



## CHAPTER 5

**An Act to amend the Highway Traffic Act and to make consequential amendments to two amending acts**

*Assented to April 23, 2009*

Note: This Act amends or repeals more than one Act. For the legislative history of these Acts, see the Table of Consolidated Public Statutes – Detailed Legislative History on [www.e-Laws.gov.on.ca](http://www.e-Laws.gov.on.ca).

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**PART I**  
**AMENDMENTS TO THE HIGHWAY TRAFFIC ACT**

**1. (1) Subsection 1 (1) of the *Highway Traffic Act* is amended by adding the following definition:**

“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”)

**(2) The definition of “bicycle” in subsection 1 (1) of the Act is repealed and the following substituted:**

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

**(3) The French version of the definition of “commercial motor vehicle” in subsection 1 (1) of the Act is amended by striking out “les appareils d’incendie” and substituting “les**

**engins d'incendie”.**

**(4) Subsection 1 (1) of the Act is amended by adding the following definition:**

“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”)

**(5) The definition of “motor vehicle” in subsection 1 (1) of the Act is repealed and the following substituted:**

“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”)

**(6) Subsection 1 (1) of the Act is amended by adding the following definition:**

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

**(7) Subsection 1 (1) of the Act is amended by adding the following definition:**

“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”)

**(8) Subsection 1 (8) of the Act is repealed and the following substituted:**

#### **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.

**2. Subsection 7 (12.2) of the Act is repealed.**

**3. (1) The French version of subsection 7.3 (5) of the Act is amended by striking out “une demande formelle” and substituting “une demande”.**

**(2) The French version of subsection 7.3 (6) of the Act is amended by striking out “La demande formelle” at the beginning and substituting “La demande”.**

**(3) The French version of subsection 7.3 (8) of the Act is amended by striking out “une demande formelle” and substituting “une demande”.**

**4. The French version of clause 10 (2) (a) of the Act is repealed and the following substituted:**

- a) d'une remorque dont le poids nominal brut indiqué par le fabricant est supérieur à 1 360 kilogrammes;

**5. The French version of clause (a) of the definition of “commercial motor vehicle” in subsection 16 (1) of the Act is amended by striking out “d’un véhicule de pompiers” and substituting “d’un engin d’incendie”.**

**6. Subsection 20 (5) of the Act is amended by striking out “Ontario Court (General Division)” and substituting “Superior Court of Justice”.**

**7. Subsection 32 (11.1) of the Act is amended by striking out “by the regulations” at the end and substituting “by this Act or the regulations”.**

**8. Section 38 of the Act is repealed and the following substituted:**

**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.

**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.

**9. Subsection 40 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

**Agreements with other jurisdictions**

(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,

.....

**10. (1) Clause 41 (1) (a) of the Act is amended by striking out “within the meaning of the *Motorized Snow Vehicles Act*” at the end.**

**(2) Clause 41 (1) (b) of the Act is amended by striking out “within the meaning of the *Motorized Snow Vehicles Act*” at the end.**

**(3) Subclause 41 (1) (b.1) (i) of the Act is amended by striking out “within the meaning of the *Motorized Snow Vehicles Act*”.**

**(4) Subclause 41 (1) (c) (i) of the Act is amended by striking out “within the meaning of the *Motorized Snow Vehicles Act*”.**

**(5) Clause 41 (1) (d) of the Act is repealed and the following substituted:**

- (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

**11. Part IV of the Act is amended by adding the following section:**

**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 subsection 41.2 (1) 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.

#### **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.

#### **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).

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

**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.

**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.

**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.

**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.

**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).

**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.

**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*.

**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.

**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.

**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.

### **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.

### **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.

### **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.

### **Forms**

(22) The Minister may require that forms approved by the Minister be used for any purpose of this section.

### **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.

### **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.

### **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.

**12. (1) Subsection 42 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:**

### **Suspension for driving while disqualified**

(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,

.....

