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# Bill 282

*(Chapter 26 of the Statutes of Ontario, 2021)*

## **An Act in respect of various road safety matters**

**The Hon. C. Mulroney**  
Minister of Transportation

1st Reading	April 26, 2021
2nd Reading	April 28, 2021
3rd Reading	May 31, 2021
Royal Assent	June 3, 2021





## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 282 and does not form part of the law.  
Bill 282 has been enacted as Chapter 26 of the Statutes of Ontario, 2021.*

### SCHEDULE 1 HIGHWAY TRAFFIC ACT

The Schedule amends the *Highway Traffic Act*. The major elements of the Schedule are set out below.

The Act is amended with respect to motor assisted bicycles and power-assisted bicycles. The definition of “power-assisted bicycle” is amended to set out three different types of power-assisted bicycles. The Schedule also changes the minimum age for operating bicycle-style power-assisted bicycles from 16 to 14. Related amendments are also made.

The Act is also amended to provide that an automated street car enforcement system may be used respecting the offence of passing a street car under section 166. The owner of a motor vehicle is not subject to conviction or penalty as an owner in respect of an alleged contravention of section 166 except on the basis of evidence obtained through the use of an automated street car enforcement system. An owner of a motor vehicle convicted as an owner on the basis of evidence obtained through the use of an automated street car 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. The driver of a motor vehicle convicted as a driver of an offence under section 166 on the basis of evidence obtained through the use of an automated street car 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.

The Act is amended with respect to racing motor vehicles on highways and includes the following amendments:

1. Subsection 172 (2) is amended to require a mandatory licence suspension if convicted of an offence under subsection 172 (1).
2. Section 172 is amended to change the duration of the administrative impoundment of a vehicle from seven days to 14 days and to change the duration of a licence suspension from seven days to 30 days.
3. Sections 199 and 200 are amended to specify that, among other things, accidents involving a vehicle's door coming into contact with a cyclist, bicycle or moving vehicle must be reported to the nearest police officer.
4. Clause 214.1 (7) (b) is added to provide that a penalty for racing in a community safety zone shall include the suspension of a person's licence.

Various other amendments are made to the Act, including amendments to,

- (a) establish that the rate of speed on a highway not within a local municipality or within a built-up area is 80 kilometres per hour;
- (b) permit an officer appointed for carrying out the provisions of the Act to direct traffic;
- (c) permit the use of automated flagger assistance devices and impose requirements on drivers relating to such devices; and
- (d) permit a police officer or an officer appointed for carrying out the provisions of the Act to prohibit a driver from driving a commercial motor vehicle on a highway in the specified circumstances.

### SCHEDULE 2 METROLINX ACT, 2006

The Schedule amends the definition of GO Transit in the *Metrolinx Act, 2006* to provide that the term means the Greater Toronto Transit Authority that was continued under the *GO Transit Act, 2001*, as it read immediately before August 24, 2006.

### SCHEDULE 3 TOWING AND STORAGE SAFETY AND ENFORCEMENT ACT, 2021

The Schedule enacts the *Towing and Storage Safety and Enforcement Act, 2021*, which regulates the provision of towing services and vehicle storage services, as defined in section 1 of the Act. The provision of any such services requires certification by the Director of Towing and Vehicle Storage Standards appointed under the Act. The Act provides for different categories of certificates for tow truck drivers, tow operators and vehicle storage operators, all as defined in the Act. (Sections 1 to 10 of the Act)

Certificate holders are subject to the requirements and standards respecting towing services and vehicle storage services that are set out in the Act and that may be specified by regulations made under the Act by the Lieutenant Governor in Council. These include requirements and standards respecting the operational aspects of providing towing services and vehicle storage services, such as equipment, maintenance and record keeping. Prohibited practices may also be specified by regulations made under the Act. (Sections 11 to 18 of the Act)

The Act separately sets out requirements, standards and prohibitions to address the protection of users of towing services and vehicle storage services, and more may be added by regulation. These include requirements to obtain consent before providing towing services or vehicle storage services, requirements respecting estimates and invoices, rules about amounts that may be charged for towing services or vehicle storage services and prohibitions on coercion and misrepresentation. Complaints concerning conduct that may not comply with the Act or the regulations may be made to the Director. (Sections 19 to 37 of the Act) The Act also sets out specific rules respecting the provision of towing services at collision scenes. (Sections 38 and 39 of the Act)

The Act provides for the designation of highways or parts of highways as restricted towing zones, in which only authorized certificate holders may provide towing services. (Sections 40 to 43 of the Act) The Act also provides that one or more dispatch services may be designated by the regulations for the purpose of governing the dispatching of tow trucks, and that specified persons would be required to use any such dispatch service. (Section 44 of the Act)

The Act provides for the imposition of administrative penalties in the event of non-compliance with the Act or the regulations, as well as offence provisions with related penalties. (Sections 45 to 48 of the Act)

