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# Bill 65

## **An Act to amend the Highway Traffic Act in respect of speed limits in municipalities and other matters**

**The Hon. S. Del Duca**  
Minister of Transportation

### **Government Bill**

1st Reading      November 15, 2016

2nd Reading      April 11, 2017

3rd Reading

Royal Assent

*(Reprinted as amended by the Standing Committee on General Government  
and as reported to the Legislative Assembly May 9, 2017)*

*(The provisions in this Bill will be renumbered after 3rd Reading)*



This reprint of the Bill is marked to indicate the changes that were made in Committee.  
The changes are indicated by underlines for new text and a ~~strikethrough~~ for deleted text.

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#### EXPLANATORY NOTE

The Bill amends the *Highway Traffic Act*. It addresses the ability of municipalities to set speed limits within their borders and the use of automated speed enforcement systems and red light camera systems.

Section 128 of the Act is amended so that municipalities can designate areas by by-law where they can impose speed limits that are lower than 50 kilometres per hour.

Part XIV.1 (Photo-Radar System Evidence) of the Act is repealed and replaced by a new Part XIV.1 (Automated Speed Enforcement) that authorizes the use of automated speed enforcement systems in community safety zones ~~and~~ where the speed limit is below 80 kilometres per hour and in school zones. Section 12 of the Act is amended to allow the Registrar to require the return of number plates and to cancel number plates that are not returned within a specified time. Number plates that are damaged, altered, deteriorated or worn such that they can't be photographed by an electronic toll system, automated speed enforcement system or red light camera system may be cancelled if not returned within 30 days; other number plates may be cancelled if not returned within 60 days.

Part XIV.2 (Red Light Camera System Evidence) of the Act is amended to remove the restriction in subsection 205.15 (1) that red light camera systems may be used only in areas of the province designated by regulation. Various provisions under Part XIV.2 are amended to specify that information may be superimposed on the front or back of a photograph that is used as evidence, and the Lieutenant Governor in Council's power to make regulations under this Part is transferred to the Minister.

**An Act to amend the Highway Traffic Act  
in respect of speed limits in municipalities and other matters**

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

**1 (1) Paragraph 3 of subsection 7 (11) of the *Highway Traffic Act* is repealed and the following substituted:**

3. An offence where the conviction is based on evidence obtained through the use of an automated speed enforcement system.

**(2) Subsection 7 (11.1) of the Act is amended by striking out “a photo-radar system” in the portion before clause (a) and substituting “an automated speed enforcement system”.**

**(3) Subsection (2) of this section is of no effect and is repealed if subsection 4 (1) of the *Transportation Statute Law Amendment Act (Making Ontario’s Roads Safer), 2015* is in force on or before the day section 5 of this Act comes into force.**

**2 (1) Subsection 12 (2) of the Act is amended by striking out “the Ministry” at the end and substituting “the Registrar”.**

**(2) Section 12 of the Act is amended by adding the following subsections:**

**Notice to plate holder**

(2.1) The Registrar may cause notice to be given to the holder of a number plate that the number plate is required to be returned to the Ministry.

**Same**

(2.2) Notice under subsection (2.1) is sufficiently given if delivered personally or mailed to the latest address of the holder of the number plate on the records of the Ministry.

**No right to be heard**

(2.3) There is no right to be heard before notice is given under subsection (2.1).

**Cancellation of number plate**

(2.4) The Registrar may cancel a number plate if it is not returned within 60 days after the date by which it is required to be returned, but if the Registrar is satisfied that the number plate is damaged, altered, deteriorated or worn such that it may not be accurately photographed by an electronic toll system, automated speed enforcement system or red light camera system, the Registrar may cancel the number plate if it is not returned within 30 days after the required date.

**(3) Subsection 12 (3) of the Act is amended by striking out “For the purpose of subsection (2)” at the beginning and substituting “For the purpose of subsections (2) to (2.4)”.**

**3 Subsection 13 (3) of the Act is repealed and the following substituted:**

**Obstruction prohibited**

(3) The number plates shall not be obstructed by any device that prevents the entire number plates including the numbers from being accurately photographed using an automated speed enforcement system.

**4 (1) Section 128 of the Act is amended by adding the following subsections:**

**Same, within designated areas**

(2.1) A by-law passed under subsection (2) may designate an area in the municipality and prescribe a rate of speed, which must be less than 50 kilometres per hour, that applies to all highways within the designated area that, absent a by-law passed under subsection (2), would have a prescribed rate of speed of 50 kilometres per hour under clause (1) (a).

### Same, excluded highways

(2.2) A by-law for a designated area described in subsection (2.1) may exclude from the application of the by-law any highway or portion of a highway within the designated area that has a different rate of speed prescribed specifically for that highway or portion of highway by a by-law passed under subsection (2).

### (2) Subsection 128 (11) of the Act is repealed and the following substituted:

#### By-laws, regulations effective when posted

(11) No by-law passed under this section or regulation made under clause (7) (c) becomes effective until the highway, portion of the highway or designated area affected by the by-law or regulation, as the case may be, is signed in accordance with this Act and the regulations.

### 5 Part XIV.1 of the Act is repealed and the following substituted:

#### PART XIV.1 AUTOMATED SPEED ENFORCEMENT

#### Use of automated speed enforcement system authorized

**205.1** (1) An automated speed enforcement system may be used in accordance with this Part and the regulations made under it,

- ~~— (a) in a community safety zone designated by by-law passed under subsection 214.1 (1); or~~
- (a) in a community safety zone designated by by-law passed under subsection 214.1 (1) where the prescribed rate of speed is less than 80 kilometres per hour; or
- (b) in a school zone designated by by-law passed under clause 128 (5) (a).