**(2) Subsection 42 (5) of the Act is repealed.**

**13. Subsection 43 (1) of the Act is amended by striking out “within the meaning of the *Motorized Snow Vehicles Act*”.**

**14. Part IV of the Act is amended by adding the following section:**

### **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.

#### **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.

#### **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.

#### **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.

#### **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.

### **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.

### **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).

### **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”)

**15. (1) The French version of subsection 48 (2) of the Act, as it read immediately before its re-enactment by section 10 of the *Safer Roads for a Safer Ontario Act, 2007*, is amended by striking out “à la demande d'un agent de police prévue à l'article 254 du *Code criminel* (Canada)” and substituting “à la suite d'un ordre donné par un agent de police en vertu de l'article 254 du *Code criminel* (Canada)”.**

**(2) On the first day that both section 10 of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, the French version of subsection 48 (2) of the Act is amended by striking out “à la demande d'un agent de police prévue à l'article 254 du *Code criminel* (Canada)” and substituting “à la suite d'un ordre donné par un agent de police en vertu de l'article 254 du *Code criminel* (Canada)”.**

**(3) The French version of subsection 48 (3) of the Act, as it read immediately before its re-enactment by section 10 of the *Safer Roads for a Safer Ontario Act, 2007*, is amended by striking out “à la demande d'un agent de police prévue à l'article 254 du *Code criminel* (Canada)” and substituting “à la suite d'un ordre donné par un agent de police en vertu de l'article 254 du *Code criminel* (Canada)”.**

**(4) On the first day that both section 10 of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, the French version of subsection 48 (3) of the Act is amended by striking out “à la demande d'un agent de police prévue à l'article 254 du *Code criminel* (Canada)” and substituting “à la suite d'un ordre donné par un agent de police en vertu de l'article 254 du *Code criminel* (Canada)”.**

**(5) Subsection 48 (5.1) of the Act is repealed and the following substituted:**

### **Suspension concurrent with other administrative suspensions**



(5.1) The licence suspension under this section runs concurrently with a suspension, if any, under section 48.1, 48.2.1 or 48.3.

**(6) On the first day that both section 10 of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, subsection 48 (5) of the Act is repealed and the following substituted:**

#### **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.

**(7) Subsection 48 (6) of the Act, as it read immediately before its re-enactment by section 10 of the *Safer Roads for a Safer Ontario Act, 2007*, is repealed and the following substituted:**

#### **Opportunity for second analysis**

(6) Where an analysis of the breath of a person is made under subsection (2) and registers “Warn” or “Alert”, 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).

#### **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).

#### **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.

**(8) On the first day that both section 10 of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, subsection 48 (6) of the Act is repealed and the following substituted:**

#### **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).

#### **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).

#### **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.

**(9) On the first day that both section 10 of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, subsection 48 (9) of the Act is amended by striking out “but this subsection does not affect the taking of any proceeding in court” at the end.**

**(10) Subsection 48 (13) of the Act, as it read immediately before its re-enactment by section 10 of the *Safer Roads for a Safer Ontario Act, 2007*, is amended by adding the following definition:**

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

**(11) On the first day that both section 10 of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, subsection 48 (18) of the Act is amended by adding the following definition:**

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

**(12) Section 48 of the Act, as it read immediately before its re-enactment by section 10 of the *Safer Roads for a Safer Ontario Act, 2007*, is amended by adding the following subsection:**

#### **Meaning of suspension for out-of-province licences**

(14) 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 period specified in subsection (5).

**(13) On the first day that both section 10 of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, section 48 of the Act is amended by adding the following subsection:**

#### **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).

**(14) Subsections (1), (3), (5), (7), (10) and (12) of this section are of no effect and are repealed if section 10 of the *Safer Roads for a Safer Ontario Act, 2007* is in force on or before the day this subsection comes into force.**

**16. (1) The French version of subsection 48.1 (4) of the Act is amended by striking out “à la demande d’un agent de police faite en vertu de l’article 254 du *Code criminel* (Canada)” and substituting “à la suite d’un ordre donné par un agent de police en vertu de l’article 254 du *Code criminel* (Canada)”.**

**(2) Subsection 48.1 (5) of the Act, as it read immediately before its amendment by subsection 11 (4) of the *Safer Roads for a Safer Ontario Act, 2007*, is repealed and the following substituted:**

#### **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.

**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", 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",
  - (i) for three days, in the case of a first suspension under this section,
  - (ii) for seven days, in the case of a second suspension under this section,
  - (iii) for 30 days, in the case of a third or subsequent suspension under this section.