A Director of Towing and Vehicle Storage Standards, with specified powers and duties, may be appointed for the purposes of the Act. (Sections 49 to 52 of the Act) The Director may in turn appoint inspectors for enforcement purposes. The Act sets out the inspection powers that apply. (Sections 53 and 54 of the Act)

The remaining provisions of the Act address various miscellaneous matters, including forms, electronic means and formats, evidentiary matters, protections against personal liability and transitional rules. (Sections 55 to 63 of the Act) Regulation-making powers are set out in section 64. Finally, a number of consequential amendments are made to other Acts. (Sections 65 to 68 of the Act) The main body of the Act comes into force on a day to be named by proclamation of the Lieutenant Governor. (Section 69 of the Act)

Bill 282

2021

## An Act in respect of various road safety matters

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

#### Contents of this Act

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

#### Commencement

**2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

#### Short title

**3 The short title of this Act is the *Moving Ontarians More Safely Act, 2021*.**

**SCHEDULE 1  
HIGHWAY TRAFFIC ACT**

**1 The definition of “power-assisted bicycle” in subsection 1 (1) of the *Highway Traffic Act* is repealed and the following substituted:**

“power-assisted bicycle” means,

- (a) a pedal-driven bicycle of conventional exposed fork-and-frame bicycle design and appearance that does not resemble a motor scooter or motorcycle and that,
  - (i) has two or three wheels,
  - (ii) is fitted at all times with pedals that are always operable to propel the bicycle,
  - (iii) is capable at all times of being propelled on level ground solely by using muscular power to operate the pedals,
  - (iv) has steering handlebars,
  - (v) has wheels that have a width of not less than 35 millimetres and a diameter of not less than 350 millimetres,
  - (vi) has one or more electric motors that, singly or in combination, have a continuous rated output power not exceeding 500 watts and that is incapable of providing propulsion assistance when the bicycle attains a speed of 32 kilometres per hour or more, and
  - (vii) weighs not more than 55 kilograms,
- (b) a vehicle that has the appearance of a motor scooter, with a seat and an open frame that may be stepped through and a platform on which the rider’s feet may rest and that,
  - (i) meets the description in subclauses (a) (i) to (vi), and
  - (ii) weighs not more than 120 kilograms,
- (c) a vehicle that has the appearance of a motorcycle, with a saddle designed to be straddled and a footrest, pedals or pegs where the rider’s feet may remain secure, and that meets the description in subclauses (b) (i) and (ii); (“bicyclette assistée”)

**2 The Act is amended by adding the following section:**

**Adoption by reference**

**1.3** (1) A regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council or the Minister, as the case may be, considers necessary, any document, including a code, formula, standard, protocol or procedure, and may require compliance with any document so adopted.

**Rolling incorporation by reference**

(2) The power to adopt by reference and require compliance with a document in subsection (1) includes the power to adopt a document as it may be amended from time to time.

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

**Minimum age to drive power-assisted bicycle**

**38** (1) No person under the age of 14 years shall operate a power-assisted bicycle described in clause (a) of the definition of “power-assisted bicycle” on a highway.

**Same**

(2) No person who is the owner or is in possession or control of a power-assisted bicycle referred to in subsection (1) shall permit a person who is under the age of 14 years to operate the power-assisted bicycle on a highway.

**Same**

(3) No person under the age of 16 years shall operate a power-assisted bicycle described in clause (b) or (c) of the definition of “power-assisted bicycle” on a highway.

**Same**

(4) No person who is the owner or is in possession or control of a power-assisted bicycle referred to in subsection (3) shall permit a person who is under the age of 16 years to operate the power-assisted bicycle on a highway.

**Minimum age to drive motor assisted bicycle**

**38.1** (1) No person under the age of 16 years shall ride on, drive or operate a motor assisted bicycle on a highway.

**Same**

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

**4 Paragraph 1 of subsection 48.3 (3) of the Act is amended by striking out “320.27 or”.**

**5 Subclause 50.1 (2) (a) (i) of the Act is amended by striking out “320.27 or”.**

**6 Subsection 57 (4.1) of the Act is amended by striking out “320.18” and substituting “320.24”.**

**7 Clauses 103.1 (3) (a) and (b) of the Act are repealed and the following substituted:**

- (a) governing power-assisted bicycles, prescribing and governing equipment, requirements and standards for power-assisted bicycles, and governing the use and operation of power-assisted bicycles;

**8 Subsection 104 (2.2) of the Act is repealed and the following substituted:**

**Duty of parent or guardian**

(2.2) Subject to subsection (2.3), no parent or guardian of a person under the age of 16 years shall authorize or knowingly permit that person to ride or operate a bicycle on a highway unless the person is wearing a bicycle helmet as required by subsection (2.1).

**Same, power-assisted bicycle**

(2.3) If the bicycle is a power-assisted bicycle, no parent or guardian of a person under the age of 16 years shall authorize or knowingly permit that person to ride on or operate a power-assisted bicycle on a highway unless the person is wearing a helmet as required by subsection (1) or (2.1).

