen days after receiving service of the notice under subsection (1), notice in writing to the Director and the Tribunal requiring a hearing by the Tribunal and the person may so require the hearing. R.S.O. 1990, c. H.8, s. 95 (2); 1999, c. 12, Sched. G, s. 24 (16).

Powers of Director where no hearing

[\(3\)](#) Where the applicant, licensee, registrant or proposed registrant does not require a hearing by the Tribunal in accordance with subsection (2), the Director may carry out the proposal stated in the notice under subsection (1). R.S.O. 1990, c. H.8, s. 95 (3); 1999, c. 12, Sched. G, s. 24 (16).

Power of Tribunal where hearing

[\(4\)](#) Where the applicant, licensee, registrant or proposed registrant requires a hearing by the Tribunal in accordance with subsection (2), the Tribunal shall appoint a time for and shall hold the hearing and may by order direct the Director to carry out his or her proposal or refrain from carrying out his or her proposal and to take the action that the Tribunal considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Director. R.S.O. 1990, c. H.8, s. 95 (4); 1999, c. 12, Sched. G, s. 24 (16).

Extension of time for requiring hearing

[\(5\)](#) The Tribunal may extend the time for the giving of notice requiring a hearing by the applicant, licensee, registrant or proposed registrant under this section either before or after the expiration of the time where it is satisfied that there are apparent grounds for granting relief to the applicant, licensee, registrant or proposed registrant, pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Tribunal may give the directions that it considers proper consequent upon the extension. R.S.O. 1990, c. H.8, s. 95 (5); 1999, c. 12, Sched. G, s. 24 (16).

Continuation of licence pending renewal

[\(6\)](#) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the licence, the licensee has applied for renewal of the licence and paid the prescribed fee, the licence shall be deemed to continue,

- (a) until the renewal is granted; or
- (b) where the licensee is served with notice that the Director proposes to refuse to grant the

renewal, until the time for giving notice requiring a hearing by the Tribunal has expired and, where a hearing is required, until the Tribunal has made its decision. R.S.O. 1990, c. H.8, s. 95 (6); 1999, c. 12, Sched. G, s. 24 (16).

Tribunal hearings, general

Parties

96. (1) The Director, the applicant, licensee, registrant or proposed registrant who has required the hearing and the other persons that the Tribunal may specify are parties to proceedings before the Tribunal under this Act. R.S.O. 1990, c. H.8, s. 96 (1); 1999, c. 12, Sched. G, s. 24 (16).

Notice of hearing

(2) Notice of a hearing under section 94 or 95 shall afford the applicant, licensee, registrant or proposed registrant a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or for the registration or continuation of the registration, as the case may be. R.S.O. 1990, c. H.8, s. 96 (2).

Examination of documentary evidence

(3) Any party to proceedings under section 94 or 95 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. R.S.O. 1990, c. H.8, s. 96 (3).

Members holding hearing not to have taken part in investigation, etc.

(4) Members of the Tribunal holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or the party's representative except upon notice to and opportunity for all parties to participate, but the Tribunal may seek legal advice from an adviser independent from the parties and in that case the nature of the advice should be made known to the parties in order that they may make submissions as to the law. R.S.O. 1990, c. H.8, s. 96 (4); 1999, c. 12, Sched. G, s. 24 (16).

Recording of evidence

(5) The oral evidence taken before the Tribunal at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Superior Court of Justice. R.S.O. 1990, c. H.8, s. 96 (5); 1999, c. 12, Sched. G, s. 24 (16); 2009, c. 5, s. 34 (1).

Findings of fact

(6) The findings of fact of the Tribunal pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*. R.S.O. 1990, c. H.8, s. 96 (6); 1999, c. 12, Sched. G, s. 24 (16).

Only members at hearing to participate in decision

(7) No member of the Tribunal shall participate in a decision of the Tribunal pursuant to a hearing unless the member was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Tribunal shall be given unless all members so present participate in the decision. R.S.O. 1990, c. H.8, s. 96 (7); 1999, c. 12, Sched. G, s. 24 (16).

Release of documentary evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person

who produced them, be released to the person by the Tribunal within a reasonable time after the matter in issue has been finally determined. R.S.O. 1990, c. H.8, s. 96 (8); 1999, c. 12, Sched. G, s. 24 (16).

Appeal to court

[\(9\)](#) Any party to the proceedings before the Tribunal may appeal from its decision or order to the Divisional Court in accordance with the rules of court. R.S.O. 1990, c. H.8, s. 96 (9); 1999, c. 12, Sched. G, s. 24 (16).

[\(10\)](#) Repealed: 2009, c. 5, s. 34 (2).

Minister entitled to be heard

[\(11\)](#) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. R.S.O. 1990, c. H.8, s. 96 (11).

Powers of court on appeal

[\(12\)](#) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Tribunal and may exercise all powers of the Tribunal to direct the Director to take any action which the Tribunal may direct him or her to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Director or of the Tribunal, or the court may refer the matter back to the Tribunal for rehearing, in whole or in part, in accordance with the directions that the court considers proper. R.S.O. 1990, c. H.8, s. 96 (12); 1999, c. 12, Sched. G, s. 24 (18).

Service of notice

[97.](#) Except where otherwise provided, any notice required by sections 88 to 96 or the regulations to be served may be served personally or by registered mail addressed to the person to whom notice is to be given at the person's latest known address and, where notice is served by registered mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control receive the notice until a later date. R.S.O. 1990, c. H.8, s. 97.

Inspectors

[98. \(1\)](#) The Minister may appoint one or more persons as inspectors for the purposes of sections 88 to 99 and the regulations and the appointments shall be in writing. R.S.O. 1990, c. H.8, s. 98 (1).

Certificate of appointment

[\(2\)](#) The Minister shall issue every inspector appointed under subsection (1) a certificate of appointment and every inspector, in the execution of his or her duties under this section and the regulations, shall produce his or her certificate of appointment upon request. R.S.O. 1990, c. H.8, s. 98 (2).

Powers of inspectors

[\(3\)](#) An inspector may at all reasonable times inspect the premises, operations and all records of all motor vehicle inspection stations to ensure that sections 88 to 92 and the regulations are complied with. R.S.O. 1990, c. H.8, s. 98 (3).

Idem

[\(4\)](#) Upon an inspection under this section, the inspector may upon giving a receipt therefor

remove any material referred to in subsection (3) that relates to the purpose of the inspection for the purpose of making a copy thereof, provided that the copying is carried out with reasonable dispatch and the material in question is promptly thereafter returned to the licensee of the motor vehicle inspection station. R.S.O. 1990, c. H.8, s. 98 (4).

Admissibility of copies

(5) Any copy made as provided in subsection (4) and purporting to be certified by an inspector is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original. R.S.O. 1990, c. H.8, s. 98 (5).

Obstruction

(6) No person shall obstruct the inspector or withhold or destroy, conceal or refuse to furnish any information or thing required by the inspector for the purposes of the inspection. R.S.O. 1990, c. H.8, s. 98 (6).

Offences, ss. 88-98, etc.

99. (1) Subject to subsection (1.1), any person who contravenes sections 88 to 98 or the regulations made under section 100 is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 1996, c. 20, s. 21.

Same

(1.1) Any person who contravenes subsection 90 (3), 91 (1), 92 (1) or 98 (6) is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 1996, c. 20, s. 21.

Same

(2) Any person who makes a false statement in a safety standards certificate is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 1996, c. 20, s. 21.

Report on conviction to Director

(3) A provincial judge or justice of the peace who makes a conviction for an offence under sections 88 to 98 or any regulation made under section 100, or the clerk of the court in which the conviction is made, shall forthwith certify the conviction to the Director setting out the name, address and description of the person convicted and the provision of this Act contravened. R.S.O. 1990, c. H.8, s. 99 (3).

Regulations, safety standards certificates, motor vehicle inspection stations, etc.

100. (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the form and content of safety standards certificates;
- (b) prescribing inspection procedures, inspection requirements and equipment and performance standards of those items to be inspected for a safety standards certificate, a structural inspection certificate or a vehicle inspection sticker;
- (c) governing the safety, equipment, premises, maintenance and operation of motor vehicle inspection stations;
- (d) prescribing forms for the purposes of sections 88 to 98 and this section and providing for their use;
- (e) prescribing conditions that shall attach to motor vehicle inspection station licences or

- the registrations of motor vehicle inspection mechanics or any class of either of them;
- (f) classifying vehicles, motor vehicle inspection stations and motor vehicle inspection mechanics for the purposes of sections 88 to 92;
 - (g) prescribing fees that shall be paid upon applications for motor vehicle inspection station licences and upon the issuance of the licences or renewals thereof and upon applications for and the registration of motor vehicle inspection mechanics;
 - (h) prescribing the amount that shall be paid to the Ministry for forms of safety standards certificates and vehicle inspection stickers;
 - (i) prescribing the books, records and accounts that shall be kept by licensees;
 - (j) governing the reports and returns that shall be made to the Director by licensees and registrants;
 - (k) prescribing the qualifications of motor vehicle inspection mechanics;
 - (l) prescribing other duties of inspectors;
 - (m) prescribing the form, size and content of signs that identify motor vehicle inspection stations and governing the use of such signs;
 - (n) requiring and governing the return to the Ministry of unused forms of safety standards certificates, vehicle inspection records and vehicle inspection stickers and providing for refunds of amounts paid for the forms of certificates and stickers;
 - (o) requiring and governing the return to the Ministry of signs provided by the Ministry to identify motor vehicle inspection stations. R.S.O. 1990, c. H.8, s. 100 (1); 2000, c. 15, s. 1 (1).

Adoption by reference

[\(2\)](#) Any regulation made under clause (1) (b) may adopt by reference any code, in whole or in part, with the changes that the Lieutenant Governor in Council considers necessary and may require compliance with any code that is adopted. R.S.O. 1990, c. H.8, s. 100 (2).

Exemptions

[\(3\)](#) A regulation made under clause (1) (b) may provide that a structural inspection certificate is not required for such classes of vehicles or in such circumstances as are described in the regulation. 2000, c. 15, s. 1 (2).

Regulations, accessories and ornaments

[101.](#) The Lieutenant Governor in Council may make regulations,

- (a) requiring the use of any accessory, or any type or class thereof, on vehicles, regulating the use thereof and prescribing the specifications thereof;
- (b) prohibiting the use on vehicles of any accessory or ornament, or any type or class thereof;
- (c) prohibiting the sale or offering for sale of any accessory or ornament, or any type or class thereof, that is designed for use on vehicles;
- (d) designating an organization to test and mark its approval of any accessory designated by the regulations, and prohibiting the installation, sale or purchase of any designated

accessory that is not marked as approved by the testing organization. R.S.O. 1990, c. H.8, s. 101.

Regulations, safety devices

102. (1) The Lieutenant Governor in Council may make regulations,

- (a) requiring the use or incorporation of any device or any equipment, in or on any vehicle or any class of vehicle, that may affect the safe operation of the vehicle on the highway or that may reduce or prevent injury to persons using the highway, and prescribing the specifications and regulating the installation thereof;
- (b) designating devices and designating an organization to test and mark its approval of any device so designated, and prohibiting the incorporation or use in or on a vehicle of any device so designated that is not marked as approved by the testing organization;
- (c) prescribing standards or specifications for any vehicles or any class or classes thereof;
- (d) providing for and requiring the identification and marking of vehicles or any class or classes thereof;
- (e) prescribing the types or classes of vehicles to which subsection (3) applies;
- (f) exempting any type or class of vehicle or any class of driver or passenger in a vehicle from the provisions of any regulations made under this section. R.S.O. 1990, c. H.8, s. 102 (1).

Codes

(2) Any regulation may adopt by reference, in whole or in part, with the changes that the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1990, c. H.8, s. 102 (2).

Prohibition re sale where non-compliance with regulations

(3) No person shall sell, offer or expose for sale any new vehicle of a type or class prescribed by the regulations made under clause (1) (e) that does not comply with the standards and specifications prescribed by the regulations or that is not marked or identified as prescribed by the regulations. R.S.O. 1990, c. H.8, s. 102 (3).

Penalty

(4) Every person who contravenes this section or a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. R.S.O. 1990, c. H.8, s. 102 (4).

Commercial motor vehicles, further provisions

Name of owner on commercial motor vehicles

103. (1) Every commercial motor vehicle shall have attached to or painted on both sides of the vehicle in a clearly visible position a sign showing the name of the owner, but the Ministry may by regulation designate any vehicle or classes of vehicles to which this subsection does not apply. R.S.O. 1990, c. H.8, s. 103 (1).

Reflector

(2) Every commercial motor vehicle and every trailer shall have securely attached to the back thereof two red reflectors approved by the Ministry, which shall be located as far apart as practicable, at the same height and in such positions as to reflect the light from the headlights of a

vehicle approaching from the rear. R.S.O. 1990, c. H.8, s. 103 (2).

Lamps and reflectors required on rear of new commercial motor vehicles and trailers

(3) No person shall sell, offer or expose for sale a new commercial motor vehicle or trailer, other than a truck tractor, unless,

- (a) there is affixed to each side of the rear thereof in a conspicuous position a lamp, which when lighted shall display a red light only, which shall be clearly visible for a distance of at least 150 metres from the rear of the vehicle; and
- (b) there is affixed to each side of the rear thereof and placed in such a position as to reflect the light from the headlamps of a motor vehicle approaching from the rear a red reflector approved by the Ministry. R.S.O. 1990, c. H.8, s. 103 (3).

Name and address of owner on road-building machine

(4) Every road-building machine when on a highway shall have attached to or painted on both sides of the machine in a clearly visible position a sign showing the name and address of the owner. R.S.O. 1990, c. H.8, s. 103 (4).

Exemption to subs. (4)

(5) Subsection (4) does not apply to a road-building machine, operated by or on behalf of an authority having jurisdiction and control of the highway, while engaged in construction or maintenance activities on the highway. R.S.O. 1990, c. H.8, s. 103 (5).

Penalty

(6) Every person who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. R.S.O. 1990, c. H.8, s. 103 (6).

Power-assisted bicycles

Equipment, requirements

103.1 (1) Every power-assisted bicycle shall have the prescribed equipment and conform to the prescribed requirements and standards. 2009, c. 5, s. 35.

Helmet requirement

(2) No person shall ride on, drive or operate a power-assisted bicycle on a highway unless the person is wearing a helmet as required by subsection 104 (1) or (2.1). 2009, c. 5, s. 35.

Regulations

(3) The Minister may make regulations,

- (a) prescribing equipment for power-assisted bicycles;
- (b) prescribing requirements and standards for power-assisted bicycles;
- (c) exempting any class of power-assisted bicycles from subsection (1) or from any provision of the regulations made under this subsection and prescribing conditions and circumstances for any such exemption. 2009, c. 5, s. 35.

Motorcycle and bicycle helmets

Motorcyclists to wear helmet

104. (1) No person shall ride on or operate a motorcycle or motor assisted bicycle on a highway unless the person is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. R.S.O. 1990, c. H.8, s. 104 (1).

Idem

(2) No person shall carry a passenger who is under sixteen years of age on a motorcycle on a highway unless the passenger is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. R.S.O. 1990, c. H.8, s. 104 (2).

Bicyclists to wear helmet

(2.1) Subject to subsection 103.1 (2), no person shall ride on or operate a bicycle on a highway unless the person is wearing a bicycle helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin. 2009, c. 5, s. 36 (1).

Duty of parent or guardian

(2.2) No parent or guardian of a person under sixteen years of age shall authorize or knowingly permit that person to ride on or operate a bicycle, other than a power-assisted bicycle, on a highway unless the person is wearing a bicycle helmet as required by subsection (2.1). 1993, c. 18, s. 1; 2009, c. 5, s. 36 (2).

Regulations

(3) The Minister may make regulations,

- (a) prescribing standards and specifications for helmets referred to in subsections (1), (2) and (2.1);
- (b) providing for and requiring the identification and marking of the helmets;
- (c) exempting any person or class of persons from the requirements of this section and prescribing conditions for exemptions. 1993, c. 18, s. 1; 2009, c. 5, s. 36 (3).

Codes

(4) Any regulation may adopt by reference in whole or in part, with the changes that the Lieutenant Governor in Council considers necessary, any code, and may require compliance with any code that is so adopted. R.S.O. 1990, c. H.8, s. 104 (4).

Horse-riders, helmets and footwear

104.1 (1) No person under the age of 18 years shall ride or be mounted on a horse on a highway unless that person has and is correctly using the following equipment in the manner that it was designed to be used:

1. A helmet that complies with the requirements under the *Horse Riding Safety Act, 2001*.
2. Footwear that complies with the requirements under the *Horse Riding Safety Act, 2001*. 2001, c. 4, s. 4.

Exception

(2) Paragraph 2 of subsection (1) does not apply to a person equipped with properly functioning and sized hooded stirrups, safety stirrups designed to prevent the rider's foot from passing through or becoming wedged in the stirrups, or stirrups designed to break away when the rider falls from the horse. 2001, c. 4, s. 4.

Duty of parent or guardian

(3) No parent or guardian of a person under the age of 16 years shall authorize or knowingly permit the person to ride or be mounted on a horse on a highway in contravention of subsection (1). 2001, c. 4, s. 4.

Rider to identify self

(4) A police officer who finds any person contravening subsection (1) may require that person to stop and to provide identification of himself or herself. 2001, c. 4, s. 4.

Same

(5) Every person who is required to stop, by a police officer acting under subsection (4), shall stop and identify himself or herself to the police officer. 2001, c. 4, s. 4.

Same

(6) For the purposes of this section, giving one's correct name and address is sufficient identification. 2001, c. 4, s. 4.

Same

(7) A police officer may arrest without warrant any person who does not comply with subsection (5). 2001, c. 4, s. 4.

Sale of new vehicles

Federal standards

105. (1) No person who deals in motor vehicles, trailers, conversion units or trailer converter dollies shall sell or offer to sell a new motor vehicle, trailer, conversion unit or trailer converter dolly that does not conform to the standards required under the *Motor Vehicle Safety Act* (Canada) or that does not bear the National Safety Mark referred to in that Act. 1993, c. 34, s. 1.

Sale of motor assisted bicycles

(2) No person who deals in motor assisted bicycles shall sell a new motor assisted bicycle unless on the delivery of the vehicle to the purchaser, the seller gives to the purchaser a document in a form approved by the Ministry certifying that the vehicle complies with the definition of a motor assisted bicycle. R.S.O. 1990, c. H.8, s. 105 (2).

Penalty

(3) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. R.S.O. 1990, c. H.8, s. 105 (3).

Seat belts

Seat belt assembly must not be removed or altered

106. (1) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative, modified so as to reduce its effectiveness or is not operating properly through lack of maintenance. 2006, c. 25, s. 1.

Use of seat belt assembly by driver

(2) Every person who drives on a highway a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly as required by subsection (5). 2006, c. 25, s. 1.

Use of seat belt assembly by passenger

(3) Every person who is at least 16 years old and is a passenger in a motor vehicle on a highway shall,

- (a) occupy a seating position for which a seat belt assembly has been provided; and
- (b) wear the complete seat belt assembly as required by subsection (5). 2006, c. 25, s. 1.

Driver to ensure young passenger uses seat belt assembly

[\(4\)](#) No person shall drive on a highway a motor vehicle in which there is a passenger who is under 16 years old unless,

- (a) that passenger,
 - (i) occupies a seating position for which a seat belt assembly has been provided, and
 - (ii) is wearing the complete seat belt assembly as required by subsection (5); or
- (b) that passenger is required by the regulations to be secured by a child seating system or child restraint system, and is so secured. 2006, c. 25, s. 1.

How to wear seat belt assembly

[\(5\)](#) A seat belt assembly shall be worn so that,

- (a) the pelvic restraint is worn firmly against the body and across the hips;
- (b) the torso restraint, if there is one, is worn closely against the body and over the shoulder and across the chest;
- (c) the pelvic restraint, and the torso restraint, if there is one, are securely fastened; and
- (d) no more than one person is wearing the seat belt assembly at any one time. 2006, c. 25, s. 1.

Exception

[\(6\)](#) Subsections (2) and (3) do not apply to a person,

- (a) who is driving a motor vehicle in reverse;
- (b) who holds a certificate signed by a legally qualified medical practitioner certifying that the person is,
 - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
 - (ii) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly; or
- (c) who is actually engaged in work which requires him or her to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 40 kilometres per hour. 2006, c. 25, s. 1.

Same

[\(7\)](#) Clause (4) (a) does not apply in respect of a passenger if the passenger holds a certificate signed by a legally qualified medical practitioner certifying that the passenger is,

- (a) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly; or
- (b) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly. 2006, c. 25, s. 1.

Regulations

[\(8\)](#) The Lieutenant Governor in Council may make regulations,

- (a) requiring that children or any class of children be secured in child seating systems and child restraint systems in motor vehicles on highways;
- (b) prescribing the specifications of child seating systems and child restraint systems, prescribing different child seating systems and child restraint systems for different classes of children, governing the use of such systems, including prescribing the manner in which a child is to be secured in child seating systems and child restraint systems;
- (c) prescribing classes of children, based on the age, height or weight of a child or the relationship of a child to the driver or owner of the motor vehicle;
- (d) prescribing classes of motor vehicles, drivers and passengers;
- (e) exempting from any of the provisions of this section or the regulations made under this section,
 - (i) any class of motor vehicle,
 - (ii) any class of driver or passenger, or
 - (iii) drivers carrying any prescribed class of passenger,
 and prescribing conditions for any such exemption;
- (f) prescribing circumstances in which drivers, or any class of driver, is exempt from any of the provisions of this section or the regulations made under this section, and prescribing conditions for any such exemption. 2006, c. 25, s. 1.

Police may request passenger's identification

[\(8.1\)](#) A police officer or officer appointed for carrying out the provisions of this Act may request that a passenger in a motor vehicle who appears to be at least 16 years old identify himself or herself if the officer has reason to believe that the passenger is contravening this section or the regulations made under this section. 2006, c. 25, s. 2.

Same

[\(8.2\)](#) A passenger who is requested to identify himself or herself under subsection (8.1) shall give the officer reasonable identification of himself or herself and, for such purposes, giving his or her correct name, date of birth and address is reasonable identification. 2006, c. 25, s. 2.

Offence

[\(8.3\)](#) Every person who contravenes or fails to comply with this section or a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. 2009, c. 5, s. 37.

Definition

[\(9\)](#) In this section,

“seat belt assembly” means a device or assembly composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint or a pelvic restraint and a torso restraint. 2006, c. 25, s. 1.

Inspection and maintenance of commercial motor vehicles

[107. \(1\)](#) Every operator shall establish a system, and prepare and keep a written record of

that system, to periodically inspect and maintain all commercial motor vehicles and vehicles drawn by commercial motor vehicles that are under the operator's control and that are operated or drawn on the highway. 2005, c. 26, Sched. A, s. 16.

Same

(2) Every operator shall ensure that periodic inspections and maintenance are carried out in accordance with the system established under subsection (1). 2005, c. 26, Sched. A, s. 16.

Performance standards

(3) Every operator shall ensure that the commercial motor vehicles operated by the operator on a highway and the vehicles drawn by such commercial motor vehicles meet the prescribed performance standards. 2005, c. 26, Sched. A, s. 16.

Daily and under-vehicle inspections and reports

- (4) Every operator shall, for every commercial motor vehicle operated by the operator and for every vehicle drawn by such a commercial motor vehicle,
- (a) supply the driver of the commercial motor vehicle with the daily inspection schedule for the commercial motor vehicle and the drawn vehicle;
 - (b) ensure that daily inspections of the commercial motor vehicle and drawn vehicle are conducted in the prescribed manner;
 - (c) ensure that any under-vehicle inspections required by the regulations in respect of the commercial motor vehicle and drawn vehicle are conducted at the times, in the circumstances and in the manner prescribed;
 - (d) ensure the accurate completion of daily inspection reports and under-vehicle inspection reports in respect of the commercial motor vehicle and drawn vehicle. 2005, c. 26, Sched. A, s. 16.

Completion of inspection reports

(5) Every person who conducts a daily inspection or under-vehicle inspection shall accurately complete an inspection report forthwith after completing the inspection. 2005, c. 26, Sched. A, s. 16.

Driver to carry inspection schedule, reports

(6) At all times while in control of a commercial motor vehicle on a highway, the driver of the vehicle shall have in his or her possession the daily inspection schedule for the commercial motor vehicle and for any vehicle drawn by the commercial motor vehicle and the completed daily inspection reports and under-vehicle inspection reports, if applicable, for the commercial motor vehicle and drawn vehicle. 2005, c. 26, Sched. A, s. 16.

Driver to surrender reports

(7) The driver of a commercial motor vehicle shall, upon the demand of a police officer or officer appointed for carrying out the provisions of this Act, forthwith surrender the inspection schedule and reports that he or she is required to have in his or her possession by subsection (6). 2005, c. 26, Sched. A, s. 16.

Report to operator

- (8) Every driver of a commercial motor vehicle shall,
- (a) make an entry in the daily inspection report forthwith upon any defect coming to his or

her attention after the daily inspection is conducted;

- (b) report forthwith to the operator, as prescribed, any defect found on the commercial motor vehicle or vehicle drawn by the commercial motor vehicle as a result of the daily inspection or that comes to his or her attention after the daily inspection is conducted; and
- (c) submit the completed daily inspection reports and under-vehicle inspection reports to the operator as prescribed. 2005, c. 26, Sched. A, s. 16.

Prohibition – driving without completing inspections, reports

(9) No person shall drive a commercial motor vehicle on a highway unless a daily inspection of the commercial motor vehicle and any vehicle drawn by the commercial motor vehicle and, if required by the regulations, an under-vehicle inspection or inspections, have been conducted as required by the regulations and an inspection report for each inspection has been completed. 2005, c. 26, Sched. A, s. 16.

Where inspection conducted by person other than driver

(10) Where a person other than the driver of the commercial motor vehicle conducts the daily inspection or under-vehicle inspection and provides the driver with a completed inspection report, the driver may rely on the inspection report for the purpose of subsection (9) as proof that the inspection to which it relates was conducted as required by the regulations, unless the driver has reason to believe otherwise. 2005, c. 26, Sched. A, s. 16.

Prohibition – driving with prescribed defect

(11) No person shall drive a commercial motor vehicle on a highway if the commercial motor vehicle or any vehicle drawn by the commercial motor vehicle has a defect prescribed for the purpose of this subsection. 2005, c. 26, Sched. A, s. 16.

Same

(12) No person shall drive a commercial motor vehicle on a highway if the commercial motor vehicle or any vehicle drawn by the commercial motor vehicle has a defect prescribed for the purpose of this subsection, except as permitted by and in accordance with the regulations. 2005, c. 26, Sched. A, s. 16.

Records

(13) Every operator of a commercial motor vehicle shall maintain or cause to be maintained the books and records that are prescribed at the prescribed location and shall produce the books and records upon the demand of an officer appointed for carrying out the provisions of this Act. 2005, c. 26, Sched. A, s. 16.

Electronic documents

(14) Despite the *Electronic Commerce Act, 2000*, electronic documents may only be used for a purpose under this section in compliance with the regulations. 2005, c. 26, Sched. A, s. 16.

Offence

(15) Every person who contravenes or fails to comply with subsection (1), (2), (3), (4), (11) or (13) is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000 or to imprisonment for a term of not more than six months, or to both. 2005, c. 26, Sched. A, s. 16.

Same

[\(16\)](#) Every person who contravenes or fails to comply with subsection (5), clause (8) (b) or subsection (9) or (12) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. 2005, c. 26, Sched. A, s. 16.

Not liable for other offences

[\(17\)](#) It is a defence for a person, other than the operator, charged with an offence under another section of this Act in respect of a defect prescribed for the purpose of subsection (12) that the person complied with the regulations made for the purpose of that subsection. 2005, c. 26, Sched. A, s. 16.

Regulations

[\(18\)](#) The Lieutenant Governor in Council may make regulations,

- (a) defining “commercial motor vehicle” and “operator” for the purposes of this section;
- (b) respecting the driving or operation of commercial motor vehicles and the drawing of vehicles by commercial motor vehicles;
- (c) prescribing minimum requirements that the system of periodic inspections and maintenance required by subsection (1) must meet, including the content and frequency of the inspections and maintenance;
- (d) prescribing performance standards for the purpose of subsection (3);
- (e) governing daily inspections and under-vehicle inspections, including prescribing their content, method, and timing, the period for which they are valid and, in respect of under-vehicle inspections, the classes or types of vehicles that require them;
- (f) prescribing the qualifications of the persons who may inspect vehicles, and prescribing different qualifications for different kinds of inspections and for different classes or types of vehicles;
- (g) prescribing the contents of daily inspection schedules and reports and under-vehicle inspection reports;
- (h) governing the making of entries under clause (8) (a);
- (i) governing the reporting under clause (8) (b), including operators’ responsibilities with respect to reporting;
- (j) governing the submission of inspection reports under clause (8) (c);
- (k) prescribing defects for the purpose of subsection (11);
- (l) prescribing defects and requirements for the purpose of subsection (12);
- (m) prescribing and governing books and records to be maintained by operators and prescribing the location where books and records are to be maintained;
- (n) governing the use of electronic documents;
- (o) exempting any person or class of persons or any vehicle or class or type of vehicles from any provision of this section or of any regulation made under this section and prescribing conditions and circumstances for any such exemption. 2005, c. 26, Sched. A, s. 16.

Same

[\(19\)](#) A regulation made under subsection (18) may apply in respect of a class or type of vehicle or class of operator or person and may contain different provisions for different classes or types of vehicles and different classes of operators and persons. 2005, c. 26, Sched. A, s. 16.

PART VII LOAD AND DIMENSIONS

Definitions, Part VII

[108.](#) In this Part,

“box length”, in a combination of vehicles having more than one trailer, means the external measurement from the front of the foremost trailer to the rear of the rearmost trailer, including load, but excluding any portion of auxiliary equipment or machinery that extends beyond the front of the foremost trailer and that is not designed or used for the transportation of goods; (“longueur de la caisse”)

“full trailer” means a trailer designed so that its own weight and any load are carried on its own axles and includes a vehicle combination consisting of a semi-trailer and a trailer converter dolly; (“remorque autoporteuse”)

“over-dimensional farm vehicle” means a farm tractor, self-propelled implement of husbandry, implement of husbandry, or any combination of them, having a weight, width, length or height in excess of the limits provided in this Part or Part VIII; (“véhicule agricole de dimensions excessives”)

“semi-trailer” means a trailer designed so that its forward part rests on or is carried by another vehicle or trailer converter dolly to which it is coupled by means of a fifth wheel assembly. (“semi-remorque”) R.S.O. 1990, c. H.8, s. 108; 1993, c. 34, s. 2; 2010, c. 16, Sched. 12, s. 2 (2).

Vehicle dimensions**Width of vehicle**

[109. \(1\)](#) Subject to sections 110 and 110.1, no vehicle including load or contents shall have a greater width than 2.6 metres while on a highway except,

- (a) traction engines, which may have a total width not exceeding 2.8 metres; or
- (b) road service vehicles and, for the purpose of this Part, road service vehicle includes such a vehicle while travelling to and from a maintenance site or repair centre. R.S.O. 1990, c. H.8, s. 109 (1); 1994, c. 27, s. 138 (9); 2002, c. 18, Sched. P, s. 25 (1).

Width of load

[\(2\)](#) Subject to sections 110 and 110.1, no load on a vehicle shall have a greater width than 2.6 metres while on a highway except,

- (a) loads of raw forest products which shall not exceed a total width of 2.7 metres at point of origin and which shall not exceed a total width of 2.8 metres at any time during transit; or
- (b) loads of loose fodder. R.S.O. 1990, c. H.8, s. 109 (2); 2002, c. 18, Sched. P, s. 25 (2).

Mirrors not included in width

(3) Where a motor vehicle is equipped with one or more mirrors that extend not more than 30 centimetres beyond either side of the vehicle, the amount of the extension shall not be included in determining the width of the vehicle under subsection (1). 2010, c. 16, Sched. 12, s. 2 (3).

Auxiliary equipment, devices not included in width

(4) Where a motor vehicle or trailer is equipped with auxiliary equipment or an auxiliary device that is mounted to the vehicle and that extends beyond either side of the vehicle, the amount of the extension shall not be included in determining the width of the vehicle under subsection (1) if,

- (a) the equipment or device is not designed or used to carry a load; and
- (b) the equipment or device does not extend more than 10 centimetres from the side of the vehicle. 2010, c. 16, Sched. 12, s. 2 (3).

(5) Repealed: 2010, c. 16, Sched. 12, s. 2 (3).

Length of vehicle

(6) Subject to sections 110 and 110.1, no vehicle, including load, shall exceed the length of 12.5 metres while on a highway. R.S.O. 1990, c. H.8, s. 109 (6); 2002, c. 18, Sched. P, s. 25 (3); 2009, c. 5, s. 38; 2010, c. 16, Sched. 12, s. 2 (4).

Exception

(6.1) Subsection (6) does not apply to a fire apparatus, a trailer, a bus, a recreational vehicle or a road service vehicle as described in clause (1) (b). 2010, c. 16, Sched. 12, s. 2 (5-7).

Same

(6.2) Subject to sections 110 and 110.1 and despite subsection (6.1), no full trailer, including load, shall exceed the length of 12.5 metres while on a highway unless it is in a combination of vehicles whose configuration, weight and dimensions are as prescribed by regulation. 2010, c. 16, Sched. 12, s. 2 (8, 9).

Length of combination

(7) No combination of vehicles, including load, coupled together shall exceed the total length of twenty-three metres while on a highway. R.S.O. 1990, c. H.8, s. 109 (7).

Exception

(7.1) Despite subsection (7), a combination of vehicles whose configuration, weight and dimensions are as prescribed by regulation may have a total length while on a highway, including load, that does not exceed 25 metres. 1993, c. 34, s. 3 (1).

Maximum box length

(8) No combination of vehicles composed of more than one trailer shall have a box length in excess of 18.5 metres while on a highway. 1993, c. 34, s. 3 (2).

Exception

(8.1) Despite subsection (8), a combination of vehicles whose configuration, weight and dimensions are as prescribed by regulation may have a box length that does not exceed 20 metres while on a highway. 1993, c. 34, s. 3 (2).

(8.2)-(9) Repealed: 2009, c. 33, Sched. 26, s. 3 (11).

Maximum length of semi-trailer

[\(10\)](#) Subject to sections 110 and 110.1, no semi-trailer shall have a length with an external measurement, excluding any portion of auxiliary equipment or machinery that extends beyond the front or rear of the semi-trailer and that is not designed or used to carry a load, that exceeds 14.65 metres while on a highway. 1993, c. 34, s. 3 (2); 2002, c. 18, Sched. P, s. 25 (4); 2010, c. 16, Sched. 12, s. 2 (10).

Exception

[\(10.1\)](#) Subsection (10) does not apply to a semi-trailer designed to carry vehicles. 1993, c. 34, s. 3 (2).

Same

[\(10.2\)](#) Despite subsection (10), a semi-trailer used in a combination of vehicles whose configuration, weight and dimensions are as prescribed by regulation may have a length with an external measurement, excluding any portion of auxiliary equipment or machinery that extends beyond the front of the semi-trailer and that is not designed or used to carry a load, that does not exceed 16.2 metres while on a highway. 1993, c. 34, s. 3 (2); 2010, c. 16, Sched. 12, s. 2 (11).

Length of bus, recreational vehicle

[\(11\)](#) No bus or recreational vehicle shall exceed the length of 12.5 metres while on a highway, but an increase in the length of a bus or recreational vehicle caused by the addition of a liquid-filled or other energy-absorbing bumper shall not be included in determining the length of the bus or recreational vehicle. 2010, c. 16, Sched. 12, s. 2 (12).

Same

[\(11.1\)](#) Despite subsection (11),

- (a) a recreational vehicle or a bus, other than an articulated bus, that meets the requirements prescribed by regulation may have a length that exceeds 12.5 metres but does not exceed 14 metres; and
- (b) an articulated bus that meets the requirements prescribed by regulation may have a length that exceeds 12.5 metres but does not exceed 25 metres. 2010, c. 16, Sched. 12, s. 2 (12).

Restricting length of combination of vehicles

[\(12\)](#) The council of a municipality that was a city on December 31, 2002, may by by-law prohibit the operation of a combination of vehicles having a total length, including load, in excess of 15.25 metres while on a highway or a portion thereof under its jurisdiction designated in the by-law. R.S.O. 1990, c. H.8, s. 109 (12); 2002, c. 17, Sched. F, Table.

Mirror not included in length

[\(13\)](#) Where a vehicle is equipped with one or more mirrors that extend beyond the front of the vehicle, the amount of the extension shall not be included in determining the length of the vehicle under subsection (6), (11), (11.1) or (12). 2010, c. 16, Sched. 12, s. 2 (13).