**(3) On the first day that both subsection 11 (4) of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, subsection 48.1 (5) of the Act is repealed and the following substituted:**

**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.

**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).

**(4) Section 48.1 of the Act is amended by adding the following subsection:**

**Same**

(5.2) A suspension under clause (5.1) (b) is deemed to be a suspension under section 48.

**(5) Section 48.1 of the Act is amended by adding the following subsection:**

**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.

**(6) Subsection 48.1 (6) of the Act, as it read immediately before its amendment by subsection 11 (5) of the *Safer Roads for a Safer Ontario Act, 2007*, is repealed and the**

**following substituted:****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”, 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).

**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).

**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.

**(7) On the first day that both subsection 11 (5) of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, subsection 48.1 (6) of the Act is repealed and the following substituted:**

**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).

**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).

**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.

**(8) Subsections 48.1 (7) and (8) of the Act are repealed and the following substituted:**

**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.

**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).

**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.

**(9) Subsection 48.1 (14) of the Act is amended by adding the following definitions:**

“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”)

**(10) The definition of “provincially approved screening device” in subsection 48.1 (14) of the Act is repealed and the following substituted:**

“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”)

**(11) Section 48.1 of the Act is amended by adding the following subsection:**

**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).

**(12) Subsection (2) of this section is of no effect and is repealed if subsection 11 (4) of the *Safer Roads for a Safer Ontario Act, 2007* is in force on or before the day this subsection comes into force.**

**(13) Subsection (6) of this section is of no effect and is repealed if subsection 11 (5) of the *Safer Roads for a Safer Ontario Act, 2007* is in force on or before the day this subsection comes into force.**

**17. (1) Subsection 48.2 (3) of the Act, as it read immediately before its amendment by subsection 12 (2) of the *Safer Roads for a Safer Ontario Act, 2007*, is repealed and the following substituted:**

**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”, 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).

**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).

### **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.

**(2) On the first day that both subsection 12 (2) of the *Safer Roads for a Safer Ontario Act, 2007* and this subsection are in force, subsection 48.2 (3) of the Act is repealed and the following substituted:**

### **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).

### **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).

### **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.

**(3) Subsection (1) of this section is of no effect and is repealed if subsection 12 (2) of the *Safer Roads for a Safer Ontario Act, 2007* is in force on or before the day this subsection comes into force.**

## **18. Part IV of the Act is amended by adding the following section:**

### **Breath testing, young drivers**

#### **Application of subss. (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.

### **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.

**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.

**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.

**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.

**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.

**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.

**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).

**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.

**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.

**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).

**Same**

(12) A suspension under clause (11) (b) is deemed to be a suspension under section 48.

**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.

**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.

**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).

**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.

**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.

**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.

### **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.

### **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.

### **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.

### **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”)

### **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).

## **19. (1) Subsections 48.3 (1) to (7) of the Act are repealed and the following substituted:**

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

#### **Licence surrendered**

(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.

### **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.

### **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.

### **No right to be heard**

(3.1) A person has no right to be heard before surrendering his or her licence under subsection (2).

### **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.

### **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.

### **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.

### **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.

**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.

**(2) Clause 48.3 (15) (a) of the Act is repealed.**

**20. Part IV of the Act is amended by adding the following section:**

**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.

**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.

**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).

**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.

**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.

**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.

**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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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).

#### **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.

#### **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*.

#### **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.

**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.

**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.

**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.

**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.

**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.

**Forms**

(22) The Minister may require that forms approved by the Minister be used for any purpose of this section.

**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.

**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.

**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”)

**21. Subsection 50.1 (2) of the Act is repealed and the following substituted:****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.

**22. Subsections 50.2 (1), (3), (4), (5), (7) and (9) of the Act are repealed and the following substituted:****Appeal of a long-term vehicle impoundment for driving while suspended**

(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.

.....

**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.

### **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.

### **Powers of Tribunal**

(5) The Tribunal may confirm the impoundment or order the Registrar to release the motor vehicle.

.....

### **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.

.....

### **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.

## **23. Subsections 50.3 (1), (3), (4), (5), (7), (8), (9) and (11) of the Act are repealed and the following substituted:**

### **Appeal of impoundment, commercial motor vehicles**

(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.

.....

### **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.

### **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.

### **Powers of Tribunal**

(5) The Tribunal may confirm the impoundment or order the Registrar to release the vehicle.

.....

### **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.

### **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.

### **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.

.....