**9 (1) Subsection 109 (6.1) of the Act is amended by striking out “a trailer” and substituting “a full trailer, a semi-trailer”.**

**(2) Subsection 109 (6.2) of the Act is amended by striking out “and despite subsection (6.1)”.**

**10 Subsection 128 (1) of the Act is amended by adding the following clause:**

- (b.1) 80 kilometres per hour on a highway not within a local municipality or within a built-up area;

**11 (1) Subsection 134 (1) of the Act is amended by adding “or an officer appointed for carrying out the provisions of this Act” after “police officer” in the portion before clause (a).**

**(2) Subsection 134 (2) of the Act is amended by adding “or an officer appointed for carrying out the provisions of this Act” after “police officer”.**

**(3) Clause 134 (4) (a) of the Act is revoked and the following substituted:**

- (a) the driver of a road service vehicle, an ambulance, a fire department vehicle, a public utility emergency vehicle, a police department vehicle or a vehicle operated by an officer appointed for carrying out the provisions of this Act; or

**12 (1) Subsections 146.1 (2) to (6) of the Act are repealed and the following substituted:**

**Same — automated flagger assistance device**

(2) Where traffic is reduced to one lane on a two-lane highway, a traffic control person may use an automated flagger assistance device in addition to or instead of a traffic control stop or slow sign on a roadway or adjacent to a roadway where construction or maintenance work is being carried out.

**Driver required to stop — traffic control stop sign**

(3) Where a traffic control person displays a traffic control stop sign, the driver of any vehicle or street car approaching the person shall stop before reaching him or her and shall not proceed until the traffic control person stops displaying the traffic control stop sign.

**Driver required to stop — automated flagger assistance device**

(3.1) Where an automated flagger assistance device displays a circular red indication and the gate arm is lowered, the driver of any vehicle or street car approaching the automated flagger assistance device shall stop at a sign indicating where a stop is to be made or, if there is no such sign, shall stop before reaching the automated flagger assistance device, and shall not proceed until the automated flagger assistance device stops displaying the circular red indication and the gate arm is raised.

**Driver required to slow down — traffic control slow sign**

(4) Where a traffic control person displays a traffic control slow sign, the driver of any vehicle or street car approaching the person shall approach the person and proceed past him or her and past the construction or maintenance work or scene of an accident with caution and at a slow rate of speed so as not to endanger any person or vehicle on or adjacent to the roadway.

### **Driver required to slow down — automated flagger assistance device**

(4.1) Where an automated flagger assistance device displays a flashing circular amber indication, the driver of any vehicle or street car approaching the automated flagger assistance device shall approach and proceed past it and the construction or maintenance work or scene of an accident with caution and at a slow rate of speed so as not to endanger any person or vehicle on or adjacent to the roadway.

### **Unauthorized use of sign or device**

(5) No person, other than a traffic control person or an over-dimensional vehicle escort appointed under section 110.5, shall display on a highway a traffic control stop or slow sign or use an automated flagger assistance device.

### **Regulations**

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

- (a) prescribing the type, design and specifications of traffic control stop and slow signs and governing their use;
- (b) prescribing the type, design and specifications of automated flagger assistance devices and governing their use.

### **(2) Subsection 146.1 (7) of the Act is amended by adding the following definition:**

“automated flagger assistance device” means a self-contained, portable traffic control system that is operated remotely by a traffic control person to control traffic movement and features a circular red lens, a circular yellow lens, and a gate arm; (“dispositif automatisé d’aide à la signalisation”)

### **(3) The definition of “traffic control person” in subsection 146.1 (7) of the Act is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:**

- (c) is a firefighter while attending to an emergency situation.

### **13 Subsection 157 (2) of the Act is amended by striking out “or” at the end of clause (c), by adding “or” at the end of clause (d) and by adding the following clause:**

- (e) a commercial motor vehicle that is being used for the construction of the highway, if the movement is made in safety.

### **14 Section 166 of the Act is amended by adding the following subsections:**

#### **Certificate of offence — owner**

(3) A person who issues a certificate of offence or who prepares an information to be laid under the *Provincial Offences Act* for a contravention of subsection (1) shall, despite that Act and the regulations under that Act, specify this subsection, instead of subsection (1), as the provision that was contravened, if the defendant is being charged as the owner of the motor vehicle.

#### **Same**

(4) A person who issues a certificate of offence or who prepares an information to be laid under the *Provincial Offences Act* for a contravention of subsection (2) shall, despite that Act and the regulations under that Act, specify this subsection, instead of subsection (2), as the provision that was contravened, if the defendant is being charged as the owner of the motor vehicle.

#### **Deemed to specify subs. (1) or (2)**

(5) A certificate of offence, offence notice, information or summons that specifies subsection (3) or (4) as the provision that was contravened shall be deemed to specify that subsection (1) or (2) was contravened, as the case may be.