Aerodynamic device not included in length

[\(13.1\)](#) Where a commercial motor vehicle, other than a bus or recreational vehicle, or trailer is equipped with an aerodynamic device that extends beyond the rear of the vehicle, the amount of the extension shall not be included in determining the length under subsection (6), (6.2), (7), (7.1), (8), (8.1), (10), (10.2) or (12) if,

- (a) any portion of the device that is 1.9 metres or less above the ground does not extend more than 0.305 metres beyond the rear of the vehicle or trailer;
- (b) any portion of the device that is more than 1.9 metres above the ground does not extend more than 0.61 metres beyond the rear of the vehicle or trailer;
- (c) the device is not designed or used to carry a load; and
- (d) the device does not cause the vehicle or trailer to cease to meet any standard under the *Motor Vehicle Safety Regulations* made under the *Motor Vehicle Safety Act* (Canada). 2010, c. 16, Sched. 12, s. 2 (13).

Height of vehicle

[\(14\)](#) Subject to sections 110 and 110.1, no vehicle including load shall have a greater height than 4.15 metres while on a highway. R.S.O. 1990, c. H.8, s. 109 (14); 2002, c. 18, Sched. P, s. 25 (6).

Exception

[\(14.1\)](#) Despite subsection (14), a vehicle used in a combination of vehicles whose configuration, weight and dimensions are as prescribed by regulation may have a height greater than 4.15 metres but not greater than 4.3 metres while on a highway. 2010, c. 16, Sched. 12, s. 2 (14).

Penalty

[\(15\)](#) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000 and, in addition, the permit issued for the vehicle under section 7 may be suspended for not more than six months. R.S.O. 1990, c. H.8, s. 109 (15).

Same – commercial motor vehicle

[\(15.1\)](#) Despite subsection (15), every person who contravenes this section is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$200 and not more than \$20,000 and, in addition, the permit issued for the vehicle under section 7 may be suspended for not more than six months. 1996, c. 20, s. 24.

Regulations

- [\(16\)](#) The Lieutenant Governor in Council may make regulations,
- (a) defining “recreational vehicle” for the purposes of this section;
 - (b) prescribing equipment and devices that are or are not auxiliary for the purposes of subsection (4);
 - (c) prescribing configurations, weight and dimensions of vehicles and combinations of vehicles;
 - (d) setting limits on dimensions of vehicles and combinations of vehicles, except those dimensions already set out in this Act;
 - (e) prescribing requirements for components and equipment for vehicles and combinations of vehicles;
 - (f) prescribing requirements for the purpose of subsection (11.1), including prescribing,

- (i) maximum length,
 - (ii) bus and recreational vehicle type and use,
 - (iii) load distribution,
 - (iv) configurations, and
 - (v) requirements for components, equipment and safety features;
- (g) exempting an aerodynamic device from clause (13.1) (a) or (b) and prescribing conditions and circumstances for any such exemption. 2010, c. 16, Sched. 12, s. 2 (15).
- [\(17\)](#) Repealed: 2010, c. 16, Sched. 12, s. 2 (15).

Same

[\(18\)](#) The Lieutenant Governor in Council may make regulations exempting any class of vehicles from the application of subsection (10) and prescribing conditions for such exemptions. 2002, c. 18, Sched. P, s. 25 (7).

Permits to exceed dimension and weight limits (use of highway)

[110. \(1\)](#) The municipal corporation or other authority having jurisdiction over the highway may, upon application in writing, grant a permit for use of the highway by a vehicle or combination of vehicles in excess of the dimensional limits set out in section 109 or the weight limits set out in Part VIII in order to allow the movement of,

- (a) a load, object or structure that cannot reasonably be divided and moved within those limits;
- (b) a vehicle that cannot reasonably be divided and moved within those limits and that is not itself carrying a load, object or structure or drawing or carrying a vehicle;
- (c) a vehicle or combination of vehicles that is used exclusively to move a load, object or structure or to draw or carry a vehicle as described in clauses (a) and (b). 2000, c. 26, Sched. O, s. 6.

Permits, general or limited

[\(2\)](#) The permit referred to in subsection (1) may be general, or may limit the time and the particular highway that may be used, and may contain conditions relating to the protection of persons and property from injury or damage and the municipal corporation or other authority may require a bond or other security sufficient to cover the cost of repairing any possible damage to the highway. R.S.O. 1990, c. H.8, s. 110 (2).

Who may issue

[\(3\)](#) The council of any municipality may by by-law provide that a permit referred to in subsection (1) may be issued by an officer of the corporation named therein. R.S.O. 1990, c. H.8, s. 110 (3).

Issue of permit by Ministry

[\(4\)](#) In the case of a vehicle for which a permit is required under this section in order to pass over a highway or highways under the jurisdiction of two or more municipalities or other authorities, the permit so to do may be issued by the Ministry, which permit is instead of the several permits to be otherwise obtained from the municipal corporations or other authorities, and the permit may limit the time and the particular highway or highways that may be used, and may

contain any special conditions or provisions that may be considered necessary to protect the highways from damage, and the Ministry may require a bond or other security sufficient to cover the cost of repairing possible damage to the highway. R.S.O. 1990, c. H.8, s. 110 (4).

Responsibility for damages caused to highway

(5) The owner, operator or mover of a heavy vehicle, load, object or structure in respect of which a permit is granted under this section is nevertheless responsible for all damages that may be caused to the highway by reason of the driving, operating or moving of any such heavy vehicle, load, object or structure. R.S.O. 1990, c. H.8, s. 110 (5).

Condition of permit

(6) It is a condition of every permit issued under this section that the original of the permit be carried in the vehicle for which the permit was issued and be produced when demanded by a police officer or an officer appointed for carrying out the provisions of this Act. R.S.O. 1990, c. H.8, s. 110 (6).

Penalty

(7) Every person who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of the permit is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000 and, in addition, if the condition contravened is in respect of any weight allowed under the permit, a fine shall be imposed as if the person had not been issued a permit under this section and had been convicted of an offence under section 116, 117 or 118 in respect of any gross vehicle weight, axle unit weight or axle group weight in excess of the maximum allowable weights permitted under this Act or the regulations. R.S.O. 1990, c. H.8, s. 110 (7); 1996, c. 20, s. 25.

Special permits to exceed dimension and weight limits

110.1 (1) For the purposes set out in subsection (2), the Registrar may, upon application in writing, issue a permit allowing the operation of a vehicle or combination of vehicles that does not comply with,

- (a) one or more of the dimensional limits set out in section 109 or a regulation prescribing the configuration, weight and dimensions made for the purpose of subsection 109 (7.1), (8.1) or (10.2); or
- (b) one or more of the weight limits set out in Part VIII or a regulation made under that Part. 2000, c. 26, Sched. O, s. 7.

Purposes for issuing special permits

- (2)** A permit may be issued under subsection (1),
- (a) to harmonize the rules and limits with respect to configurations, weights and dimensions applicable to a class of vehicles or combination of vehicles with those of any other jurisdiction;
 - (b) to allow a trial of a vehicle or combination of vehicles;
 - (c) to allow a variance from a limit within a geographic area or along routes specified by the Registrar for the movement of a commodity or commodities;
 - (d) to allow the use of a vehicle or combination of vehicles for a purpose or in circumstances described in the regulations. 2000, c. 26, Sched. O, s. 7.

Classes of permit

(3) The Registrar may establish different classes of permits for different classes of vehicles or combinations of vehicles. 2000, c. 26, Sched. O, s. 7.

Eligibility for s. 110 permit

(4) The Registrar may refuse to issue a permit under subsection (1) if the vehicle or combination of vehicles is eligible to be considered for a permit under subsection 110 (1), whether or not the applicant has been refused a permit under that subsection. 2000, c. 26, Sched. O, s. 7.

Qualifications

(5) The Registrar may establish qualifications for applicants for a permit under subsection (1). 2000, c. 26, Sched. O, s. 7.

Limited number of permits

(6) The Registrar may limit the number of permits of any class, may adopt any reasonable scheme for allotting the permits within a class and may refuse to issue a permit because the maximum number of permits for the class has already been issued or in accordance with the terms of the allotment scheme. 2000, c. 26, Sched. O, s. 7.

Conditions

(7) The Registrar may attach conditions to a permit that he or she issues as he or she considers appropriate. 2000, c. 26, Sched. O, s. 7.

Onus

(8) The onus is on the applicant to establish that a permit should be granted and the Registrar may refuse any application unless he or she is satisfied that the permit should be granted. 2000, c. 26, Sched. O, s. 7.

Submissions and decision

(9) The Registrar shall consider an applicant's submissions relating to the issuance of a permit and the conditions that attach to the permit, but shall not hold a hearing into the matter, and the Registrar's decision is final. 2000, c. 26, Sched. O, s. 7.

Fees

(10) The Registrar may set fees for the issuance, renewal and replacement of permits issued under this section. 2000, c. 26, Sched. O, s. 7.

Same

(11) The Registrar may set different fees and different validity periods for different classes of vehicles, combinations of vehicles or persons and may exempt classes of vehicles, combinations of vehicles or persons from fees. 2000, c. 26, Sched. O, s. 7.

Carrying and production of special permit

110.2 (1) A driver of the vehicle or combination of vehicles in respect of which a permit is issued under section 110.1 shall carry the permit or a copy of it, as specified in the permit, in the vehicle or combination of vehicles and shall produce it on the demand of a police officer or other officer appointed for carrying out the provisions of this Act. 2000, c. 26, Sched. O, s. 7.

Effect of failure to produce permit

(2) If the permit or copy is not produced in response to a demand under subsection (1), the permit does not apply to the vehicle or combination of vehicles, and the vehicle or combination of

vehicles is subject to the dimensional and weight limits that apply as if no permit had been issued. 2000, c. 26, Sched. O, s. 7.

Offences

(3) Every person who operates or permits the operation of a vehicle or combination of vehicles contrary to any of the conditions of the permit is guilty of an offence and on conviction,

- (a) where no condition with respect to weight is breached, is liable to a fine of not less than \$200 and not more than \$20,000;
- (b) where the only condition breached is one with respect to weight, is liable to any fine assessed in accordance with section 125; and
- (c) where more than one condition is breached and one of the conditions breached is a condition with respect to weight, is liable to a fine of not less than \$200 and not more than \$20,000, in addition to any fine assessed in accordance with section 125. 2000, c. 26, Sched. O, s. 7.

Suspension, etc., of special permit

110.3 (1) The Registrar may suspend, refuse to renew, modify or cancel a permit issued under section 110.1 on the grounds of,

- (a) breach of the conditions of the permit or of any other permit held by the holder under that section;
- (b) false or incomplete information in the application for the permit or its renewal or for any other permit held by the holder under that section; or
- (c) an outstanding fee in respect of the permit or any other permit held by the holder under that section, or an outstanding penalty or interest in respect of the fee. 2000, c. 26, Sched. O, s. 7.

Notice of proposed action

(2) Before taking an action under subsection (1), the Registrar shall notify the permit holder of the proposed action and give the holder an opportunity to make written submissions about the proposed action, and the holder has 15 days from actual or deemed receipt of the notice to make submissions. 2000, c. 26, Sched. O, s. 7.

Method of giving notice

- (3)** Notice under subsection (2) is sufficiently given if,
- (a) it is delivered by mail addressed to the permit holder at the latest address for the person appearing on the records of the Ministry;
 - (b) it is sent by fax to the person at the latest fax number provided by the person to the Ministry; or
 - (c) it is sent by other means prescribed by the regulations. 2000, c. 26, Sched. O, s. 7.

Same

(4) Unless the person establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice,

- (a) notice given by mail shall be deemed to have been received on the fifth day after it was

mailed;

- (b) notice given by fax shall be deemed to have been received on the first business day after it was sent; or
- (c) notice given by a means prescribed by the regulations shall be deemed to have been received on the day prescribed by the regulations. 2000, c. 26, Sched. O, s. 7.

Submissions and decision

[\(5\)](#) The Registrar shall consider submissions, but shall not hold a hearing into the matter, and the Registrar's decision is final. 2000, c. 26, Sched. O, s. 7.

Additional power of Registrar to suspend, etc., special permits

[110.4 \(1\)](#) In addition to taking action under subsection 110.3 (1) for a ground listed in that subsection, the Registrar may take action under that subsection with respect to all of the permits of a given class, where in his or her opinion,

- (a) the action eliminates or reduces any threat to highway safety;
- (b) the action eliminates or reduces any unreasonable wear or damage to the highways and the supporting infrastructure; or
- (c) the original reason for granting permits of that class under subsection 110.1 (1) no longer exists or is not the same due to a change of circumstances. 2000, c. 26, Sched. O, s. 7.

Notice of proposed action

[\(2\)](#) Before taking an action under subsection (1), the Registrar shall notify each permit holder of the proposed action and shall give the holders an opportunity to make written submissions about the proposed action, and the holder has 15 days from actual or deemed receipt of the notice to make submissions. 2000, c. 26, Sched. O, s. 7.

Method of giving notice

- [\(3\)](#) Notice under subsection (2) is sufficiently given if,
- (a) it is delivered by mail addressed to the permit holder at the latest address for the person appearing on the records of the Ministry;
 - (b) it is sent by fax to the person at the latest fax number for the person provided by the person to the Ministry; or
 - (c) it is sent by other means prescribed by the regulations. 2000, c. 26, Sched. O, s. 7.

Same

[\(4\)](#) Unless the person establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person's control, receive the notice,

- (a) notice given by mail shall be deemed to have been received on the fifth day after it was mailed;
- (b) notice given by fax shall be deemed to have been received on the first business day after it was sent;
- (c) notice given by a means prescribed by the regulations shall be deemed to have been received on the day prescribed by the regulations. 2000, c. 26, Sched. O, s. 7.

Submissions and decision

[\(5\)](#) The Registrar shall consider submissions, but shall not hold a hearing into the matter, and the Registrar's decision is final. 2000, c. 26, Sched. O, s. 7.

Loading vehicles

Overhanging load

[111. \(1\)](#) Every vehicle carrying a load which overhangs the rear of the vehicle to the extent of 1.5 metres or more while on a highway shall display upon the overhanging load at the extreme rear end thereof at any time from one-half hour before sunset to one-half hour after sunrise, or at any other time when there is insufficient light or unfavourable atmospheric conditions, a red light, and at all other times a red flag or a red marker sufficient to indicate the projection of the load. R.S.O. 1990, c. H.8, s. 111 (1).

Proper loading

[\(2\)](#) No person shall operate or permit to be operated upon a highway a motor vehicle that carries a load or draws a vehicle that carries a load unless the load is loaded, bound, secured, contained or covered so that no portion of the load may become dislodged or fall, leak, spill or blow from the vehicle. 2002, c. 18, Sched. P, s. 26.

Same, commercial motor vehicle

[\(2.1\)](#) No person shall operate or permit to be operated upon a highway a commercial motor vehicle that carries a load or draws a vehicle that carries a load unless the load is loaded, bound, secured, contained or covered in accordance with the regulations. 2002, c. 18, Sched. P, s. 26.

Inspections

[\(2.2\)](#) No person shall drive upon a highway a commercial motor vehicle that carries a load or a commercial motor vehicle that draws a vehicle carrying a load unless the prescribed inspections have been carried out. 2002, c. 18, Sched. P, s. 26.

Regulations

[\(3\)](#) The Lieutenant Governor in Council may make regulations,

- (a) governing the manner of loading, binding, securing, containing or covering loads on commercial motor vehicles operated on highways;
- (b) prescribing standards and specifications of equipment and material used to load, bind, secure, contain or cover loads on commercial motor vehicles;
- (c) governing the inspection of,
 - (i) loads on commercial motor vehicles or on vehicles drawn by a commercial motor vehicle, and
 - (ii) equipment and material used to load, bind, secure, contain or cover loads on commercial motor vehicles or on vehicles drawn by a commercial motor vehicle;
- (d) requiring operators and drivers of commercial motor vehicles to keep the documents and records that may be specified in the regulations and requiring the submission of those documents and records, upon request, to a police officer or officer appointed for carrying out the provisions of this Act;
- (e) prescribing things, including the material used to load, bind, secure, contain or cover a load, that are part of a load for the purposes of this section;

(f) exempting any class of vehicle or person from this section or from any provision in a regulation made under this section. 2002, c. 18, Sched. P, s. 26.

Classes

[\(3.1\)](#) A regulation made under subsection (3) may designate classes of vehicles, highways or persons and may provide that the regulation applies or does not apply to a particular class or applies differently to different classes. 2002, c. 18, Sched. P, s. 26.

Exemptions

[\(3.2\)](#) The Registrar may exempt any person, vehicle or highway from any provision in the regulations, subject to any conditions that the Registrar considers appropriate. 2002, c. 18, Sched. P, s. 26.

Incorporation by reference

[\(3.3\)](#) A regulation under clause (3) (a), (b) or (c) that incorporates another document by reference may provide that the reference to the document includes amendments made to the document from time to time after the regulation is made. 2002, c. 18, Sched. P, s. 26.

Penalty

[\(4\)](#) Every person who contravenes this section or a regulation made under subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$200 and, in addition, his or her driver's licence issued under section 32 and the person's permit issued under section 7 may be suspended for a period of not more than sixty days. R.S.O. 1990, c. H.8, s. 111 (4).

Same – commercial motor vehicle

[\(5\)](#) Despite subsection (4), every person who contravenes this section or a regulation made under subsection (3) is guilty of an offence and, if the offence was committed by means of a commercial motor vehicle within the meaning of subsection 16 (1), on conviction is liable to a fine of not less than \$200 and not more than \$20,000 and, in addition, his or her driver's licence issued under section 32 and permit issued under section 7 may be suspended for a period of not more than 60 days. 1996, c. 20, s. 26.

Regulations, carriage of explosives, etc.

[112. \(1\)](#) The Lieutenant Governor in Council may make regulations,

- (a) classifying and defining explosives and dangerous materials;
- (b) regulating or prohibiting the transportation of explosives and dangerous materials or any class thereof by a vehicle on a highway;
- (c) regulating the preparation and packaging of explosives and dangerous materials or any class thereof to be transported by a vehicle on a highway;
- (d) requiring the labelling of packages and containers of explosives and dangerous materials or any class thereof and prescribing the labels to be attached to such packages and containers. R.S.O. 1990, c. H.8, s. 112 (1).

Code, etc., may be adopted by reference

[\(2\)](#) Any regulation made under subsection (1) may adopt by reference, in whole or in part, with the changes that the Lieutenant Governor in Council considers necessary, any code or standard, or any regulation made by the Government of Canada, and may require compliance with

any code, standard or regulation that is so adopted. R.S.O. 1990, c. H.8, s. 112 (2).

Penalty

(3) Every person who contravenes a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$500 or to imprisonment for a term of not more than three months, or to both. R.S.O. 1990, c. H.8, s. 112 (3).

Farm vehicles

Over-dimensional farm vehicles exempt

113. (1) This Part, other than regulations made under this section, does not apply to over-dimensional farm vehicles. R.S.O. 1990, c. H.8, s. 113 (1).

Regulations

(2) The Lieutenant Governor in Council may make regulations,

- (a) regulating or prohibiting the movement of over-dimensional farm vehicles or classes thereof on a highway or on classes of highways;
- (b) requiring that escort vehicles or classes of escort vehicles accompany over-dimensional farm vehicles or classes thereof on a highway or classes of highways;
- (c) prescribing the types, specifications and locations of markings, signs and lights that shall be carried by over-dimensional farm vehicles and escort vehicles or classes of either or both of them on a highway or classes of highways;
- (d) prescribing conditions for the movement of over-dimensional farm vehicles on a highway or classes of highways relating to the protection of persons and property from injury or damage. R.S.O. 1990, c. H.8, s. 113 (2).

PART VIII WEIGHT

Interpretation, Part VIII

114. (1) In this Part,

“axle” means an assembly of two or more wheels whose centres are in one transverse vertical plane and which are transmitting weight to the highway; (“essieu”)

“axle group weight” means that part of the gross vehicle weight in kilograms transmitted to the highway by a two axle group, three axle group or four axle group; (“poids d’un ensemble d’essieux”)

“axle unit” means any single axle, dual axle or triple axle; (“unité d’essieu”)

“axle unit weight” means that part of the gross vehicle weight in kilograms transmitted to the highway by an axle unit; (“poids d’unité d’essieu”)

“Class A Highway” means a highway designated as such by the Minister; (“route de catégorie A”)

“Class B Highway” means a highway not designated by the Minister as a Class A Highway; (“route de catégorie B”)

“dual axle” means any two consecutive axles whose centres are more than one metre apart and that,

(a) are articulated from a common attachment to the vehicle, or

(b) are designed to automatically equalize the load between the two axles; (“essieu double”)

“four axle group” means four consecutive axles, not including the front axle of a motor vehicle,

(a) that are entirely within either a motor vehicle or trailer or semi-trailer, and

(b) in which the spacings between the consecutive axles do not exceed 2.5 metres;
 (“ensemble de quatre essieux”)

“front axle” means the front axle unit of a motor vehicle; (“essieu avant”)

“gross vehicle weight” means the total weight in kilograms transmitted to the highway by a vehicle, or combination of vehicles, and load; (“poids brut du véhicule”)

“liftable axle” means an assembly of two or more wheels whose centres are in one transverse vertical plane that is equipped with a device for altering (other than by longitudinal movement of the assembly only) the weight transmitted to the highway surface and that may be able to lift its tires from contact with that surface; (“essieu relevable”)

“over-dimensional farm vehicles” means the same as it does in Part VII; (“véhicule agricole de dimensions excessives”)

“semi-trailer” means the same as it does in Part VII; (“semi-remorque”)

“single axle” means one or more axles whose centres are included between two parallel transverse vertical planes one metre apart; (“essieu simple”)

“tank-truck” means a commercial motor vehicle to which there is attached or upon which there has been placed either permanently or otherwise a closed tank having a capacity of 2.3 kilolitres or more; (“camion-citerne”)

“three axle group” means three consecutive axles, not including the front axle of a motor vehicle,

(a) that do not form a triple axle within the meaning of the definition of “triple axle”,

(b) that are entirely within either a motor vehicle or trailer or semi-trailer,

(c) in which the spacings between the consecutive axles do not exceed 2.5 metres, and

(d) which are not included in a four axle group within the meaning of the definition of “four axle group”; (“ensemble de trois essieux”)

“triple axle” means any three consecutive axles that,

(a) have their consecutive centres equally spaced, and

(b) have their consecutive centres more than one metre apart,

and that,

(c) are articulated from an attachment to the vehicle common to the consecutive axles, or

(d) are designed to automatically equalize the load between the three axles under all conditions of loading; (“essieu triple”)

“two axle group” means two consecutive single axles, not including the front axle of a motor vehicle,

- (a) that are entirely within either a motor vehicle or trailer or semi-trailer,
- (b) in which the spacing between the consecutive axles is less than two metres, and
- (c) which are not included in a three axle group within the meaning of the definition of “three axle group” or a four axle group within the meaning of the definition of “four axle group”. (“ensemble de deux essieux”) R.S.O. 1990, c. H.8, s. 114 (1); 2000, c. 26, Sched. O, s. 8.

Designation by Minister

(2) The Minister may designate a highway as a Class A Highway. R.S.O. 1990, c. H.8, s. 114 (2).

Application of Part

(3) This Part does not apply to over-dimensional farm vehicles or to motor vehicles or to road-building machines operated by or on behalf of a municipality or other authority having jurisdiction over highways when the vehicle or machine is equipped with a snow clearing device. R.S.O. 1990, c. H.8, s. 114 (3).

Consecutive axles

(4) Where three consecutive axles that are articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of the definition of “triple axle” because their consecutive centres are not equally spaced, that one of the three consecutive axles that is most remote from the centre axle of the consecutive axles shall be deemed to be a single axle and the other two axles shall be deemed to be a dual axle. R.S.O. 1990, c. H.8, s. 114 (4).

Idem

(5) Where three consecutive axles that are not articulated from an attachment to the vehicle common to the consecutive axles are not a triple axle within the meaning of the definition of “triple axle” because their consecutive centres are not equally spaced, any two of the axles that are articulated from an attachment to the vehicle common to the two axles shall be deemed to be a dual axle and the third of the three axles shall be deemed to be a single axle. R.S.O. 1990, c. H.8, s. 114 (5).

Spacing between axles

(6) The spacing between axles is the shortest distance between the centre of rotation of one axle and the centre of rotation of the other. R.S.O. 1990, c. H.8, s. 114 (6).

Axle spacing distance

(7) For the purposes of Tables 1 and 2, the axle spacing is the distance measured between the outer axles forming an axle unit. R.S.O. 1990, c. H.8, s. 114 (7).

Idem

(8) For the purposes of Tables 3, 4 and 5, the axle group spacing is the distance measured between the outer axles forming a two axle group, three axle group or four axle group. R.S.O. 1990, c. H.8, s. 114 (8).

Restrictions as to weight on tires

115. (1) Subject to section 110, no vehicle,

- (a) equipped with tires of less than 150 millimetres in width where the weight upon any

millimetre in the width of the tire exceeds nine kilograms; or

- (b) equipped with tires of 150 millimetres or more in width where the weight upon any millimetre in the width of the tire exceeds eleven kilograms,

shall be operated on a highway. R.S.O. 1990, c. H.8, s. 115 (1).

How tire width ascertained

[\(2\)](#) For the purpose of this section, where a tire width has been marked thereon by the manufacturer, the width of the tire shall be deemed to be as so marked. R.S.O. 1990, c. H.8, s. 115 (2).

Maximum allowable axle unit weights

[116. \(1\)](#) Subject to section 110, no vehicle or combination of vehicles shall be operated on a Class A Highway where the axle unit weight on an axle unit, whether or not part of any axle group, exceeds,

- (a) for a single axle with single tires, 9,000 kilograms;
- (b) for a single axle with dual tires, 10,000 kilograms;
- (c) for a dual axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 1; or
- (d) for a triple axle, that weight shown in Column 2 opposite the corresponding axle spacing shown in Column 1 of Table 2. R.S.O. 1990, c. H.8, s. 116 (1); 2000, c. 26, Sched. O, s. 9 (1).

Other weights set by regulation

[\(1.1\)](#) The Lieutenant Governor in Council may make regulations prescribing axle unit weight limits other than those specified or referred to in subsection (1) for any prescribed axle unit on any prescribed class or classes of vehicle or combination of vehicles and, for that purpose, prescribing axle units and classes of vehicles and combinations of vehicles. 2000, c. 26, Sched. O, s. 9 (2).

Where weights set by regulation apply

[\(1.2\)](#) An axle unit weight limit prescribed under subsection (1.1) applies instead of the weights specified or referred to in subsection (1) for a prescribed axle unit on a vehicle or combination of vehicles in a class prescribed under subsection (1.1). 2000, c. 26, Sched. O, s. 9 (2).

Restriction of weights allowed under subs. (1)

[\(2\)](#) Despite subsection (1), the maximum allowable axle unit weight for a dual axle shall not exceed 18,000 kilograms unless the axle is equipped with dual tires. R.S.O. 1990, c. H.8, s. 116 (2).

Idem

[\(3\)](#) Despite subsection (1), the maximum allowable axle unit weight for a triple axle shall not exceed 27,000 kilograms unless the axle is equipped with dual tires. R.S.O. 1990, c. H.8, s. 116 (3).

Idem

[\(4\)](#) Despite subsection (1), the maximum allowable axle unit weight for a single front axle shall not exceed 5,000 kilograms unless the driver of a vehicle or combination of vehicles has with

him or her a verification in writing as to the manufacturer's gross axle weight rating for such single front axle. R.S.O. 1990, c. H.8, s. 116 (4).

Production of verification

(5) The driver of a vehicle or combination of vehicles being operated on a Class A Highway who has the verification referred to in subsection (4) shall produce it when so demanded by a police officer or an officer appointed for carrying out the provisions of this Act, and, where it is so demanded and not produced, the driver shall be deemed to not have the verification. R.S.O. 1990, c. H.8, s. 116 (5).

Maximum allowable axle unit weight

(6) Where subsection (4) does not apply because the driver has the verification referred to in subsection (4), then subject to subsection (1), the maximum allowable axle unit weight on the single front axle shall not exceed the manufacturer's gross axle weight rating. R.S.O. 1990, c. H.8, s. 116 (6).

Maximum allowable axle group weights

117. (1) Subject to section 110, no vehicle or combination of vehicles shall be operated on a Class A Highway where any axle group weight exceeds,

- (a) for a two axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 3;
- (b) for a three axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 4; or
- (c) for a four axle group, that weight shown in Column 2 opposite the corresponding axle group spacing shown in Column 1 of Table 5. R.S.O. 1990, c. H.8, s. 117; 2000, c. 26, Sched. O, s. 10 (1).

Other weights set by regulation

(2) The Lieutenant Governor in Council may make regulations prescribing axle group weight limits other than those specified or referred to in subsection (1) for any prescribed axle group on any prescribed class or classes of vehicle or combination of vehicles and, for that purpose, prescribing axle groups and classes of vehicles and combinations of vehicles. 2000, c. 26, Sched. O, s. 10 (2).

Where weights set by regulation apply

(3) An axle group weight limit prescribed under subsection (2) applies instead of the weights specified or referred to in subsection (1) for a prescribed axle group on a vehicle or combination of vehicles in a class prescribed under subsection (2). 2000, c. 26, Sched. O, s. 10 (2).

Maximum allowable gross vehicle weights

118. (1) Subject to section 110, no vehicle or combination of vehicles shall be operated on a Class A Highway where the gross vehicle weight exceeds,

- (a) the axle unit weight on the front axle, not exceeding the maximum weight permitted on the axle under section 116, plus the sum of the maximum allowable weights for all other axle units of the vehicle or combination of vehicles as set out in section 116;
- (b) the axle unit weight on the front axle, not exceeding the maximum weight permitted on the axle under section 116, plus the sum of the maximum allowable weights for any two

axle groups, three axle groups or four axle groups, or any combination thereof, as set out in section 117, plus the maximum allowable weight for any axle unit or units excluding the front axle and excluding any axle unit or units which are part of an axle group, as set out in section 116; or

- (c) that weight prescribed in the regulations. R.S.O. 1990, c. H.8, s. 118; 2000, c. 26, Sched. O, s. 11 (1).

Interpretation

(2) Where subsection (1) refers to a weight under or set out in section 116 or 117, the reference includes a weight specified by regulation under subsection 116 (1.1) or 117 (2). 2000, c. 26, Sched. O, s. 11 (2).

Raw forest products allowance during freeze-up

119. (1) Despite sections 116, 117, 118 and subsection 121 (1), during freeze-up the maximum allowable gross vehicle weight for a vehicle or combination of vehicles, while used exclusively for the transportation of raw forest products, shall be 110 per cent of that weight for which a permit has been issued for the vehicle or combination of vehicles in accordance with section 7, provided no axle unit weight, axle group weight or gross vehicle weight exceeds by more than 10 per cent that weight prescribed in this Act or the regulations for such vehicle or combination of vehicles. R.S.O. 1990, c. H.8, s. 119 (1).

Designation of freeze-up

(2) For the purposes of this section, an official of the Ministry authorized by the Minister in writing may designate the date on which a freeze-up shall commence and the date on which a freeze-up shall terminate and the part of the Province to which the designation shall apply. R.S.O. 1990, c. H.8, s. 119 (2).

Legislation Act, 2006, Part III

(3) A designation under subsection (2) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. R.S.O. 1990, c. H.8, s. 119 (3); 2006, c. 21, Sched. F, s. 136 (1).

Prohibition

(4) No vehicle or combination of vehicles having a weight in excess of that authorized in subsection (1) shall be operated on a highway. R.S.O. 1990, c. H.8, s. 119 (4).

Prohibition re operation on Class B Highway

120. Subject to section 110, no vehicle or combination of vehicles shall be operated on a Class B Highway where the weight upon one axle exceeds 8,200 kilograms, or, if the axles are spaced less than 2.4 metres apart, where the weight upon one axle exceeds 5,500 kilograms. R.S.O. 1990, c. H.8, s. 120.

Operating within permitted weight

121. (1) No vehicle or combination of vehicles having a permit issued in accordance with section 7 of this Act, the fee for which is based upon gross vehicle weight, shall be operated on any highway where the gross vehicle weight exceeds that for which the permit was issued. R.S.O. 1990, c. H.8, s. 121 (1); 1996, c. 9, s. 26.

Exception to subs. (1)

(2) Despite subsection (1) and subject to sections 116, 117 and 118, where a conversion unit

is used to convert a two axle tractor into a three axle tractor and the fee prescribed in the regulations in respect of the conversion unit is paid, the vehicle or combination of vehicles to which the conversion unit is attached may operate on a highway at a maximum gross vehicle weight of 7,000 kilograms in excess of the gross vehicle weight for which a permit was issued for the vehicle or combination of vehicles in accordance with section 7 and the Ministry shall issue a receipt for the fee so prescribed and paid. R.S.O. 1990, c. H.8, s. 121 (2).

Receipt re excess weight payment to be carried

(3) The receipt issued by the Ministry in accordance with subsection (2) shall, whenever a vehicle is on a highway with the conversion unit referred to in subsection (2) attached, be carried by the driver of the vehicle or placed in some readily accessible position in the vehicle and shall be surrendered when demanded by a police officer or an officer appointed for carrying out the provisions of this Act. R.S.O. 1990, c. H.8, s. 121 (3); 2002, c. 18, Sched. P, s. 27.

Penalty

(4) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine as if the person had been convicted under section 125 and the Registrar may suspend the permit issued under section 7 for the vehicle or vehicles involved, and the suspension shall continue until a new permit at the maximum gross vehicle weight allowable has been issued for the vehicle or vehicles and the fee therefor has been paid. R.S.O. 1990, c. H.8, s. 121 (4).

Reduced load periods

122. (1) Subject to section 110, during a reduced load period no commercial motor vehicle or trailer, other than a public vehicle or a vehicle referred to in subsection (2), shall be operated or drawn upon any designated highway where the weight upon an axle exceeds 5,000 kilograms. R.S.O. 1990, c. H.8, s. 122 (1).

Idem

- (2) Subject to section 110, during a reduced load period,
- (a) no two axle tank-truck, while used exclusively for the transportation of liquid or gaseous heating fuel;
 - (b) no two axle truck, while used exclusively for the transportation of livestock feed; and
 - (c) no vehicle transporting live poultry,

shall be operated upon any designated highway where the weight upon an axle exceeds 7,500 kilograms. R.S.O. 1990, c. H.8, s. 122 (2).

Idem

(3) Subject to section 110, during a reduced load period no vehicle having a carrying capacity in excess of 1,000 kilograms, other than a motor vehicle or trailer, shall be operated upon any designated highway where the weight upon any millimetre in the width of a tire exceeds five kilograms. R.S.O. 1990, c. H.8, s. 122 (3).

Exceptions

- (4) Subsections (1) and (3) do not apply to,
- (a) vehicles operated by or on behalf of a municipality or other authority having jurisdiction and control of a highway, where the vehicles are engaged in highway maintenance, including the carriage and application of abrasives or chemicals to the highway, the

stockpiling of abrasives or chemicals for use on a highway, or the removal of snow from a highway;

- (b) vehicles used exclusively for the transportation of milk;
- (c) fire apparatus;
- (d) vehicles operated by or on behalf of a municipality transporting waste; or
- (e) public utility emergency vehicles. R.S.O. 1990, c. H.8, s. 122 (4); 2009, c. 5, s. 39.

Designation

[\(5\)](#) An official of the Ministry authorized by the Minister in writing may designate the date on which a reduced load period shall start or end and the King's Highway or highway in territory without municipal organization, or portion thereof, to which the designation applies. R.S.O. 1990, c. H.8, s. 122 (5).

Legislation Act, 2006, Part III

[\(6\)](#) A designation under subsection (5) is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. R.S.O. 1990, c. H.8, s. 122 (6); 2006, c. 21, Sched. F, s. 136 (1).

Designation by municipality

[\(7\)](#) The municipality or other authority having jurisdiction over a highway may by by-law designate the date on which a reduced load period shall start or end and the highway or portion thereof under its jurisdiction to which the designation applies. R.S.O. 1990, c. H.8, s. 122 (7); 2002, c. 17, Sched. F, Table.

Weight on bridges

Regulations limiting weight on bridges

[123. \(1\)](#) The Minister may make regulations limiting the gross vehicle weight of any vehicle or any class thereof passing over a bridge forming part of the King's Highway or a highway in territory without municipal organization and notice of the limit of the weights fixed by the regulation, legibly printed, shall be posted up in a conspicuous place at each end of the bridge. R.S.O. 1990, c. H.8, s. 123 (1).

By-laws limiting weight on bridges

[\(2\)](#) The municipality or other authority having jurisdiction over a bridge may by by-law limit the gross vehicle weight of any vehicle or any class thereof passing over the bridge, and the requirements of subsection (1) with respect to the posting up of notice apply thereto. R.S.O. 1990, c. H.8, s. 123 (2); 1996, c. 33, s. 13 (1); 2002, c. 17, Sched. F, Table.