### **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.

## **24. Section 55.1 of the Act is repealed and the following substituted:**

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.

#### **No hearing before impoundment**

(8) There is no right to be heard before a vehicle detention or impoundment under this section.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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).

#### **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.

#### **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.

#### **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.

#### **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).

#### **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.

#### **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*.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

**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.

### **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.

### **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).

### **Forms**

(39) The Minister may require that forms approved by the Minister be used for any purpose of this section.

### **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”)

## **25. Part IV of the Act is amended by adding the following section:**

### **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.

### **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.

### **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).

### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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).

#### **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.

#### **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*.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **Forms**



(22) The Minister may require that forms approved by the Minister be used for any purpose of this section.

### **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.

### **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.

### **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.

### **26. (1) Clause 57.1 (1) (l) of the Act is repealed and the following substituted:**

- (l) prescribing conditions and restrictions that shall apply to any class or level of driver's licence for novice drivers;

(1.1) 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;

**(2) Clause 57.1 (1) (o) of the Act is repealed.**

**27. The definitions of "ambulance" and "fire department vehicle" in section 61 of the Act are repealed.**

**28. (1) Subsection 62 (17) of the Act is repealed and the following substituted:**

**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.

**(2) Subsection 62 (26) of the Act is repealed and the following substituted:**

**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.

**29. (1) Subsection 64 (2) of the Act is repealed and the following substituted:**

**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.

**(2) Subsection 64 (4) of the Act is repealed and the following substituted:**

**Meaning of bicycle**

(4) In subsection (3),

"bicycle" does not include a unicycle, tricycle or power-assisted bicycle.

**30. The French version of the definition of "rebuild" in subsection 71 (1) of the Act is amended by striking out "semelle" and substituting "bande de roulement".**

**31. Subsection 75 (2) of the Act is repealed and the following substituted:**

**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.

**32. Subsection 76 (2) of the Act is amended by adding the following paragraph:**

- 3. Motor vehicles towing an implement of husbandry.

**33. (1) Subsection 82.1 (1) of the Act is amended by adding the following definition:**

“designated inspection station” means any location designated by the Registrar for the purpose of inspecting commercial motor vehicles; (“centre d’inspection désigné”)

**(2) Subsections 82.1 (6) to (15) of the Act are repealed and the following substituted:**

**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.

**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.

**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.

**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.

**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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **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.

#### **(3) Subsection 82.1 (17) of the Act is repealed and the following substituted:**

#### **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.

#### **(4) Subsection 82.1 (19) of the Act is repealed.**

**(5) Subsection 82.1 (21) of the Act is amended by striking out "Ontario Court (General Division) and substituting "Superior Court of Justice".**

#### **(6) Subsection 82.1 (25) of the Act is repealed and the following substituted:**

**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.

**(7) Subsection 82.1 (29) of the Act is repealed and the following substituted:**

**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.

**(8) Subsection 82.1 (34) of the Act is repealed and the following substituted:**

**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.

**(9) Section 82.1 of the Act is amended by adding the following subsections:**

**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.

**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.

**(10) Subsection 82.1 (37) of the Act is amended by adding the following clause:**

- (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;

**(11) Clause 82.1 (37) (d) of the Act is repealed and the following substituted:**

- (d) prescribing the period for the purpose of subsection (8);

**34. (1) Subsection 96 (5) of the Act is amended by striking out “Ontario Court (General Division)” and substituting “Superior Court of Justice”.**

**(2) Subsection 96 (10) of the Act is repealed.**

**35. Part VI of the Act is amended by adding the following section:**

**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.

#### **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).

#### **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.

**36. (1) Subsection 104 (2.1) of the Act is repealed and the following substituted:**

#### **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.

**(2) Subsection 104 (2.2) of the Act is amended by striking out “a bicycle” and substituting “a bicycle, other than a power-assisted bicycle”.**

**(3) Subsection 104 (3) of the Act is amended by striking out “The Lieutenant Governor in Council” at the beginning and substituting “The Minister”.**

**37. Section 106 of the Act is amended by adding the following subsection:**

#### **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.

**38. The French version of subsection 109 (6) of the Act is amended by striking out “qu’un véhicule de pompiers” and substituting “qu’un engin d’incendie”.**

**39. The French version of clause 122 (4) (c) of the Act is amended by striking out “au véhicule de pompiers” and substituting “à l’engin d’incendie”.**

**40. Clauses 128 (13) (a), (b) and (c) of the Act are repealed and the following substituted:**

- (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.