#### **No dismissal**

(6) No charge shall be dismissed, and no certificate of offence or information shall be quashed, on the basis that a certificate of offence, offence notice, information or summons specifies subsection (3) or (4), instead of subsection (1) or (2), as the provision that was contravened.

#### **No amendment**

(7) A certificate of offence that specifies an offence under section 166 against a driver shall not be amended to reflect a charge against that person as an owner.

#### **Same**

(8) A certificate of offence or information that specifies subsection (3) or (4) as the provision that was contravened shall not be amended to specify subsection (1) or (2) without the consent of the prosecutor and the defendant.

#### **Purpose of subs. (3) to (6)**

(9) The purpose of subsections (3) to (6) is to facilitate the use of computer systems that are maintained by the Government of Ontario for recording and processing information related to provincial offences.

### **15 (1) Subsection 172 (6) of the Act is repealed and the following substituted:**

### **Administrative 30-day licence suspension**

(6) Upon a request being made under clause (5) (a), the person to whom the request is made shall forthwith surrender their 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, the driver's licence is suspended for a period of 30 days from the day the request is made.

### **(2) Subsection 172 (7) of the Act is repealed and the following substituted:**

#### **Administrative 14-day vehicle impoundment**

(7) Upon a motor vehicle being detained under clause (5) (b), the motor vehicle shall, at the cost of and risk to its owner,

- (a) be removed to an impound facility as directed by a police officer; and
- (b) be impounded for 14 days from the day it was detained under clause (5) (b).

### **(3) Subsection 172 (9) of the Act is amended by striking out “the expiry of the seven days” and substituting “the expiry of the 14 days”.**

### **(4) Section 172 of the Act, as amended by subsections (1) to (3), is repealed and the following substituted:**

#### **Racing, stunts, etc., prohibited**

**172** (1) No person shall drive a motor vehicle on a highway in a race or contest, on a bet or wager or while performing a stunt.

#### **Offence**

(2) Every person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$2,000 and not more than \$10,000 or to imprisonment for a term of not more than six months, or to both, and in addition, the court shall make an order suspending the person's driver's licence,

- (a) on a first conviction under this section, for not less than one year and not more than three years;
- (b) on a second conviction under this section, for not less than three years and not more than 10 years; or
- (c) on a third or subsequent conviction under this section, indefinitely.

#### **Reduction**

(3) An indefinite suspension imposed under clause (2) (c) that was not in relation to a fourth or subsequent conviction under this section may be reduced by the Registrar in the prescribed circumstances.

#### **Determining subsequent conviction**

(4) In determining whether a conviction is a subsequent conviction for the purposes of subsection (2), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction.

#### **10-year limitation**

(5) A conviction that is more than 10 years after the previous conviction is deemed to be a first conviction for the purpose of subsection (2).

#### **Exception**

(6) Despite subsection (5), when the subsequent conviction is within 10 years after the previous conviction, all previous convictions that were not followed by a 10-year period without a conviction shall be taken into account for the purpose of subsection (2).

#### **Transition**

(7) A conviction that was more than 10 years before the date on which subsection 15 (4) of Schedule 1 to the *Moving Ontarians More Safely Act, 2021* comes into force shall not be taken into account for the purpose of subsection (2).

#### **Police to require surrender of licence, detention of vehicle**

(8) If a police officer believes on reasonable and probable grounds that a person is driving, or has driven, a motor vehicle on a highway in contravention of subsection (1), the officer shall,

- (a) request that the person surrender their driver's licence; and
- (b) detain the motor vehicle that was being driven by the person until it is impounded under clause (10) (b).

### **Administrative 30-day licence suspension**

(9) Upon a request being made under clause (8) (a), the person to whom the request is made shall forthwith surrender their 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, the driver's licence is suspended for a period of 30 days from the day the request is made.

### **Administrative 14-day vehicle impoundment**

- (10) Upon a motor vehicle being detained under clause (8) (b), the motor vehicle shall, at the cost of and risk to its owner,
- (a) be removed to an impound facility as directed by a police officer; and
  - (b) be impounded for 14 days from the day it was detained under clause (8) (b).

### **Release of vehicle**

- (11) Subject to subsection (13), 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**

- (12) Despite the detention or impoundment of a motor vehicle under this section, a police officer may release the motor vehicle to its owner before it is impounded under subsection (10) or, subject to subsection (13), 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 14 days if the officer is satisfied that the motor vehicle was stolen at the time that it was driven on a highway in contravention of subsection (1).

### **Costs to be paid before release of vehicle**

- (13) The person who operates the impound facility where a motor vehicle is impounded under subsection (10) is not required to release the motor vehicle until the removal and impound costs for the vehicle have been paid.

### **Lien for storage costs**

- (14) The costs incurred by the person who operates the impound facility where a motor vehicle is impounded under this section are a lien on the motor vehicle that may be enforced under the *Repair and Storage Liens Act*.