Same, on connecting links

[\(3\)](#) Despite subsection (2), where the bridge forms part of a highway designated as a connecting link under subsection 21 (1) of the *Public Transportation and Highway Improvement Act*, the by-law shall not become operative until it is approved by the Ministry. 1996, c. 33, s. 13 (2).

Regulations

[\(4\)](#) The Minister may make regulations establishing standards to determine allowable gross vehicle weight for any vehicle or class of vehicle for the purpose of subsection (2). 1996, c. 33, s. 13 (2).

Power of officer to have vehicle weighed, examined

124. (1) A police officer or officer appointed for carrying out the provisions of this Act may stop any vehicle or combination of vehicles, direct the driver to such location as is reasonable in the circumstances, direct the driver to drive the vehicle or combination of vehicles on or off of a scale in order to weigh the vehicle or combination of vehicles using portable or stationary scales, and measure and examine the vehicle or combination of vehicles to determine its nature and dimensions. 2002, c. 18, Sched. P, s. 28.

Load removed or redistributed

(2) Where it is found that the gross vehicle weight, axle unit weight or axle group weight of any vehicle or combination of vehicles is in excess of the limits permitted under this Act or the regulations, or under the permit issued for the vehicle or combination of vehicles, the police officer or officer appointed for carrying out the provisions of this Act may require the driver to redistribute or remove as much of the load as is necessary to ensure compliance with this Act, the regulations and the permit. 2002, c. 18, Sched. P, s. 28.

Penalty

(3) Every driver who, when required under subsection (1) to stop, drive to another location or drive the vehicle on or off of a scale, refuses or fails to do so is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000 and to the suspension of his or her driver's licence for a period of not more than 30 days. 2002, c. 18, Sched. P, s. 28.

Same

(4) Every driver is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$200 who,

- (a) when required under subsection (2) to redistribute or remove part of a load, refuses or fails to do so or to cause it to be done; or
- (b) obstructs any weighing, measuring or examination authorized by this section. 2002, c. 18, Sched. P, s. 28.

Penalty, commercial motor vehicle

(5) Despite subsection (3), every driver of a commercial motor vehicle within the meaning of subsection 16 (1) who, when required under subsection (1) to stop, drive to another location, or drive the vehicle on or off of a scale, refuses or fails to do so is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000 and to the suspension of his or her driver's licence for a period of not more than 30 days. 2002, c. 18, Sched. P, s. 28.

Same

(6) Despite subsection (4), every driver of a commercial motor vehicle within the meaning of subsection 16 (1) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000 who,

- (a) when required under subsection (2) to redistribute or remove part of a load, refuses or fails to do so or to cause it to be done; or
- (b) obstructs any weighing, measuring or examination authorized by this section. 2002, c. 18, Sched. P, s. 28.

Offence and penalty, Part VIII

125. (1) Every person who contravenes subsection 115 (1), section 116, 117 or 118, subsection 119 (4), section 120 or subsection 122 (1), (2) or (3) or a regulation made under subsection 123 (1) or a by-law made under subsection 123 (2) is guilty of an offence and on conviction is liable to a fine of,

- (a) \$5 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is less than 2,500 kilograms, but in no case shall the fine be less than \$100;
- (b) \$10 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 2,500 kilograms or more but is less than 5,000 kilograms;
- (c) \$12 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 5,000 kilograms or more but is less than 7,500 kilograms;
- (d) \$15 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 7,500 kilograms or more but is less than 10,000 kilograms;
- (e) \$20 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 10,000 kilograms or more but is less than 15,000 kilograms; and
- (f) \$25 per 100 kilograms, or part thereof, for any weight in excess of that permitted under this Act or the regulations, where the overweight is 15,000 kilograms or more. 1996, c. 20, s. 28.

Circumstances where additional fines apply

(2) A person is liable to a fine, in addition to any fine to which the person is liable under subsection (1) or clause 110.2 (3) (b) or (c), of not less than \$200 and not more than \$1,000, under the circumstances set out in subsection (3) or (4) unless the vehicle involved belongs to a class of vehicles or combination of vehicles prescribed by the regulations. 2000, c. 26, Sched. O, s. 12.

Same

(3) A person is liable in accordance with subsection (2) if,

- (a) a liftable axle on a vehicle or combination of vehicles is lifted; and
- (b) the person is convicted of an offence under subsection (1) or clause 110.2 (3) (b) or (c),

unless,

- (c) the offence occurred while the vehicle or combination of vehicles was reversing;
- (d) there were no wheels on the axle;
- (e) the axle was lifted in compliance with a regulation; or
- (f) the axle was reasonably required to be lifted in order to prepare for and carry out completely a safe turn at an intersection or onto or off a highway ramp. 2000, c. 26, Sched. O, s. 12.

Same

(4) A person is liable in accordance with subsection (2) if,

- (a) the person is convicted of an offence referred to in subsection (1) or clause 110.2 (3) (b) or (c); and
- (b) a liftable axle on the vehicle or combination of vehicles was deployed in such an improper manner that it caused or aggravated the offence. 2000, c. 26, Sched. O, s. 12.

Overloading by consignor

126. Every consignor of goods, or the consignor's agent or employee, who causes a vehicle or combination of vehicles not owned by the consignor to be loaded so that when operated on a highway,

- (a) the weight on any millimetre in the width of the tire exceeds a limit set out in subsection 115 (1) or in the regulations;
- (b) the axle unit weight on an axle unit exceeds a limit set out in section 116 or 119 or in the regulations;
- (c) an axle group weight exceeds a limit set out in section 117 or 119 or in the regulations;
- (d) the gross vehicle weight exceeds a limit set out in section 118 or 119 or in the regulations; or
- (e) the gross vehicle weight exceeds the gross vehicle weight specified in a permit referred to in section 121,

is guilty of an offence and on conviction is liable to a fine as if the consignor had been convicted under section 125. 1994, c. 29, s. 1.

Regulations, weight standards

127. The Lieutenant Governor in Council may make regulations,

- (a) describing purposes and circumstances for the purposes of clause 110.1 (2) (d);
- (b) prescribing other means of giving notice for the purposes of subsections 110.3 (3) and 110.4 (3), prescribing rules in relation to giving notice by such means and prescribing the day on which notice shall be deemed to have been received when such means are used;
- (c) prescribing maximum allowable gross vehicle weights for the purposes of section 118;
- (d) exempting classes of vehicles or combinations of vehicles from any provision of this Part and prescribing the weights that are applicable to the exempted vehicles;
- (e) exempting classes of vehicles or combinations of vehicles for the purposes of subsection 125 (2);
- (f) specifying vehicles or combinations of vehicles to which section 118 does not apply and prescribing an alternative means of calculating maximum allowable gross weight;
- (g) prescribing maximum allowable weight on a part of a vehicle or combination of vehicles, including weight on a vehicle that forms part of a combination of vehicles;
- (h) prescribing maximum allowable loads on vehicles or components of vehicles consistent with the vehicle manufacturer's ratings for the vehicle or components;

- (i) providing for the identification and marking of vehicles or any class or classes of vehicle and specifying what class of persons may make such an identification or marking. 2000, c. 26, Sched. O, s. 13.

TABLE 1
MAXIMUM ALLOWABLE WEIGHT FOR DUAL AXLE

Column One	Column Two
Axle Spacing (Metres)	Maximum Allowable Weight (Kilograms)
1.0 to less than 1.2	15,400
1.2 to less than 1.3	17,000
1.3 to less than 1.4	17,200
1.4 to less than 1.5	17,500
1.5 to less than 1.6	17,900
1.6 to less than 1.7	18,300
1.7 to less than 1.8	18,700
1.8 or more	19,100

R.S.O. 1990, c. H.8, Pt. VIII, Table 1; 1993, c. 34, s. 5 (1).

TABLE 2
MAXIMUM ALLOWABLE WEIGHT FOR TRIPLE AXLE

Column One	Column Two
Axle Spacing (Metres)	Maximum Allowable Weight (Kilograms)
2.0 to less than 2.4	19,500
2.4 to less than 2.8	21,300
2.8 to less than 2.9	21,700
2.9 to less than 3.0	22,000
3.0 to less than 3.2	23,000
3.2 to less than 3.3	23,100
3.3 to less than 3.4	23,400
3.4 to less than 3.5	23,800
3.5 to less than 3.6	24,100
3.6 to less than 3.7	24,400
3.7 to less than 3.8	24,800
3.8 to less than 3.9	25,100
3.9 to less than 4.0	25,500
4.0 to less than 4.1	25,800
4.1 to less than 4.2	26,200
4.2 to less than 4.3	26,500
4.3 to less than 4.4	26,900
4.4 to less than 4.5	27,200
4.5 to less than 4.6	27,600
4.6 to less than 4.7	27,900
4.7 to less than 4.8	28,300
4.8 or more	28,600

R.S.O. 1990, c. H.8, Pt. VIII, Table 2; 1993, c. 34, s. 5 (2).

TABLE 3
MAXIMUM ALLOWABLE WEIGHT FOR TWO AXLE GROUP

Column One	Column Two
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
1.0 to less than 1.2	15,000
1.2 to less than 1.3	16,300

1.3 to less than 1.4	16,700
1.4 to less than 1.5	17,000
1.5 to less than 1.6	17,400
1.6 to less than 1.7	17,800
1.7 to less than 1.8	18,200
1.8 to less than 1.9	18,600
1.9 to less than 2.0	19,100

R.S.O. 1990, c. H.8, Pt. VIII, Table 3.

TABLE 4
MAXIMUM ALLOWABLE WEIGHT FOR THREE AXLE GROUP

Column One	Column Two
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
2.0 to less than 2.4	19,000
2.4 to less than 2.6	20,400
2.6 to less than 2.8	21,000
2.8 to less than 2.9	21,400
2.9 to less than 3.0	21,700
3.0 to less than 3.1	22,000
3.1 to less than 3.2	22,400
3.2 to less than 3.3	22,700
3.3 to less than 3.4	23,000
3.4 to less than 3.5	23,400
3.5 to less than 3.6	23,700
3.6 to less than 3.7	24,000
3.7 to less than 3.8	24,400
3.8 to less than 3.9	24,700
3.9 to less than 4.0	25,000
4.0 to less than 4.1	25,400
4.1 to less than 4.2	25,700
4.2 to less than 4.3	26,000
4.3 to less than 4.4	26,400
4.4 to less than 4.5	26,700
4.5 to less than 4.6	27,000
4.6 to less than 4.7	27,400
4.7 to less than 4.8	27,700
4.8 to less than 4.9	28,000
4.9 to less than 5.0	28,300
5.0 or more	28,600

R.S.O. 1990, c. H.8, Pt. VIII, Table 4.

TABLE 5
MAXIMUM ALLOWABLE WEIGHT FOR FOUR AXLE GROUP

Column One	Column Two
Axle Group Spacing (Metres)	Maximum Allowable Weight (Kilograms)
Less than 3.6	23,500
3.6 to less than 3.7	23,900
3.7 to less than 3.8	24,200
3.8 to less than 3.9	24,600
3.9 to less than 4.0	24,900
4.0 to less than 4.1	25,300
4.1 to less than 4.2	25,700
4.2 to less than 4.3	26,000
4.3 to less than 4.4	26,400
4.4 to less than 4.5	26,700

4.5 to less than 4.6	27,100
4.6 to less than 4.7	27,500
4.7 to less than 4.8	27,800
4.8 to less than 4.9	28,200
4.9 to less than 5.0	28,500
5.0 to less than 5.1	28,900
5.1 to less than 5.2	29,300
5.2 to less than 5.3	29,600
5.3 to less than 5.4	30,000
5.4 to less than 5.5	30,300
5.5 to less than 5.6	30,700
5.6 to less than 5.7	31,100
5.7 to less than 5.8	31,400
5.8 to less than 5.9	31,800
5.9 to less than 6.0	32,100
6.0 to less than 6.1	32,500
6.1 to less than 6.2	32,900
6.2 to less than 6.3	33,200
6.3 to less than 6.4	33,600
6.4 to less than 6.5	33,900
6.5 to less than 6.6	34,300
6.6 to less than 6.7	34,700
6.7 to less than 6.8	35,000
6.8 to less than 6.9	35,400
6.9 to less than 7.0	35,700
7.0 to less than 7.1	36,100
7.1 to less than 7.2	36,500
7.2 to less than 7.3	36,800
7.3 to less than 7.4	37,200
7.4 to less than 7.5	37,600
7.5 or more	38,000

R.S.O. 1990, c. H.8, Pt. VIII, Table 5.

PART IX RATE OF SPEED

Rate of speed

- 128. (1)** No person shall drive a motor vehicle at a rate of speed greater than,
- (a) 50 kilometres per hour on a highway within a local municipality or within a built-up area;
 - (b) despite clause (a), 80 kilometres per hour on a highway, not within a built-up area, that is within a local municipality that had the status of a township on December 31, 2002 and, but for the enactment of the *Municipal Act, 2001*, would have had the status of a township on January 1, 2003, if the municipality is prescribed by regulation;
 - (c) 80 kilometres per hour on a highway designated by the Lieutenant Governor in Council as a controlled-access highway under the *Public Transportation and Highway Improvement Act*, whether or not the highway is within a local municipality or built-up area;
 - (d) the rate of speed prescribed for motor vehicles on a highway in accordance with subsection (2), (5), (6), (6.1) or (7);
 - (e) the maximum rate of speed set under subsection (10) and posted in a construction zone designated under subsection (8) or (8.1); or

- (f) the maximum rate of speed posted on a highway or portion of a highway pursuant to section 128.0.1. 2005, c. 26, Sched. A, s. 17 (1); 2006, c. 11, Sched. B, s. 6 (2); 2006, c. 32, Sched. D, s. 4 (1).

Regulation

(1.1) The Minister may by regulation prescribe the municipalities to which clause (1) (b) applies. 2002, c. 17, Sched. C, s. 15 (2).

Rate of speed by by-law

(2) The council of a municipality may, for motor vehicles driven on a highway or portion of a highway under its jurisdiction, by by-law prescribe a rate of speed different from the rate set out in subsection (1) that is not greater than 100 kilometres per hour and may prescribe different rates of speed for different times of day. 2006, c. 32, Sched. D, s. 4 (3).

Same

(3) The rate of speed set under subsection (10) may be any speed that is not greater than 100 kilometres per hour. 2006, c. 32, Sched. D, s. 4 (4).

(3.1), (4) Repealed: 2006, c. 32, Sched. D, s. 4 (5).

Rate in school zones

(5) The council of a municipality may by by-law,

- (a) designate a portion of a highway under its jurisdiction that adjoins the entrance to or exit from a school and that is within 150 metres along the highway in either direction beyond the limits of the land used for the purposes of the school; and
- (b) for motor vehicles driven, on days on which school is regularly held, on the portion of a highway so designated, prescribe a rate of speed that is lower than the rate of speed otherwise prescribed under subsection (1) or (2) for that portion of highway, and prescribe the time or times at which the speed limit is effective. R.S.O. 1990, c. H.8, s. 128 (5); 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. P, s. 29 (2); 2006, c. 32, Sched. D, s. 4 (6).

Rate on bridges

(6) If the council of a municipality by by-law prescribes a lower rate of speed for motor vehicles passing over a bridge on a highway under its jurisdiction than is prescribed under subsection (1), signs indicating the maximum rate of speed shall be posted in a conspicuous place at each approach to the bridge. 2006, c. 32, Sched. D, s. 4 (7).

Rate on grade

(6.1) The council of a municipality may by by-law,

- (a) designate a portion of a highway under its jurisdiction that includes a grade of 6 per cent or higher; and
- (b) prescribe for any class or classes of motor vehicles a lower rate of speed, when travelling down grade on that portion of the highway, than is otherwise prescribed under subsection (1) or (2) for that portion of highway. 2002, c. 18, Sched. P, s. 29 (3-5); 2006, c. 32, Sched. D, s. 4 (8).

Same

(6.2) The portion of a highway designated under clause (6.1) (a) shall not include more than

500 metres on either side of the portion of the highway where the grade is 6 per cent or higher. 2002, c. 18, Sched. P, s. 29 (3).

[\(6.3\)](#), (6.4) Repealed: 2006, c. 32, Sched. D, s. 4 (9).

Rate of speed by regulation

[\(7\)](#) The Minister may make regulations prescribing a rate of speed for,

- (a) motor vehicles driven on a highway or portion of a highway within a provincial park;
- (b) any class or classes of motor vehicles driven on the King's Highway or portion of the King's Highway whether or not the King's Highway is within a municipality, and the rate of speed may be different for any period or periods of the day or night or direction of travel; and
- (c) motor vehicles driven on a highway or portion of a highway in territory without municipal organization. R.S.O. 1990, c. H.8, s. 128 (7); 2002, c. 17, Sched. F, Table.

Construction zones

[\(8\)](#) An official of the Ministry authorized by the Minister in writing may designate any part of the King's Highway as a construction zone, and every construction zone designated under this subsection shall be marked by signs in accordance with the regulations. 2005, c. 26, Sched. A, s. 17 (4).

Same

[\(8.1\)](#) A person appointed by the municipality for the purpose of this subsection may designate a highway or portion of a highway under the municipality's jurisdiction as a construction zone, and every construction zone designated under this subsection shall be marked by signs in accordance with the regulations. 2005, c. 26, Sched. A, s. 17 (4).

Same

[\(8.2\)](#) The presence of signs posted under subsection (8) or (8.1) is proof, in the absence of evidence to the contrary, of the designation of the portion of the highway as a construction zone, of the authority of the person authorized under subsection (8) or (8.1) to make the designation and of the speed limit set for the portion of the highway under subsection (10). 2005, c. 26, Sched. A, s. 17 (4).

Legislation Act, 2006

[\(9\)](#) A designation under subsection (8) or (8.1) and the setting of a speed limit under subsection (10) are not regulations within the meaning of Part III (Regulations) of the *Legislation Act, 2006*. 2006, c. 21, Sched. F, s. 139 (3).

Speed limit in construction zones

[\(10\)](#) The person authorized under subsection (8) or (8.1) may set a lower rate of speed for motor vehicles driven in the designated construction zone than is otherwise provided in this section, and the speed limit shall not become effective until the highway or portion of it affected is signed in accordance with subsection (8) or (8.1), as the case may be, and with subsection (10.1). 2005, c. 26, Sched. A, s. 17 (4).

Speed limit signs in construction zones

[\(10.1\)](#) Signs posting the maximum rate of speed at which motor vehicles may be driven in a designated construction zone may be erected in accordance with the regulations. 2005, c. 26,

Sched. A, s. 17 (4).

By-laws, regulations effective when posted

(11) No by-law passed under this section or regulation made under clause (7) (c) becomes effective until the highway or portion of it affected by the by-law or regulation, as the case may be, is signed in accordance with this Act and the regulations. 2005, c. 26, Sched. A, s. 17 (5).

Exemption

(12) Where a by-law or regulation passed under this section becomes effective, the rates of speed prescribed in subsection (1) do not apply to the highway or portion of the highway affected by the by-law or regulation. R.S.O. 1990, c. H.8, s. 128 (12); 1997, c. 26, Sched.

Fire department vehicles and police vehicles

(13) The speed limits prescribed under this section or any regulation or by-law passed under this section do not apply to,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (13) is amended by the Statutes of Ontario, 2005, chapter 26, Schedule A, subsection 17 (6) by striking out the portion before clause (a) and substituting the following:

Fire department vehicles and police vehicles

(13) The speed limits prescribed by this section or by a regulation or by-law passed under this section or set under section 128.0.1 do not apply to,

See: 2005, c. 26, Sched. A, ss. 17 (6), 34 (2).

- (a) a fire department vehicle while proceeding to a fire or responding to, but not returning from, a fire alarm or other emergency call;
- (b) a police department vehicle being used in the lawful performance of a police officer's duties; or
- (c) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation. R.S.O. 1990, c. H.8, s. 128 (13); 2009, c. 5, s. 40.

Penalty

(14) Every person who contravenes this section or any by-law or regulation made under this section is guilty of an offence and on conviction is liable, where the rate of speed at which the motor vehicle was driven,

- (a) is less than 20 kilometres per hour over the speed limit, to a fine of \$3 for each kilometre per hour that the motor vehicle was driven over the speed limit;
- (b) is 20 kilometres per hour or more but less than 30 kilometres per hour over the speed limit, to a fine of \$4.50 for each kilometre per hour that the motor vehicle was driven over the speed limit;
- (c) is 30 kilometres per hour or more but less than 50 kilometres per hour over the speed limit, to a fine of \$7 for each kilometre per hour that the motor vehicle was driven over the speed limit; and
- (d) is 50 kilometres per hour or more over the speed limit, to a fine of \$9.75 for each

kilometre per hour that the motor vehicle was driven over the speed limit. 2005, c. 26, Sched. A, s. 17 (7).

Penalty for speeding in construction zones

[\(14.1\)](#) Every person who contravenes this section in a construction zone designated under subsection (8) or (8.1) when there is a worker in the construction zone is liable on conviction, not to the fines set out in subsection (14), but, where the rate of speed at which the motor vehicle was driven,

- (a) is less than 20 kilometres per hour over the posted speed limit, to a fine of double the fine set out in clause (14) (a) for each kilometre per hour that the motor vehicle was driven over the speed limit;
- (b) is 20 kilometres per hour or more but less than 30 kilometres per hour over the posted speed limit, to a fine of double the fine set out in clause (14) (b) for each kilometre per hour that the motor vehicle was driven over the speed limit;
- (c) is 30 kilometres per hour or more but less than 50 kilometres per hour over the posted speed limit, to a fine of double the fine set out in clause (14) (c) for each kilometre per hour that the motor vehicle was driven over the speed limit; and
- (d) is 50 kilometres per hour or more over the posted speed limit, to a fine of double the fine set out in clause (14) (d) for each kilometre per hour that the motor vehicle was driven over the speed limit. 2005, c. 26, Sched. A, s. 17 (8).

Suspension of licence on conviction

[\(15\)](#) Subject to subsection 207 (7), where a court has convicted a person for a contravention of this section and has determined that the person convicted was driving at a rate of speed of 50 or more kilometres per hour greater than the speed limit, the court may,

- (a) suspend the driver's licence of the person for a period of not more than 30 days;
- (b) upon the first subsequent conviction where the court determined in respect of each conviction that the person was driving at a rate of speed of 50 or more kilometres per hour greater than the speed limit, suspend the driver's licence of the person for a period of not more than 60 days;
- (c) upon the second subsequent conviction or an additional subsequent conviction, where the court determined in respect of each conviction that the person was driving at a rate of speed of 50 or more kilometres per hour greater than the speed limit, suspend the driver's licence of the person for a period of not more than one year. 2005, c. 26, Sched. A, s. 17 (9).

Determining subsequent conviction

[\(15.1\)](#) In determining whether a conviction is a subsequent conviction for the purposes of subsection (15), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction. 2005, c. 26, Sched. A, s. 17 (9).

Five-year limitation

[\(15.2\)](#) Clauses (15) (b) and (c) do not apply when the subsequent conviction is more than five years after the first conviction. 2005, c. 26, Sched. A, s. 17 (9).

Transition

[\(15.3\)](#) Despite subsection (15.2), a conviction that was before the date on which this subsection comes into force shall not be taken into account for the purpose of clauses (15) (b) and (c). 2005, c. 26, Sched. A, s. 17 (9).

Certificate of offence not to be amended to charge owner

[\(15.4\)](#) A certificate of offence that specifies an offence under section 128 against a driver shall not be amended to reflect a charge against that person as an owner. 2005, c. 26, Sched. A, s. 17 (10).

Definition

[\(16\)](#) In this section,

“motor vehicle” includes street car. R.S.O. 1990, c. H.8, s. 128 (16).

Note: On a day to be named by proclamation of the Lieutenant Governor, Part IX is amended by the Statutes of Ontario, 2005, chapter 26, Schedule A, section 18 by adding the following section:

Variable speed limits

[128.0.1 \(1\)](#) The Minister may designate any highway or portion of a highway where variable maximum rates of speed may be set in accordance with this section. 2005, c. 26, Sched. A, s. 18.

Same

[\(2\)](#) An official of the Ministry authorized by the Minister in writing may, from time to time, set a maximum rate of speed for a highway or portion of a highway designated under subsection (1) or for each lane, direction of travel or class or type of motor vehicle on a highway or portion of a highway designated under subsection (1). 2005, c. 26, Sched. A, s. 18.

Speed limits posted

[\(3\)](#) A maximum rate of speed set under subsection (2) shall be posted by means of signs prescribed by the regulations and is not effective unless it is so posted. 2005, c. 26, Sched. A, s. 18.

Where no speed limit posted

[\(4\)](#) Where no maximum rate of speed is posted under this section, the maximum rate of speed for the highway or portion of the highway or for the lane, direction of travel or class or type of motor vehicle shall be the maximum rate of speed that would otherwise apply under section 128. 2005, c. 26, Sched. A, s. 18.

Records

[\(5\)](#) The Ministry official shall keep a record of every maximum rate of speed set and posted under subsections (2) and (3), together with the highway or portion of the highway or lane, direction of travel and class or type of motor vehicle to which it applies, the dates and times for which it is applicable and the dates and times when it was set and posted. 2005, c. 26, Sched. A, s. 18.

Regulations

[\(6\)](#) The Minister may make regulations,

(a) designating highways or portions of highways for the purpose of subsection (1);

(b) prescribing the kinds of signs that may be used for the purposes of this section and prescribing the wording or messages that may be displayed on them. 2005, c. 26, Sched. A, s. 18.

Regulations Act does not apply

[\(7\)](#) The setting of a speed limit under subsection (2) is not a regulation within the meaning of the *Regulations Act*. 2005, c. 26, Sched. A, s. 18.

Note: On the later of a) October 19, 2007 or an earlier day to be named by proclamation of the Lieutenant Governor and b) the day the Statutes of Ontario, 2005, chapter 26, Schedule A, section 18 comes into force, subsection (7) is amended by the Statutes of Ontario, 2006, chapter 21, Schedule F, subsection 139 (4) by striking out “the *Regulations Act*” at the end and substituting “Part III (Regulations) of the *Legislation Act, 2006*”. See: 2006, c. 21, Sched. F, ss. 139 (4), 143 (1).

See: 2005, c. 26, Sched. A, ss. 18, 34 (2).

Status quo maintained

[128.1](#) The repeal of the *Municipal Act* and the resultant amendments to this Act by the *Municipal Statute Law Amendment Act, 2002* do not affect the rates of speed on any highway or the validity of any regulation or by-law passed under section 128 and those rates of speed, regulations and by-laws continue to apply in the same manner as they did on December 31, 2002 until amended or repealed, as the case may be. 2002, c. 17, Sched. C, s. 15 (3).

Conversion of rate of speed set out in by-laws

[129.](#) Upon the maximum permitted rate of speed in kilometres per hour being marked on the highways or portions thereof affected, the speed limits established under a by-law passed under section 128 that are expressed as a rate of speed in miles per hour set out in Column 1 of the Table shall be deemed to be the rate of speed in kilometres per hour set out opposite thereto in Column 2 of the Table.

TABLE

Column 1	Column 2
Rate of Speed in Miles per Hour	Rate of Speed in Kilometres per Hour
15	20
20	30
25	40
30	50
35	60
40	60
45	70
50	80
55	90
60	100

R.S.O. 1990, c. H.8, s. 129.

Careless driving

[130.](#) Every person is guilty of the offence of driving carelessly who drives a vehicle or street car on a highway without due care and attention or without reasonable consideration for other persons using the highway and on conviction is liable to a fine of not less than \$400 and not more

than \$2,000 or to imprisonment for a term of not more than six months, or to both, and in addition his or her licence or permit may be suspended for a period of not more than two years. 2009, c. 5, s. 41.

Territory without municipal organization

131. (1) For the purpose of this Act, the Minister may make regulations providing for the regulation and control of traffic on any highway or portion of a highway in territory without municipal organization where the highway is not under the jurisdiction and control of the Ministry. R.S.O. 1990, c. H.8, s. 131 (1).

Liability for damages

(2) With respect to a highway that is not under the jurisdiction and control of the Ministry, no proceeding shall be brought against the Crown for damages caused by any default of the Ministry in maintaining the signs regulating and controlling traffic in territories without municipal organization and the Crown is not liable for damages sustained by any person using a highway in a territory without municipal organization. R.S.O. 1990, c. H.8, s. 131 (2).

Unnecessary slow driving prohibited

132. (1) No motor vehicle shall be driven on a highway at such a slow rate of speed as to impede or block the normal and reasonable movement of traffic thereon except when the slow rate of speed is necessary for safe operation having regard to all the circumstances. R.S.O. 1990, c. H.8, s. 132 (1).

Exception

(2) Subsection (1) does not apply to a road service vehicle. 1994, c. 27, s. 138 (10).

PART X RULES OF THE ROAD

Definitions, Part X

133. In this Part,

“indication” means a signal lens display that is activated by internal illumination; (“indication”)

“traffic control signal” means that part of a traffic control signal system that consists of one set of no less than three coloured lenses, red, amber and green, mounted on a frame and commonly referred to as a signal head; (“signalisation de la circulation”)

“traffic control signal system” means all of the signal equipment making up the installation at any location. (“système de panneaux de signalisation”) R.S.O. 1990, c. H.8, s. 133; 1994, c. 27, s. 138 (11).

Direction of traffic by police officer

134. (1) Where a police officer considers it reasonably necessary,

- (a) to ensure orderly movement of traffic;
- (b) to prevent injury or damage to persons or property; or
- (c) to permit proper action in an emergency,

he or she may direct traffic according to his or her discretion, despite the provisions of this Part, and every person shall obey his or her directions. R.S.O. 1990, c. H.8, s. 134 (1).

Highway closing

(2) For the purposes of subsection (1), a police officer may close a highway or any part thereof to vehicles by posting or causing to be posted signs to that effect, or placing or causing to be placed traffic control devices as prescribed in the regulations. R.S.O. 1990, c. H.8, s. 134 (2).

Driving on closed highway prohibited

(3) Where signs or traffic control devices have been posted or placed under subsection (2), no person shall drive or operate a vehicle on the closed highway or part thereof in intentional disobedience of the signs or traffic control devices. R.S.O. 1990, c. H.8, s. 134 (3).

Exception to subs. (3)

(4) Subsection (3) does not apply to,

- (a) the driver of a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle or a police department vehicle; or
- (b) a firefighter, as defined in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*, driving a motor vehicle other than one listed in clause (a) while performing his or her duties. 2009, c. 5, s. 42.

No Crown or road authority liability

(5) Every person using a highway closed to traffic in accordance with this section does so at the person's own risk and the Crown or road authority having jurisdiction and control of the highway is not liable for any damage sustained by a person using the highway so closed to traffic. R.S.O. 1990, c. H.8, s. 134 (5).

Regulations

(6) The Minister may make regulations providing for the posting of signs and the placing of traffic control devices on any highway or any type or class thereof for the purposes of this section, and prescribing the types of signs and traffic control devices. R.S.O. 1990, c. H.8, s. 134 (6).

Removal of vehicle, debris blocking traffic

134.1 (1) Where a police officer considers it reasonably necessary,

- (a) to ensure orderly movement of traffic; or
- (b) to prevent injury or damage to persons or property,

he or she may remove and store or order the removal and storage of a vehicle, cargo or debris that are directly or indirectly impeding or blocking the normal and reasonable movement of traffic on a highway and shall notify the owner of the vehicle of the location to which the vehicle was removed. 2005, c. 26, Sched. A, s. 20.

Costs of removal

(2) The costs and charges for the removal and storage of the vehicle, cargo or debris removed are a debt due by the owner, operator and driver of the vehicle, for which they are jointly and severally liable, and the debt may be recovered in any court of competent jurisdiction and are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*. 2005, c. 26, Sched. A, s. 20.

Conflict with other Acts

(3) In the event of a conflict with this section, the following prevail:

1. Part X of the *Environmental Protection Act* and the regulations made under it, with respect to a pollutant on a highway.
2. The *Dangerous Goods Transportation Act* and the regulations made under it. 2005, c. 26, Sched. A, s. 20.

Protection from liability

(4) No action or other proceeding for damages shall be brought against a police officer, a police force, a police services board, any member of a police services board, the Crown, an employee of the Crown or an agent of the Crown for any act done in good faith in the performance or intended performance of a duty under this section, or in the exercise or intended exercise of a power under this section, or any neglect or default in the performance or exercise in good faith of such duty or power. 2005, c. 26, Sched. A, s. 20.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (4) is repealed by the Statutes of Ontario, 2009, chapter 5, subsection 43 (1) and the following substituted:

Protection from liability

(4) No action or other proceeding for damages shall be brought against a police officer, a police force, a police services board, any member of a police services board, an employee of the Crown or an agent of the Crown for any act done in good faith in the performance or intended performance of a duty under this section, or in the exercise or intended exercise of a power under this section, or any neglect or default in the performance or exercise in good faith of such duty or power. 2009, c. 5, s. 43 (1).

See: 2009, c. 5, ss. 43 (1), 59 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 134.1 is amended by the Statutes of Ontario, 2009, chapter 5, subsection 43 (2) by adding the following subsections:

Same

(4.1) No action or other proceeding for damages, other than on account of injury to or the death of any person, shall be brought against a prescribed person or person belonging to a prescribed class of persons who is ordered by a police officer to remove or store a vehicle, cargo or debris under subsection (1) for any act done in good faith in the performance or intended performance of a duty under this section, or any neglect or default in the performance in good faith of such duty. 2009, c. 5, s. 43 (2).

Crown not relieved of liability

(4.2) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsections (4) and (4.1) do not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (4) or (4.1) to which it would otherwise be subject. 2009, c. 5, s. 43 (2).

Regulations

(4.3) The Minister may make regulations prescribing persons or classes of persons for the purpose of subsection (4.1) and, in doing so, may describe the persons or classes by describing the

circumstances or conditions under which they remove or store a vehicle, cargo or debris. 2009, c. 5, s. 43 (2).

See: 2009, c. 5, ss. 43 (2), 59 (2).

Definition

[\(5\)](#) In subsection (2),

“operator” means,

- (a) operator as defined in subsection 16 (1), and
- (b) in the absence of evidence to the contrary, where there is no CVOR certificate, as defined in subsection 16 (1), or lease applicable to the commercial motor vehicle, the holder of the plate portion of the permit for the commercial motor vehicle. 2005, c. 26, Sched. A, s. 20.

Right of way at uncontrolled intersections

[135. \(1\)](#) This section applies where an intersection is not controlled by a stop or yield sign or a traffic control signal system. R.S.O. 1990, c. H.8, s. 135 (1).

Right of way

[\(2\)](#) Every driver approaching an intersection shall yield the right of way to any vehicle in the intersection that has entered it from an intersecting highway. R.S.O. 1990, c. H.8, s. 135 (2).

Idem

[\(3\)](#) When two vehicles enter an intersection from intersecting highways at approximately the same time, the driver on the left shall yield the right of way to the vehicle on the right. R.S.O. 1990, c. H.8, s. 135 (3).

Definitions

[\(4\)](#) In this section,

“driver” includes street car operator and “vehicle” includes street car. R.S.O. 1990, c. H.8, s. 135 (4).

Stop at through highway

[136. \(1\)](#) Every driver or street car operator approaching a stop sign at an intersection,

- (a) shall stop his or her vehicle or street car at a marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and
- (b) shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that to proceed would constitute an immediate hazard and, having so yielded the right of way, may proceed. R.S.O. 1990, c. H.8, s. 136 (1).

Acquiring right of way

[\(2\)](#) Every driver or street car operator approaching, on another highway, an intersection referred to in subsection (1), shall yield the right of way to every driver or operator who has complied with the requirements of subsection (1). R.S.O. 1990, c. H.8, s. 136 (2).

Stop signs, erection at intersections

[137.](#) In addition to stop signs required at intersections on through highways,

- (a) the council of a municipality may by by-law provide for the erection of stop signs at intersections on highways under its jurisdiction; and
- (b) the Minister may by regulation designate intersections on the King's Highway at which stop signs shall be erected,

and every sign so erected shall comply with the regulations of the Ministry. R.S.O. 1990, c. H.8, s. 137; 2002, c. 17, Sched. F, Table.

Yield right-of-way signs

138. (1) The driver or operator of a vehicle or street car approaching a yield right-of-way sign shall slow down to a speed reasonable for the existing conditions or shall stop if necessary as provided in clause 136 (1) (a) and shall yield the right of way to traffic in the intersection or approaching on the intersecting highway so closely that it constitutes an immediate hazard and having so yielded may proceed with caution. R.S.O. 1990, c. H.8, s. 138 (1).

Erection of yield signs

(2) No yield right-of-way sign shall be erected except in compliance with the regulations. R.S.O. 1990, c. H.8, s. 138 (2).

Right of way on entering highway from private road

139. (1) Every driver or street car operator entering a highway from a private road or driveway shall yield the right of way to all traffic approaching on the highway so closely that to enter would constitute an immediate hazard. R.S.O. 1990, c. H.8, s. 139 (1).

