

Legislative
Assembly
of Ontario



Assemblée
législative
de l'Ontario

2ND SESSION, 41ST LEGISLATURE, ONTARIO
66 ELIZABETH II, 2017

Bill 94

**An Act to amend the Highway Traffic Act
with respect to evidence obtained from school bus camera systems**

Mr. R. Nicholls

Private Member's Bill

1st Reading February 21, 2017

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The Bill amends the *Highway Traffic Act* to add a new Part respecting school bus camera systems. Subsections 175 (11) and (12) of the *Highway Traffic Act* set out certain requirements that apply when a vehicle encounters a school bus on a highway. The new Part provides that a photograph or video of a vehicle obtained from a school bus camera system may be received as evidence in a proceeding under the *Provincial Offences Act* respecting an alleged offence under subsection 175 (11) or (12).

**An Act to amend the Highway Traffic Act
with respect to evidence obtained from school bus camera systems**

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

1 The *Highway Traffic Act* is amended by adding the following Part:

**PART XIV.3
SCHOOL BUS CAMERA SYSTEM EVIDENCE**

School bus camera system evidence

205.26 (1) Subject to subsection (2), a photograph or video obtained through the use of a school bus camera system shall be received in evidence in a proceeding under the *Provincial Offences Act* respecting an alleged offence under subsection 175 (11) or (12) of the *Highway Traffic Act*.

Conditions

(2) The photograph or video must comply with the requirements of the regulations made under clause (7) (b).

Certification of photograph or video

(3) A photograph or video that purports to be certified by a provincial offences officer as having been obtained through the use of a school bus camera system shall be received in evidence as proof, in the absence of evidence to the contrary, that the photograph or video was obtained through the use of a school bus camera system.

Use at trial

(4) In the absence of evidence to the contrary, a photograph or video of a vehicle obtained through the use of a school bus camera system is proof that information shown or superimposed on the photograph or video that was authorized or required by a regulation made under clause (7) (b) is true, and that,

- (a) the vehicle and its driver did not stop before reaching the school bus and the vehicle and its driver proceeded before the bus moved or the overhead red signal-lights stopped flashing, contrary to subsection 175 (11); or
- (b) the vehicle and its driver did not stop at least 20 metres before reaching the school bus and the vehicle and its driver proceeded before the bus moved or the overhead red signal-lights stopped flashing, contrary to subsection 175 (12).

Conviction

(5) No person who has entered a plea of not guilty at trial shall be convicted of an offence on the basis of a photograph or video obtained through the use of a school bus camera system unless the photograph or video is tendered in evidence at trial.

Procedure, rules of evidence

(6) Sections 205.16 to 205.24 apply, with necessary modifications, to proceedings based on evidence obtained through the use of a school bus camera system, and, for that purpose, references to subsection 144 (18) shall be read as references to subsections 175 (11) and (12).

Regulations

- (7) The Lieutenant Governor in Council may make regulations,
- (a) defining “photograph” and “video” for the purposes of this Part;
 - (b) governing the form and content of photographs and videos for the purposes of subsection (2), including information that may be or must be shown or superimposed on the photographs or videos, and prescribing a system of codes, symbols or abbreviations that may be used to convey the information;
 - (c) prescribing what constitutes a school bus camera system;
 - (d) governing the filing of photographs and videos in court for the purposes of this Part;
 - (e) governing the service of offence notices issued in proceedings based on evidence obtained through the use of school bus camera systems, including deeming service to have been effected on a date determined in accordance with the regulations;

- (f) prescribing what constitutes evidence of ownership of a vehicle or evidence of the identity of a driver for purposes of this Part;
- (g) prescribing the form of certificate that a conviction has been struck out.

Commencement

2 This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

3 The short title of this Act is the *Highway Traffic Amendment Act (School Bus Camera Systems), 2017*.