### **Duty of officer re licence suspension**

- (15) Every police officer who asks for the surrender of a person's driver's licence under this section shall keep a record of the licence received with the name and address of the person and the date and time of the suspension and shall, as soon as practicable after receiving the licence, provide the person with a notice of suspension showing the time from which the suspension takes effect and the period of time for which the licence is suspended.

### **Duty of officer re impoundment**

- (16) Every police officer who detains a motor vehicle under this section shall prepare a notice identifying the motor vehicle that is to be impounded under subsection (10), the name and address of the driver and the date and time of the impoundment and shall, as soon as practicable after the impoundment of the motor vehicle, provide the driver with a copy of the notice showing the time from which the impoundment takes effect, the period of time for which the motor vehicle is impounded and the place where the vehicle may be recovered.

### **Same**

- (17) A police officer shall provide a copy of the notice prepared under subsection (16) 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.

### **No appeal or hearing**

- (18) There is no appeal from, or right to be heard before, a vehicle detention, driver's licence suspension or vehicle impoundment under subsection (8), (9) or (10), but this subsection does not affect the taking of any proceeding in court.

### **Owner may recover losses from driver**

- (19) The owner of a motor vehicle that is impounded under this section may bring an action against the driver of the motor vehicle at the time the vehicle was detained under clause (8) (b) to recover any costs or other losses incurred by the owner in connection with the impoundment.

### **Offence**

- (20) Every person who obstructs or interferes with a police officer in the performance of the officer's 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 suspension and impoundment**

- (21) The suspension of a driver's licence and the impoundment of a motor vehicle under this section are intended to promote compliance with this Act and to thereby safeguard the public and do not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time.

### **Impoundment concurrent with other administrative impoundments**

(22) 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.

### **Regulations**

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

- (a) requiring police officers to keep records with respect to licence suspensions and vehicle impoundments under this section for a specified period of time and to report specified information with respect to licence suspensions and vehicle impoundments to the Registrar and governing such records and reports;
- (b) exempting any class of persons or class or type of vehicles from any provision or requirement of this section or of any regulation made under this section, prescribing conditions for any such exemptions and prescribing different requirements for different classes of persons or different classes or types of vehicles;
- (c) defining the terms “race”, “contest” and “stunt” for the purposes of this section;
- (d) prescribing the circumstances in which an indefinite suspension imposed by court order under clause (2) (c) may be reduced by the Registrar, and the conditions or requirements before reinstatement of the driver’s licence.

### **Definition**

(24) In this section,

“driver’s licence” includes a driver’s licence issued by another jurisdiction.

### **Same**

(25) 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.

### **16 (1) Section 190 of the Act is amended by adding the following subsections:**

#### **Use of vehicle prohibited**

(6.1) A police officer or an officer appointed for carrying out the provisions of this Act who determines that a driver has contravened this section or a regulation made under this section may prohibit the driver from driving a commercial motor vehicle on a highway for a time period prescribed by regulation.

#### **Same**

(6.2) No person shall drive, and no operator shall permit a driver to drive, a commercial motor vehicle in contravention of a prohibition under subsection (6.1).

### **(2) Subsection 190 (7) of the Act is amended by adding the following clause:**

- (f) governing prohibitions under subsection (6.1), including prescribing the contraventions for which a prohibition may be imposed under that subsection, and governing procedures for imposing a prohibition.

### **(3) Subsection 190 (8) of the Act is revoked and the following substituted:**

#### **Offence and penalty**

(8) Every person who contravenes subsection (2), (3), (4), (5) or (6) or a regulation made under this section is guilty of an offence and on conviction is liable to a fine of not less than \$250 and not more than \$20,000 or to imprisonment for a term of not more than six months, or to both.

#### **Same**

(9) Every person who contravenes subsection (6.2) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$20,000 or to imprisonment for a term of not more than six months, or to both.

### **17 Subsection 191 (8) of the Act is amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:**

- (d) a driver who is subject to a prohibition under subsection 190 (6.1) or an operator for whom the driver is working.

### **18 Subsection 199 (1) of the Act is repealed and the following substituted:**

#### **Duty to report accident**

(1) Every person in charge of a motor vehicle or street car who is directly or indirectly involved in an accident shall report the accident immediately to the nearest police officer and provide the officer the information concerning the accident as may be required by the officer under subsection (3) if,

- (a) the accident results in personal injuries or in damage to property apparently exceeding an amount prescribed by regulation; or
- (b) the accident involves any door of the motor vehicle that is open or opening coming into contact with a cyclist, a bicycle or a moving vehicle, even if the motor vehicle is stationary, stopped or parked.

**19 Section 200 of the Act is amended by adding the following subsection:**

**Interpretation, dooring**

(1.1) For the purposes of subsection (1), a motor vehicle is deemed to be involved in an accident if any door of the motor vehicle that is open or opening comes into contact with a cyclist, a bicycle or a moving vehicle, even if the motor vehicle is stationary, stopped or parked.

