

Protecting Vulnerable Road Users

September 20, 2017

Ontario intends to introduce legislation to strengthen existing road safety laws and propose new measures to make roads even safer. If passed, the new measures would include:

Distracted Driving

- Introduce penalties for fully licensed drivers:

Distracted Driving – Fully Licensed Drivers						
Current				Proposed		
	Licence Suspension	Fine	Demerit Points	Licence Suspension	Fine	Demerit Points
First conviction	N/A	\$300-\$1000	Three demerit points	Three Days	\$500 - \$1,000	Three demerit points
Second conviction				Seven Days	\$500 - \$2,000	Six demerit points
Third and subsequent convictions				30 Days	\$500 - \$3,000	Six demerit points

- Increase existing fines for novice drivers (G1, G2, M1, and M2):

Distracted Driving – Novice Drivers						
Current				Proposed		
	Licence Suspension	Fine	Demerit Points	Licence Suspension	Fine	Demerit Points
First conviction	30 days	\$300-\$1000	N/A	No Change	\$500 - \$1,000	N/A
Second conviction	90 days				\$500 - \$2,000	
Third and subsequent convictions	Cancellation				\$500 - \$3,000	

- Ensuring drivers are convicted of distracted driving offences as drivers, not vehicle owners, so that all convicted drivers face the same consequences.

Careless Driving

- Creating a new offence for careless driving causing death or bodily harm.
- Proposed penalties include:

Careless Driving Causing Death or Bodily Harm			
Proposed New Offence			
	Licence Suspension	Fines	Other Penalties
Any occurrence	Not more than 5 years	\$2,000 - \$50,000	Imprisonment of not more than two years; and Six demerit points*

**Demerit points for existing careless driving provision would apply*

Emergency and Enforcement Worker, Pedestrian and Cyclist Safety

Pedestrian Safety

- Increasing the existing penalties for drivers who fail to yield to pedestrians (i.e. failing to yield to pedestrians at crosswalks, crossovers and school crossings) and introducing escalating fines for drivers who are convicted of multiple pedestrian-related offences within a five-year window:

Increased Penalties for Drivers who Fail to Yield to Pedestrians				
	Current		Proposed	
	Fine Range	Demerit Points	Fine Range	Demerit Points
First offence	\$150 - \$500	Three	\$300 - \$1,000	Four
Second and subsequent offences			\$500 - \$1,000	Four

- Increasing the maximum fine under the Highway Traffic Act's (HTA) general penalty provision from \$500 to \$1,000.

Increased General Penalty Provision (HTA)		
	Current Fine Range	Proposed Fine Range
Any offence	\$60 - \$500	\$60 - \$1,000

Expanding Blue Flashing Lights

- To enhance visibility of emergency and enforcement workers, expanding the use of rear flashing blue lights to include enforcement and emergency vehicles that are currently permitted to use only flashing red lights.

Impaired Driving

Young and Novice Drivers

- Creating a zero tolerance approach prohibiting young (age 21 and under) and novice (G1, G2, M1, and M2) drivers from having the presence of a drug in their system, as detected by a federally approved oral fluid screening device.
- Aligning existing zero tolerance for alcohol sanctions for this group with the proposed sanctions for zero tolerance for drugs.
- The proposed zero tolerance penalties for drugs or alcohol are:

	Zero Tolerance (Drugs or Alcohol) – Young and Novice Drivers					
	Current (Alcohol)			Proposed (Drugs and Alcohol)		
	Licence Suspension	Monetary Penalty	Other	Licence Suspension	Monetary Penalty*	Other
First occurrence	24 hours	N/A	Other penalties, mandatory education or treatment programs and ignition interlock requirements may also apply for repeat offenders	Three Days	\$250	Remains the same
Second occurrence	24 hours	N/A		Seven Days	\$350	
Third and subsequent occurrences	24 hours	N/A		30 Days	\$450	

* AMPs will be in addition to the \$198 licence reinstatement fee

Commercial Drivers

- Creating a zero tolerance approach prohibiting commercial drivers from having the presence of either alcohol and/or drugs in their system, as detected by a federally approved screening device.
- The proposed penalties are:

Zero Tolerance (Drugs or Alcohol) – Commercial Drivers						
Current (Drugs and Alcohol)			Proposed (Drugs and Alcohol)			
Licence Suspension	Monetary Penalty	Other	Licence Suspension	Monetary Penalty*	Other	
First occurrence	There are currently no zero tolerance rules for Commercial Drivers. Existing impaired driving sanctions for all drivers would apply.		Three Days	\$250	Other penalties, mandatory education or treatment programs, and ignition interlock requirements may also apply for repeat offenders.	
Second occurrence			Three Days	\$350		
Third and subsequent occurrences			Three Days	\$450		

* AMPs will be in addition to a \$198 licence reinstatement fee

All Drivers

- Enhancing Ontario’s existing penalties by introducing escalating administrative monetary penalties that would apply to all impaired driving sanctions (alcohol and/or drugs).
- Drivers found to be in the **warn range** (BAC between .05 and .08) or **drug-impaired** drivers who fail a roadside standardized field sobriety test would face:

Impaired Driving (SFST or BAC between .05 - .08) – All Drivers						
Current			Proposed			
Licence Suspension	Monetary Penalty	Other	Licence Suspension	Monetary Penalty*	Other	
First occurrence	Three days	\$198	Remains the same	\$250	Remains the same	
Second occurrence	Seven days	\$198		\$350		
Third and subsequent occurrences	30 days	\$198		\$450		

* AMPs will be in addition to pre-existing \$198 licence reinstatement fee

- **Alcohol impaired** drivers (BAC above 0.08), **drug-impaired** drivers (as determined by an evaluation from a drug recognition expert) and any drivers who **refuse tests** under the Criminal Code would face:

Impaired Driving (SFST or BAC between .05 - .08) – All Drivers						
Current			Proposed			
Licence Suspension	Monetary Penalty	Other	Licence Suspension	Monetary Penalty*	Other	
Each occurrence	90 days	\$198	Other penalties, mandatory education or treatment programs, and ignition interlock requirements may also apply for repeat offenders.	No change	\$550	No change
* AMPs will be in addition to pre-existing \$198 licence reinstatement fee						

NOTE: Unlike a fine, which is imposed once a driver has pled guilty or been convicted, **monetary penalties** are provincial administrative sanctions applied at the time of the offence. All AMPs will be in addition to the current \$198 licence reinstatement fee.

All drivers suspended under the HTA will be subject to a driver’s licence reinstatement fee, which recovers the cost for issuing a new drivers licence after a licence suspension. The current \$198 licence reinstatement fee would be applied in addition to administrative monetary penalties.