Exception to subs. (1)

(2) Subsection (1) does not apply to a driver or operator entering a highway from a private road or driveway controlled by a traffic control signal of a traffic control signal system. R.S.O. 1990, c. H.8, s. 139 (2).

Pedestrian crossover, duties of driver

140. (1) Subject to subsection (2), when a pedestrian or a person in a wheelchair crossing a roadway within a pedestrian crossover,

- (a) is upon the half of the roadway upon which a vehicle or street car is travelling; or
- (b) is upon half of the roadway and is approaching the other half of the roadway on which a vehicle or street car is approaching so closely to the pedestrian crossover as to endanger him or her,

the driver of the vehicle or street car shall yield the right of way to the pedestrian or a person in a wheelchair by slowing down or stopping if necessary. R.S.O. 1990, c. H.8, s. 140 (1).

Where vehicle stopped at pedestrian crossover

(2) When a vehicle or street car is stopped at a pedestrian crossover, the driver of any other vehicle or street car overtaking the stopped vehicle or street car shall bring the vehicle or street car to a full stop before entering the crossover and shall yield the right of way to a pedestrian or a person in a wheelchair,

- (a) who is within the crossover upon the half of the roadway upon which the vehicle or street car is stopped; or
- (b) who is within the crossover and is approaching the half of the roadway from the other

half of the roadway so closely to the vehicle or street car that he or she is in danger if the vehicle or street car were to proceed. R.S.O. 1990, c. H.8, s. 140 (2).

Passing moving vehicles within 30 metres of pedestrian crossover

(3) When a vehicle or street car is approaching a pedestrian crossover and is within 30 metres thereof, the driver of any other vehicle or street car approaching from the rear shall not allow the front extremity of his or her vehicle or streetcar to pass beyond the front extremity of the other vehicle or street car. R.S.O. 1990, c. H.8, s. 140 (3).

Duty of pedestrian or person in wheelchair

(4) No pedestrian or person in a wheelchair shall leave the curb or other place of safety at a pedestrian crossover and walk, run or move the wheelchair into the path of a vehicle or street car that is so close that it is impracticable for the driver of the vehicle or street car to yield the right of way. R.S.O. 1990, c. H.8, s. 140 (4).

Municipal by-laws

(5) No municipal by-law that purports to designate a pedestrian crossover on a highway on which the speed limit is in excess of 60 kilometres per hour is valid. R.S.O. 1990, c. H.8, s. 140 (5); 2005, c. 26, Sched. A, s. 21 (1).

Riding in pedestrian crossover prohibited

(6) No person shall ride a bicycle across a roadway within a pedestrian crossover. R.S.O. 1990, c. H.8, s. 140 (6).

Offence

(7) Every person who contravenes subsection (1), (2) or (3) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500. 2005, c. 26, Sched. A, s. 21 (2).

Turning at intersections

141. (1) In this section,

“centre line” means,

- (a) in the case of a highway on which traffic is permitted to move in opposing directions, the marked line or median that divides traffic moving in opposing directions on the highway or, where there is no marked line or median, the centre of the roadway, and
- (b) in the case of a highway designated for the use of one-way traffic, the left curb or edge of the roadway. R.S.O. 1990, c. H.8, s. 141 (1).

Right turn at intersection

(2) Where a driver or operator of a vehicle intends to turn to the right into an intersecting highway, he or she shall, where the highway on which he or she is driving has marked lanes for traffic, approach the intersection within the right-hand lane or, where it has no such marked lanes, by keeping immediately to the left of the right curb or edge of the roadway and he or she shall make the right turn by entering the right-hand lane of the intersecting highway where the lane is marked or, where no such lane is marked, by keeping immediately to the left of the right curb or edge of the roadway being entered. R.S.O. 1990, c. H.8, s. 141 (2).

Right turn, where multiple lanes

(3) Despite subsection (2), where more than one lane of a highway has been designated as a

right-turn lane, the driver or operator of a vehicle intending to turn to the right into an intersecting highway shall approach the intersection in one of the lanes and leave the intersection in the lane of the intersecting highway that corresponds to the lane from which the turn was commenced. R.S.O. 1990, c. H.8, s. 141 (3).

Exception

(4) A driver of a road service vehicle entering an intersection within a lane other than one described in subsection (2) or (3) may make a right turn from the approach lane if the turn can be safely made. R.S.O. 1990, c. H.8, s. 141 (4).

Left turn, across path of approaching vehicle

(5) No driver or operator of a vehicle in an intersection shall turn left across the path of a vehicle approaching from the opposite direction unless he or she has afforded a reasonable opportunity to the driver or operator of the approaching vehicle to avoid a collision. R.S.O. 1990, c. H.8, s. 141 (5).

Left turn, at intersection

(6) Where a driver or operator of a vehicle intends to turn to the left into an intersecting highway, he or she shall, where the highway on which he or she is driving has marked lanes for traffic, approach the intersection within the left-hand lane provided for the use of traffic moving in the direction in which his or her vehicle is proceeding or, where it has no such marked lanes, by keeping immediately to the right of the centre line of the highway and he or she shall make the left turn by entering the intersection to the right of the centre line or its extension and by leaving the intersection in the left-hand lane provided for the use of traffic moving in the direction in which his or her vehicle is proceeding where the lane is marked or, where no such lane is marked, by passing immediately to the right of the centre line of the intersecting highway. R.S.O. 1990, c. H.8, s. 141 (6).

Left turn, where multiple lanes

(7) Despite subsection (6), where more than one lane of a highway has been designated as a left-turn lane, the driver or operator of a vehicle intending to turn to the left into an intersecting highway shall approach the intersection in one of the lanes and leave the intersection in the lane of the intersecting highway that corresponds to the lane from which the turn was commenced. R.S.O. 1990, c. H.8, s. 141 (7).

Exception

(8) A driver of a road service vehicle entering an intersection within a left-turn lane may leave the intersection without turning to the left if the movement can be safely made. R.S.O. 1990, c. H.8, s. 141 (8).

Long vehicles

(9) Where, because of the length of a vehicle or combination of vehicles, a turn cannot be made within the confines of the lanes referred to in subsection (2), (3), (6) or (7), a driver, when making such a turn, is not in contravention of any such subsection if he or she complies with the applicable provision as closely as practicable. R.S.O. 1990, c. H.8, s. 141 (9).

Signalling turns and stops

Signal for left or right turn

142. (1) 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. R.S.O. 1990, c. H.8, s. 142 (1).

Signal when moving from parked position

(2) The driver or operator of a vehicle parked or stopped on the highway before setting the vehicle in motion shall first see that the movement can be made in safety, and, if in turning the vehicle 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. R.S.O. 1990, c. H.8, s. 142 (2).

Mode of signalling turn

(3) The signal required in subsections (1) and (2) shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device as described in subsection (6). R.S.O. 1990, c. H.8, s. 142 (3).

How to signal manually

(4) When the signal is given by means of the hand and arm, the driver or operator shall indicate his or her intention to turn,

- (a) to the left, by extending the hand and arm horizontally and beyond the left side of the vehicle; or
 - (b) to the right, by extending the hand and arm upward and beyond the left side of the vehicle.
- R.S.O. 1990, c. H.8, s. 142 (4).

Idem

(5) Despite clause (4) (b), a person on a bicycle may indicate the intention to turn to the right by extending the right hand and arm horizontally and beyond the right side of the bicycle. R.S.O. 1990, c. H.8, s. 142 (5).

Requirements for signalling device

(6) A mechanical or electrical signal device shall clearly indicate the intention to turn, shall be visible and understandable during day-time and night-time from the front and from the rear of the vehicle for a distance of 30 metres, and shall be self-illuminated when used at any time from one-half hour after sunset to one-half hour before sunrise. R.S.O. 1990, c. H.8, s. 142 (6).

Signalling devices to be used only for purpose of indicating turn

(7) No person while operating or in control of a vehicle upon a highway shall actuate the mechanical or electrical device referred to in subsection (6) for any purpose other than to indicate a movement referred to in subsection (1) or (2). R.S.O. 1990, c. H.8, s. 142 (7).

Signal for stop

(8) The driver or operator of a vehicle upon a highway before stopping or suddenly decreasing the speed of the vehicle, if the operation of any other vehicle may be affected by such stopping or decreasing of speed, shall give a signal plainly visible to the driver or operator of the other vehicle of the intention to stop or decrease speed,

manually

- (a) by means of the hand and arm extended downward beyond the left side of the vehicle; or

signalling device

- (b) by means of a stop lamp or lamps on the rear of the vehicle which shall emit a red or amber light and which shall be actuated upon application of the service or foot brake and which may or may not be incorporated with one or more rear lamps. R.S.O. 1990, c. H.8, s. 142 (8).

Definition

- (9) For the purposes of subsections (1) and (8),

“vehicle” includes a street car equipped with turn signals or brake lights, as the case may be. R.S.O. 1990, c. H.8, s. 142 (9).

Requirement to yield to bus from bus bay

142.1 (1) Every driver of a vehicle in the lane of traffic adjacent to a bus bay shall yield the right of way to the driver of a bus who has indicated his or her intention, as prescribed, to re-enter that lane from the bus bay. 1994, c. 27, s. 138 (12).

Bus not to signal until ready

(2) The driver of a bus shall not indicate his or her intention to re-enter the lane of traffic adjacent to a bus bay until the driver is ready to re-enter traffic. 1994, c. 27, s. 138 (12).

When bus must wait

(3) No driver of a bus shall re-enter the lane of traffic adjacent to a bus bay and move into the path of a vehicle or street car if the vehicle or street car is so close that it is impractical for the driver to yield the right of way. 1994, c. 27, s. 138 (12).

Regulations

(4) The Lieutenant Governor in Council may make regulations for the purposes of this section,

- (a) defining bus and bus bay;
- (b) prescribing the manner in which a bus driver shall indicate his or her intention to re-enter the lane that is adjacent to a bus bay;
- (c) prescribing signs, signal devices and markings for bus bays;
- (d) prescribing the standards, specifications and location of the signs, signal devices and markings;
- (e) prescribing standards for operating and maintaining any signal devices prescribed under clause (c). 1994, c. 27, s. 138 (12).

U-turns prohibited

143. No driver or operator of a vehicle upon a highway shall turn the vehicle so as to proceed in the opposite direction when,

- (a) upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 150 metres;
- (b) on a railway crossing or within 30 metres of a railway crossing;
- (c) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 150 metres; or

- (d) within 150 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance. R.S.O. 1990, c. H.8, s. 143.

Traffic control signals and pedestrian control signals

144. (1) In this section,

“driver” includes an operator of a street car; (“conducteur”)

“emergency vehicle” means,

- (a) a vehicle while used by a person in the lawful performance of his or her duties as a police officer, on which a siren is continuously sounding and from which intermittent flashes of red light or red and blue light are visible in all directions, or
- (b) either of the following vehicles, on which a siren is continuously sounding and from which intermittent flashes of red light are visible in all directions:
 - (i) a fire department vehicle while proceeding to a fire or responding to, but not while returning from, a fire alarm or other emergency call, or
 - (ii) an ambulance while responding to an emergency call or being used to transport a patient or injured person in an emergency situation; (“véhicule de secours”)

“intersection” includes any portion of a highway indicated by markings on the surface of the roadway as a crossing place for pedestrians; (“intersection”)

“pedestrian” includes a person in a wheelchair; (“piéton”)

“vehicle” includes a street car. (“véhicule”) R.S.O. 1990, c. H.8, s. 144 (1); 2007, c. 13, s. 18; 2009, c. 5, s. 44 (1).

(2), (3) Repealed. See: Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006* – December 31, 2011.

(4) Spent: R.S.O. 1990, c. H.8, s. 144 (4).

Where to stop – intersection

(5) A driver who is directed by a traffic control signal erected at an intersection to stop his or her vehicle shall stop,

- (a) at the sign or roadway marking indicating where the stop is to be made;
- (b) if there is no sign or marking, immediately before entering the nearest crosswalk; or
- (c) if there is no sign, marking or crosswalk, immediately before entering the intersection. R.S.O. 1990, c. H.8, s. 144 (5); 2006, c. 19, Sched. T, s. 6 (1).

Where to stop – non-intersection

(6) A driver who is directed by a traffic control signal erected at a location other than at an intersection to stop his or her vehicle shall stop,

- (a) at the sign or roadway marking indicating where the stop is to be made;
- (b) if there is no sign or marking, immediately before entering the nearest crosswalk; or
- (c) if there is no sign, marking or crosswalk, not less than five metres before the nearest traffic control signal. R.S.O. 1990, c. H.8, s. 144 (6); 2006, c. 19, Sched. T, s. 6 (2).

Yielding to pedestrians

(7) When under this section a driver is permitted to proceed, the driver shall yield the right of way to pedestrians lawfully within a crosswalk. R.S.O. 1990, c. H.8, s. 144 (7).

Yielding to traffic

(8) When under this section a driver is permitted to proceed, he or she shall yield the right of way to traffic lawfully using an intersection or, where traffic control signals are erected where a private road or driveway meets a highway, lawfully using the area controlled by the traffic control signals. R.S.O. 1990, c. H.8, s. 144 (8); 2006, c. 19, Sched. T, s. 6 (3).

Signs

(9) The provisions of this section are subject to any sign, as prescribed by the regulations, forbidding a left turn, right turn, through movement or combination thereof that is posted at an intersection and every driver shall obey every such sign. R.S.O. 1990, c. H.8, s. 144 (9).

Obeying lane lights

(10) Every driver shall obey every traffic control signal that applies to the lane that he or she is in. R.S.O. 1990, c. H.8, s. 144 (10).

Exception

(11) Despite subsection (10), a driver of a road service vehicle in a left-turn lane may proceed through the intersection without turning to the left if the movement can be safely made, there is showing a circular green or green arrow indication for the through traffic movement and the driver,

- (a) where the applicable left-turn traffic control signal is showing a circular red indication, first brings the vehicle to a stop; and
- (b) where the operation of any other vehicle may be affected, indicates his or her intention to proceed through the intersection without turning to the left by giving a plainly visible signal to the driver or operator of the other vehicle. R.S.O. 1990, c. H.8, s. 144 (11).

Green light

(12) A driver approaching a traffic control signal showing a circular green indication and facing the indication may proceed forward or turn left or right unless otherwise directed. R.S.O. 1990, c. H.8, s. 144 (12).

Flashing green

(13) A driver approaching a traffic control signal showing a circular flashing green indication or a solid or flashing left turn green arrow indication in conjunction with a circular green indication and facing the indication may, despite subsection 141 (5), proceed forward or turn left or right unless otherwise directed. R.S.O. 1990, c. H.8, s. 144 (13).

Green arrow

(14) Every driver approaching a traffic control signal showing one or more green arrow indications only or in combination with a circular red or circular amber indication and facing the indication may proceed only to follow the direction shown by the arrow. R.S.O. 1990, c. H.8, s. 144 (14).

Amber light

(15) Every driver approaching a traffic control signal showing a circular amber indication and

facing the indication shall stop his or her vehicle if he or she can do so safely, otherwise he or she may proceed with caution. R.S.O. 1990, c. H.8, s. 144 (15).

Amber arrow

(16) Every driver approaching a traffic control signal showing an amber arrow indication only or in combination with another indication and facing the indication shall stop his or her vehicle if he or she can do so safely, otherwise he or she may proceed with caution to follow the direction shown by the amber arrow indication. R.S.O. 1990, c. H.8, s. 144 (16).

Flashing amber

(17) Every driver approaching a traffic control signal showing a flashing circular amber indication and facing the indication may proceed with caution. R.S.O. 1990, c. H.8, s. 144 (17).

Red light

(18) Every driver approaching a traffic control signal showing a circular red indication and facing the indication shall stop his or her vehicle and shall not proceed until a green indication is shown. R.S.O. 1990, c. H.8, s. 144 (18).

Certificate of offence – owner – red light camera evidence

(18.1) A person who issues a certificate of offence and offence notice under subsection 3 (2) of the *Provincial Offences Act* for a contravention of subsection (18) shall, despite that Act and the regulations under that Act, specify this subsection, instead of subsection (18), as the provision that was contravened, if,

- (a) the person who issues the certificate of offence and offence notice believes that the offence was committed on the basis of evidence obtained through the use of a red light camera system; and
- (b) the defendant is being charged as the owner of the vehicle. 1998, c. 38, s. 3 (1).

Certificate of offence – driver – red light camera evidence

(18.2) A person who issues a certificate of offence and offence notice under subsection 3 (2) of the *Provincial Offences Act* for a contravention of subsection (18) shall, despite that Act and the regulations under that Act, specify this subsection, instead of subsection (18), as the provision that was contravened, if,

- (a) the person who issues the certificate of offence and offence notice believes that the offence was committed on the basis of evidence obtained through the use of a red light camera system; and
- (b) the defendant is being charged as the driver of the vehicle. 1998, c. 38, s. 3 (1).

Deemed to specify subs. (18)

(18.3) A certificate of offence or offence notice that specifies subsection (18.1) or (18.2) as the provision that was contravened shall be deemed to specify that subsection (18) was contravened. 1998, c. 38, s. 3 (1).

No dismissal

(18.4) No charge shall be dismissed, and no certificate of offence shall be quashed, on the basis that a certificate of offence or offence notice specifies subsection (18.1) or (18.2), instead of subsection (18), as the provision that was contravened. 1998, c. 38, s. 3 (1).

No amendment

[\(18.5\)](#) A certificate of offence that specifies subsection (18), (18.1) or (18.2) as the provision that was contravened shall not be amended to specify another of those subsections without the consent of the prosecutor and the defendant. 1998, c. 38, s. 3 (1).

Purpose of subss. (18.1) to (18.5)

[\(18.6\)](#) The purpose of subsections (18.1) to (18.5) is to facilitate the use of computer systems that are maintained by the Government of Ontario for recording and processing information related to provincial offences and that depend, in order to make certain distinctions, on different provision numbers being specified in certificates of offences. 1998, c. 38, s. 3 (1).

Exception – turn

[\(19\)](#) Despite subsection (18) and subject to subsection (14), a driver, after stopping his or her vehicle and yielding the right of way to traffic lawfully approaching so closely that to proceed would constitute an immediate hazard, may,

(a) turn to the right; or

(b) turn to the left from a one-way street into a one-way street,

without a green indication being shown. R.S.O. 1990, c. H.8, s. 144 (19).

Exception – white vertical bar indication

[\(19.1\)](#) Despite subsection (18), a driver operating a bus or street car on a scheduled transit authority route approaching a traffic control signal showing a white vertical bar indication may, with caution, proceed forward or turn right or left. 1994, c. 27, s. 138 (13).

Exception – emergency vehicle

[\(20\)](#) Despite subsection (18), a driver of an emergency vehicle, after stopping the vehicle, may proceed without a green indication being shown if it is safe to do so. R.S.O. 1990, c. H.8, s. 144 (20).

Stopping at flashing red light

[\(21\)](#) Every driver approaching a traffic control signal and facing a flashing circular red indication shall stop his or her vehicle, shall yield the right of way to traffic approaching so closely that to proceed would constitute an immediate hazard and, having so yielded the right of way, may proceed. R.S.O. 1990, c. H.8, s. 144 (21).

Pedestrian crossing

[\(22\)](#) Where portions of a roadway are marked for pedestrian use, no pedestrian shall cross the roadway except within a portion so marked. R.S.O. 1990, c. H.8, s. 144 (22).

Pedestrian – green light

[\(23\)](#) Subject to subsections (24) and (27), a pedestrian approaching a traffic control signal showing a circular green indication or a straight-ahead green arrow indication and facing the indication may cross the roadway. R.S.O. 1990, c. H.8, s. 144 (23).

Pedestrian – stopping at flashing green light

[\(24\)](#) No pedestrian approaching a traffic control signal and facing a flashing circular green indication or a solid or a flashing left turn arrow indication in conjunction with a circular green indication shall enter the roadway. R.S.O. 1990, c. H.8, s. 144 (24).

Pedestrian – stopping at red or amber light

[\(25\)](#) No pedestrian approaching a traffic control signal and facing a red or amber indication

shall enter the roadway. R.S.O. 1990, c. H.8, s. 144 (25).

Pedestrian control signals – walk

[\(26\)](#) Where pedestrian control signals are installed and show a “walk” indication, every pedestrian facing the indication may cross the roadway in the direction of the indication despite subsections (24) and (25). R.S.O. 1990, c. H.8, s. 144 (26).

Pedestrian control signals – don’t walk

[\(27\)](#) No pedestrian approaching pedestrian control signals and facing a solid or flashing “don’t walk” indication shall enter the roadway. R.S.O. 1990, c. H.8, s. 144 (27).

Pedestrian right of way

[\(28\)](#) Every pedestrian who lawfully enters a roadway in order to cross may continue the crossing as quickly as reasonably possible despite a change in the indication he or she is facing and, for purposes of the crossing, has the right of way over vehicles. R.S.O. 1990, c. H.8, s. 144 (28).

Riding in crosswalks prohibited

[\(29\)](#) No person shall ride a bicycle across a roadway within or along a crosswalk at an intersection or at a location other than an intersection which location is controlled by a traffic control signal system. R.S.O. 1990, c. H.8, s. 144 (29).

Symbols

[\(30\)](#) The “walk” or “don’t walk” pedestrian control indications referred to in this section may be shown as symbols as prescribed by the regulations. R.S.O. 1990, c. H.8, s. 144 (30).

Erection of traffic control signals and signal systems

[\(31\)](#) Subject to subsection (31.1), no traffic control signal system or traffic control signal used in conjunction with a traffic control signal system shall be erected or installed except in accordance with an approval obtained from a person designated to give such approvals by the municipality or other authority that has jurisdiction over the highway or the intersection. 1996, c. 33, s. 14.

Same, on connecting links

[\(31.1\)](#) No traffic control signal system or traffic control signal used in conjunction with a traffic control signal system shall be erected or installed on a highway designated as a connecting link under subsection 21 (1) of the *Public Transportation and Highway Improvement Act* except in accordance with an approval obtained from the Minister or an official of the Ministry authorized by the Minister to grant such approval. 1996, c. 33, s. 14.

Penalty for disobeying amber light

[\(31.2\)](#) Every person who contravenes subsection (15) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500. 2009, c. 5, s. 44 (2).

Penalty for disobeying red light

[\(31.2.1\)](#) Every person who contravenes subsection (18) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. 2009, c. 5, s. 44 (2).

Offence

[\(31.3\)](#) Every person who contravenes subsection (7) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500. 2005, c. 26, Sched. A, s. 22.

Regulations

- [\(32\)](#) The Lieutenant Governor in Council may make regulations,
- (a) prescribing the standards or specifications of a traffic control signal system;
 - (b) prescribing the location of traffic control signals and signal systems;
 - (c) prescribing standards for operating and maintaining a traffic control signal system;
 - (d) regulating the use and operation of traffic control signals and signal systems. R.S.O. 1990, c. H.8, s. 144 (32).

Blocking intersection

[145. \(1\)](#) The council of a municipality may by by-law prohibit a driver or street car operator approaching, at an intersection, a traffic control signal showing a circular green or green arrow indication from entering the intersection unless traffic in front of him or her is moving in a manner that would reasonably lead him or her to believe he or she can clear the intersection before the signal indication changes to a circular red indication. R.S.O. 1990, c. H.8, s. 145 (1).

Idem

[\(2\)](#) A by-law passed under subsection (1) does not apply to a driver or street car operator who enters an intersection for the purpose of turning to the right or left into an intersecting highway and signals his or her intention to make the turn prior to entering the intersection. R.S.O. 1990, c. H.8, s. 145 (2).

Idem

[\(3\)](#) A by-law passed under subsection (1) shall apply to all signalized intersections of highways under the jurisdiction of the municipality. R.S.O. 1990, c. H.8, s. 145 (3).

Portable signal lights

[146. \(1\)](#) Despite subsection 144 (31), during construction or maintenance activities on or adjacent to a highway, a portable lane control signal system may be operated on the highway in accordance with the regulations by the authority having jurisdiction and control of the highway or any person authorized by that authority. R.S.O. 1990, c. H.8, s. 146 (1).

Green light

[\(2\)](#) A driver or a street car operator approaching a portable lane control signal showing a circular green indication and facing the indication may proceed. R.S.O. 1990, c. H.8, s. 146 (2).

Amber light

[\(3\)](#) Every driver or street car operator approaching a portable lane control signal showing a circular amber indication and facing the indication shall stop his or her vehicle or street car if he or she can do so safely, otherwise he or she may proceed with caution. R.S.O. 1990, c. H.8, s. 146 (3).

Red light

[\(4\)](#) Every driver or street car operator approaching a portable lane control signal showing a circular red indication and facing the indication shall stop his or her vehicle or street car and shall not proceed until a circular green indication is shown. R.S.O. 1990, c. H.8, s. 146 (4).

Where to stop

[\(5\)](#) A driver or operator who is required, under this section, to stop his or her vehicle or street car shall do so at a sign or marking on the highway indicating where a stop is to be made or, if there is no such sign or marking, not less than five metres before the nearest portable lane control signal. R.S.O. 1990, c. H.8, s. 146 (5).

Removing, etc., portable system

[\(6\)](#) No person shall without lawful authority remove, deface or otherwise interfere with a portable lane control signal system. R.S.O. 1990, c. H.8, s. 146 (6).

Penalty for disobeying amber light

[\(6.1\)](#) Every person who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500. 2009, c. 5, s. 45.

Penalty for disobeying red light

[\(6.2\)](#) Every person who contravenes subsection (4) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000. 2009, c. 5, s. 45.

Regulations re portable lane control devices

[\(7\)](#) The Lieutenant Governor in Council may make regulations,

- (a) prescribing standards or specifications for portable lane control signal systems;
 - (b) prescribing locations where portable lane control signal systems may be erected;
 - (c) prescribing standards for operating and maintaining portable lane control signal systems.
- R.S.O. 1990, c. H.8, s. 146 (7).

Traffic control stop and slow signs

[146.1 \(1\)](#) A traffic control person on a roadway or adjacent to a roadway where construction or maintenance work is being carried out may display a traffic control stop or slow sign. 2005, c. 26, Sched. A, s. 23.

Same – firefighters

[\(2\)](#) A firefighter on a roadway or adjacent to a roadway where an accident has occurred may display a traffic control stop or slow sign. 2005, c. 26, Sched. A, s. 23.

Driver required to stop

[\(3\)](#) Where a traffic control person or firefighter displays a traffic control stop sign, the driver of any vehicle or street car approaching the person shall stop before reaching him or her and shall not proceed until the traffic control person or firefighter stops displaying the traffic control stop sign. 2005, c. 26, Sched. A, s. 23.

Driver required to slow down

[\(4\)](#) Where a traffic control person or firefighter displays a traffic control slow sign, the driver of any vehicle or street car approaching the person shall approach the person and proceed past him or her and past the construction or maintenance work or scene of an accident with caution and at a slow rate of speed so as not to endanger any person or vehicle on or adjacent to the roadway. 2005, c. 26, Sched. A, s. 23.

Unauthorized use of sign

[\(5\)](#) No person other than a traffic control person or firefighter shall display on a highway a traffic control stop or slow sign. 2005, c. 26, Sched. A, s. 23.

Regulations

[\(6\)](#) The Lieutenant Governor in Council may make regulations prescribing the type, design and specifications of traffic control stop and slow signs. 2005, c. 26, Sched. A, s. 23.

Definitions

(7) In this section,

“construction or maintenance work” includes work by a utility, including a public utility within the meaning of the *Public Utilities Act* or the *Municipal Act, 2001*, or by a transmitter or distributor within the meaning of the *Electricity Act, 1998*; (“travaux de construction ou d’entretien”)

“firefighter” has the same meaning as in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*; (“pompier”)

“traffic control person” means a person who is directing traffic and,

(a) is employed by,

(i) the road authority with jurisdiction over the highway,

(ii) a public utility within the meaning of the *Public Utilities Act* or the *Municipal Act, 2001*,

(iii) a transmitter or distributor within the meaning of the *Electricity Act, 1998*, or

(iv) a person under contract with the road authority, public utility, transmitter or distributor to do construction or maintenance work on or adjacent to the roadway,
or

(b) is employed by or under contract with a person who has been issued a permit or written authorization by the road authority with jurisdiction over the highway to occupy a lane or a portion of a highway in order to undertake work on or adjacent to the highway. (“agent de régulation de la circulation”) 2005, c. 26, Sched. A, s. 23.

Slow vehicles to travel on right side

147. (1) Any vehicle travelling upon a roadway at less than the normal speed of traffic at that time and place shall, where practicable, be driven in the right-hand lane then available for traffic or as close as practicable to the right hand curb or edge of the roadway. R.S.O. 1990, c. H.8, s. 147 (1).

Exception

(2) Subsection (1) does not apply to a driver of a,

(a) vehicle while overtaking and passing another vehicle proceeding in the same direction;

(b) vehicle while preparing for a left turn at an intersection or into a private road or driveway; or

(c) road service vehicle. R.S.O. 1990, c. H.8, s. 147 (2).

Overtaking and passing rules

Passing meeting vehicles

148. (1) Every person in charge of a vehicle on a highway meeting another vehicle shall turn out to the right from the centre of the roadway, allowing the other vehicle one-half of the roadway free. R.S.O. 1990, c. H.8, s. 148 (1).

Vehicles or equestrians overtaken

(2) Every person in charge of a vehicle or on horseback on a highway who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the overtaking

vehicle or equestrian to pass. R.S.O. 1990, c. H.8, s. 148 (2).

Exception

(3) Subsections (1) and (2) do not apply to a person in charge of a road service vehicle or a road-building machine or apparatus while the machine or apparatus is engaged in the construction of a highway. R.S.O. 1990, c. H.8, s. 148 (3).

Vehicles meeting bicycles

(4) Every person in charge of a vehicle on a highway meeting a person travelling on a bicycle shall allow the cyclist sufficient room on the roadway to pass. R.S.O. 1990, c. H.8, s. 148 (4).

Vehicles or equestrians overtaking others

(5) Every person in charge of a vehicle or on horseback on a highway who is overtaking another vehicle or equestrian shall turn out to the left so far as may be necessary to avoid a collision with the vehicle or equestrian overtaken, and the person overtaken is not required to leave more than one-half of the roadway free. R.S.O. 1990, c. H.8, s. 148 (5).

Bicycles overtaken

(6) Every person on a bicycle or motor assisted bicycle who is overtaken by a vehicle or equestrian travelling at a greater speed shall turn out to the right and allow the vehicle or equestrian to pass and the vehicle or equestrian overtaking shall turn out to the left so far as may be necessary to avoid a collision. R.S.O. 1990, c. H.8, s. 148 (6).

Driver unable to turn out is to stop

(7) Where one vehicle is met or overtaken by another, if by reason of the weight of the load on either of the vehicles so meeting or on the vehicle so overtaken the driver finds it impracticable to turn out, he or she shall immediately stop, and, if necessary for the safety of the other vehicle and if required so to do, he or she shall assist the person in charge thereof to pass without damage. R.S.O. 1990, c. H.8, s. 148 (7).

Passing vehicle going in same direction

(8) No person in charge of a vehicle shall pass or attempt to pass another vehicle going in the same direction on a highway unless the roadway,

- (a) in front of and to the left of the vehicle to be passed is safely free from approaching traffic; and
- (b) to the left of the vehicle passing or attempting to pass is safely free from overtaking traffic. R.S.O. 1990, c. H.8, s. 148 (8).

Driving to left of centre prohibited under certain conditions

149. (1) No vehicle shall be driven or operated to the left of the centre of a roadway designed for one or more lines of traffic in each direction,

- (a) when approaching the crest of a grade or upon a curve in the roadway or within 30 metres of a bridge, viaduct or tunnel where the driver's view is obstructed within that distance so as to create a potential hazard in the event another vehicle might approach from the opposite direction; or
- (b) when approaching within 30 metres of a level railway crossing. R.S.O. 1990, c. H.8, s. 149 (1).

Exception

(2) Subsection (1) does not apply,

- (a) on a highway divided into clearly marked lanes where there are more such lanes for traffic in one direction than in the other direction;
- (b) to a road service vehicle where precautions are taken to eliminate the hazard; or
- (c) on a highway while it is designated for the use of one-way traffic. R.S.O. 1990, c. H.8, s. 149 (2).

Passing to right of vehicle

150. (1) The driver of a motor vehicle may overtake and pass to the right of another vehicle only where the movement can be made in safety and,

- (a) the vehicle overtaken is making or about to make a left turn or its driver has signalled his or her intention to make a left turn;
- (b) is made on a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) is made on a highway designated for the use of one-way traffic only. R.S.O. 1990, c. H.8, s. 150 (1).

Driving off roadway prohibited

(2) No driver of a motor vehicle shall overtake and pass another vehicle by driving off the roadway. R.S.O. 1990, c. H.8, s. 150 (2).

Non-application of subs. (2)

(3) Subsection (2) does not apply to,

- (a) a motor vehicle overtaking and passing to the right of another vehicle where the shoulder to the right of the roadway is paved and the vehicle overtaken is making or about to make a left turn or its driver has signalled his or her intention to make a left turn;
- (b) an ambulance or fire department vehicle;
- (c) a police department vehicle or a vehicle being driven by an officer appointed for carrying out the provisions of this Act;
- (d) a tow truck where the driver is responding to a police request for assistance;
- (e) a road service vehicle; or
- (f) a motor vehicle overtaking and passing to the right of a road service vehicle or road-building machine where a person apparently employed by or on behalf of the authority that is engaged in the highway maintenance operation has directed the driver to pass it and the movement can be made in safety. 2009, c. 5, s. 46 (2).

Highways designated for use of paved shoulder

151. (1) The Minister may by regulation designate any part of the King's Highway where the paved shoulder may be driven on, and may make regulations,

- (a) regulating the use of the paved shoulder on a designated part of the highway and prescribing conditions and circumstances for that use, including prescribing rules of the road applicable to the use of the paved shoulder, exemptions from any requirement in this Part or in a regulation made under this Part applicable to the use of the paved

shoulder and conditions and circumstances for such exemptions;

- (b) providing for the erection of signs and the placing of markings,
 - (i) on any highway approaching any part of a highway designated as having a paved shoulder that may be driven on, and
 - (ii) on any part of a highway designated as having a paved shoulder that may be driven on;
- (c) prescribing the types of the signs and markings referred to in clause (b), instructions to be contained on them and the location of each type of sign and marking. 2005, c. 26, Sched. A, s. 24.

Classes, types of vehicles, drivers

[\(2\)](#) A regulation made under subsection (1) may prescribe different classes or types of vehicles and different classes of drivers and may define the class or type in relation to any characteristics, including the owner or operator of the vehicle, the purpose for which the vehicle is being used or the employer of or training taken by the driver. 2005, c. 26, Sched. A, s. 24.

Same

[\(3\)](#) A regulation made under subsection (1) may be general or particular in its application and may apply differently to different classes or types of vehicles or different classes of drivers. 2005, c. 26, Sched. A, s. 24.

When designation is in effect

[\(4\)](#) No designation made under this section becomes effective until signs are erected in accordance with this section on the designated part of the highway. 2005, c. 26, Sched. A, s. 24.

Non-authorized use of shoulder prohibited

[\(5\)](#) No person shall drive on the paved shoulder of any part of the King's Highway except in accordance with this section and a regulation made under it. 2005, c. 26, Sched. A, s. 24.

Act, regulations otherwise apply

[\(6\)](#) Except as otherwise provided in a regulation made under this section, the provisions of this Act and its regulations applicable to vehicles apply with necessary modifications to the operation of a vehicle on the paved shoulder of a designated highway. 2005, c. 26, Sched. A, s. 24.

Paved shoulder deemed not part of roadway

[\(7\)](#) A paved shoulder on any part of a highway that is designated under this section shall be deemed not to be part of the roadway within the meaning of the definition of "roadway" in subsection 1 (1) or part of the pavement for the purposes of clause 150 (1) (b). 2005, c. 26, Sched. A, s. 24.

Meaning of "designated", ss. 141, 153 and 154

[152.](#) For the purposes of sections 141, 153 and 154,

"designated" means designated by the Minister or by any person authorized by him or her to make the designation or designated by by-law of a municipality. R.S.O. 1990, c. H.8, s. 152.

Highway designated for one-way traffic

[153.](#) Where a highway has been designated for the use of one-way traffic only and official signs have been erected accordingly, vehicles and street cars shall be driven only in the direction so

designated. R.S.O. 1990, c. H.8, s. 153.