**20 The Act is amended by adding the following Part:**

**PART XIV.4  
AUTOMATED STREET CAR ENFORCEMENT**

**Use of automated street car enforcement system authorized**

**206.1** (1) An automated street car enforcement system may be used in accordance with this Part and the regulations made under it respecting an alleged offence under section 166.

**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 166 except on the basis of evidence obtained through the use of an automated street car enforcement system.

**Same**

(3) The owner of a motor vehicle convicted as an owner of an offence under section 166 on the basis of evidence obtained through the use of an automated street car 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 166 on the basis of evidence obtained through the use of an automated street car 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**

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

- (a) prescribing what constitutes an automated street car 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, and its driver, proceeded when not permitted contrary to section 166,
  - (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 street car enforcement systems under this Part, with necessary modifications.

**Prescribing how to refer to s. 166 in notices and certificates**

(2) A regulation made under clause (1) (h) may prescribe rules for how to refer to section 166 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.

**21 (1) Paragraph 3 of subsection 207 (2) of the Act is amended by striking out “sections 145 to 168” and substituting “sections 145 to 165, sections 167 to 168”.**

**(2) Section 207 of the Act is amended by adding the following subsection:**

**Limitation**

(7.1) An owner of a motor vehicle convicted of an offence under section 166 on the basis of evidence acquired through the use of an automated street car enforcement system is not liable to imprisonment, a probation order under subsection 72 (1) of the *Provincial Offences Act* or a driver’s licence suspension as a result of that conviction or as a result of default in payment of a fine resulting from that conviction.

**22 Subsection 214.1 (7) of the Act is repealed and the following substituted:**

**Penalty for careless driving or racing in community safety zone**

(7) Every person who commits an offence under section 130 or 172 in a community safety zone when it is in effect is liable, on conviction, not to the penalty set out in those sections, but to a fine of not less than double the minimum fine set out in those sections and not more than the maximum fine set out in those sections or to imprisonment for a term of not more than six months, or to both, and in addition,

- (a) the person’s licence or permit may be suspended for a period of not more than the maximum period for which the licence or permit could be ordered suspended by a court under section 130; or
- (b) the person’s licence shall be suspended for a period of not more than the maximum period for which the licence would be ordered suspended by a court under section 172.

**23 Subsection 216 (1) of the Act is amended by striking out “other than a bicycle” and substituting “other than a bicycle that is not a power-assisted bicycle”.**

**Commencement**

**24 (1) Subject to subsection (2), this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**(2) Sections 2, 4, 5, 6, 9, 10, 11 and 13 come into force on the day the *Moving Ontarians More Safely Act, 2021* receives Royal Assent.**

**SCHEDULE 2  
METROLINX ACT, 2006**

**1** The definition of “GO Transit” in subsection 1 (1) of the *Metrolinx Act, 2006* is amended by striking out “the day section 50 comes into force” at the end and substituting “August 24, 2006”.

**Commencement**

**2** This Schedule comes into force on the day the *Moving Ontarians More Safely Act, 2021* receives Royal Assent.

**SCHEDULE 3  
TOWING AND STORAGE SAFETY AND ENFORCEMENT ACT, 2021**

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## INTERPRETATION

**Definitions****1** In this Act,

- “certificate” means a tow certificate, tow driver’s certificate or vehicle storage certificate, as the case may be, issued under section 5; (“certificat”)
- “condition”, in relation to a certificate, includes a limitation, restriction or endorsement, and includes a deemed condition; (“condition”)
- “Director” means the Director of Towing and Vehicle Storage Standards appointed under section 49; (“directeur”)
- “drive”, in relation to a tow truck, means to drive, use or otherwise operate the tow truck; (“conduire”)
- “driver’s licence” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*; (“permis de conduire”)
- “highway” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*; (“voie publique”)
- “inspector” means an inspector appointed under section 53; (“inspecteur”)
- “Minister” means the Minister of Transportation or such other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the *Executive Council Act*; (“ministre”)
- “Ministry” means the Ministry of the Minister; (“ministère”)
- “motor vehicle” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*; (“véhicule automobile”)
- “prescribed” means prescribed by the regulations; (“prescrit”)
- “regulations” means the regulations made under this Act; (“règlements”)
- “restricted towing zone” means a highway or part of a highway designated under section 41 as a restricted towing zone; (“zone restreinte de dépannage”)
- “tow certificate” means a certificate issued under section 5 to a tow operator; (“certificat de remorquage”)
- “tow driver’s certificate” means a certificate issued under section 5 to a tow truck driver; (“certificat de conducteur de dépanneuse”)
- “towing”, subject to the regulations, includes,
- (a) the transportation of motor vehicles using a tow truck,
  - (b) any ancillary activity such as lifting a motor vehicle for the purposes of loading, towing or transporting it or placing it onto a truck or trailer for the purpose of towing or transporting, and
  - (c) any other prescribed activity; (“remorquage”)