#### Limitations on owner liability

(2) The owner of a motor vehicle shall not be subject to conviction or penalty as an owner in respect of an alleged contravention of section 128 except on the basis of evidence obtained through the use of an automated speed enforcement system.

#### Same

(3) The owner of a motor vehicle convicted as an owner of an offence under section 128 on the basis of evidence obtained through the use of an automated speed enforcement system is not liable to a driver's licence suspension under section 46 as a result of default in payment of a fine resulting from that conviction.

#### Limitations on driver liability

(4) The driver of a motor vehicle convicted as a driver of an offence under section 128 on the basis of evidence obtained through the use of an automated speed enforcement system is not liable to imprisonment or to a probation order under subsection 72 (1) of the *Provincial Offences Act* as a result of that conviction or as a result of default in payment of a fine resulting from that conviction.

#### Regulations

**205.2** (1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing what constitutes an automated speed enforcement system;
- (b) defining "photograph" for the purposes of this Part;
- (c) governing the form, content, filing, admissibility, evidentiary value and probative force of any notice, certificate, document or photograph that may be used for the purpose of this Part, including,
  - (i) governing the circumstances in which the information set out in any certificate, document or photograph is deemed to be true and in which the certificate, document or photograph shall be received in evidence as proof of the information set out in it,
  - (ii) requiring or authorizing any person or class of persons to certify that information set out in any certificate, document or photograph is true,
  - (iii) governing the circumstances in which a certificate, document or photograph shall be received in evidence as proof that a motor vehicle referred to in the certificate or document, or shown in the photograph, was being driven at a stated rate of speed,
  - (iv) governing the information that may be or must be shown or superimposed on the front or back of the photograph, and prescribing a system of codes, symbols or abbreviations that may be used to convey information in the photograph;

- (d) governing the service of any notice upon the owner of a motor vehicle, including deeming service to have been effected on a date determined in accordance with the regulations, and authorizing service outside Ontario;
- (e) prescribing what constitutes evidence of ownership of a vehicle for the purposes of this Part;
- (f) prescribing procedures, rules and duties to apply under this Part instead of the procedures, rules and duties otherwise established under the *Provincial Offences Act*, including,
  - (i) procedures and rules that govern proceedings at any stage,
  - (ii) rules governing the circumstances in which a person is deemed to not wish to dispute a charge,
  - (iii) rules governing the circumstances in which a summons may or may not be issued and in which a person may or may not be required to give oral evidence, and
  - (iv) the duties of a justice of the peace;
- (g) requiring and governing forms or certificates to be used under this Part, including forms or certificates to be used instead of those required under the *Provincial Offences Act*;
- (h) providing that any procedure, rule, duty or other matter that applies to the use of red light camera systems under subsections 144 (18.1) to (18.5) or Part XIV.2 applies to the use of automated speed enforcement systems under this Part, with necessary modifications.

**Prescribing how to refer to s. 128 in notices and certificates**

(2) A regulation made under clause (1) (h) may prescribe rules for how to refer to section 128 in any notice or certificate in order to facilitate the use of computer systems that are maintained by the Government of Ontario for recording and processing information related to provincial offences and that depend, in order to make certain distinctions, on different provision numbers being specified in certificates of offences.

**Conflict**

(3) Where a conflict or inconsistency arises between the procedures, rules and duties described in the *Provincial Offences Act* and those required by this Part and the regulations made under it, this Part and the regulations made under it prevail.

**6 (1) Subsection 205.15 (1) of the Act is amended by striking out “if the alleged offence was committed within an area of Ontario designated by the regulations” at the end.**

**(2) Clause 205.15 (4) (a) of the Act is amended by striking out “superimposed on the photograph” and substituting “superimposed on the front or back of the photograph”.**

**7 Clause 205.19 (1) (c) of the Act is amended by striking out “under subsection 5.1 (9) of that Act” at the end and substituting “under subsection 5.1 (8) of that Act”.**

**8 (1) Section 205.25 of the Act is amended by striking out “The Lieutenant Governor in Council” in the portion before clause (a) and substituting “The Minister”.**

**(2) Clause 205.25 (c) of the Act is repealed.**

**(3) Clause 205.25 (d) of the Act is repealed and the following substituted:**

- (d) governing the form and content of photographs for the purposes of subsection 205.15 (2), including the information that may be or must be shown or superimposed on the front or back of the photographs, and prescribing a system of codes, symbols or abbreviations that may be used to convey the information;

**(4) Clause 205.25 (h) of the Act is repealed and the following substituted:**

- (h) prescribing the form of the certificate for striking out a conviction for the purpose of subsection 205.23 (3).

**9 (1) Subsection 207 (6) of the Act is repealed.**

**(2) Subsection 207 (7) of the Act is amended by striking out “through the use of a photo-radar system” and substituting “through the use of an automated speed enforcement system”.**

**(3) Subsection 207 (8) of the Act is amended by striking out “in an area designated for the purposes of subsection 205.15 (1)” at the end.**

**10 Subsection 210.1 (1) of the Act is amended by adding the following paragraph:**

- 2.1 A proceeding that is based on evidence obtained through the use of an automated speed enforcement system.

**Commencement**

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

**Short title**

**12 The short title of this Act is the *Safer School Zones Act, 2017*.**