Where highway divided into lanes

154. (1) Where a highway has been divided into clearly marked lanes for traffic,

- (a) a vehicle shall be driven as nearly as may be practicable entirely within a single lane and shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety;
- (b) in the case of a highway that is divided into three lanes, a vehicle shall not be driven in the centre lane except when overtaking and passing another vehicle where the roadway is clearly visible and the centre lane is clear of traffic within a reasonable safe distance, or in preparation for a left turn, or where the centre lane is at the time designated for the use of traffic moving in the direction in which the vehicle is proceeding and official signs are erected to indicate the designation;
- (c) any lane may be designated for slowly moving traffic, traffic moving in a particular direction or classes or types of vehicles and, despite section 141, where a lane is so designated and official signs indicating the designation are erected, every driver shall obey the instructions on the official signs. R.S.O. 1990, c. H.8, s. 154 (1).

Exception

(2) Where safety is not jeopardized, clauses (1) (b) and (c) do not apply to road service vehicles and clause (1) (c) does not apply to road-building machines or apparatus while engaged in the construction of a highway. R.S.O. 1990, c. H.8, s. 154 (2).

Regulations for high occupancy vehicle lanes

154.1 (1) Where a part of the King's Highway has been divided into clearly marked lanes for traffic, the Minister may by regulation designate any lane as a high occupancy vehicle lane for that part of the King's Highway and may make regulations,

- (a) limiting the designation to specified months or times of the year, days, times, conditions or circumstances;
- (b) limiting the use of high occupancy vehicle lanes to vehicles, or any class or type of vehicles, with a specified number of occupants, and prescribing conditions and circumstances for such use;
- (c) regulating the use of high occupancy vehicle lanes, including prescribing rules of the road applicable to the use of the lanes, exemptions from any requirement in this Part or in a regulation made under this Part applicable to the use of the lanes and conditions and circumstances for such exemptions;
- (d) providing for the erection of signs and the placing of markings to identify high occupancy vehicle lanes and the entry and exit points for high occupancy vehicle lanes;
- (e) prescribing the types of the signs and markings referred to in clause (d), instructions to be contained on them and the location of each type of sign and marking. 2005, c. 26, Sched. A, s. 25.

Regulation may be general or specific

(2) A regulation made under subsection (1) may be general or specific in its application and may apply differently to different classes or types of vehicles. 2005, c. 26, Sched. A, s. 25.

Offence

(3) No person shall drive a motor vehicle in a high occupancy vehicle lane or enter or exit a high occupancy vehicle lane except in accordance with this section and the regulations made under it. 2005, c. 26, Sched. A, s. 25.

Restricted use of border approach lanes

154.2 (1) Where a highway approaches the border between Canada and the United States of America and has been divided into clearly marked lanes for traffic, the Minister or, if the highway is under municipal jurisdiction, the municipality with jurisdiction over the highway may erect signs marking any lane on the highway, or on any part of the highway, as a border approach lane. 2005, c. 26, Sched. A, s. 26.

Offence

(2) No person shall drive a vehicle in a border approach lane except in accordance with the regulations made under this section. 2005, c. 26, Sched. A, s. 26.

Authority to stop vehicles

(3) A police officer may require a driver of a vehicle in a border approach lane to stop and the police officer may demand that the driver and occupants of the vehicle produce for examination the identification or authorization, or both, required under this section. 2005, c. 26, Sched. A, s. 26.

Same

(4) The driver and occupants of a vehicle shall comply with any requirement or demand made by a police officer under subsection (3). 2005, c. 26, Sched. A, s. 26.

Regulations

(5) The Minister may make regulations,

- (a) limiting the use of border approach lanes to vehicles, or any class or type of vehicles, that are clearly authorized in accordance with the regulation;
- (b) limiting the use of border approach lanes to drivers or occupants of vehicles, or of any class or type of vehicles, or any class of drivers or occupants, who carry identification in accordance with the regulation;
- (c) prescribing conditions and circumstances for the use of border approach lanes by vehicles or persons described in clause (a) or (b), including limiting the use of border approach lanes to specified months or times of the year, days or time of day;
- (d) prescribing the authorization that is required for a vehicle, or a vehicle belonging to a prescribed class or type of vehicle, to be entitled to use border approach lanes;
- (e) prescribing the identification that is required for a person, or a prescribed class of person, to be entitled to use border approach lanes;
- (f) governing the erection of signs and the placing of markings to identify border approach lanes;
- (g) prescribing the types of the signs and markings referred to in clause (f), instructions to be contained on them and the location of each type of sign and marking;
- (h) exempting buses, ambulances, fire department vehicles, commercial motor vehicles as defined in subsection 16 (1) that are engaged in highway maintenance or construction

and any other type or class of vehicle from any of the limitations in the regulation, and prescribing conditions and circumstances for such exemptions;

- (i) exempting any class of drivers or occupants from any of the limitations in the regulation, and prescribing conditions and circumstances for such exemptions;
- (j) prescribing the maximum length of a border approach lane. 2005, c. 26, Sched. A, s. 26; 2009, c. 5, s. 47.

Regulation may be general or specific

[\(6\)](#) A regulation made under subsection (5) may be general or specific in its application and may apply differently to different classes or types of vehicles or persons. 2005, c. 26, Sched. A, s. 26.

Times designation applicable

[155.](#) A designation of a lane for classes or types of vehicles made under clause 154 (1) (c) shall apply during the times stated on the official signs. R.S.O. 1990, c. H.8, s. 155.

Moving from roadway to roadway on divided highways

[156. \(1\)](#) Where a highway is divided into two separate roadways, no person shall operate or drive a vehicle or lead, ride or drive an animal,

- (a) along or on the highway except on the roadway on the right-hand side, having regard to the direction in which the vehicle is being operated or driven or the animal is being led, ridden or driven; or
- (b) from one roadway to the other roadway except where a crossing is provided. R.S.O. 1990, c. H.8, s. 156 (1).

Idem

[\(2\)](#) Despite clause (1) (a), a road service vehicle may be operated or driven along the shoulder of the highway if the vehicle remains on its side of the separation. R.S.O. 1990, c. H.8, s. 156 (2).

Backing prohibited, speed limit over 80 k.p.h.

[157. \(1\)](#) No driver of a vehicle shall back the vehicle upon the roadway or shoulder of any highway divided by a median strip on which the speed limit is in excess of 80 kilometres per hour. R.S.O. 1990, c. H.8, s. 157 (1); 2005, c. 26, Sched. A, s. 27.

Exception to subs. (1)

[\(2\)](#) Subsection (1) does not apply to,

- (a) an ambulance or fire department vehicle;
- (b) a police department vehicle or a vehicle being driven by an officer appointed for carrying out the provisions of this Act;
- (c) a person attempting to render assistance to another person; or
- (d) a road service vehicle, if the movement is made in safety. 2009, c. 5, s. 48.

Headway

Headway of motor vehicles, generally

[158. \(1\)](#) The driver of a motor vehicle or street car shall not follow another vehicle or street

car more closely than is reasonable and prudent having due regard for the speed of the vehicle and the traffic on and the conditions of the highway. R.S.O. 1990, c. H.8, s. 158 (1).

Headway for commercial motor vehicles

(2) The driver of a commercial motor vehicle when driving on a highway at a speed exceeding 60 kilometres per hour shall not follow within 60 metres of another motor vehicle, but this shall not be construed to prevent a commercial motor vehicle overtaking and passing another motor vehicle. R.S.O. 1990, c. H.8, s. 158 (2).

Approaching, following emergency vehicles

Stop on approach of vehicle with flashing lights or bell or siren sounding

159. (1) The driver of a vehicle, upon the approach of a police department vehicle with its bell or siren sounding or with its lamp producing intermittent flashes of red light or red and blue light, or upon the approach of an ambulance, fire department vehicle or public utility emergency vehicle with its bell or siren sounding or its lamp producing intermittent flashes of red light, shall immediately bring such vehicle to a standstill,

- (a) as near as is practicable to the right-hand curb or edge of the roadway and parallel therewith and clear of any intersection; or
- (b) when on a roadway having more than two lanes for traffic and designated for the use of one-way traffic, as near as is practicable to the nearest curb or edge of the roadway and parallel therewith and clear of any intersection. 2009, c. 5, s. 49.

Slow down on approaching stopped emergency vehicle

(2) Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light or red and blue light that is stopped on a highway, the driver of a vehicle travelling on the same side of the highway shall slow down and proceed with caution, having due regard for traffic on and the conditions of the highway and the weather, to ensure that the driver does not collide with the emergency vehicle or endanger any person outside of the emergency vehicle. 2009, c. 5, s. 49.

Same

(3) Upon approaching an emergency vehicle with its lamp producing intermittent flashes of red light or red and blue light that is stopped on a highway with two or more lanes of traffic on the same side of the highway as the side on which the emergency vehicle is stopped, the driver of a vehicle travelling in the same lane that the emergency vehicle is stopped in or in a lane that is adjacent to the emergency vehicle, in addition to slowing down and proceeding with caution as required by subsection (2), shall move into another lane if the movement can be made in safety. 2009, c. 5, s. 49.

Following fire department vehicle

(4) No driver of a vehicle shall follow in any lane of a roadway at a distance of less than 150 metres a fire department vehicle responding to an alarm. 2009, c. 5, s. 49.

Same

(5) Nothing in subsection (2) or (3) prevents a driver from stopping his or her vehicle and not passing the stopped emergency vehicle if stopping can be done in safety and is not otherwise prohibited by law. 2009, c. 5, s. 49.

Offence

(6) Every person who contravenes subsection (1), (2), (3) or (4) is guilty of an offence and

on conviction is liable,

- (a) for a first offence, to a fine of not less than \$400 and not more than \$2,000; and
- (b) for each subsequent offence, to a fine of not less than \$1,000 and not more than \$4,000 or to imprisonment for a term of not more than six months, or to both. 2009, c. 5, s. 49.

Time limit for subsequent offence

[\(7\)](#) An offence referred to in subsection (6) committed more than five years after a previous conviction for an offence referred to in that subsection is not a subsequent offence for the purpose of clause (6) (b). 2009, c. 5, s. 49.

Driver's licence suspension

[\(8\)](#) If a person is convicted of an offence under subsection (6), the court may make an order suspending the person's driver's licence for a period of not more than two years. 2009, c. 5, s. 49.

Appeal of suspension

[\(9\)](#) An appeal may be taken from an order under subsection (8) or a decision to not make the order in the same manner as from a conviction or an acquittal under subsection (6). 2009, c. 5, s. 49.

Stay of order on appeal

[\(10\)](#) Where an appeal is taken under subsection (9) from an order under subsection (8), the court being appealed to may direct that the order shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. 2009, c. 5, s. 49.

Definition

[\(11\)](#) In this section,

“emergency vehicle” means,

- (a) an ambulance, fire department vehicle, police department vehicle or public utility emergency vehicle,
- (b) a ministry vehicle operated by an officer appointed for carrying out the provisions of this Act or the *Public Vehicles Act*, while the officer is in the course of his or her employment,
- (c) a vehicle while operated by a conservation officer, fishery officer, provincial park officer or mine rescue training officer, while the officer is in the course of his or her employment,
- (d) a vehicle while operated by a provincial officer designated under the *Environmental Protection Act*, the *Nutrient Management Act, 2002*, the *Ontario Water Resources Act*, the *Pesticides Act*, the *Safe Drinking Water Act, 2002* or the *Toxics Reduction Act, 2009*, while the officer is in the course of his or her employment, or
- (e) a vehicle as prescribed for the purposes of paragraph 5 of subsection 62 (15.1). 2009, c. 5, s. 49; 2009, c. 19, s. 68 (4).

[159.1](#) Repealed: 2009, c. 5, s. 49.

Towing of persons on bicycles, toboggans, etc., prohibited

[160.](#) No driver of a vehicle or street car shall permit any person riding upon a bicycle,

coaster, roller skates, skis, toboggan, sled or toy vehicle to attach the same, himself or herself to the vehicle or street car. R.S.O. 1990, c. H.8, s. 160.

Only one vehicle to be drawn on highway

161. No person shall drive on a highway a motor vehicle, other than a commercial motor vehicle, that is drawing more than one vehicle. R.S.O. 1990, c. H.8, s. 161.

Crowding driver's seat

162. No person shall drive a motor vehicle with persons or property in the front or driver's seat so placed as to interfere with the proper management or control of the motor vehicle. R.S.O. 1990, c. H.8, s. 162.

Vehicles required to stop at railway crossing signal

163. (1) When the driver of a vehicle is approaching a railway crossing at a time when a clearly visible electrical or mechanical signal device or a flagman is giving warning of the approach of a railway train, he or she shall stop the vehicle not less than 5 metres from the nearest rail of the railway and shall not proceed until he or she can do so safely. R.S.O. 1990, c. H.8, s. 163.

Stop signs at railway crossings

(2) Every driver of a vehicle approaching a stop sign at a railway crossing shall, unless otherwise directed by a flagman, stop the vehicle at the marked stop line or, if none, then not less than five metres from the nearest rail of the railway, and shall not proceed until he or she can do so safely. 2002, c. 18, Sched. P, s. 30.

Driving of vehicles under crossing gates prohibited

164. No person shall drive a vehicle through, around or under a crossing gate or barrier at a railway crossing while the gate or barrier is closed or is being opened or closed. R.S.O. 1990, c. H.8, s. 164.

Opening of doors of motor vehicles

165. No person shall,

- (a) open the door of a motor vehicle on a highway without first taking due precautions to ensure that his or her act will not interfere with the movement of or endanger any other person or vehicle; or
- (b) leave a door of a motor vehicle on 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. R.S.O. 1990, c. H.8, s. 165.

Passing street cars

Standing street car, etc.

166. (1) Where a person in charge of a vehicle or on a bicycle or on horseback or leading a horse on a highway overtakes a street car or a car of an electric railway, operated in or near the centre of the roadway, which is stationary for the purpose of taking on or discharging passengers, he or she shall not pass the car or approach nearer than 2 metres measured back from the rear or front entrance or exit, as the case may be, of the car on the side on which passengers are getting on or off until the passengers have got on or got safely to the side of the street, as the case may be, but this subsection does not apply where a safety zone has been set aside and designated by a by-law passed under section 9, 10 or 11 of the *Municipal Act, 2001* or under section 7 or 8 of the *City of Toronto Act, 2006*, as the case may be. 2006, c. 32, Sched. C, s. 24 (6).

Prohibition as to passing street cars on left-hand side

(2) No person in charge of a vehicle or on a bicycle or on horseback or leading a horse, overtaking a street car or the car of an electric railway, operated in or near the centre of the roadway, which is stationary or in motion, shall pass on the left side of the car, having reference to the direction in which the car is travelling, but this subsection does not apply to a fire department vehicle while proceeding to a fire or answering a fire alarm call or where the street car or car of an electric railway is being operated on a highway designated for the use of one-way traffic. R.S.O. 1990, c. H.8, s. 166 (2); 2009, c. 5, s. 50.

Approaching ridden or driven horses, etc.

167. Every person having the control or charge of a motor vehicle or motor assisted bicycle on a highway, when approaching a horse or other animal that is drawing a vehicle or being driven, led or ridden, shall operate, manage and control the motor vehicle or motor assisted bicycle so as to exercise every reasonable precaution to prevent the frightening of the horse or other animal and to ensure the safety and protection of any person driving, leading or riding upon the horse or other animal or being in any vehicle drawn by the horse or other animal. R.S.O. 1990, c. H.8, s. 167.

Use of passing beam

168. When on a highway at any time when lighted lamps are required to be displayed on vehicles, the driver of a motor vehicle equipped with multiple beam headlamps shall use the lower or passing beam when,

- (a) approaching an oncoming vehicle within 150 metres; or
- (b) following another vehicle within 60 metres, except when in the act of overtaking and passing. R.S.O. 1990, c. H.8, s. 168.

Alternating beams

Emergency vehicles

169. (1) Despite section 168, highbeam headlamps that produce alternating flashes of white light may be used by a public utility emergency vehicle while responding to an emergency and by an emergency vehicle as defined in subsection 144 (1). R.S.O. 1990, c. H.8, s. 169 (1).

Alternating highbeams on other vehicles prohibited

(2) No person shall use highbeam headlamps that produce alternating flashes of white light on any vehicle other than a vehicle referred to in subsection (1). R.S.O. 1990, c. H.8, s. 169 (2).

Parking on roadway

170. (1) No person shall park, stand or stop a vehicle on a roadway,

- (a) when it is practicable to park, stand or stop the vehicle off the roadway; or
- (b) when it is not practicable to park, stand or stop the vehicle off the roadway unless a clear view of the vehicle and of the roadway for at least 125 metres beyond the vehicle may be obtained from a distance of at least 125 metres from the vehicle in each direction upon the highway. R.S.O. 1990, c. H.8, s. 170 (1).

Where subs. (1) does not apply

(2) Subsection (1) does not apply to that portion of a roadway within a local municipality, other than a local municipality that was a township on December 31, 2002 and, but for the enactment of the *Municipal Act, 2001*, would have been a township on January 1, 2003. R.S.O.

1990, c. H.8, s. 170 (2); 2002, c. 17, Sched. F, Table.

Idem

(3) Subsection (1) does not apply to that portion of a roadway within a local municipality that was a township on December 31, 2002 and, but for the enactment of the *Municipal Act, 2001*, would have been a township on January 1, 2003 in respect of which there is a by-law prohibiting or regulating parking, standing and stopping. R.S.O. 1990, c. H.8, s. 170 (3); 2002, c. 17, Sched. F, Table.

Idem

(4) Subsection (1) does not apply to a road service vehicle that is parked, standing or stopped safely. R.S.O. 1990, c. H.8, s. 170 (4).

Regulations, parking, etc.

(5) The Minister may make regulations prohibiting or regulating the parking, standing or stopping of vehicles upon a highway or any part of a highway or upon any class or classes thereof. R.S.O. 1990, c. H.8, s. 170 (5).

Effect of regulation on municipal by-law

(6) The part of every municipal by-law that is inconsistent with or has the same effect as a regulation made under subsection (5) is revoked on the day the regulation comes into force. R.S.O. 1990, c. H.8, s. 170 (6).

Removal of vehicle parked at prohibited place

(7) Whenever a police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act finds a vehicle on a highway in contravention of this section or the regulations, he or she may move the vehicle or require the driver or operator or other person in charge of the vehicle to move it. R.S.O. 1990, c. H.8, s. 170 (7).

Disabled vehicle

(8) The provisions of this section do not apply to the driver or operator of a vehicle that is so disabled while on a highway that it is impossible to avoid temporarily a contravention of the provisions. R.S.O. 1990, c. H.8, s. 170 (8).

Precaution against vehicle being set in motion

(9) No person shall park or stand a vehicle on a highway unless he or she has taken the action that may be reasonably necessary in the circumstances to prevent the vehicle from moving or being set in motion. R.S.O. 1990, c. H.8, s. 170 (9).

Warning lights on commercial motor vehicles

(10) Every commercial motor vehicle, when on a highway on which the speed limit is in excess of 60 kilometres per hour at any time when lighted lamps are required to be displayed on vehicles, shall be equipped with a sufficient number of,

- (a) flares, lamps or lanterns that have been approved by the Ministry, capable of continuously producing two warning lights, each visible from a distance of at least 150 metres for a period of at least eight hours; or
- (b) portable reflectors that have been approved by the Ministry. R.S.O. 1990, c. H.8, s. 170 (10); 2005, c. 26, Sched. A, s. 28 (1).

Flares on disabled commercial motor vehicle or trailer

(11) When any commercial motor vehicle or trailer is disabled during the period when lighted lamps are required to be displayed on vehicles and the vehicle cannot immediately be removed from the roadway on which the speed limit is in excess of 60 kilometres per hour, the driver or other person in charge of the vehicle shall cause the flares, lamps or lanterns to be lighted, and shall cause them or portable reflectors approved by the Ministry to be placed and maintained on the highway until the time that lighted lamps are not required to be displayed on vehicles or the removal of the vehicle, one at a distance of approximately 30 metres in advance of the vehicle and one at a distance of approximately 30 metres to the rear of the vehicle. R.S.O. 1990, c. H.8, s. 170 (11); 2005, c. 26, Sched. A, s. 28 (1).

Vehicles interfering with traffic

(12) Despite the other provisions of this section, no person shall park or stand a vehicle on a highway in such a manner as to interfere with the movement of traffic or the clearing of snow from the highway. R.S.O. 1990, c. H.8, s. 170 (12).

Application of subs. (12), where by-law in force

(13) The provisions of subsection (12) with respect to parking or standing in such a manner as to interfere with the movement of traffic or with the clearing of snow from the highway do not apply to a portion of a highway in respect of which a municipal by-law prohibiting or regulating parking or standing in such a manner as to interfere with traffic or with the clearing of snow from the highway, as the case may be, is in force. R.S.O. 1990, c. H.8, s. 170 (13).

Penalty

(14) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$20 and not more than \$100. R.S.O. 1990, c. H.8, s. 170 (14).

Powers of officer to remove vehicle

(15) A police officer, police cadet, municipal law enforcement officer or an officer appointed for carrying out the provisions of this Act, upon discovery of any vehicle parked or standing in contravention of subsection (12), of a regulation made under subsection 26 (3) of the *Public Transportation and Highway Improvement Act* or of a municipal by-law, may cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges for the removal, care and storage of the vehicle, if any, are a lien upon the vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*. 2005, c. 26, Sched. A, s. 28 (2).

Tow truck services

171. (1) No person shall make or convey an offer of services of a tow truck while that person is within 200 metres of,

- (a) the scene of an accident or apparent accident; or
- (b) a vehicle involved in an accident,

on the King's Highway. R.S.O. 1990, c. H.8, s. 171 (1).

Idem

(2) No person shall park or stop a tow truck on the King's Highway within 200 metres of,

- (a) the scene of an accident or apparent accident; or
- (b) a vehicle involved in an accident,

if there is a sufficient number of tow trucks already at the scene to deal with all vehicles that

apparently require the services of a tow truck. R.S.O. 1990, c. H.8, s. 171 (2).

Idem

(3) Subsections (1) and (2) do not apply to a person who is at the scene of the accident at the request of a police officer, an officer appointed for carrying out the provisions of this Act, a person engaged in highway maintenance or a person involved in the accident. R.S.O. 1990, c. H.8, s. 171 (3).

Offence

(4) Every person who contravenes any provision in this section is guilty of an offence and on conviction is liable,

- (a) for a first offence, to a fine of not less than \$200 and not more than \$1,000; and
- (b) for each subsequent offence, to a fine of not less than \$400 and not more than \$2,000, or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.8, s. 171 (4).

Idem

(5) An offence under this section committed five years or longer after a previous conviction for an offence under this section is not a subsequent offence for the purposes of clause (4) (b). R.S.O. 1990, c. H.8, s. 171 (5).

Racing, stunts, etc., prohibited

172. (1) No person shall drive a motor vehicle on a highway in a race or contest, while performing a stunt or on a bet or wager. 2007, c. 13, s. 21.

Offence

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both, and in addition his or her driver's licence may be suspended,

- (a) on a first conviction under this section, for not more than two years; or
- (b) on a subsequent conviction under this section, for not more than 10 years. 2007, c. 13, s. 21.

Determining subsequent conviction

(3) In determining whether a conviction is a subsequent conviction for the purposes of subsection (2), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction. 2007, c. 13, s. 21.

10-year limitation

(4) A conviction that is more than 10 years after the previous conviction is deemed to be a first conviction for the purpose of subsection (2). 2007, c. 13, s. 21.

Police to require surrender of licence, detention of vehicle

(5) Where a police officer believes on reasonable and probable grounds that a person is driving, or has driven, a motor vehicle on a highway in contravention of subsection (1), the officer shall,

- (a) request that the person surrender his or her driver's licence; and

- (b) detain the motor vehicle that was being driven by the person until it is impounded under clause (7) (b). 2007, c. 13, s. 21.

Administrative seven-day licence suspension

(6) Upon a request being made under clause (5) (a), the person to whom the request is made shall forthwith surrender his or her driver's licence to the police officer and, whether or not the person is unable or fails to surrender the licence to the police officer, his or her driver's licence is suspended for a period of seven days from the time the request is made. 2007, c. 13, s. 21.

Administrative seven-day vehicle impoundment

(7) Upon a motor vehicle being detained under clause (5) (b), the motor vehicle shall, at the cost of and risk to its owner,

- (a) be removed to an impound facility as directed by a police officer; and
- (b) be impounded for seven days from the time it was detained under clause (5) (b). 2007, c. 13, s. 21.

Release of vehicle

(8) Subject to subsection (15), the motor vehicle shall be released to its owner from the impound facility upon the expiry of the period of impoundment. 2007, c. 13, s. 21.

Early release of vehicle

(9) Despite the detention or impoundment of a motor vehicle under this section, a police officer may release the motor vehicle to its owner before it is impounded under subsection (7) or, subject to subsection (15), may direct the operator of the impound facility where the motor vehicle is impounded to release the motor vehicle to its owner before the expiry of the seven days if the officer is satisfied that the motor vehicle was stolen at the time that it was driven on a highway in contravention of subsection (1). 2007, c. 13, s. 21.

Duty of officer re licence suspension

(10) Every officer who asks for the surrender of a person's driver's licence under this section shall keep a record of the licence received with the name and address of the person and the date and time of the suspension and shall, as soon as practicable after receiving the licence, provide the person with a notice of suspension showing the time from which the suspension takes effect and the period of time for which the licence is suspended. 2007, c. 13, s. 21.

Duty of officer re impoundment

(11) Every officer who detains a motor vehicle under this section shall prepare a notice identifying the motor vehicle that is to be impounded under subsection (7), the name and address of the driver and the date and time of the impoundment and shall, as soon as practicable after the impoundment of the motor vehicle, provide the driver with a copy of the notice showing the time from which the impoundment takes effect, the period of time for which the motor vehicle is impounded and the place where the vehicle may be recovered. 2007, c. 13, s. 21.

Same

(12) A police officer shall provide a copy of the notice prepared under subsection (11) to the owner of the motor vehicle by delivering it personally or by mail to the address of the owner shown on the permit for the motor vehicle or to the latest address for the owner appearing on the records of the Ministry. 2007, c. 13, s. 21.

No appeal or hearing

(13) There is no appeal from, or right to be heard before, a vehicle detention, driver's licence suspension or vehicle impoundment under subsection (5), (6) or (7), but this subsection does not affect the taking of any proceeding in court. 2007, c. 13, s. 21.

Lien for storage costs

(14) The costs incurred by the person who operates the impound facility where a motor vehicle is impounded under this section are a lien on the motor vehicle that may be enforced under the *Repair and Storage Liens Act*. 2007, c. 13, s. 21.

Costs to be paid before release of vehicle

(15) The person who operates the impound facility where a motor vehicle is impounded under subsection (7) is not required to release the motor vehicle until the removal and impound costs for the vehicle have been paid. 2007, c. 13, s. 21.

Owner may recover losses from driver

(16) The owner of a motor vehicle that is impounded under this section may bring an action against the driver of the motor vehicle at the time the vehicle was detained under clause (5) (b) to recover any costs or other losses incurred by the owner in connection with the impoundment. 2007, c. 13, s. 21.

Offence

(17) Every person who obstructs or interferes with a police officer in the performance of his or her duties under this section is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$5,000 or to imprisonment for a term of not more than six months, or to both. 2007, c. 13, s. 21.

Intent of suspension and impoundment

(18) The suspension of a driver's licence and the impoundment of a motor vehicle under this section are intended to promote compliance with this Act and to thereby safeguard the public and do not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2007, c. 13, s. 21.

Impoundment concurrent with other administrative impoundments

(18.1) The impoundment of a motor vehicle under this section runs concurrently with an impoundment, if any, of the same motor vehicle under section 41.4, 48.4, 55.1, 55.2 or 82.1. 2009, c. 5, s. 51 (1).

(19) Repealed: 2008, c. 17, s. 43.

Regulations

(20) The Lieutenant Governor in Council may make regulations,

- (a) requiring police officers to keep records with respect to licence suspensions and vehicle impoundments under this section for a specified period of time and to report specified information with respect to licence suspensions and vehicle impoundments to the Registrar and governing such records and reports;
- (b) exempting any class of persons or class or type of vehicles from any provision or requirement of this section or of any regulation made under this section, prescribing conditions for any such exemptions and prescribing different requirements for different

classes of persons or different classes or types of vehicles;

- (c) defining the terms “race”, “contest” and “stunt” for the purposes of this section. 2007, c. 13, s. 21.

Definition

[\(21\)](#) In this section,

“driver’s licence” includes a driver’s licence issued by another jurisdiction. 2007, c. 13, s. 21.

Same

[\(22\)](#) In this section and in section 172.1,

“motor vehicle” includes a street car, a motorized snow vehicle, a farm tractor, a self-propelled implement of husbandry and a road-building machine. 2009, c. 5, s. 51 (2).

Nitrous oxide fuel systems prohibited

[172.1 \(1\)](#) No person shall drive or permit to be driven on a highway a motor vehicle manufactured or modified after its manufacture such that nitrous oxide may be delivered into the fuel mixture unless,

- (a) the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide can be clearly seen by looking at the interior or exterior of the motor vehicle;
- (b) there is no canister, bottle, tank or pressure vessel connected to that part; and
- (c) if the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide is located inside the passenger compartment, there is no canister, bottle, tank or pressure vessel capable of containing nitrous oxide in the passenger compartment. 2007, c. 13, s. 22.

Same

[\(2\)](#) No person shall drive or permit to be driven on a highway a motor vehicle manufactured or modified after its manufacture such that nitrous oxide may be delivered into the fuel mixture unless,

- (a) the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide is completely disconnected from the part of the system that connects to the engine;
- (b) the disconnection can be clearly seen by looking at the interior or exterior of the motor vehicle; and
- (c) the disconnected parts cannot be reconnected from inside the passenger compartment. 2007, c. 13, s. 22.

Offence

[\(3\)](#) Every person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. 2007, c. 13, s. 22.

Horse racing on highway

[173.](#) No person shall race or drive furiously any horse or other animal on a highway. R.S.O.

1990, c. H.8, s. 173.

Railway crossings

Public vehicles required to stop

174. (1) The driver of a public vehicle upon approaching on a highway a railway crossing that is not protected by gates or railway crossing signal lights, unless otherwise directed by a flagman, shall,

- (a) stop the vehicle not less than 5 metres from the nearest rail of the railway;
- (b) look in both directions along the railway track;
- (c) open a door of the vehicle and listen to determine if any train is approaching;
- (d) when it is safe to do so, cross the railway track in a gear that will not need to be changed while crossing the track; and
- (e) not change gears while crossing the railway track. 1997, c. 12, s. 13.

School buses required to stop

(2) The driver of a school bus, within the meaning of section 175, upon approaching on a highway a railway crossing, whether or not it is protected by gates or railway crossing signal lights, unless otherwise directed by a flagman, shall,

- (a) stop the school bus not less than 5 metres from the nearest rail of the railway;
- (b) look in both directions along the railway track;
- (c) open a door of the school bus and listen to determine if any train is approaching;
- (d) when it is safe to do so, cross the railway track in a gear that will not need to be changed while crossing the track; and
- (e) not change gears while crossing the railway track. 1997, c. 12, s. 13.

School buses

175. (1) In this section,

“children” means,

- (a) persons under the age of eighteen, and
- (b) in the case where a school bus is being operated by or under a contract with a school board or other authority in charge of a school for the transportation of children to or from school, includes students of the school; (“enfants”)

“developmental disability” means a condition of mental impairment, present or occurring during a person’s formative years, that is associated with limitations in adaptive behaviour; (“déficiência intellectuelle”)

“school” does not include a post-secondary school educational institution; (“école”)

“school bus” means a bus that,

- (a) is painted chrome yellow, and
- (b) displays on the front and rear thereof the words “school bus” and on the rear thereof the words “do not pass when signals flashing”. (“autobus scolaire”) R.S.O. 1990, c. H.8,

s. 175 (1); 2001, c. 13, s. 18 (1, 2).

Meaning of “bus”

(2) For the purposes of subsection (3), a motor vehicle shall be deemed to be a bus if it is or has been operated under the authority of a permit for which a bus registration or validation fee was paid in any jurisdiction. R.S.O. 1990, c. H.8, s. 175 (2).

Only school buses to be painted chrome yellow

(3) No bus, except a bus that at any time during its current validation period is used to transport children or to transport adults who have developmental disabilities, shall be painted chrome yellow. R.S.O. 1990, c. H.8, s. 175 (3); 2001, c. 13, s. 18 (3).

School bus signs

(4) No motor vehicle on a highway, other than a school bus, shall have displayed thereon the words “school bus” or the words “do not pass when signals flashing” or be equipped with a school bus stop arm. R.S.O. 1990, c. H.8, s. 175 (4).

Driving motor vehicle, subss. (3) and (4)

(5) No person shall drive or operate a motor vehicle on a highway that contravenes subsection (3) or (4). R.S.O. 1990, c. H.8, s. 175 (5).

School bus driver, signals

- (6) Subject to subsection (9), every school bus driver,
- (a) who is about to stop on a highway for the purpose of receiving or discharging children or receiving or discharging adults who have developmental disabilities, shall actuate the overhead red signal-lights on the bus;
 - (b) as soon as the bus is stopped for a purpose set out in clause (a), shall actuate the school bus stop arm; and
 - (c) while the bus is stopped for a purpose set out in clause (a) on a highway, shall continue to operate the overhead red signal-lights and stop arm until the passengers have been received or discharged and until all passengers having to cross the highway have completed the crossing. R.S.O. 1990, c. H.8, s. 175 (6); 2000, c. 26, Sched. O, s. 14; 2001, c. 13, s. 18 (4).

School buses, stopping on highway

(7) Clause 170 (1) (a) does not apply to a driver who stops in accordance with subsection (6). R.S.O. 1990, c. H.8, s. 175 (7).

School buses, restriction on use of signals

(8) No person shall actuate the overhead red signal-lights or the stop arm on a school bus on a highway under any circumstances other than those set out in subsection (6). R.S.O. 1990, c. H.8, s. 175 (8).

Idem

- (9) No person shall actuate the overhead red signal-lights or the stop arm on a school bus,
- (a) at an intersection controlled by an operating traffic control signal system;
 - (b) at any other location controlled by an operating traffic control signal system at,
 - (i) a sign or roadway marking indicating where the stop is to be made,

- (ii) the area immediately before entering the nearest crosswalk, if there is no sign or marking indicating where the stop is to be made, or
 - (iii) a point not less than five metres before the nearest traffic control signal, if there is no sign, marking or crosswalk; or
- (c) within sixty metres from a location referred to in clause (a) or (b). R.S.O. 1990, c. H.8, s. 175 (9).

School bus loading zones

[\(10\)](#) No person shall stop a school bus on a highway for the purpose of receiving or discharging children or receiving or discharging adults who have developmental disabilities,

- (a) opposite a designated school bus loading zone; or
- (b) at a designated school bus loading zone, except as close as practicable to the right curb or edge of the roadway. R.S.O. 1990, c. H.8, s. 175 (10); 2001, c. 13, s. 18 (5).

Duty of drivers when school bus stopped

[\(11\)](#) Every driver or street car operator, when meeting on a highway, other than a highway with a median strip, a stopped school bus that has its overhead red signal-lights flashing, shall stop before reaching the bus and shall not proceed until the bus moves or the overhead red signal-lights have stopped flashing. R.S.O. 1990, c. H.8, s. 175 (11).

Idem

[\(12\)](#) Every driver or street car operator on a highway, when approaching from the rear a stopped school bus that has its overhead red signal-lights flashing, shall stop at least twenty metres before reaching the bus and shall not proceed until the bus moves or the overhead red signal-lights have stopped flashing. R.S.O. 1990, c. H.8, s. 175 (12).

Designating school bus loading zones

[\(13\)](#) A council of a municipality may by by-law designate school bus loading zones, in accordance with the regulations, on highways under its jurisdiction and, where it does so, subsection (6) does not apply to a driver about to stop or stopping in a zone so designated. R.S.O. 1990, c. H.8, s. 175 (13).

When effective

[\(14\)](#) No by-law passed under subsection (13) becomes effective until the highways or portions thereof affected have signs erected in compliance with this Act and the regulations. R.S.O. 1990, c. H.8, s. 175 (14).

Regulations

- [\(15\)](#) The Lieutenant Governor in Council may make regulations,
- (a) respecting the operation of vehicles used for transporting children or for transporting adults who have developmental disabilities;
 - (b) prescribing the type, design and colour of vehicles referred to in clause (a) and the markings to be displayed thereon;
 - (c) requiring the use of any equipment on or in vehicles referred to in clause (a) and prescribing the standards and specifications of the equipment;
 - (d) prescribing the qualifications of drivers of vehicles referred to in clause (a) and

- prohibiting the operation thereof by unqualified persons;
- (e) requiring the inspection of vehicles referred to in clause (a);
 - (f) respecting the designation of school bus loading zones, the location thereof, the erection of signs and the placing of markings on highways;
 - (g) prescribing the books and records that shall be kept by persons who operate vehicles used for transporting children or for transporting adults who have developmental disabilities;
 - (h) requiring the retention of prescribed books and records within vehicles and prescribing the information to be contained and the entries to be recorded in the books or records;
 - (i) governing the service of offence notices for the purposes of subsections (26), (27) and (28), including deeming service to have been effected on a date determined in accordance with the regulations. R.S.O. 1990, c. H.8, s. 175 (15); 2001, c. 13, s. 18 (6, 7); 2004, c. 22, s. 5 (1).