“towing services” includes,

- (a) towing, recovery or transportation in respect of motor vehicles that are disabled, abandoned, impounded, seized, damaged, incomplete or inoperable or that require removal from a location for any other reason,
- (b) clearing debris from collisions on a highway, and
- (c) any other prescribed activity; (“services de remorquage”)

“tow operator” means a person who, directly or indirectly, alone or with others, operates, manages, supervises, runs or directs the offer of or provision of towing services, and includes,

- (a) an operator, as defined in subsection 16 (1) of the *Highway Traffic Act*, of a tow truck, and
- (b) any other prescribed person; (“exploitant de services de remorquage”)

“tow truck” means,

- (a) a motor vehicle commonly known as a tow truck,
- (b) a commercial motor vehicle, as defined in subsection 1 (1) of the *Highway Traffic Act*, with a flatbed that can tilt to load and that is used exclusively to tow or transport other motor vehicles, and
- (c) subject to any prescribed exceptions, a motor vehicle that is designed, modified, configured or equipped so that it is capable of towing other motor vehicles; (“dépanneuse”)

“tow truck driver” means a person who drives a tow truck for the purpose of providing towing services; (“conducteur de dépanneuse”)

“vehicle permit” means a permit as defined in subsection 6 (1) of the *Highway Traffic Act*; (“certificat d’immatriculation de véhicule”)

“vehicle storage certificate” means a certificate issued under section 5 to a vehicle storage operator; (“certificat d’entreposage de véhicules”)

“vehicle storage operator” means a person who, directly or indirectly, alone or with others, operates, manages, supervises, runs or directs the offer of or provision of vehicle storage services; (“exploitant de services d’entreposage de véhicules”)

“vehicle storage services” means the receiving and holding of towed and impounded motor vehicles and any other prescribed services; (“services d’entreposage de véhicules”)

“vehicle storage yard facility”, subject to the regulations, means a lot, yard or other premises used to provide vehicle storage services. (“installation d’entreposage de véhicules”)

## CERTIFICATION

### **Tow operators**

**2** (1) No person shall, except under the authority of a tow certificate and in accordance with this Act and the regulations,

- (a) provide or offer to provide towing services; or
- (b) hold themselves out as a tow operator.

### **Provision of towing services**

(2) For the purposes of subsection (1), a person provides towing services regardless of whether the person provides the services by employing or engaging a tow truck driver to drive a tow truck that the person owns or operates or whether the person drives such a tow truck themselves.

### **Same**

(3) For greater certainty, subsection (1) does not apply with respect to a person who drives a tow truck only on behalf of a tow operator.

### **Tow truck drivers**

**3** No person shall, except under the authority of a tow driver’s certificate and in accordance with this Act and the regulations,

- (a) drive a tow truck to provide towing services; or
- (b) hold themselves out as a tow truck driver.

### **Vehicle storage operators**

**4** No person shall, except under the authority of a vehicle storage certificate and in accordance with this Act and the regulations,

- (a) provide or offer to provide vehicle storage services; or

- (b) hold themselves out as a vehicle storage operator.

### **Certificates**

#### **Issuance**

5 (1) The Director may, subject to subsection (3), issue a tow certificate, tow driver's certificate or vehicle storage certificate to an applicant, if the Director is satisfied that the applicant meets the qualifications and requirements prescribed for the certificate.

#### **Renewal**

(2) The Director may, subject to subsection (3), renew a certificate if the Director is satisfied that the holder meets the qualifications and requirements prescribed for the certificate.

#### **No issuance or renewal despite qualification**

(3) Regardless of whether an applicant or certificate holder meets the prescribed qualifications and requirements for a certificate, the Director,

- (a) shall refuse to issue or renew the certificate in the prescribed circumstances; and
- (b) may refuse to issue or renew the certificate,
  - (i) if the applicant or holder owes an outstanding fee, fine or administrative penalty, or any interest or penalty in respect of such a fee, fine or penalty, under this Act, the *Highway Traffic Act* or the *Provincial Offences Act*,
  - (ii) if the Director determines that a prescribed circumstance applies, or
  - (iii) for any prescribed reason.

#### **One certificate only**

- (4) No person may hold,
- (a) more than one tow certificate;
  - (b) more than one tow driver's certificate; or
  - (c) more than one vehicle storage certificate.

#### **Certificate not transferable**

(5) A certificate is not transferable or assignable.

#### **Conditions of a certificate**

6 (1) The Director may, in issuing a certificate, attach to it any condition that the Director considers appropriate, including an expiry date.

#### **Deemed conditions**

- (2) Every certificate is deemed to contain the following conditions:
1. The certificate holder is required to take all reasonable precautions to prevent loss of or from, or damage to, any motor vehicle that is being towed, is being held in a vehicle storage yard facility or is otherwise under the certificate holder's control.
  2. Any other prescribed condition.