**41. Section 130 of the Act is repealed and the following substituted:**

#### **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.

**42. Subsection 134 (4) of the Act is repealed and the following substituted:**

**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.

**43. (1) Subsection 134.1 (4) of the Act is repealed 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.

**(2) Section 134.1 of the Act is amended 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.

**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.

**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.

**44. (1) The definition of “emergency vehicle” in subsection 144 (1) of the Act is repealed and the following substituted:**

“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”)

**(2) Subsection 144 (31.2) of the Act is repealed and the following substituted:**

**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.

**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.

**45. Subsection 146 (6.1) of the Act is repealed and the following substituted:**

**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.

**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.

**46. (1) Subsection 150 (3) of the Act, as it read immediately before its amendment by subsection 138 (14) of the *Statute Law Amendment Act (Government Management and Services), 1994*, is repealed and the following substituted:**

**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; or

(e) a road service vehicle.

**(2) On the first day that both subsection 138 (14) of the *Statute Law Amendment Act (Government Management and Services), 1994* and this subsection are in force, subsection 150 (3) of the Act is repealed and the following substituted:**

**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.

**47. Clause 154.2 (5) (h) of the Act is amended by striking out “fire apparatus” and substituting “fire department vehicles”.**

**48. Subsection 157 (2) of the Act is repealed and the following substituted:**

**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.

**49. Sections 159 and 159.1 of the Act are repealed and the following substituted:**

**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.

**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.

**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.

**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.

**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.

**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.

**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).

**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.

**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).

**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.

**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*, or the *Pesticides Act*, 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).

**50. Subsection 166 (2) of the Act is amended by striking out “a vehicle belonging to a municipal fire department” and substituting “a fire department vehicle”.**

**51. (1) Section 172 of the Act is amended by adding the following subsection:**

**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.

**(2) Section 172 of the Act is amended by adding the following subsection:**

**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.

**52. Clause 190 (7) (e) of the Act is repealed.**

**53. On the day that section 32 of the *Rescuing Children from Sexual Exploitation Act, 2002* comes into force, the French version of subsection 198.5 (5) of the Act is amended by striking out “ou de renseignements inexacts” and substituting “ou de renseignements incorrects”.**

**54. Subsection 200 (2) of the Act is repealed and the following substituted:**

**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.

**55. Subparagraph 1 iii of subsection 210 (1.1) of the Act is amended by striking out “within the meaning of the *Motorized Snow Vehicles Act*” at the end.**

**56. Subsection 217 (2) of the Act is amended by striking out “section 51, 53, 130, 172 or 184” and substituting “section 51, 53, subsection 106 (8.2), section 130, 172 or 184”.**

**PART II  
CONSEQUENTIAL AMENDMENTS**

**RED TAPE REDUCTION ACT, 1999**

**57. (1) Section 7 of Schedule R to the *Red Tape Reduction Act, 1999* is repealed.**

(2) Subsections 10 (1) and (2), section 11 and subsection 15 (1) of Schedule R to the *Red Tape Reduction Act, 1999* are repealed.

(3) Subsections 15 (2) and 16 (1) and (2) of Schedule R to the *Red Tape Reduction Act, 1999* are repealed.

#### ROAD SAFETY ACT, 1996

58. Section 31 of the *Road Safety Act, 1996* is repealed.

#### PART III COMMENCEMENT AND SHORT TITLE

##### Commencement

59. (1) Subject to subsection (2), this Act comes into force on the day it receives Royal Assent.

##### Same

(2) Subsections 1 (2), (5) and (7), sections 8, 11 and 14, subsections 15 (5) to (7) and (9) to (13), 16 (2) to (6) and (8) to (12) and 17 (1), sections 18 to 26, 29 and 32, subsections 33 (1) to (4) and (6) to (11), section 35, subsections 36 (1) and (2), sections 37, 41 and 43, subsection 44 (2), sections 45, 49 and 54 and subsection 57 (2) come into force on a day to be named by proclamation of the Lieutenant Governor.

##### Short title

60. The short title of this Act is the *Road Safety Act, 2009*.

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