Scope of regulations

(16) Any regulation made under subsection (15) may be general or particular in its application. R.S.O. 1990, c. H.8, s. 175 (16).

Penalty

(17) Every person who contravenes subsection (11) or (12) is guilty of an offence and on conviction is liable,

- (a) for a first offence, to a fine of not less than \$400 and not more than \$2,000; and
- (b) for each subsequent offence, to a fine of not less than \$1,000 and not more than \$4,000 or to imprisonment for a term of not more than six months, or to both. 1997, c. 12, s. 14.

Time limit for subsequent offence

(18) An offence referred to in subsection (17) committed more than five years after a previous conviction for either of the offences referred to in subsection (17) is not a subsequent offence for the purpose of clause (17) (b). R.S.O. 1990, c. H.8, s. 175 (18).

Certificate of offence – owner

(19) A person who issues a certificate of offence or who prepares an information to be laid under the *Provincial Offences Act* for a contravention of subsection (11) shall, despite that Act and the regulations under that Act, specify this subsection, instead of subsection (11), as the provision that was contravened, if the defendant is being charged as the owner of the vehicle. 2004, c. 22, s. 5 (2).

Same

(20) A person who issues a certificate of offence or who prepares an information to be laid under the *Provincial Offences Act* for a contravention of subsection (12) shall, despite that Act and the regulations under that Act, specify this subsection, instead of subsection (12), as the provision that was contravened, if the defendant is being charged as the owner of the vehicle. 2004, c. 22, s. 5 (2).

Deemed to specify subs. (11) or (12)

[\(21\)](#) A certificate of offence, offence notice, information or summons that specifies subsection (19) or (20) as the provision that was contravened shall be deemed to specify that subsection (11) or (12) was contravened, as the case may be. 2004, c. 22, s. 5 (2).

No dismissal

[\(22\)](#) No charge shall be dismissed, and no certificate of offence or information shall be quashed, on the basis that a certificate of offence, offence notice, information or summons specifies subsection (19) or (20) instead of subsection (11) or (12) as the provision that was contravened. 2004, c. 22, s. 5 (2).

No amendment

[\(23\)](#) A certificate of offence or information that specifies subsection (11) or (12) as the provision that was contravened shall not be amended to specify subsection (19) or (20) and a certificate of offence or information that specifies subsection (19) or (20) as the provision that was contravened shall not be amended to specify subsection (11) or (12), without the consent of the prosecutor and the defendant. 2004, c. 22, s. 5 (2).

Purpose of subs. (19) to (23)

[\(24\)](#) The purpose of subsections (19) to (23) is to facilitate the use of computer systems that are maintained by the Government of Ontario for recording and processing information related to provincial offences. 2004, c. 22, s. 5 (2).

Provincial Offences Act, Part I

[\(25\)](#) No summons shall be issued under clause 3 (2) (b) of the *Provincial Offences Act* in proceedings alleging an offence under subsection (19) or (20). 2004, c. 22, s. 5 (2).

Service of offence notice

[\(26\)](#) An offence notice issued in proceedings alleging an offence under subsection (19) or (20) may be served in accordance with the regulations, in which case subsections 3 (3) to (7) of the *Provincial Offences Act* do not apply. 2004, c. 22, s. 5 (2).

Certificate of service

[\(27\)](#) If the provincial offences officer who issues the certificate of offence also serves the offence notice, that officer shall certify, on the certificate of offence, the fact that he or she took the steps authorized by the regulations to serve the offence notice and the date those steps were taken. 2004, c. 22, s. 5 (2).

Evidence

[\(28\)](#) A certificate referred to in subsection (27) purporting to be signed by the provincial offences officer who issued it shall be received in evidence and is proof of service in the absence of evidence to the contrary. 2004, c. 22, s. 5 (2).

School crossings

[176. \(1\)](#) In this section,

“school crossing guard” means a person sixteen years of age or older who is directing the movement of persons across a highway and who is,

(a) employed by a municipality, or

(b) employed by a corporation under contract with a municipality to provide the services of a school crossing guard. R.S.O. 1990, c. H.8, s. 176 (1); 2005, c. 14, s. 1 (1).

School crossing guard shall display sign

(2) A school crossing guard about to direct persons across a highway with a speed limit not in excess of 60 kilometres per hour shall, prior to entering the roadway, display a school crossing stop sign in an upright position so that it is visible to vehicles approaching from each direction and shall continue to so display the school crossing stop sign until all persons, including the school crossing guard, have cleared the roadway. 2005, c. 26, Sched. A, s. 29 (1).

Vehicles approaching guard displaying sign

(3) Where a school crossing guard displays a school crossing stop sign as provided in subsection (2), the driver of any vehicle or street car approaching the school crossing guard shall stop before reaching the crossing and shall remain stopped until all persons, including the school crossing guard, have cleared the half of the roadway upon which the vehicle or street car is travelling and it is safe to proceed. 2005, c. 26, Sched. A, s. 29 (1).

Display of school crossing stop sign

(4) A school crossing guard shall not display on a highway a school crossing stop sign under any circumstances other than those set out in subsection (2). R.S.O. 1990, c. H.8, s. 176 (4).

Idem

(5) No person other than a school crossing guard shall display on a highway a school crossing stop sign. R.S.O. 1990, c. H.8, s. 176 (5).

Offence

(5.1) Every person who contravenes subsection (3) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$500. 2005, c. 26, Sched. A, s. 29 (2).

Regulations

(6) The Lieutenant Governor in Council may make regulations prescribing the type, design and specifications of school crossing stop signs. R.S.O. 1990, c. H.8, s. 176 (6).

Soliciting rides or business from drivers

Soliciting rides prohibited

177. (1) No person, while on the roadway, shall solicit a ride from the driver of a motor vehicle other than a public passenger conveyance. 1999, c. 8, s. 7 (1).

Soliciting business prohibited

(2) No person, while on the roadway, shall stop, attempt to stop or approach a motor vehicle for the purpose of offering, selling or providing any commodity or service to the driver or any other person in the motor vehicle. 1999, c. 8, s. 7 (1).

Exception, emergencies

(3) Subsection (2) does not apply to the offer, sale or provision of towing or repair services or any other commodity or service, in an emergency. 1999, c. 8, s. 7 (1).

Permitted fund-raising by charities

(3.1) Subsection (2) does not apply to fund-raising activities that meet the following conditions:

1. They are conducted by a charitable organization registered under the *Income Tax Act* (Canada) on a roadway where the maximum speed limit is 50 kilometres per hour.
2. They are permitted by a by-law of the municipality in which the activities are conducted.

2005, c. 32, s. 2.

Penalty for contravention of subs. (2)

- (4)** Every person who contravenes subsection (2) is guilty of an offence and is liable,
- (a) on a first conviction, to a fine of not more than \$500; and
 - (b) on each subsequent conviction, to a fine of not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. 1999, c. 8, s. 7 (1).

s. 171 (tow truck services) not affected

- (5)** Nothing in this section affects the operation of section 171. 1999, c. 8, s. 7 (1).

Clinging to vehicles, bicycle passengers, etc.

Bicycle riders, etc., clinging to vehicles

178. (1) A person riding upon a motor assisted bicycle, a bicycle, a coaster, roller skates, skis, a toboggan, a sled or a toy vehicle shall not attach it, them, himself or herself to a vehicle or street car on a roadway. R.S.O. 1990, c. H.8, s. 178 (1).

Bicycle passengers

(2) No person riding on a bicycle designed for carrying one person only shall carry any other person thereon. R.S.O. 1990, c. H.8, s. 178 (2).

Motor assisted bicycle passengers

(3) No person driving a motor assisted bicycle shall carry any other person thereon. R.S.O. 1990, c. H.8, s. 178 (3).

Persons clinging to vehicles

(4) No person shall attach himself or herself to the outside of a vehicle or street car on a roadway for the purpose of being drawn along the roadway. R.S.O. 1990, c. H.8, s. 178 (4).

Duties of pedestrian when walking along highway

179. (1) Where sidewalks are not provided on a highway, a pedestrian walking along the highway shall walk on the left side thereof facing oncoming traffic and, when walking along the roadway, shall walk as close to the left edge thereof as possible. R.S.O. 1990, c. H.8, s. 179 (1).

Idem

(2) Subsection (1) does not apply to a pedestrian walking a bicycle in circumstances where crossing to the left side of the highway would be unsafe. R.S.O. 1990, c. H.8, s. 179 (2).

Littering highway prohibited

180. Every person who throws or deposits or causes to be deposited any glass, nails, tacks or scraps of metal or any rubbish, refuse, waste or litter upon, along or adjacent to a highway, except in receptacles provided for the purpose, is guilty of the offence of littering the highway. R.S.O. 1990, c. H.8, s. 180.

Deposit of snow on roadway

181. No person shall deposit snow or ice on a roadway without permission in writing so to do from the Ministry or the road authority responsible for the maintenance of the road. R.S.O. 1990, c. H.8, s. 181.

Regulations, signs and markings

182. (1) The Lieutenant Governor in Council may make regulations requiring or providing

for the erection of signs and the placing of markings on any highway or any type or class thereof, and prescribing the types of the signs and markings and the location on the highway of each type of sign and marking and prohibiting the use or erection of any sign or type of sign that is not prescribed. R.S.O. 1990, c. H.8, s. 182 (1); 2002, c. 18, Sched. P, s. 32.

Signs to be obeyed

[\(2\)](#) Every driver or operator of a vehicle or street car shall obey the instructions or directions indicated on any sign so erected. R.S.O. 1990, c. H.8, s. 182 (2).

Regulations, tunnels

[183. \(1\)](#) The Lieutenant Governor in Council may make regulations,

- (a) designating any part of a highway as a tunnel;
- (b) providing for the erection of signs and the placing of markings,
 - (i) on any highway approaching any part of a highway designated as a tunnel,
 - (ii) on any part of a highway designated as a tunnel,and prescribing the types of the signs and markings and the location of each type of sign and marking;
- (c) prohibiting or regulating the use of that part of the highway designated as a tunnel by pedestrians, animals or any class or classes of vehicles;
- (d) prohibiting or regulating the transportation of explosives and dangerous materials or any class thereof by a vehicle on that part of a highway designated as a tunnel. R.S.O. 1990, c. H.8, s. 183 (1).

Signs to be obeyed

[\(2\)](#) Every driver or operator of a vehicle shall obey the instructions or directions indicated on any sign so erected. R.S.O. 1990, c. H.8, s. 183 (2).

Defacing or removing notices or obstructions

[184.](#) Every person who wilfully removes, defaces or in any manner interferes with any notice or obstruction lawfully placed on a highway is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.8, s. 184.

Regulating or prohibiting use of highway by pedestrians, etc.

[185. \(1\)](#) The Minister may make regulations prohibiting or regulating the use of any highway or part thereof by pedestrians or animals or any class or classes of vehicles. R.S.O. 1990, c. H.8, s. 185 (1).

Prohibiting motor assisted bicycles, etc., on municipal highways

[\(2\)](#) The council of a municipality may by by-law prohibit pedestrians or the use of motor assisted bicycles, bicycles, wheelchairs or animals on any highway or portion of a highway under its jurisdiction. R.S.O. 1990, c. H.8, s. 185 (2).

Removing pedestrians

[\(3\)](#) Where a pedestrian is on a highway in contravention of a regulation made or by-law passed under this section, a police officer may require the pedestrian to accompany him or her to the nearest intersecting highway on which pedestrians are not prohibited and the pedestrian shall

comply with the request. R.S.O. 1990, c. H.8, s. 185 (3).

Prohibiting commercial vehicles in left lane

186. (1) The council of a municipality may by by-law prohibit the operation of,

- (a) a commercial motor vehicle other than a bus; or
- (b) any combination of a commercial motor vehicle and a towed vehicle,

that exceeds 6.5 metres in length, in the left lane of any highway under its jurisdiction that has three or more lanes for traffic in each direction and on which the speed limit is 80 kilometres per hour or more. R.S.O. 1990, c. H.8, s. 186 (1); 2005, c. 26, Sched. A, s. 30.

When prohibition does not apply

(2) A by-law passed under subsection (1) does not apply to the use of the left lane of a highway by a commercial motor vehicle,

- (a) that is being used for the maintenance or construction of the highway; or
- (b) in an emergency. R.S.O. 1990, c. H.8, s. 186 (2).

Signs

(3) Where the council of a municipality passes a by-law under subsection (1), the municipality shall erect signs over the left lane of the highway governed by the by-law so located that they can be seen by the drivers of commercial motor vehicles entering the highway from connecting or intersecting highways. R.S.O. 1990, c. H.8, s. 186 (3).

Aircraft on highways

Removal of aircraft from highway after emergency landing

187. (1) Where an aircraft has made an emergency landing on a highway, the pilot in command thereof, if he or she is physically capable, shall, as soon after landing as is reasonably possible, remove or cause it to be removed from the roadway. R.S.O. 1990, c. H.8, s. 187 (1).

Aircraft and movement along highway subject to Act

(2) Subject to subsection (3), no aircraft shall be driven or drawn along a highway unless the aircraft and the movement thereof comply with the provisions of this Act respecting vehicles and the movement thereof on a highway. R.S.O. 1990, c. H.8, s. 187 (2).

Aircraft take-off from highway

(3) Where an aircraft has landed on a highway because of an emergency related to the operation of the aircraft, the aircraft may take off from the highway provided,

- (a) a licensed commercial pilot, not being the owner of the aircraft, who is qualified to fly that class and category of aircraft, and the pilot in command of the aircraft are both satisfied that the aircraft is airworthy and that there are no physical obstructions on or over the highway which would make such take-off unsafe;
- (b) the pilot in command of the aircraft is satisfied that weather conditions are satisfactory for the purpose and that the minimum requirements are met under the visual flight rules established by the regulations made under the *Aeronautics Act* (Canada) or, if the flight is to be continued under instrument flight rules, that adequate arrangements can be made for obtaining a clearance from an air traffic control unit prior to entering instrument flight weather conditions;

(c) traffic control is provided by the appropriate police force; and

(d) the police force consents to the take-off. R.S.O. 1990, c. H.8, s. 187 (3).

Penalty

(4) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. R.S.O. 1990, c. H.8, s. 187 (4).

No liability where good faith

(5) No proceeding for damages shall be instituted against a police force, police officer or pilot, for an act or an omission done or omitted to be done by it, him or her in respect of the subject-matter of subsection (3) where the force, officer or pilot was acting in good faith. R.S.O. 1990, c. H.8, s. 187 (5).

Riding in house or boat trailers prohibited

188. No driver of a motor vehicle to which a house trailer or boat trailer is attached shall operate the motor vehicle on a highway if the trailer is occupied by any person. R.S.O. 1990, c. H.8, s. 188.

Air cushioned vehicles prohibited on highways

189. No person shall operate a vehicle commonly known as an air cushioned vehicle on a highway. R.S.O. 1990, c. H.8, s. 189.

Commercial motor vehicles, driving rules

190. (1) In this section and in sections 191 and 191.0.1,

“commercial motor vehicle” and “operator” have the same meanings as in subsection 16 (1). 2002, c. 18, Sched. P, s. 33.

Driving restrictions

(2) No person shall drive a commercial motor vehicle on a highway except in accordance with this section and the regulations made under this section. R.S.O. 1990, c. H.8, s. 190 (2).

Daily log

(3) Every driver shall maintain a daily log and shall carry it at all times while in charge of a commercial motor vehicle on the highway. R.S.O. 1990, c. H.8, s. 190 (3).

Surrender of daily log

(4) Every driver who is required under subsection (3) to carry a daily log shall surrender it to any police officer or officer appointed for the purpose of carrying out the provisions of this Act upon demand by the officer. R.S.O. 1990, c. H.8, s. 190 (4).

One daily log only

(5) No driver shall make or have more than one daily log that records the same time period or overlapping time periods. R.S.O. 1990, c. H.8, s. 190 (5).

Operator’s duty

(6) No operator shall permit a person to drive a commercial motor vehicle on a highway except in accordance with this section or the regulations made under this section. R.S.O. 1990, c. H.8, s. 190 (6).

Regulations

(7) The Lieutenant Governor in Council may make regulations,

- (a) prescribing the books, logs and records that shall be kept by operators and drivers of commercial motor vehicles;
- (b) requiring the retention of books, logs and records, the information to be contained and the entries to be recorded therein and the places where they shall be kept;
- (c) prescribing hours of work, periods of rest and other requirements for the purpose of subsection (2), including prescribing different hours or periods for different types of work or driving;
- (d) exempting any person or class of persons or any vehicle or class of vehicles from any requirement in this section or any regulation made under this section and prescribing conditions for any such exemption.
- (e) Repealed: 2009, c. 5, s. 52.

R.S.O. 1990, c. H.8, s. 190 (7); 2009, c. 5, s. 52.

Offence and penalty

[\(8\)](#) Every person who contravenes this section or a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000 or to imprisonment for a term of not more than six months, or to both. 1996, c. 20, s. 29.

[\(9\)](#) Repealed: 1996, c. 20, s. 29.

Exemption certificate, hours of work for commercial motor vehicle drivers

[191. \(1\)](#) An operator may apply in writing to the Registrar for a certificate exempting the operator and any driver employed by or contracted to the operator from any requirement prescribed by the regulations made under clause 190 (7) (c) regarding hours of work. R.S.O. 1990, c. H.8, s. 191 (1).

Issuance

[\(2\)](#) On an application under subsection (1), the Registrar may issue the certificate applied for if the Registrar is satisfied that the operator applying for the certificate has a genuine need for it and the issuance of the certificate is unlikely to jeopardize the safety or health of any person. R.S.O. 1990, c. H.8, s. 191 (2).

Conditions

[\(3\)](#) A certificate issued under this section may contain any conditions that the Registrar considers appropriate and a certificate is subject to the conditions set out therein. R.S.O. 1990, c. H.8, s. 191 (3).

Effect of certificate

[\(4\)](#) Subject to subsection (5), a certificate issued under this section exempts the operator to whom it is issued and any driver employed by or contracted to that operator from those requirements prescribed by the regulations made under clause 190 (7) (c) that are set out in the certificate. R.S.O. 1990, c. H.8, s. 191 (4).

Where certificate does not apply

[\(5\)](#) A certificate issued under this section does not apply to exempt,

- (a) an operator who is in contravention of any condition set out in the certificate;

- (b) a driver who is in contravention of any condition set out in the certificate or who is in contravention of subsection (7); or
- (c) an operator for whom a driver referred to in clause (b) is working. R.S.O. 1990, c. H.8, s. 191 (5).

Duration

(6) A certificate is valid during the period set out therein, which period shall not exceed twelve months. R.S.O. 1990, c. H.8, s. 191 (6).

Certificate to be produced for inspection

(7) A driver claiming an exemption under a certificate issued under this section shall carry the certificate or a true copy thereof and produce the certificate or copy for inspection upon the demand of a police officer or an officer appointed for the purpose of carrying out the provisions of this Act. R.S.O. 1990, c. H.8, s. 191 (7).

Contracts of carriage

191.0.1 (1) Every contract of carriage for a person to carry the goods of another person by commercial motor vehicle for compensation shall contain the information required by the regulations and shall be deemed to include the terms and conditions set out in the regulations. 2002, c. 18, Sched. P, s. 34.

Deemed terms where no contract of carriage

(2) Where a person is hired for compensation to carry the goods of another person by commercial motor vehicle in circumstances where no contract of carriage has been entered into, then a contract of carriage shall be deemed to have been entered into, and the terms and conditions of the deemed contract of carriage shall be as set out in, and shall apply to such persons as are set out in, the regulations. 2002, c. 18, Sched. P, s. 34.

Money for contract of carriage held in trust

(3) A person who arranges with an operator to carry the goods of another person, for compensation and by commercial motor vehicle, shall hold any money received from the consignor or consignee of the goods in respect of the compensation owed to the operator in a trust account in trust for the operator until the money is paid to the operator. 2002, c. 18, Sched. P, s. 34.

Other rights unaffected

(4) Nothing in subsection (3) derogates from the contractual or other legal rights of the consignor, the consignee, the operator or the person who arranged for the carriage of the goods with respect to the money that is held in trust under that subsection. 2002, c. 18, Sched. P, s. 34.

Regulations

- (5) The Lieutenant Governor in Council may make regulations,
- (a) prescribing the information to be contained in contracts of carriage;
 - (b) prescribing the terms and conditions deemed to be included in every contract of carriage;
 - (c) prescribing the terms and conditions deemed to be included in a deemed contract of carriage and the persons to which they apply. 2002, c. 18, Sched. P, s. 34.

Same

(6) A regulation made under subsection (5) may provide that it applies differently to different classes of contracts of carriage, to different classes of persons or in respect of different

classes of goods. 2002, c. 18, Sched. P, s. 34.

Definitions

[\(7\)](#) In this section,

“compensation” includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; (“rémunération”)

“goods” includes all classes of materials, wares and merchandise and livestock. (“biens”) 2002, c. 18, Sched. P, s. 34.

PART X.1 TOLL HIGHWAYS

Definitions, Part X.1

[191.1](#) In this Part,

“electronic toll system” means all of the equipment, including the toll devices prescribed under clause 191.4 (a), that is used to electronically determine the amount of tolls owed and who owes them; (“système de péage électronique”)

“toll highway” means Highway 407 as defined in the *Highway 407 Act, 1998* and any other highway designated as a toll highway under any Act. (“voie publique à péage”) 1996, c. 1, Sched. E, s. 2 (3); 1998, c. 28, s. 67 (1).

Toll device required

[191.2 \(1\)](#) No person shall drive a motor vehicle on a toll highway unless a validated toll device, as prescribed under clause 191.4 (a), is affixed to the vehicle in accordance with the regulations made under clause 191.4 (b). 1996, c. 1, Sched. E, s. 2 (3).

Validation of toll device

[\(2\)](#) For the purpose of subsection (1), a validated toll device is a toll device that is validated under the *Capital Investment Plan Act, 1993* or a toll device that is validated under the *Highway 407 Act, 1998*. 1998, c. 28, s. 67 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is repealed and the following substituted:

Validation of toll device

[\(2\)](#) For the purpose of subsection (1), a validated toll device is a toll device that is validated under the *Capital Investment Plan Act, 1993*, the *Highway 407 Act, 1998* or the *Highway 407 East Act, 2012*. 2012, c. 8, Sched. 22, s. 20.

See: 2012, c. 8, Sched. 22, ss. 20, 21.

Evasion, etc., of electronic toll system

[191.3 \(1\)](#) No person shall engage in an activity or use any device or material for the purpose of evading, obstructing or interfering with the effective operation of an electronic toll system. 1996, c. 1, Sched. E, s. 2 (3).

Powers of police officer

[\(2\)](#) A police officer may at any time, without a warrant, stop, enter and search a motor vehicle that he or she has reasonable grounds to believe is equipped with or carries or contains a

device or material contrary to subsection (1) and may seize and take away any such device or material found in or upon the motor vehicle. 1996, c. 1, Sched. E, s. 2 (3).

Forfeiture of device, material

(3) When a person is convicted of an offence under this section, any device or material seized under subsection (2) by means of which the offence was committed is forfeited to the Crown. 1996, c. 1, Sched. E, s. 2 (3).

Sale of interference device prohibited

(4) No person shall sell, offer or advertise for sale any device or material that is designed or intended to interfere with the effective operation of an electronic toll system. 1996, c. 1, Sched. E, s. 2 (3).

Regulations, toll devices

191.4 The Lieutenant Governor in Council may make regulations,

- (a) prescribing toll devices for the purpose of section 191.2;
- (b) prescribing the manner in which the toll devices shall be affixed in or on a motor vehicle;
- (c) exempting any vehicle or class of vehicles from the application of section 191.2. 1996, c. 1, Sched. E, s. 2 (3).

PART X.2

MEDICAL TRANSPORTATION SERVICES

Definitions, Part X.2

191.5 In this Part,

“local board” means a local board as defined in section 1 of the *Municipal Affairs Act* and any other body performing a public function that is prescribed by regulation; (“conseil local”)

“medical transportation service” means a service that is designated by the Minister and that offers transportation to the public, primarily for medical purposes, within, to or from a municipality, but does not include an ambulance service that is licensed under the *Ambulance Act*. (“service de transport médical”) 1996, c. 32, s. 71; 2002, c. 17, Sched. F, Table; 2011, c. 9, Sched. 41, s. 3.

Medical transportation services

By-laws

191.6 (1) A municipality may pass by-laws to set standards for the operation of medical transportation services. 1996, c. 32, s. 71.

When local boards may pass resolutions

(2) In areas where there is no municipal organization or, where the council of a municipality delegates its power under this section to a local board, a local board may pass resolutions to set standards for the operation of medical transportation services. 1996, c. 32, s. 71.

Penalty

(3) Every person who contravenes a by-law or resolution passed under this section is guilty of an offence and on conviction is liable to a fine of not more than \$10,000. 1996, c. 32, s. 71.

Regulations, medical transportation services

191.7 The Minister may make regulations,

- (a) providing that a body that performs a public function is a local board for the purposes of this Part;
- (b) designating types of services to be medical transportation services and types of vehicles that may be used to provide medical transportation services. 1996, c. 32, s. 71.

PART X.3 OFF-ROAD VEHICLES

Off-road vehicles on highways regulated by regulations, by-laws

191.8 (1) No person shall drive an off-road vehicle on a highway except in accordance with the regulations and any applicable municipal by-laws. 1999, c. 12, Sched. R, s. 17.

Regulations

(2) The Lieutenant Governor in Council may make regulations,

- (a) classifying off-road vehicles and drivers;
- (b) permitting and regulating the operation of any class of off-road vehicle on any highway, any class of highway or any part or parts of such highway, and permitting any class of driver to drive an off-road vehicle on any highway, any class of highway or any part or parts of such highway, and prescribing conditions for any such permission;
- (c) exempting the class of off-road vehicle or of driver that is the subject of a regulation under clause (b) from any requirement in Part II, IV, VI, IX or X of this Act or in any regulation made under those Parts, and prescribing conditions for any such exemption. 1999, c. 12, Sched. R, s. 17.

Municipal by-laws

(3) The council of a municipality may pass by-laws,

- (a) permitting the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;
- (b) prescribing a lower rate of speed for off-road vehicles with three or more wheels and low pressure bearing tires than that prescribed for off-road vehicles by regulation on any highway within the municipality that is under its jurisdiction, or on any part or parts of such highway, including prescribing different rates of speed for different highways or parts of highways. 1999, c. 12, Sched. R, s. 17.

By-laws may regulate times of operation

(4) A by-law passed under subsection (3) may permit the operation of off-road vehicles with three or more wheels and low pressure bearing tires on any highway or on any part or parts of a highway only during specified months or hours. 1999, c. 12, Sched. R, s. 17.

Definitions

(5) In this section,

“low pressure bearing tire” means a wide, balloon-type tire with a rounded cross section and no distinct shoulder area and that is designed to operate with inflation pressures of no greater

than 70 kpa (10 psi); (“pneu basse pression”)

“off-road vehicle” means an off-road vehicle within the meaning of the *Off-Road Vehicles Act*. (“véhicule tout terrain”) 1999, c. 12, Sched. R, s. 17; 2002, c. 17, Sched. F, Table.

PART XI CIVIL PROCEEDINGS

Definition

191.9 In this Part,

“lessee” means a person who leases or rents a motor vehicle or street car for any period of time. 2005, c. 31, Sched. 10, s. 1.

Liability for loss or damage

192. (1) The driver of a motor vehicle or street car is liable for loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle or street car on a highway. 2005, c. 31, Sched. 10, s. 2.

Same

(2) The owner of a motor vehicle or street car is liable for loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle or street car on a highway, unless the motor vehicle or street car was without the owner’s consent in the possession of some person other than the owner or the owner’s chauffeur. 2005, c. 31, Sched. 10, s. 2.

Same

(3) A lessee of a motor vehicle or street car is liable for loss or damage sustained by any person by reason of negligence in the operation of the motor vehicle or street car on a highway, unless the motor vehicle or street car was without the lessee’s consent in the possession of some person other than the lessee or the lessee’s chauffeur. 2005, c. 31, Sched. 10, s. 2.

Consent of lessee

(4) Where a motor vehicle is leased, the consent of the lessee to the operation or possession of the motor vehicle by some person other than the lessee shall, for the purposes of subsection (2), be deemed to be the consent of the owner of the motor vehicle. 2005, c. 31, Sched. 10, s. 2.

Liability of operator of commercial motor vehicle

(5) In addition to any liability of an owner or lessee incurred under subsection (2) or (3), the operator of a commercial motor vehicle, as defined in subsection 16 (1), is liable for loss or damage sustained by any person by reason of negligence in the operation of the commercial motor vehicle on a highway. 2005, c. 31, Sched. 10, s. 2.

Joint and several liability

(6) The driver, owner, lessee and operator that are liable under this section are jointly and severally liable. 2005, c. 31, Sched. 10, s. 2.

Application

(7) This section applies where the loss or damage was sustained on or after the day section 2 of Schedule 10 to the *Budget Measures Act, 2005 (No. 2)* comes into force. 2005, c. 31, Sched. 10, s. 2.

Same

[\(8\)](#) This section, as it read immediately before the day section 2 of Schedule 10 to the *Budget Measures Act, 2005 (No. 2)* comes into force, continues to apply where the loss or damage was sustained before that day. 2005, c. 31, Sched. 10, s. 2.

Onus of disproving negligence

[193. \(1\)](#) When loss or damage is sustained by any person by reason of a motor vehicle on a highway, the onus of proof that the loss or damage did not arise through the negligence or improper conduct of the owner, driver, lessee or operator of the motor vehicle is upon the owner, driver, lessee or operator of the motor vehicle. 2005, c. 31, Sched. 10, s. 3.

Application

[\(2\)](#) This section does not apply in cases of a collision between motor vehicles or to an action brought by a passenger in a motor vehicle in respect of any injuries sustained while a passenger. 2005, c. 31, Sched. 10, s. 3.

Same

[\(3\)](#) This section applies where the loss or damage was sustained on or after the day section 3 of Schedule 10 to the *Budget Measures Act, 2005 (No. 2)* comes into force. 2005, c. 31, Sched. 10, s. 3.

Same

[\(4\)](#) This section, as it read immediately before the day section 3 of Schedule 10 to the *Budget Measures Act, 2005 (No. 2)* comes into force, continues to apply where the loss or damage was sustained before that day. 2005, c. 31, Sched. 10, s. 3.

Definitions

[\(5\)](#) In this section,

“motor vehicle” includes street car; (“véhicule automobile”)

“operator” has the same meaning as in subsection 16 (1). (“utilisateur”) 2005, c. 31, Sched. 10, s. 3.

[194.](#) Repealed: 2009, c. 33, Sched. 26, s. 3 (12).

PART XII MUNICIPAL BY-LAWS

Effect of by-laws

Inconsistent by-laws deemed repealed

[195. \(1\)](#) If a provision of a municipal by-law passed by the council of a municipality or a police services board for,

- (a) regulating traffic on the highways;
- (b) regulating noise, fumes or smoke created by the operation of motor vehicles on the highways; or
- (c) prohibiting or regulating the operation of motor vehicles or any type or class thereof on the highways,

is inconsistent with this Act or the regulations, the provision of the by-law shall be deemed to be repealed upon the inconsistency arising. R.S.O. 1990, c. H.8, s. 195 (1); 1996, c. 33, s. 15 (1);

2002, c. 17, Sched. F, Table.

[\(2\)](#) Repealed: 1996, c. 33, s. 15 (2).

Approval of traffic by-laws for connecting links

[\(3\)](#) If the council of a municipality passes a by-law for a purpose mentioned in clause (1) (a) or (c) that affects traffic on a highway designated as a connecting link under subsection 21 (1) of the *Public Transportation and Highway Improvement Act*, the clerk of the municipality shall file a copy of the by-law with the Ministry within 30 days of its passing, and the by-law shall not become operative until it is approved by the Ministry. 1996, c. 33, s. 15 (2).

Approval of traffic by-law in whole or in part

[\(4\)](#) Any by-law for regulating traffic on highways that is submitted to the Ministry for approval may be approved in whole or in part and, where part of a by-law is approved only, that part shall become operative. R.S.O. 1990, c. H.8, s. 195 (4).

Withdrawal of approval by Ministry

[\(5\)](#) The Ministry may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the municipality and the by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. R.S.O. 1990, c. H.8, s. 195 (5).

PART XIII SUSPENSION FOR FAILURE TO PAY JUDGMENTS OR MEET SUPPORT OBLIGATIONS

Meaning of “motor vehicle”, Part XIII

[196.](#) In this Part,

“motor vehicle”, in addition to the meaning given in section 1, includes “trailer”, as defined in section 1. R.S.O. 1990, c. H.8, s. 196.

[197.](#) Repealed: 1996, c. 31, s. 69.

Licence suspended for failure to pay judgment

[198. \(1\)](#) The driver’s licence of every person who fails to satisfy a judgment rendered against him or her by any court in Ontario that has become final by affirmation on appeal or by expiry without appeal of the time allowed for appeal, for damages on account of injury to or the death of any person, or on account of damage to property, occasioned by a motor vehicle or street car, within fifteen days from the date upon which the judgment became final shall be suspended by the Registrar upon receiving a certificate of the final judgment from the court in which the same is rendered and after fifteen days notice has been sent to the person of intention to suspend his or her licence unless the judgment is satisfied within the period, and shall remain so suspended and shall not at any time thereafter be renewed, nor shall any new driver’s licence be thereafter issued to the person, until the judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum limits of liability required by the *Insurance Act* in respect of motor vehicle liability policies. R.S.O. 1990, c. H.8, s. 198 (1).

Application where person indebted to fund

[\(2\)](#) Despite subsection (1), the Registrar shall not suspend under subsection (1) the driver’s licence of any person who is indebted to the Motor Vehicle Accident Claims Fund. R.S.O. 1990, c. H.8, s. 198 (2).

Payment of judgments in instalments

[\(3\)](#) A judgment debtor may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments, and while the judgment debtor is not in default in payment of the instalments, he or she shall be deemed not in default in payment of the judgment, and the Minister may restore the driver's licence of the judgment debtor, but the driver's licence shall again be suspended and remain suspended, as provided in subsection (1), if the Registrar is satisfied of default made by the judgment debtor in compliance with the terms of the court order. R.S.O. 1990, c. H.8, s. 198 (3).

Reciprocal effect of subs. (1) with states having similar legislation

[\(4\)](#) The Lieutenant Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection (1) and that the legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in Ontario, may declare that subsection (1) shall extend and apply to judgments rendered and become final against residents of Ontario by any court of competent jurisdiction in the province or state. R.S.O. 1990, c. H.8, s. 198 (4).

Licence suspension on direction of Director of Family Responsibility Office

[198.1 \(1\)](#) On receiving a direction under section 37 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* to suspend the driver's licence of a person, the Registrar shall suspend the person's driver's licence, if it is not already under suspension under this section. 1996, c. 31, s. 70.

Reinstatement

[\(2\)](#) On receiving a direction under section 38 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* to reinstate the driver's licence of a person, the Registrar shall reinstate the licence unless,

- (a) the licence is otherwise under suspension;
- (b) interest charged or a penalty imposed under subsection 5 (2) has not been paid; or
- (c) an applicable prescribed administrative fee for handling a dishonoured payment has not been paid. 1996, c. 31, s. 70.

Personal information

[198.2](#) The Registrar shall, for purposes related to section 198.1, collect, use and disclose personal information about an identifiable individual disclosed in a direction from the Director of the Family Responsibility Office. 1996, c. 31, s. 70.

Protection from personal liability

[198.3 \(1\)](#) No action or other proceeding for damages shall be instituted against the Registrar or any employee of the Ministry for acting in good faith in the execution or intended execution of a duty under this Part. 1996, c. 31, s. 70.

Crown not relieved of liability

[\(2\)](#) Despite subsections 5 (2) and (4) of the *Proceedings Against the Crown Act*, subsection (1) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (1) to which it would otherwise be subject. 1996, c. 31, s. 70.

PART XIV

RECORDS AND REPORTING OF ACCIDENTS AND CONVICTIONS

Duty to report accident

199. (1) Every person in charge of a motor vehicle or street car who is directly or indirectly involved in an accident shall, if the accident results in personal injuries or in damage to property apparently exceeding an amount prescribed by regulation, report the accident forthwith to the nearest police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (3). R.S.O. 1990, c. H.8, s. 199 (1); 2002, c. 17, Sched. F, Table.

Officer may direct person to report accident at another location

(1.1) If, on reporting the accident to the nearest police officer under subsection (1), the person is directed by the officer to report the accident at a specified location, the person shall not furnish the officer described in subsection (1) with the information concerning the accident but shall forthwith attend at the specified location and report the accident there to a police officer and furnish him or her with the information concerning the accident as may be required by the officer under subsection (3). 1997, c. 12, s. 15; 2002, c. 17, Sched. F, Table.

Where person unable to report

(2) Where the person is physically incapable of making a report and there is another occupant of the motor vehicle, the occupant shall make the report. R.S.O. 1990, c. H.8, s. 199 (2).

Duty of police officer

(3) A police officer receiving a report of an accident, as required by this section, shall secure from the person making the report, or by other inquiries where necessary, the particulars of the accident, the persons involved, the extent of the personal injuries or property damage, if any, and the other information that may be necessary to complete a written report concerning the accident and shall forward the report to the Registrar within ten days of the accident. R.S.O. 1990, c. H.8, s. 199 (3).

Report of police officer

(4) The report of a police officer under subsection (3) shall be in the form that is approved by the Minister. R.S.O. 1990, c. H.8, s. 199 (4).

Regulations as to amount of property damage

(5) The Lieutenant Governor in Council may make regulations prescribing the amount of property damage for the purposes of subsection (1). R.S.O. 1990, c. H.8, s. 199 (5).

Irreparable vehicles, etc.

199.1 (1) In this section,

“irreparable” means, with respect to a vehicle, a vehicle that meets the prescribed criteria for classification as irreparable; (“irréparable”)

“rebuilt” means, with respect to a vehicle, a vehicle that meets the prescribed criteria for classification as rebuilt; (“remis à neuf”)

“salvage” means, with respect to a vehicle, a vehicle that meets the prescribed criteria for classification as salvage. (“récupérable”) 2000, c. 15, s. 2.

Application

(2) Subsections (4) to (10), (12) to (18) and (22) to (25) apply with respect to vehicles for which there is a valid permit under this Act. 2000, c. 15, s. 2.

Exemptions

(3) This section does not apply to such persons as may be prescribed, with respect to such classes of vehicles as may be prescribed or in such circumstances as may be prescribed. 2000, c. 15, s. 2.

Duty to notify Registrar

(4) If an insurer determines that a vehicle is irreparable or is salvage, the insurer shall notify the Registrar that it is irreparable or is salvage, as the case may be, and shall do so within the prescribed period and shall give the Registrar the prescribed information in the prescribed manner. 2000, c. 15, s. 2.

Same, other persons

(5) If a person specified in the regulations determines that a vehicle is irreparable or is salvage, the person shall notify the Registrar that it is irreparable or is salvage, as the case may be, and shall do so within the prescribed period and shall give the Registrar the prescribed information in the prescribed manner. 2000, c. 15, s. 2.

Offence, failure to notify

(6) A person who fails to notify the Registrar in accordance with subsection (4) or (5), as the case may be, is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 2000, c. 15, s. 2.

Same, misclassification

(7) A person who notifies the Registrar that a vehicle is irreparable when it is salvage, or who notifies the Registrar that the vehicle is salvage when it is irreparable, is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 2000, c. 15, s. 2.

Duty to notify permit holder, etc.

(8) The person required to notify the Registrar under subsection (4) or (5) shall also notify the holder of the vehicle permit for the vehicle or the holder of the vehicle portion of the vehicle permit for the vehicle. The notice must be given in the prescribed manner and within the prescribed period. 2000, c. 15, s. 2.

Offence

(9) A person who fails to notify the holder of the vehicle permit or of the vehicle portion of the vehicle permit under subsection (8) is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$20,000. 2000, c. 15, s. 2.

Registrar's duty to classify

(10) Upon receiving notice under subsection (4) or (5), the Registrar shall classify the vehicle in the vehicle permit records as irreparable or salvage if the Registrar is satisfied that the prescribed criteria for classifying it as such are met. 2000, c. 15, s. 2.

Same, classification from another jurisdiction

(11) If a vehicle has a classification equivalent to irreparable or salvage from a jurisdiction that is specified in the regulations, the Registrar may classify the vehicle in the vehicle permit records as irreparable or as salvage. 2000, c. 15, s. 2.

Submissions re classification

(12) If the person who holds the vehicle permit or the vehicle portion of the vehicle permit for the vehicle disagrees with the decision or action of the Registrar under subsection (10) or (11), the person may make written submissions to the Registrar about the decision or action. 2000, c. 15, s. 2.

Same

(13) The submissions must be made within the prescribed period and they must indicate the reasons why the Registrar's decision or action should be changed. 2000, c. 15, s. 2.

Written hearing

(14) The Registrar shall consider the submissions, but shall not hold an oral hearing into the matter, and the Registrar's decision or action under subsection (10) or (11) is not stayed by reason of the submissions being made. 2000, c. 15, s. 2.

Outcome

(15) After considering the submissions, the Registrar may confirm or change his or her decision or action under subsection (10) or (11) and shall notify the person who made the submissions. The Registrar's decision under this subsection is final. 2000, c. 15, s. 2; 2002, c. 18, Sched. P, s. 35.

Duty to return permit

(16) When the holder of the vehicle permit or of the vehicle portion of the vehicle permit learns or reasonably ought to have learned that the vehicle is irreparable or is salvage, the holder shall return the permit or portion of the permit to the Registrar within the prescribed period. 2000, c. 15, s. 2.

Offence

(17) A person who fails to return a vehicle permit or the vehicle portion of a vehicle permit to the Registrar in accordance with subsection (16) is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$20,000. 2000, c. 15, s. 2.

Replacement permit

(18) Upon receiving the vehicle permit or the vehicle portion of the vehicle permit under subsection (16), the Registrar may issue a replacement permit or a replacement portion of a permit for the applicable vehicle indicating that the vehicle is classified as irreparable or as salvage, as the case may be. 2000, c. 15, s. 2.

Prohibition re driving, etc.

(19) No person shall drive or draw on a highway a vehicle classified by the Registrar as irreparable or as salvage or that the regulations specify has an equivalent classification from a jurisdiction that is specified in the regulations, and no person shall permit such a vehicle to be driven or drawn on a highway. 2000, c. 15, s. 2.

Exception

(20) Subsection (19) does not apply,

- (a) when the vehicle is being towed for the purposes of repairs;
- (b) when the vehicle is being driven or drawn for the purpose of receiving a safety standards certificate; or

(c) in such other circumstances as may be prescribed. 2000, c. 15, s. 2.

Offence

[\(21\)](#) A person who contravenes subsection (19) is guilty of an offence and on conviction is liable, on a first conviction, to a fine of not less than \$100 and not more than \$500, and on each subsequent conviction, to a fine of not less than \$200 and not more than \$1,000. 2000, c. 15, s. 2.

Rebuilt vehicles

[\(22\)](#) If a vehicle is classified in the vehicle permit records as salvage, the Registrar may reclassify it as rebuilt if the Registrar is satisfied that the prescribed criteria for classifying it as such are met. 2000, c. 15, s. 2.

Same

[\(23\)](#) A vehicle that is classified in the vehicle permit records as irreparable cannot subsequently be reclassified as rebuilt. 2000, c. 15, s. 2.

Replacement permit

[\(24\)](#) Subsections (16) and (18) apply, with necessary modifications, with respect to the vehicle permit or the vehicle portion of the vehicle permit for a vehicle that is reclassified as rebuilt. 2000, c. 15, s. 2.

Limitation

[\(25\)](#) No proceeding for an offence under subsection (6), (7) or (9) shall be instituted more than 24 months after the facts on which the proceeding is based are alleged to have occurred. 2000, c. 15, s. 2.

[\(26\)](#) Repealed: 2008, c. 17, s. 44.

Regulations

[\(27\)](#) The Lieutenant Governor in Council may make regulations,

- (a) prescribing or specifying such matters as this section requires or permits to be prescribed or specified by regulation;
- (b) specifying, for the purposes of subsections (11) and (19), other jurisdictions and their vehicle classifications that are considered to be equivalent to irreparable or salvage for the purposes of those subsections;
- (c) defining any word or expression used in this section that is not already expressly defined in this section;
- (d) respecting any matter that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent and purpose of this section. 2000, c. 15, s. 2.

Same

[\(28\)](#) A regulation may establish different requirements or standards for different classes of persons, vehicles, circumstances or other matters. 2000, c. 15, s. 2.

Duty of person in charge of vehicle in case of accident

[200. \(1\)](#) Where an accident occurs on a highway, every person in charge of a vehicle or street car that is directly or indirectly involved in the accident shall,

- (a) remain at or immediately return to the scene of the accident;

(b) render all possible assistance; and

(c) upon request, give in writing to anyone sustaining loss or injury or to any police officer or to any witness his or her name, address, driver's licence number and jurisdiction of issuance, motor vehicle liability insurance policy insurer and policy number, name and address of the registered owner of the vehicle and the vehicle permit number. R.S.O. 1990, c. H.8, s. 200 (1); 1997, c. 12, s. 16.

Penalty

(2) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$400 and not more than \$2,000 or to imprisonment for a term of not more than six months, or to both, and in addition the person's licence or permit may be suspended for a period of not more than two years. 2009, c. 5, s. 54.

Notification of damage to trees, fences, etc.

201. Every person who, as a result of an accident or otherwise, operates or drives a vehicle or leads, rides or drives an animal upon a highway and thereby damages any shrub, tree, pole, light, sign, sod or other property on the highway or a fence bordering the highway shall forthwith report the damage to a police officer. R.S.O. 1990, c. H.8, s. 201.

Reporting by various officials

Reports by Crown attorneys and police officers

202. (1) Every Crown Attorney and police officer having knowledge of a fatal accident in which a motor vehicle is involved shall secure the particulars of the accident, the persons involved, and other information as may be necessary to complete a written report to the Registrar on the forms prescribed for that purpose, and shall transmit the report forthwith to the Registrar. R.S.O. 1990, c. H.8, s. 202 (1).

Reports re statistics and traffic control

(2) Every provincial or municipal official or employee, hospital, charitable institution, insurer or other person or organization shall furnish to the Registrar the reports and other information relating to motor vehicle accident statistics and traffic control generally that may be required by the regulations. R.S.O. 1990, c. H.8, s. 202 (2).

Compensation may be allowed

(3) The Lieutenant Governor in Council, by regulation, may allow any person or organization making reports or furnishing information under this section the compensation for so doing that may be considered proper. R.S.O. 1990, c. H.8, s. 202 (3).

Report of medical practitioner

203. (1) Every legally qualified medical practitioner shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon the medical practitioner for medical services who, in the opinion of the medical practitioner, is suffering from a condition that may make it dangerous for the person to operate a motor vehicle. R.S.O. 1990, c. H.8, s. 203 (1).

No action for complying with subs. (1)

(2) No action shall be brought against a qualified medical practitioner for complying with this section. R.S.O. 1990, c. H.8, s. 203 (2).

Reports privileged

(3) The report referred to in subsection (1) is privileged for the information of the Registrar only and shall not be open for public inspection, and the report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection (1). R.S.O. 1990, c. H.8, s. 203 (3).

Report of optometrist

204. (1) Every member of the College of Optometrists of Ontario shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon the optometrist for optometric services who, in the opinion of the optometrist, is suffering from an eye condition that may make it dangerous for the person to operate a motor vehicle. R.S.O. 1990, c. H.8, s. 204 (1); 1998, c. 18, Sched. G, s. 56.

No action for compliance with subs. (1)

(2) No action shall be brought against a qualified optometrist for complying with this section. R.S.O. 1990, c. H.8, s. 204 (2).

Reports privileged

(3) The report referred to in subsection (1) is privileged for the information of the Registrar only and shall not be open for public inspection, and the report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection (1). R.S.O. 1990, c. H.8, s. 204 (3).

Duties of Registrar

205. (1) The Registrar shall,

supply of accident report forms

- (a) prepare and supply to police officers and other persons and organizations blank forms approved by the Minister for accident and other reports which shall call for the particulars concerning accidents, the person involved and the extent of the personal injuries and property damage, if any, resulting therefrom, and the other information that may be required by the regulations;

investigation of accidents

- (b) make the investigation of, and call for the written reports concerning, motor vehicle accidents, traffic conditions and other matters that he or she may consider necessary and proper and for that purpose may require the assistance of any police officer;

keeping of records

- (c) keep,
 - (i) a record of all motor vehicle accidents in Ontario, reported to him or her or concerning which he or she procures information,
 - (ii) a record of all convictions for offences under this Act or under the provisions of the *Criminal Code* (Canada) relating to driving on highways, reported to him or her under section 210, and of the other convictions that he or she may consider proper,
 - (iii) a record of all licences, permits and CVOR certificates issued, suspended, revoked, cancelled or revived under this Act,
 - (iii.1) a record of all safety records for operators determined under clause 22 (1) (h) and a record of all safety ratings assigned to operators under section 17.1,
 - (iii.2) a record of all information relating to the International Registration Plan that is received by the Ministry,

- (iv) a record of all unsatisfied judgments rendered against persons holding owners' permits or drivers' licences under this Act, or non-residents reported to him or her pursuant to this Act,
- (v) an operating record of every driver, which record shall show all reported convictions of the driver for a contravention of any provision of any statute relating to the operation of motor vehicles, and all reported unsatisfied judgments against the person for any injury or damage caused by the person while operating a motor vehicle and all accidents in which the records of the Registrar indicate the driver has been involved, and the other information that the Registrar may consider proper,
- (vi) an operating record of every conviction of every CVOR certificate holder and the holder's agents and employees that is reported to the Registrar under section 210 and the other convictions, whether or not the certificate holder was the person convicted, that the Registrar considers useful for the purpose of the administration and enforcement of this Act, and
- (vii) the other records that he or she may be directed to keep by the Minister;

accident and traffic statistics

- (d) develop adequate uniform methods of accident and traffic statistics, and study accident causes and trends, traffic problems and regulations;

annual report for Minister

- (e) prepare for the Minister an annual report showing the results of the reporting, collection, analysis and study, and embodying his or her recommendations for the prevention of motor vehicle accidents and the solution of traffic problems, and the report shall be printed and published forthwith upon completion. R.S.O. 1990, c. H.8, s. 205; 1996, c. 33, s. 16; 2002, c. 17, Sched. F, Table; 2002, c. 22, s. 100.

Record keeping

[\(2\)](#) The records kept under this section shall be kept in any manner or on any medium that allows information to be recorded, stored, retrieved and reproduced. 1993, c. 31, s. 2 (8).

Collection and disclosure of information

Collection by Minister

[205.0.1 \(1\)](#) The Minister may request and collect information from any public body or related government, as he or she considers appropriate, if the Minister considers it necessary for a purpose set out in subsection (5). 2008, c. 17, s. 45.

Disclosure by Minister

[\(2\)](#) The Minister may disclose information to any public body or related government, as he or she considers appropriate, if the Minister considers it necessary for a purpose set out in subsection (5). 2008, c. 17, s. 45.

Disclosure to Minister

[\(3\)](#) Upon receipt of a request for information from the Minister under subsection (1), a public body shall disclose to the Minister any information from their records that may assist the Minister with a purpose set out in subsection (5). 2008, c. 17, s. 45.

Exception

(4) The Minister may not disclose under subsection (2) the measurements used for comparison of photographs as described in section 32.2. 2008, c. 17, s. 45.

Purposes for collection and disclosure of information

(5) The only purposes for which information may be collected or disclosed under this section are the following:

1. To verify the accuracy of any information provided under this Act by an applicant for or holder of a driver's licence or vehicle permit.
2. To verify the authenticity of any document provided under this Act by an applicant for or holder of a driver's licence or vehicle permit.
3. To detect a false statement in any document provided under this Act by any person.
4. To detect or prevent the improper use of a driver's licence or vehicle permit.
5. To detect or prevent the improper issuance or renewal of a driver's licence or vehicle permit, including by conducting an audit or review of any issuance, renewal or cancellation of a driver's licence or vehicle permit or the conduct of any person or entity involved in issuing, renewing or cancelling a driver's licence or vehicle permit.
6. To provide a public body or related government with the information that the Minister believes is necessary to assist it with a purpose similar to a purpose set out in paragraph 1, 2, 3 or 4 if the holder of a driver's licence or vehicle permit has presented his or her driver's licence or vehicle permit in order to obtain a benefit or service under a legislatively authorized program or service administered or provided by that public body or related government. 2008, c. 17, s. 45.

Deemed compliance with privacy legislation

(6) Any disclosure of information under this section is deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act* and clause 32 (e) of the *Municipal Freedom of Information and Protection of Privacy Act*. 2008, c. 17, s. 45.

Notice under privacy legislation

(7) Any collection by a public body of personal information, as defined in the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, disclosed to the public body under this section is exempt from the application of subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act*. 2008, c. 17, s. 45.

Otherwise authorized collection or disclosure

(8) The authority to collect and disclose information under this section is in addition to any other authority under this or any other Act for the Ministry to collect and disclose information. 2008, c. 17, s. 45.

Regulations

(9) The Lieutenant Governor in Council may make regulations prescribing a person or entity, or any class of them, as a public body for the purposes of this section. 2008, c. 17, s. 45.

Definitions

[\(10\)](#) In this section,

“public body” means,

- (a) any ministry, agency, board, commission, official or other body of the Government of Ontario,
- (b) any municipality in Ontario,
- (c) a local board, as defined in the *Municipal Affairs Act*, and any authority, board, commission, corporation, office or organization of persons some or all of whose members, directors or officers are appointed or chosen by or under the authority of the council of a municipality in Ontario, or
- (d) a prescribed person or entity; (“organisme public”)

“related government” means,

- (a) the Government of Canada and the Crown in right of Canada, and any ministry, agency, board, commission or official of either of them, or
- (b) the government of any other province or territory of Canada and the Crown in right of any other province of Canada, and any ministry, agency, board, commission or official of any of them. (“gouvernement lié”) 2008, c. 17, s. 45.

PART XIV.1 PHOTO-RADAR SYSTEM EVIDENCE

Photo-radar system evidence

[205.1 \(1\)](#) Subject to subsection (2), a photograph obtained through the use of a photo-radar system is admissible in evidence in a proceeding under the *Provincial Offences Act* respecting an alleged offence under section 128 of the *Highway Traffic Act* if the alleged offence was committed within an area of Ontario designated by the regulations. 1993, c. 31, s. 2 (9).

Conditions

[\(2\)](#) The photograph must,

- (a) show the vehicle and the number plate displayed on the vehicle; and
- (b) show or have superimposed upon it an indication of the rate of speed at which the vehicle was being driven when the photograph was taken and the date on which and time at which the photograph was taken. 1993, c. 31, s. 2 (9).

Use at trial

[\(3\)](#) In the absence of evidence to the contrary, the photograph is proof that the vehicle was, on the date and at the time shown or indicated on the photograph, being driven at the rate of speed shown or indicated on the photograph. 1993, c. 31, s. 2 (9).

Conviction

- [\(4\)](#) No person shall be convicted at trial of an offence on the basis of the photograph unless,
- (a) the photograph is adduced at trial; or
 - (b) the person consents to the photograph not being adduced at trial. 1993, c. 31, s. 2 (9).

Application, proceedings commenced by filing certificate of offence

205.2 Sections 205.3 to 205.13 apply in respect of proceedings based on evidence obtained through the use of a photo-radar system if the proceedings are commenced by filing a certificate of offence under Part I of the *Provincial Offences Act*, 1993, c. 31, s. 2 (9).

Provincial Offences Act, Part I

205.3 (1) No summons shall be issued under clause 3 (2) (b) of the *Provincial Offences Act* in proceedings based on evidence obtained through the use of a photo-radar system. 1993, c. 31, s. 2 (9).

Application of certain provisions

(2) Sections 5, 5.2, 6, 9, 9.1 and 11 of the *Provincial Offences Act* do not apply to proceedings based on evidence obtained through the use of a photo-radar system. 1993, c. 31, s. 2 (9).

Service by mail

(3) An offence notice issued in proceedings based on evidence obtained through the use of a photo-radar system may be served in accordance with section 205.5 of this Act, in which case subsections 3 (3) to (7) of the *Provincial Offences Act* do not apply. 1993, c. 31, s. 2 (9).

Evidence of ownership

205.4 (1) If the proceeding is commenced by filing a certificate of offence, evidence of ownership of the vehicle involved in the alleged offence shall be filed in the court with the certificate. 1993, c. 31, s. 2 (9).

Same

(2) The evidence of ownership may be contained in the certificate of offence or it may be set out in a separate document. 1993, c. 31, s. 2 (9).

Service by mail

205.5 (1) An offence notice may be served by regular prepaid mail if it is mailed within twenty-three days after the occurrence of the alleged offence. 1993, c. 31, s. 2 (9).

Deemed service

(2) An offence notice that is mailed to the most recent address appearing in the records of the Ministry of Transportation for the person charged shall be deemed to have been served seven days after it is mailed. 1993, c. 31, s. 2 (9).

Certificate of mailing

(3) If the provincial offences officer who issued the certificate of offence also mails the offence notice or causes it to be mailed, that officer shall certify the fact that the notice was mailed and the date of mailing on the certificate of offence. 1993, c. 31, s. 2 (9).

Evidence

(4) A certificate referred to in subsection (3) purporting to be signed by the provincial offences officer who issued it shall be received in evidence and is proof of mailing in the absence of evidence to the contrary. 1993, c. 31, s. 2 (9).

Photographic equivalent

205.6 A photograph or a photographic equivalent of the photograph obtained through the use of a photo-radar system shall be served with the offence notice. 1993, c. 31, s. 2 (9).

Failure to respond

205.7 (1) If fifteen days have elapsed after a defendant is served with an offence notice charging the defendant, as the owner of a vehicle, with a contravention of section 128 and the defendant has not given notice of intention to appear, pleaded guilty or made a payment out of court, as provided by section 5.1, 7 or 8 of the *Provincial Offences Act*, the defendant shall be deemed not to dispute the charge. 1993, c. 31, s. 2 (9).

Examination by justice

(2) If subsection (1) applies, a justice shall examine the certificate of offence and shall without a hearing enter a conviction in the defendant's absence and impose the set fine for the offence if the certificate is complete and regular on its face and the justice is satisfied that the defendant is the owner of the vehicle involved in the offence. 1993, c. 31, s. 2 (9).

Quashing proceeding

(3) The justice shall quash the proceeding if he or she is not able to enter a conviction. 1993, c. 31, s. 2 (9).

Challenge to operator's evidence

205.8 (1) A defendant who gives notice of an intention to appear in court for the purpose of entering a plea and having a trial of the matter shall indicate on the notice of intention to appear if the defendant intends to challenge the evidence of the person who operated the photo-radar system. 1993, c. 31, s. 2 (9).

Notification of operator

(2) If the defendant indicates an intention to challenge the evidence of the person who operated the photo-radar system, the clerk of the court shall notify the person. 1993, c. 31, s. 2 (9).

Challenge to officer's evidence

205.9 (1) The provincial offences officer who used the evidence obtained through the use of a photo-radar system to identify the owner of the vehicle involved in the alleged offence and who issued the offence notice and certificate of offence shall not be required to give oral evidence at trial unless a summons requiring the officer to attend is issued at trial under section 39 of the *Provincial Offences Act*. 1993, c. 31, s. 2 (9).

Summons

(2) No summons shall be issued unless a justice is satisfied that the defendant will not be able to have a fair trial if the officer is not required to give oral evidence. 1993, c. 31, s. 2 (9).

Certificate evidence

205.10 (1) The certified statements in a certificate of offence are admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it. 1993, c. 31, s. 2 (9).

Where statements not proof

- (2)** Subsection (1) does not apply to the statements setting out the evidence of,
- (a) the person who operated the photo-radar system if the defendant has indicated, under subsection 205.8 (1) or 205.13 (3), an intention to challenge the evidence of that person; or
 - (b) an officer referred to in subsection 205.9 (1) in respect of whom a summons has been issued. 1993, c. 31, s. 2 (9).

Failure to appear at trial

205.11 (1) If a defendant who has given notice of an intention to appear fails to appear at the time and place appointed for the trial, the defendant shall be deemed not to dispute the charge. 1993, c. 31, s. 2 (9).

Examination by justice

(2) If subsection (1) applies, section 54 of the *Provincial Offences Act* does not apply, and a justice shall examine the certificate of offence and shall without a hearing enter a conviction in the defendant's absence and impose the set fine for the offence if the certificate is complete and regular on its face and the justice is satisfied that the defendant is the owner of the vehicle involved in the offence. 1993, c. 31, s. 2 (9).

Quashing proceeding

(3) The justice shall quash the proceeding if he or she is not able to enter a conviction. 1993, c. 31, s. 2 (9).

Adjournment

205.12 Despite subsection 49 (1) of the *Provincial Offences Act*, the court shall not adjourn a trial for the purpose of having the person who operated the photo-radar system attend to give evidence unless the court is satisfied that the interests of justice require it. 1993, c. 31, s. 2 (9).

Reopening

205.13 (1) If a defendant who has been convicted without a hearing attends at the court office during regular office hours within fifteen days of becoming aware of the conviction and appears before a justice requesting that the conviction be struck out, the justice shall strike out the conviction if he or she is satisfied by affidavit of the defendant that, through no fault of the defendant, the defendant was unable to appear for a hearing or a notice or document relating to the offence was not delivered. 1993, c. 31, s. 2 (9).

If conviction struck out

(2) If the justice strikes out the conviction, he or she shall give the defendant and the prosecutor a notice of trial or proceed under section 7 of the *Provincial Offences Act*. 1993, c. 31, s. 2 (9).

Trial

(3) If a notice of trial is given, the defendant shall indicate on the notice of intention to appear if the defendant intends to challenge the evidence of the person who operated the photo-radar system. 1993, c. 31, s. 2 (9).

Notifying officer

(4) If the defendant indicates an intention to challenge the evidence of the person who operated the photo-radar system, the clerk of the court shall notify the person. 1993, c. 31, s. 2 (9).

Certificate

(5) A justice who strikes out a conviction under subsection (1) shall give the defendant a certificate of the fact in the prescribed form. 1993, c. 31, s. 2 (9).

Regulations, photo-radar system evidence

205.14 The Lieutenant Governor in Council may make regulations,

- (a) prescribing what constitutes a photo-radar system;
- (b) designating areas of Ontario for purposes of subsection 205.1 (1);

- (c) prescribing what constitutes evidence of ownership of a vehicle for purposes of this Part;
- (d) prescribing what constitutes a photographic equivalent of a photograph for the purposes of section 205.6;
- (e) prescribing the form of certificate that a conviction has been struck out. 1993, c. 31, s. 2 (9).

PART XIV.2 RED LIGHT CAMERA SYSTEM EVIDENCE

Red light camera system evidence

205.15 (1) Subject to subsection (2), a photograph obtained through the use of a red light camera system shall be received in evidence in a proceeding under the *Provincial Offences Act* respecting an alleged offence under subsection 144 (18) of the *Highway Traffic Act* if the alleged offence was committed within an area of Ontario designated by the regulations. 1998, c. 38, s. 4.

Form and content

(2) The photograph must comply with the requirements of the regulations made under clause 205.25 (d). 1998, c. 38, s. 4.

Certification of photograph

(3) A photograph that purports to be certified by a provincial offences officer as having been obtained through the use of a red light camera system shall be received in evidence as proof, in the absence of evidence to the contrary, that the photograph was obtained through the use of a red light camera system. 1998, c. 38, s. 4.

Use at trial

(4) In the absence of evidence to the contrary, a photograph of a vehicle obtained through the use of a red light camera system is proof that,

- (a) information shown or superimposed on the photograph that was authorized or required by a regulation made under clause 205.25 (d) is true; and
- (b) the vehicle and its driver did not stop and the vehicle and its driver proceeded before a green indication was shown, contrary to subsection 144 (18). 1998, c. 38, s. 4.

Conviction

(5) No person who has entered a plea of not guilty at trial shall be convicted of an offence on the basis of a photograph obtained through the use of a red light camera system unless the photograph is tendered in evidence at trial. 1998, c. 38, s. 4.

Application, proceedings commenced by filing certificate of offence

205.16 Sections 205.17 to 205.24 apply in respect of proceedings based on evidence obtained through the use of a red light camera system if the proceedings are commenced by filing a certificate of offence under Part I of the *Provincial Offences Act*. 1998, c. 38, s. 4.

Provincial Offences Act, Part I

205.17 (1) No summons shall be issued under clause 3 (2) (b) of the *Provincial Offences Act* in proceedings based on evidence obtained through the use of a red light camera system. 1998, c. 38, s. 4.

Application of certain provisions

[\(2\)](#) Sections 5.2, 9, 9.1 and 11 of the *Provincial Offences Act* do not apply to proceedings based on evidence obtained through the use of a red light camera system. 1998, c. 38, s. 4; 2009, c. 33, Sched. 4, s. 3 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection (2) is amended by striking out “5.2”. See: 2009, c. 33, Sched. 4, ss. 3 (1), 5 (4).

Service of offence notice

[\(3\)](#) An offence notice issued in proceedings based on evidence obtained through the use of a red light camera system may be served in accordance with the regulations, in which case subsections 3 (3) to (7) of the *Provincial Offences Act* do not apply. 1998, c. 38, s. 4.

Certificate of service

[\(4\)](#) If the provincial offences officer who issues the certificate of offence also serves the offence notice, that officer shall certify, on the certificate of offence, the fact that he or she took the steps authorized by the regulations to serve the offence notice and the date those steps were taken. 1998, c. 38, s. 4.

Evidence

[\(5\)](#) A certificate referred to in subsection (4) purporting to be signed by the provincial offences officer who issued it shall be received in evidence and is proof of service in the absence of evidence to the contrary. 1998, c. 38, s. 4.

Evidence of ownership

[205.18](#) Evidence of ownership of the vehicle involved in the alleged offence may be contained in the certificate of offence or it may be set out in a separate document. 1998, c. 38, s. 4.

Deemed not to dispute charge

[205.19 \(1\)](#) A defendant is deemed to not wish to dispute the charge where,

- (a) at least 15 days have elapsed after the defendant was served with the offence notice and the defendant did not give notice of intention to appear under section 5 of the *Provincial Offences Act*, did not request a meeting with the prosecutor in accordance with section 5.1 of that Act and did not plead guilty under section 7 or 8 of that Act;
- (b) the defendant requested a meeting with the prosecutor in accordance with section 5.1 of the *Provincial Offences Act* but did not attend the scheduled meeting with the prosecutor; or
- (c) the defendant reached an agreement with the prosecutor under subsection 5.1 (7) of the *Provincial Offences Act* but did not appear at a sentencing hearing with a justice under subsection 5.1 (9) of that Act. 2009, c. 33, Sched. 4, s. 3 (3).

Examination by justice

[\(2\)](#) If subsection (1) applies, a justice shall examine the certificate of offence and shall without a hearing enter a conviction in the defendant's absence and impose the set fine for the offence if the certificate is complete and regular on its face. 1998, c. 38, s. 4.

Quashing proceeding

[\(3\)](#) The justice shall quash the proceeding if he or she is not able to enter a conviction. 1998, c. 38, s. 4.

Challenge to officer's evidence

205.20 (1) The provincial offences officer who used the evidence obtained through the use of a red light camera system to identify the owner or driver of the vehicle involved in the alleged offence and who issued the offence notice and certificate of offence shall not be required to give oral evidence at trial unless a summons requiring the officer to attend is issued at trial under section 39 of the *Provincial Offences Act*, 1998, c. 38, s. 4.

Same

(2) A provincial offences officer who certifies that a photograph was obtained through the use of a red light camera system shall not be required to give oral evidence at trial unless a summons requiring the officer to attend is issued at trial under section 39 of the *Provincial Offences Act*, 1998, c. 38, s. 4.

Summons

(3) No summons shall be issued to a provincial offences officer referred to in subsection (1) or (2) unless a justice is satisfied that the defendant will not be able to have a fair trial if the officer is not required to give oral evidence. 1998, c. 38, s. 4.

Certificate evidence

205.21 (1) The certified statements in a certificate of offence are admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in it. 1998, c. 38, s. 4.

Where statements not proof

(2) Subsection (1) does not apply to the statements setting out the evidence of an officer referred to in subsection 205.20 (1) in respect of whom a summons has been issued. 1998, c. 38, s. 4.

Failure to appear at trial

205.22 (1) If a defendant who has given notice of an intention to appear fails to appear at the time and place appointed for the trial, the defendant shall be deemed not to dispute the charge. 1998, c. 38, s. 4.

Examination by justice

(2) If subsection (1) applies, section 54 of the *Provincial Offences Act* does not apply, and a justice shall examine the certificate of offence and shall without a hearing enter a conviction in the defendant's absence and impose the set fine for the offence if the certificate is complete and regular on its face. 1998, c. 38, s. 4.

Quashing proceeding

(3) The justice shall quash the proceeding if he or she is not able to enter a conviction. 1998, c. 38, s. 4.

Reopening

205.23 (1) If a defendant who has been convicted without a hearing attends at the court office during regular office hours within 15 days of becoming aware of the conviction and appears before a justice requesting that the conviction be struck out, the justice shall strike out the conviction if he or she is satisfied by affidavit of the defendant that, through no fault of the defendant, the defendant was unable to appear for a hearing or for a meeting under section 5.1 of the *Provincial Offences Act* or a notice or document relating to the offence was not delivered. 1998, c. 38, s. 4; 2009, c. 33, Sched. 4, s. 3 (4).

If conviction struck out

(2) If the justice strikes out the conviction, he or she shall give the defendant and the prosecutor a notice of trial or proceed under section 7 of the *Provincial Offences Act*, 1998, c. 38, s. 4.

Certificate

(3) A justice who strikes out a conviction under subsection (1) shall give the defendant a certificate of the fact in the prescribed form. 1998, c. 38, s. 4.

Limitations on penalty**Owner**

205.24 (1) An owner of a motor vehicle convicted, as an owner, of an offence under subsection 144 (18) on the basis of evidence obtained through the use of a red light camera system is not liable to,

- (a) a driver's licence suspension under section 46 as a result of default in payment of a fine resulting from that conviction; or
- (b) imprisonment or a probation order under subsection 72 (1) of the *Provincial Offences Act* as a result of that conviction or as a result of default in payment of a fine resulting from that conviction. 1998, c. 38, s. 4.

Same: driver

(2) A driver of a motor vehicle convicted, as a driver, of an offence under subsection 144 (18) on the basis of evidence obtained through the use of a red light camera system is not liable to imprisonment or a probation order under subsection 72 (1) of the *Provincial Offences Act* as a result of that conviction or as a result of default in payment of a fine resulting from that conviction. 1998, c. 38, s. 4.

Regulations, red light camera system evidence

205.25 The Lieutenant Governor in Council may make regulations,

- (a) defining "photograph" for the purposes of this Part;
- (b) prescribing what constitutes a red light camera system;
- (c) designating areas of Ontario for purposes of subsection 205.15 (1);
- (d) governing the form and content of photographs for the purposes of subsection 205.15 (2), including information that may be or must be shown or superimposed on the photographs, and prescribing a system of codes, symbols or abbreviations that may be used to convey the information;
- (e) governing the filing of photographs in court for the purposes of this Part;
- (f) governing the service of offence notices issued in proceedings based on evidence obtained through the use of red light camera systems, including deeming service to have been effected on a date determined in accordance with the regulations;
- (g) prescribing what constitutes evidence of ownership of a vehicle or evidence of the identity of a driver for purposes of this Part;
- (h) prescribing the form of certificate that a conviction has been struck out. 1998, c. 38, s. 4.

PART XV PROCEDURE, ARRESTS AND PENALTIES

206. Repealed: 2002, c. 24, Sched. B, s. 25.

Vehicle owner may be convicted

207. (1) Subject to subsection (2), the owner of a vehicle may be charged with and convicted of an offence under this Act or the regulations or any municipal by-law regulating traffic for which the driver of the vehicle is subject to be charged unless, at the time of the offence, the vehicle was in the possession of some person other than the owner without the owner's consent and on conviction the owner is liable to the penalty prescribed for the offence. R.S.O. 1990, c. H.8, s. 207 (1).

When owner not liable

(2) The owner of a vehicle, except if the owner is also the driver, shall not be convicted for a contravention of,

- (a) subsection 106 (2) or (4);
- (b) sections 129 to 143, subsections 144 (1) to (17), subsections 144 (19) to (32), sections 145 to 168, section 172, subsections 175 (1) to (10), subsections 175 (13) to (18) or section 176, 182 or 199;
- (c) a regulation or by-law made or passed under a section or subsection referred to in clause (a) or (b) or under section 106; or
- (d) a by-law passed under any Act regulating or prohibiting turns on a highway. 1993, c. 31, s. 2 (10); 1998, c. 38, s. 5 (1); 2004, c. 22, s. 6 (1); 2006, c. 25, s. 3.

Permit holder deemed owner

(3) For the purposes of this Act or any municipal by-law regulating or prohibiting parking, standing or stopping, the holder of a permit as defined in section 6 shall be deemed to be the owner of the vehicle referred to in the permit if a number plate bearing a number that corresponds to the permit was displayed on the vehicle at the time an offence was committed unless the number plate was displayed thereon without the holder's consent, the burden of proof of which shall be on the holder. R.S.O. 1990, c. H.8, s. 207 (3).

Exposing number plate

(4) For the purposes of this Act or any municipal by-law regulating or prohibiting parking, standing or stopping, where a number plate issued under section 7 is exposed on a motor vehicle, the holder of the permit corresponding thereto shall be deemed to be the owner of that vehicle unless the number plate was exposed thereon without the permit holder's consent, the burden of proof of which is on the permit holder. R.S.O. 1990, c. H.8, s. 207 (4).

No imprisonment or probation

(5) Any person convicted of an offence pursuant to subsection (1) is not liable to imprisonment or to a probation order under subsection 72 (1) of the *Provincial Offences Act* as a result of the conviction or as a result of default in payment of the fine resulting from the conviction. 2005, c. 26, Sched. A, s. 31 (1).

Owner liability, photo-radar system evidence

(6) The owner of a motor vehicle shall not be charged as an owner with an offence under

section 128 unless the evidence of the offence is obtained through the use of a photo-radar system. 1993, c. 31, s. 2 (11).

Limitation

[\(7\)](#) An owner of a motor vehicle convicted of an offence under section 128 on the basis of evidence acquired through the use of a photo-radar system or under subsection 175 (19) or (20) is not liable to imprisonment, a probation order under subsection 72 (1) of the *Provincial Offences Act* or a driver's licence suspension as a result of that conviction or as a result of default in payment of a fine resulting from that conviction. 2004, c. 22, s. 6 (2).

Owner liability, red light camera system evidence

[\(8\)](#) The owner of a motor vehicle shall not be charged as an owner with an offence under subsection 144 (18) unless the evidence of the offence is obtained through the use of a red light camera system in an area designated for the purposes of subsection 205.15 (1). 1998, c. 38, s. 5 (2).

Definition

[\(9\)](#) In this section,

“owner” includes an operator as defined in section 16 or as deemed in section 19. 2005, c. 26, Sched. A, s. 31 (2).

Recovery

[208.](#) The penalties imposed by or under the authority of this Act for the contravention of this Act or the regulations are recoverable under the *Provincial Offences Act*. 2002, c. 18, Sched. P, s. 36.

Right to damages reserved

[209.](#) No penalty or imprisonment is a bar to the recovery of damages by the injured person. R.S.O. 1990, c. H.8, s. 209.

Notice of conviction to Registrar

[210. \(1\)](#) A judge, provincial judge or justice of the peace who makes a conviction in respect of an offence to which this section applies or the clerk of the court in which the conviction is made shall forthwith notify the Registrar of the conviction. 2006, c. 20, s. 5.

Applicable offences

[\(1.1\)](#) This section applies in respect of the following offences:

1. An offence under this Act or under any other Act of the Legislature or the Parliament of Canada or any regulation or order made under any of them committed by means of,
 - i. a motor vehicle or street car within the meaning of this Act,
 - ii. a vessel within the meaning of section 48, or
 - iii. a motorized snow vehicle.
2. An offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking. 2006, c. 20, s. 5; 2009, c. 5, s. 55.

Contents of notice of conviction

[\(1.2\)](#) The notice of conviction under subsection (1) shall set out the name, address and description of the person convicted, the number of his or her driver's licence, the number of the

permit of the motor vehicle or the registration number of the vessel or motorized snow vehicle, as the case may be, with which the offence was committed, the time the offence was committed and the provision of the Act, regulation, order or by-law contravened. 2006, c. 20, s. 5.

Idem

(2) A judge, provincial judge or justice of the peace who makes a conviction for a prescribed offence or an offence under a prescribed Act of the Legislature or the Parliament of Canada or a regulation or order made under the prescribed Act or the clerk of the court in which the conviction is made shall forthwith notify the Registrar of the conviction setting out the name and address of the person convicted, the date the offence was committed, the provision contravened and the other information that is prescribed. R.S.O. 1990, c. H.8, s. 210 (2); 1999, c. 12, Sched. B, s. 9 (1).

Regulations

(3) The Minister may make regulations prescribing offences and Acts and information to be certified for the purpose of subsection (2). R.S.O. 1990, c. H.8, s. 210 (3).

Report on accessible parking by-law conviction

(4) Despite subsection (1), a judge, provincial judge or justice of the peace who makes a conviction under a municipal by-law passed for establishing a system of accessible parking under section 9, 10, 11 or 102 of the *Municipal Act, 2001* or section 7, 8 or 80 of the *City of Toronto Act, 2006* for the improper use of an accessible parking permit issued under section 26 or the clerk of the court in which the conviction is made shall promptly notify the Registrar of the conviction setting out the name and address of the person convicted, the number of the accessible parking permit used in the offence, the name and address of the person or organization in whose name the accessible parking permit is issued, the date the offence was committed and the provision of the by-law contravened. 2009, c. 33, Sched. 26, s. 3 (13).

Order for conditional discharge

(5) Where a person pleads guilty to or is found guilty of an offence under the *Criminal Code* (Canada), the *Young Offenders Act* (Canada) or the *Youth Criminal Justice Act* (Canada) referred to in subsection (1) and an order directing that the person be discharged is made under section 736 of the *Criminal Code* (Canada), section 20 or sections 28 to 32 of the *Young Offenders Act* (Canada) or section 42, 59, 94, 95 or 96 of the *Youth Criminal Justice Act* (Canada) including an order in respect of a person on whom an adult sentence is imposed under the *Youth Criminal Justice Act* (Canada), the judge, provincial judge or justice of the peace who makes the order or the clerk of the court in which the order is made shall forthwith notify the Registrar of the order. 2006, c. 19, Sched. D, s. 9 (5).

Same

(6) A notice given under subsection (5) shall set out the name, address and description of the person discharged by the order, the number of the person's driver's licence, the number of the permit of the motor vehicle or the registration number of the motorized snow vehicle with which the offence was committed, the time the offence was committed and the provision of the *Criminal Code* (Canada), the *Young Offenders Act* (Canada) or the *Youth Criminal Justice Act* (Canada) contravened. 2006, c. 19, Sched. D, s. 9 (6).

Evidence

(7) A copy of any document filed in the Ministry under this Act, or any statement containing information from the records required to be kept under this Act, that purports to be certified by the

Registrar under the seal of the Ministry as being a true copy of the original shall be received in evidence in all courts without proof of the seal, the Registrar's signature or the manner of preparing the copy or statement, and is proof, in the absence of evidence to the contrary, of the facts contained in the copy or statement. 2008, c. 17, s. 46.

Signature of Registrar

[\(8\)](#) The Registrar's signature on a copy or statement described in subsection (7) may be an original signature or an engraved, lithographed, printed or otherwise mechanically or electronically reproduced signature or facsimile signature. 2008, c. 17, s. 46.

Seal of the Ministry

[\(9\)](#) The seal of the Ministry on a copy or statement described in subsection (7) may be affixed by impression or may be an engraved, lithographed, printed or otherwise mechanically or electronically reproduced seal or facsimile of a seal. 2008, c. 17, s. 46.

Signature and seal only required on first page

[\(10\)](#) The Registrar's signature on a copy or statement described in subsection (7) need only be on the first page of the copy or statement. 2008, c. 17, s. 46.

Same

[\(11\)](#) The seal of the Ministry on a copy or statement described in subsection (7) need only be on the first page of the copy or statement if the following pages are sequentially numbered, by hand or otherwise; if the pages following the first page are not sequentially numbered, the seal must be on each page. 2008, c. 17, s. 46.

Electronic filing in court

[\(12\)](#) A copy or statement described in subsection (7) may be filed in a court by direct electronic transmission in accordance with the regulations. 2008, c. 17, s. 46.

Regulations

- [\(13\)](#) The Lieutenant Governor in Council may make regulations respecting,
- (a) the filing of copies and statements in court by direct electronic transmission; and
 - (b) the manner in which the signature of the Registrar and the seal of the Ministry may be represented when such a copy or statement is printed. 2008, c. 17, s. 46.

Definition

[\(14\)](#) In this section,

“document” includes a photograph. 1998, c. 38, s. 6.

Return of suspended licences to Registrar

[211. \(1\)](#) In this section,

“judge” means a judge, provincial judge or justice of the peace. R.S.O. 1990, c. H.8, s. 211 (1).

Return of suspended driver's licence to Registrar

[\(2\)](#) Subject to subsection (3), a person whose driver's licence is suspended by a judge or by operation of this Act shall immediately forward the driver's licence to the Registrar. R.S.O. 1990, c. H.8, s. 211 (2).

Judge to secure possession

[\(3\)](#) Where a judge makes a conviction and the driver's licence of the person convicted is

suspended by the judge or by operation of this Act, the judge shall take the driver's licence and forward it to the Registrar. R.S.O. 1990, c. H.8, s. 211 (3).

(4) Repealed: 2008, c. 17, s. 47.

Police officer may secure possession of suspended licence

212. (1) Where by or under this Act a driver's licence is suspended and the person to whom the suspension applies refuses or fails to surrender his or her licence to the Registrar forthwith, any police officer may take possession of the licence and return it to the Registrar and the Registrar may direct any police officer to take possession of the licence and return it to the Registrar. R.S.O. 1990, c. H.8, s. 212 (1).

Penalty

(2) Every person who fails or refuses to surrender his or her driver's licence when required by a police officer under subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than \$100. R.S.O. 1990, c. H.8, s. 212 (2).

(3) Repealed: 2008, c. 17, s. 48.

When owner may appear before justice of the peace

213. (1) If an owner of a motor vehicle is served with a summons to appear in a local municipality other than that in which the owner resides for an offence against this Act, and the owner's defence is that neither the owner nor the owner's motor vehicle was at the place of the alleged offence at the time the offence occurred, and that the summons must have been issued against the owner through an error of the informant as to the number on the official number plate, then and in that case only the owner may appear before a justice of the peace in the local municipality in which the owner resides and, in the same manner as if the owner were being tried for an offence against this Act, the owner may give evidence corroborated by the evidence of at least two other credible witnesses that neither the owner nor the owner's motor vehicle was at the place of the alleged offence at the time the offence occurred, and that the summons must have been issued against the owner through an error of the informant as to the number on the official number plate. R.S.O. 1990, c. H.8, s. 213 (1).

Certificate

(2) The justice, if satisfied of the truth of the evidence, shall forthwith make out a certificate in English or in French in the form set out in the Schedule to this Act and forward it by registered mail to the justice before whom the summons is returnable. R.S.O. 1990, c. H.8, s. 213 (2).

Dismissal or adjournment

(3) The justice before whom the summons is returnable shall, upon receiving the certificate, thereupon dismiss the charge unless he or she has reason to believe that the testimony is untrue in whole or in part, in which case he or she may adjourn the case and again summon the defendant, who shall then be required to attend before him or her at the place and time mentioned in the summons. R.S.O. 1990, c. H.8, s. 213 (3).

General penalty

214. (1) Every person who contravenes this Act or any regulation is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not less than \$60 and not more than \$500. R.S.O. 1990, c. H.8, s. 214 (1).

for pedestrian offences

(2) Despite subsection (1), every person, while a pedestrian or a person in a wheelchair, who contravenes Part X or any regulation made thereunder, is guilty of an offence and on conviction, where a penalty for the contravention is not otherwise provided for herein, is liable to a fine of not more than \$50. R.S.O. 1990, c. H.8, s. 214 (2).

Community safety zones

Municipal highways

214.1 (1) The council of a municipality may by by-law designate a part of a highway under its jurisdiction as a community safety zone if, in the council's opinion, public safety is of special concern on that part of the highway. 1998, c. 6, s. 1.

Non-municipal highways

(2) The Minister of Community Safety and Correctional Services may by regulation designate a part of a provincial highway or of any highway that is not under the jurisdiction of a municipality as a community safety zone if, in his or her opinion, public safety is of special concern on that part of the highway. 1998, c. 6, s. 1; 2006, c. 19, Sched. T, s. 7 (1).

When designation is in effect

(3) A by-law or regulation designating a community safety zone shall specify the hours, days and months when the designation is in effect. 1998, c. 6, s. 1.

Signs

(4) The municipality or the Minister of Community Safety and Correctional Services, as the case may be, shall ensure that signs denoting a community safety zone are erected in accordance with the regulations. 1998, c. 6, s. 1; 2006, c. 19, Sched. T, s. 7 (2).

Designation not effective until signs are erected

(5) No by-law or regulation made under this section becomes effective until signs are erected, in accordance with this Act and the regulations, on the designated part of the highway. 1998, c. 6, s. 1.

Penalty for speeding in community safety zone

(6) Every person who commits an offence under section 128 in a community safety zone when it is in effect is liable, on conviction, not to the fines set out in subsection 128 (14), but, where the rate of speed at which the motor vehicle was driven,

- (a) is less than 20 kilometres per hour over the speed limit, to a fine of double the fine set out in clause 128 (14) (a) for each kilometre per hour that the motor vehicle was driven over the speed limit;
- (b) is 20 kilometres per hour or more but less than 30 kilometres per hour over the speed limit, to a fine of double the fine set out in clause 128 (14) (b) for each kilometre per hour that the motor vehicle was driven over the speed limit;
- (c) is 30 kilometres per hour or more but less than 50 kilometres per hour over the speed limit, to a fine of double the fine set out in clause 128 (14) (c) for each kilometre per hour that the motor vehicle was driven over the speed limit; and
- (d) is 50 kilometres per hour or more over the speed limit, to a fine of double the fine set out in clause 128 (14) (d) for each kilometre per hour that the motor vehicle was driven over the speed limit. 2005, c. 26, Sched. A, s. 32 (1).

Same, construction zone

[\(6.1\)](#) Every person who commits an offence under section 128 in a community safety zone, when it is in effect, that is also a construction zone designated under subsection 128 (8) or (8.1), when there is a worker in the construction zone, is liable, on conviction, to the penalties set out in subsection (6) and not to an additional penalty under subsection 128 (14.1). 2005, c. 26, Sched. A, s. 32 (2).

Penalty for careless driving or racing in community safety zone

[\(7\)](#) Every person who commits an offence under section 130 or 172 in a community safety zone when it is in effect is liable, on conviction, not to the penalty set out in those sections, but to a fine of not less than double the minimum fine set out in those sections and not more than the maximum fine set out in those sections or to imprisonment for a term of not more than six months, or to both, and in addition his or her licence or permit may be suspended for a period of not more than the maximum period for which his or her licence could be ordered suspended by a court under section 130 or 172, as the case may be. 1998, c. 6, s. 1; 2007, c. 13, s. 23.

Penalty for other offences in community safety zone

[\(8\)](#) Every person who commits an offence in contravention of any of sections 132 to 164, inclusive (except subsections 140 (4) and (6) and subsections 144 (22) to (29), inclusive), section 166, 167, 168 or 169, subsection 176 (3) or section 182 in a community safety zone when it is in effect is liable, on conviction, not to the penalty otherwise applicable, but to a fine of not less than double the minimum fine otherwise applicable and not more than the maximum fine otherwise applicable. 1998, c. 6, s. 1.

[215.](#) Repealed: 2009, c. 33, Sched. 26, s. 3 (14).

Power of police officer to stop vehicle

[216. \(1\)](#) A police officer, in the lawful execution of his or her duties and responsibilities, may require the driver of a motor vehicle to stop and the driver of a motor vehicle, when signalled or requested to stop by a police officer who is readily identifiable as such, shall immediately come to a safe stop. R.S.O. 1990, c. H.8, s. 216 (1).

Offence

[\(2\)](#) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable, subject to subsection (3),

- (a) to a fine of not less than \$1,000 and not more than \$10,000;
- (b) to imprisonment for a term of not more than six months; or
- (c) to both a fine and imprisonment. 1999, c. 13, s. 1 (1).

Escape by flight

[\(3\)](#) If a person is convicted of an offence under subsection (2) and the court is satisfied on the evidence that the person wilfully continued to avoid police when a police officer gave pursuit,

- (a) the person is liable to a fine of not less than \$5,000 and not more than \$25,000, instead of the fine described in clause (2) (a);
- (b) the court shall make an order imprisoning the person for a term of not less than 14 days and not more than six months, instead of the term described in clause (2) (b); and
- (c) the court shall make an order suspending the person's driver's licence,

- (i) for a period of five years, unless subclause (ii) applies, or
- (ii) for a period of not less than 10 years, if the court is satisfied on the evidence that the person's conduct or the pursuit resulted in the death of or bodily harm to any person. 1999, c. 13, s. 1 (1).

Lifetime suspension

[\(4\)](#) An order under subclause (3) (c) (ii) may suspend the person's driver's licence for the remainder of the person's life. 1999, c. 13, s. 1 (1).

Suspension in addition

[\(4.1\)](#) Except in the case of a suspension for the remainder of the person's life, a suspension under clause (3) (c) is in addition to any other period for which the person's licence is suspended and is consecutive to that period. 1999, c. 13, s. 1 (1).

Notice of suspension

[\(4.2\)](#) Subject to subsection (4.3), in a proceeding for a contravention of subsection (1) in which it is alleged that the person wilfully continued to avoid police when a police officer gave pursuit, the clerk or registrar of the court, before the court accepts the plea of the defendant, shall orally give a notice to the person to the following effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for five years".

1999, c. 13, s. 1 (1).

Same: death or bodily harm

[\(4.3\)](#) In a proceeding for a contravention of subsection (1) in which it is alleged that the person wilfully continued to avoid police when a police officer gave pursuit and that the person's conduct or the pursuit resulted in the death of or bodily harm to any person, the clerk or registrar of the court, before the court accepts the plea of the defendant, shall orally give a notice to the person to the following effect:

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for not less than 10 years and that it may be suspended for the remainder of your life".

1999, c. 13, s. 1 (1).

Idem

[\(5\)](#) The suspension of a driver's licence under this section shall not be held to be invalid by reason of failure to give the notice provided for in subsection (4.2) or (4.3). R.S.O. 1990, c. H.8, s. 216 (5); 1999, c. 13, s. 1 (2).

Appeal of suspension

[\(6\)](#) An appeal may be taken from an order under clause (3) (c) or a decision to not make the order in the same manner as from a conviction or an acquittal under subsection (2). R.S.O. 1990, c. H.8, s. 216 (6); 1999, c. 13, s. 1 (3).

Stay of order on appeal

(7) Where an appeal is taken from an order under subsection (6), the court being appealed to may direct that the order being applied from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court. R.S.O. 1990, c. H.8, s. 216 (7); 1999, c. 13, s. 1 (4).

Power of officer to examine commercial vehicles

216.1 (1) Any officer appointed for carrying out the provisions of this Act may, at any time, examine any commercial vehicle and its contents and equipment for the purpose of ascertaining whether this Act, the *Compulsory Automobile Insurance Act* or the *Dangerous Goods Transportation Act*, or the regulations under any of them, are being complied with, and the driver, operator or other person in control of the vehicle shall assist in the examination. 2002, c. 18, Sched. P, s. 37.

Power to stop commercial vehicles

(2) Any officer appointed for carrying out the provisions of this Act may, for the purpose of an examination under subsection (1), direct, by signals or otherwise, the driver of any commercial vehicle driven on a highway to stop, and the driver, upon being so directed, shall stop the vehicle. 2002, c. 18, Sched. P, s. 37.

Surrender of documents

(3) Where a commercial vehicle and its contents and equipment are examined under this section, the officer conducting the examination may require the driver, operator or other person in control of the vehicle to surrender all documents relating to the ownership and operation of the vehicle and to the carriage of the goods, and to furnish all information within that person's knowledge relating to the details of the current trip. 2002, c. 18, Sched. P, s. 37.

Copies

(4) An officer obtaining a document under subsection (3) may take the document for the purpose of making a copy of it, but the copying shall be done as quickly as reasonably possible and the document copied shall be promptly returned. 2002, c. 18, Sched. P, s. 37.

Same

(5) Any copy made as provided in subsection (4) and certified to be a true copy by the person making it is admissible in evidence in any proceeding as proof, in the absence of evidence to the contrary, of the original document and of the contents of the original document. 2002, c. 18, Sched. P, s. 37.

Remove vehicle from the highway until in compliance

(6) Where an officer appointed for carrying out the provisions of this Act is of the opinion, on reasonable and probable grounds, that a commercial vehicle is being operated in contravention of this Act, the *Compulsory Automobile Insurance Act* or the *Dangerous Goods Transportation Act*, or the regulations under any of them, the officer may,

- (a) direct the driver of the vehicle to drive the vehicle to such location as is reasonable in the circumstances and detain it at that location; and
- (b) seize the permits and number plates for the vehicle, until the vehicle is able to be operated in compliance with this Act, the *Compulsory Automobile Insurance Act*, the *Dangerous Goods Transportation Act* and the *Public Vehicles Act*, and the regulations under them. 2002, c. 18, Sched. P, s. 37.

Duty to comply with direction

(7) Every driver who is directed under clause (6) (a) shall comply with the direction. 2002, c. 18, Sched. P, s. 37.

Offence

(8) Every person who contravenes subsection (1), (2), (3) or (7) is guilty of an offence and upon conviction is liable to a fine of not less than \$250 and not more than \$20,000. 2002, c. 18, Sched. P, s. 37.

Definition

(9) For the purposes of this section,

“commercial vehicle” means a commercial motor vehicle and a motor vehicle towing a trailer. 2002, c. 18, Sched. P, s. 37.

Arrest powers

Assisting officers

217. (1) Every person called upon to assist a police officer or officer appointed for carrying out the provisions of this Act in the arrest of a person suspected of having committed any offence mentioned in subsection (2) may assist if he or she knows that the person calling on him or her for assistance is a police officer or officer appointed for carrying out the provisions of this Act, and does not know that there are no reasonable grounds for the suspicion. R.S.O. 1990, c. H.8, s. 217 (1).

Arrests without warrant

(2) Any police officer who, on reasonable and probable grounds, believes that a contravention of any of the provisions of subsection 9 (1), subsection 12 (1), subsection 13 (1), subsection 33 (3), subsection 47 (5), (6), (7) or (8), section 51, 53, subsection 106 (8.2), section 130, 172 or 184, subsection 185 (3), clause 200 (1) (a) or subsection 216 (1) has been committed, may arrest, without warrant, the person he or she believes committed the contravention. R.S.O. 1990, c. H.8, s. 217 (2); 1993, c. 40, s. 8; 2009, c. 5, s. 55.

Arresting on view

(3) Every person may arrest without warrant any person whom he or she finds committing any such contravention. R.S.O. 1990, c. H.8, s. 217 (3).

Arrest without warrant for contravention of subs. 177 (2)

(3.1) A police officer who believes on reasonable and probable grounds that a person has contravened subsection 177 (2) may arrest the person without warrant if,

- (a) before the alleged contravention of subsection 177 (2), the police officer directed the person not to engage in activity that contravenes that subsection; or
- (b) the police officer believes on reasonable and probable grounds that it is necessary to arrest the person without warrant in order to establish the identity of the person or to prevent the person from continuing or repeating the contravention. 1999, c. 8, s. 7 (2).

Detaining vehicle when arrest is made

(4) A police officer or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, may detain the motor vehicle with which the offence was committed until the final disposition of any prosecution under this Act or under the *Criminal Code* (Canada), but the motor vehicle may be released on security for its production being given to the satisfaction of a

justice of the peace or judge. R.S.O. 1990, c. H.8, s. 217 (4).

Exceptions to release of motor vehicle

(4.1) A motor vehicle shall not be released under subsection (4) if it was removed, stored, detained or impounded pursuant to any provision of this Act other than subsection (4) of this section. 2007, c. 13, s. 24.

Care and storage charges

(5) All costs and charges for the care and storage of a motor vehicle detained under subsection (4) are a lien upon the motor vehicle, which may be enforced in the manner provided by the *Repair and Storage Liens Act*. R.S.O. 1990, c. H.8, s. 217 (5).

Duty of person arresting without warrant

(6) A police officer or officer appointed for carrying out the provisions of this Act, making an arrest without warrant, shall, with reasonable diligence, take the person arrested before a justice of the peace or provincial judge to be dealt with according to law. R.S.O. 1990, c. H.8, s. 217 (6).

Cyclist to identify self

218. (1) A police officer who finds any person contravening this Act or any municipal by-law regulating traffic while in charge of a bicycle may require that person to stop and to provide identification of himself or herself. R.S.O. 1990, c. H.8, s. 218 (1).

Idem

(2) Every person who is required to stop, by a police officer acting under subsection (1), shall stop and identify himself or herself to the police officer. R.S.O. 1990, c. H.8, s. 218 (2).

Idem

(3) For the purposes of this section, giving one's correct name and address is sufficient identification. R.S.O. 1990, c. H.8, s. 218 (3).

Idem

(4) A police officer may arrest without warrant any person who does not comply with subsection (2). R.S.O. 1990, c. H.8, s. 218 (4).

Suspension of licence upon conviction

219. (1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 41 (1) or sections 42 and 53 and before the court accepts the plea of the person, the clerk or registrar of the court shall orally give a notice to the person to the following effect:

“The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for the period prescribed by statute”.

R.S.O. 1990, c. H.8, s. 219 (1).

Idem

(2) The suspension of a driver's licence by operation of this Act shall not be held to be invalid by reason of failure of the clerk or registrar of the court to give the notice provided for in subsection (1). R.S.O. 1990, c. H.8, s. 219 (2).

Impounding motor vehicles

220. (1) In conjunction with a conviction under section 47, 51 or 53 of this Act or section

253, 254 or 255 of the *Criminal Code* (Canada) or with a second conviction under section 252 of the *Criminal Code* (Canada), an order may issue that the motor vehicle driven by or under the care, charge or control of the person convicted at the time of the commission of the offence or second offence, as the case may be, shall be seized, impounded and taken into custody of the law for three months, subject to the conditions and in the manner set out in the order. R.S.O. 1990, c. H.8, s. 220 (1).

Interpretation

(2) For the purpose of subsection (1), a conviction under section 252 of the *Criminal Code* (Canada) that occurs after a conviction under any section referred to in subsection (1) shall be considered as a second conviction under section 252 of the *Criminal Code* (Canada). R.S.O. 1990, c. H.8, s. 220 (2).

Notice to be given

(3) Where a conviction referred to in subsection (1) results because the accused pleads guilty, the order referred to in subsection (1) shall not be issued unless the person has been given notice,

- (a) by a printed or written statement upon or accompanying the summons; or
- (b) orally by the court before the plea of guilty is accepted,

to the following effect:

“The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, an order may be issued that the motor vehicle driven by you or under your care, charge or control at the time of the commission of the offence shall be seized, impounded and taken into the custody of the law”.

R.S.O. 1990, c. H.8, s. 220 (3).

When vehicle not to be impounded

(4) An order shall not be issued under subsection (1) in respect of a motor vehicle that is not owned or held under a lease that has less than three months to run by the person convicted unless the person convicted is the principal driver thereof and, if there is a lease of the vehicle, the lease has more than three months to run. R.S.O. 1990, c. H.8, s. 220 (4).

Opportunity to be heard

(5) Before an order is issued under subsection (1), an opportunity shall be given to any person who has an interest in the motor vehicle or is a dependant of or a family member residing with the person convicted to state why the order should not issue. R.S.O. 1990, c. H.8, s. 220 (5).

Undue hardship

(6) Where representation is made under subsection (5), the court shall not issue the order if the court is of the opinion that undue hardship will result thereby. R.S.O. 1990, c. H.8, s. 220 (6).

Change in order

(7) Where an order has been issued under subsection (1), any person referred to in subsection (5) may apply to the court for an amendment to or revocation of the order. R.S.O. 1990, c. H.8, s. 220 (7).

Basis for change

[\(8\)](#) The court, pursuant to an application under subsection (7), may amend or revoke an order that is the subject-matter of the application where there is a relevant change in circumstances since the order was made or information is brought out that was not disclosed before the order was made. R.S.O. 1990, c. H.8, s. 220 (8).

Lien

[\(9\)](#) All costs and charges for the care and storage of a motor vehicle impounded under subsection (1) are a lien upon the vehicle. R.S.O. 1990, c. H.8, s. 220 (9).

Effect of lien

[\(10\)](#) A motor vehicle that is subject to a lien under subsection (9) may be retained in the custody of the law so long as the lien remains unpaid or until the motor vehicle is sold by public auction. R.S.O. 1990, c. H.8, s. 220 (10).

Notice of sale

[\(11\)](#) Before a motor vehicle is sold under subsection (10), a reasonable effort shall be made to give the owner two weeks notice of the sale if the owner can be ascertained. R.S.O. 1990, c. H.8, s. 220 (11).

Definition

[\(12\)](#) For the purposes of this section,

“court” means a judge or judge of the Ontario Court (Provincial Division). R.S.O. 1990, c. H.8, s. 220 (12).

Abandoned or unplatd vehicles

[221. \(1\)](#) A police officer or an officer appointed for carrying out the provisions of this Act who discovers a vehicle apparently abandoned on or near a highway or a motor vehicle or trailer without proper number plates may take the vehicle into the custody of the law and may cause it to be taken to and stored in a suitable place. R.S.O. 1990, c. H.8, s. 221 (1).

Costs for storage

[\(2\)](#) All costs and charges for removal, care or storage of a vehicle taken or stored under subsection (1) are a lien upon the vehicle that may be enforced in the manner provided by Part III of the *Repair and Storage Liens Act*. R.S.O. 1990, c. H.8, s. 221 (2).

Impounding of vehicle on appeal

[222.](#) If a person to whom section 220 applies enters an appeal against the person’s conviction and there is filed with the convicting provincial judge sufficient security for the production of the motor vehicle if the appeal should fail, section 220 does not apply unless the conviction is sustained on appeal. R.S.O. 1990, c. H.8, s. 222.

Appointment of officers for carrying out provisions of Act

[223. \(1\)](#) The Minister may appoint one or more persons on the staff of the Ministry or any other ministry of the Government of Ontario as an officer or officers for the purpose of carrying out all or any of the provisions of this Act, and any person so appointed has authority to act as a constable throughout Ontario for the purpose. R.S.O. 1990, c. H.8, s. 223 (1).

Certificate of appointment

[\(2\)](#) A person appointed under subsection (1) shall, while carrying out his or her duties under

the appointment, have in his or her possession a certificate of appointment under subsection (1) and shall produce such certificate upon request. R.S.O. 1990, c. H.8, s. 223 (2).

Service on driver of commercial motor vehicle sufficient

224. In respect of an offence under this Act, the *Compulsory Automobile Insurance Act*, the *Dangerous Goods Transportation Act*, the *Fuel Tax Act* or the *Public Vehicles Act* that involves a commercial motor vehicle, delivery of the offence notice or summons to the driver of the vehicle shall be deemed to be service on the operator of the vehicle as defined in subsection 16 (1) or on the owner of the vehicle for the purpose of Part I of the *Provincial Offences Act* unless, in the case of the owner, at the time of the offence, the vehicle was in the possession of the driver without the owner's consent. R.S.O. 1990, c. H.8, s. 224; 2002, c. 18, Sched. P, s. 38.

Inspection of records

225. (1) An officer of the Ministry may, during normal business hours upon production of his or her designation as an officer, enter any place of business of a person required under this Act or the regulations to keep records for the purpose of inspecting those records. R.S.O. 1990, c. H.8, s. 225 (1).

Idem

(2) An officer of the Ministry, for the purpose of ensuring that this Act and the regulations are being complied with, is authorized to inspect any records required to be kept under this Act or the regulations. R.S.O. 1990, c. H.8, s. 225 (2).

Copies

(3) An officer examining any records under this section may, on giving a receipt therefor, remove any record for the purpose of making copies thereof but the copying must be made quickly and the record promptly returned. R.S.O. 1990, c. H.8, s. 225 (3).

Idem

(4) Any copy made under subsection (3) and certified as a true copy by the person making it is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the record copied and its contents. R.S.O. 1990, c. H.8, s. 225 (4).

Obstruction prohibited

(5) No person shall obstruct any officer from doing anything that he or she is authorized by this section to do or to withhold from the officer or conceal or destroy any record that the officer is authorized to examine or to copy. R.S.O. 1990, c. H.8, s. 225 (5).

Penalty

(6) Every person who contravenes subsection (5) is guilty of an offence and on conviction is liable to a fine of not less than \$100 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1990, c. H.8, s. 225 (6).

226. Repealed: 1999, c. 12, Sched. R, s. 19.

Where proceeding for offence may be heard, commercial motor vehicles on a journey

227. (1) Despite section 29 of the *Provincial Offences Act*, where an offence is committed under this Act, the *Compulsory Automobile Insurance Act*, the *Dangerous Goods Transportation Act*, the *Fuel Tax Act* or the *Public Vehicles Act* in or on a commercial motor vehicle, as defined in subsection 16 (1) of this Act, that is employed in a journey, the offence shall be deemed to have been committed in any county or district through which the vehicle passed in the course of the

journey on which the offence was committed. 1996, c. 33, s. 17; 2002, c. 18, Sched. P, s. 39.

Same

(2) For the purpose of subsection (1), where the centre or other part of the road on which the vehicle passed in the course of the journey is the boundary of two or more counties or districts, the offence shall be deemed to have been committed in any of the counties or districts. 1996, c. 33, s. 17.

PART XVI PILOT PROJECTS

Pilot projects

228. (1) The Lieutenant Governor in Council may by regulation authorize or establish a project for research into or the testing or evaluation of any matter governed by this Act or relevant to highway traffic. 2005, c. 26, Sched. A, s. 33 (1).

Project may conflict with Acts

- (2) Under a project authorized or established under subsection (1),
- (a) persons or classes of persons may be authorized to do or use a thing that is prohibited or regulated under this Act, the *Dangerous Goods Transportation Act*, the *Motorized Snow Vehicles Act*, the *Off-Road Vehicles Act* or the *Public Vehicles Act* or to not do or use a thing that is required or authorized by any of those Acts;
 - (b) the Minister or Ministry or any person authorized or required to do anything under this Act, the *Dangerous Goods Transportation Act*, the *Motorized Snow Vehicles Act*, the *Off-Road Vehicles Act* or the *Public Vehicles Act* may be authorized or required to do anything that is not authorized or required under any of those Acts or to do anything that is authorized or required under any of those Acts in a way that is different from the way it is authorized or required. 2005, c. 26, Sched. A, s. 33.

Limited to classes

(3) An authorization or requirement described in subsection (2) may be limited to any class of persons, class or type of vehicles, class of equipment, devices or highways, parts of Ontario, time of year or day, activities, matters or any other things. 2005, c. 26, Sched. A, s. 33 (1).

Regulation to create own scheme of rules

(4) A regulation made under this section may regulate the doing of anything or the use of any thing or prohibit the doing of anything or the using of any thing. 2005, c. 26, Sched. A, s. 33 (1).

Insurance

(5) A regulation made under this section may require a person or class of persons to carry insurance of a kind and in the amount specified. 2005, c. 26, Sched. A, s. 33 (1).

Time limit

(6) A regulation made under this section must provide that it is revoked no later than the twelfth anniversary of the day the regulation is filed. 2005, c. 26, Sched. A, s. 33 (1).

Project prevails over Acts

(7) In the event of a conflict between a regulation made under this section and any provision of this Act, the *Dangerous Goods Transportation Act*, the *Motorized Snow Vehicles Act*, the *Off-Road Vehicles Act* or the *Public Vehicles Act* or of a regulation made under any of those Acts, the

regulation made under this section prevails. 2005, c. 26, Sched. A, s. 33.

Offence

(8) Every person who contravenes a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$2,500. 2005, c. 26, Sched. A, s. 33 (1).

SCHEDULE
CERTIFICATE OF JUSTICE

SCHEDULE
CERTIFICATE OF JUSTICE

(Section 213 (2))

I, *(name of Justice)*, a Justice of the Peace in and for the of hereby certify:

1. That *(name of defendant)*, of the of in the of *(occupation)*, this day appeared before me and produced to me a summons issued by *(name of Justice issuing summons)*, a Justice of the Peace in and for the of for an offence against the *Highway Traffic Act*, said to have been committed with respect to a car bearing the official number plate number for this year, the offence being alleged to have been committed on the of in the of on the day of

2. That *(name of defendant)* has deposed before me that neither the defendant nor the defendant's motor vehicle was at such place on the day of, 20....., and that the summons must have been issued against the defendant through an error of the informant as to the number on the official number plate, and the defendant's testimony in this respect has been corroborated by the testimony of two credible witnesses, namely *(here insert the names of two witnesses)*.

3. The depositions of the defendant and of the witnesses referred to in paragraph 2 of this certificate are attached hereto.

4. That I am satisfied of the truth of the testimony given before me this day by *(name of defendant and two witnesses)*, and give this certificate in pursuance of subsection 213 (2) of the *Highway Traffic Act*.

Dated at this day of, 20.....

..... J.P

(NOTE: Attach depositions of defendant and witnesses to this certificate.)

R.S.O. 1990, c. H.8, Sched.

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