#### **Variation of conditions**

- (3) The Director may, at any time and as the Director considers appropriate, amend a certificate by,
- (a) varying a condition attached to the certificate, other than a condition listed under subsection (2);
  - (b) attaching a condition prescribed for the purposes of this subsection to the certificate; or
  - (c) removing a condition from the certificate, other than a condition listed under subsection (2).

#### **Compliance**

(4) A certificate holder shall comply with the conditions to which the certificate is subject.

#### **Suspension, revocation**

- 7 (1) The Director may suspend or revoke a certificate,
- (a) if the Director is satisfied that the holder no longer meets the qualifications and requirements prescribed for the certificate;
  - (b) if the holder has contravened or failed to comply with this Act or the regulations;

- (c) if the payment of a fee for the issuance or renewal of the certificate has been dishonoured;
- (d) if the Director is satisfied that there are reasonable grounds to believe that the holder is not carrying out activities under the certificate with honesty and integrity;
- (e) for any prescribed reason; or
- (f) for any other sufficient reason.

#### **Automatic suspension of tow driver's certificate**

(2) If the driver's licence of a holder of a tow driver's certificate is cancelled, suspended or otherwise ceases to be in force under any Act or other law, the tow driver's certificate is suspended.

#### **Reinstatement**

(3) The Director may lift a suspension of a tow driver's certificate under subsection (2) if the driver's licence is reinstated.

#### **Procedures for refusals, suspensions and revocations**

**8** Refusals to issue or renew a certificate and suspensions and revocations of a certificate shall be subject to the prescribed procedures, including any requirements specified by the regulations that the Director give notice of a refusal, suspension or revocation.

#### **Appeal**

**9** (1) If the regulations so provide, one or more of the following decisions, as specified by the regulations and subject to any prescribed exceptions, may be appealed to the prescribed person or entity by the applicant or certificate holder in accordance with the regulations:

1. A decision to refuse to issue a certificate.
2. A decision to refuse to renew a certificate.
3. A decision to suspend a certificate.
4. A decision to revoke a certificate.
- 5 . A decision to amend a certificate under subsection 6 (3).
6. Any other decision of the Director specified by the regulations.

#### **No stay**

(2) Except as otherwise provided by the regulations, an appeal does not operate as a stay of the decision.

#### **Inquiries re eligibility**

**10** A person shall respond promptly to any inquiries from the Director for information relating to the person's eligibility to hold a certificate.

### **PROVISION OF TOWING SERVICES AND VEHICLE STORAGE SERVICES**

#### **Requirements under tow certificate**

- 11** (1) Every tow certificate holder shall, in providing or offering to provide towing services,
- (a) comply with the prescribed requirements and standards respecting the provision of towing services that are applicable to the holder; and
  - (b) ensure that every person employed or engaged by the holder and any other prescribed person complies with this Act and the regulations, including the prescribed requirements and standards respecting the provision of towing services.

#### **Employment, engagement of tow truck drivers**

(2) No tow certificate holder shall employ or engage a person as a tow truck driver unless the person is the holder of a valid tow driver's certificate.

#### **Tow truck requirements**

(3) Every tow certificate holder shall ensure that every tow truck it uses to provide towing services meets the prescribed requirements, has the prescribed equipment and is inspected and maintained in accordance with the regulations.

#### **Requirements under tow driver's certificate**

**12** Every tow driver's certificate holder shall, in driving a tow truck to provide towing services, comply with the prescribed requirements and standards respecting the provision of towing services that are applicable to the holder.

**Surrender of documents, etc., by driver or other person**

**13** On the demand of a police officer or inspector, a tow driver's certificate holder or any other person with the care, charge or control of a tow truck shall surrender the prescribed documents for inspection and furnish the prescribed information to the police officer or inspector.

**Vehicle impoundment if no or suspended certificate**

**14** (1) A police officer shall detain a tow truck if the police officer is satisfied that a person was driving a tow truck on a highway at a time when,

- (a) the tow truck driver did not hold a valid tow driver's certificate; or
- (b) the tow operator of the tow truck did not hold a valid tow certificate.

**Same**

(2) A tow truck detained under subsection (1) shall, at the cost and risk of the tow operator,

- (a) be removed to a vehicle storage yard facility as directed by a police officer; and
- (b) be impounded for seven days from the time it was detained.

**Application of impoundment rules**

(3) Except as otherwise provided by the regulations, subsections 55.2 (2) to (18) of the *Highway Traffic Act* apply, with the prescribed and any other necessary modifications, with respect to the impounding of a tow truck under subsection (1).

**Intent of impoundment**

(4) The impoundment of a tow truck under this section is intended to promote compliance with this Act and the regulations and to safeguard the public, and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time.

**Requirements under vehicle storage certificate**

**15** (1) Every vehicle storage certificate holder shall, in providing or offering to provide vehicle storage services,

- (a) comply with the prescribed requirements and standards respecting the provision of vehicle storage services that are applicable to the holder; and
- (b) ensure that persons employed or engaged by the holder and any other prescribed person complies with this Act and the regulations, including the prescribed requirements and standards respecting the provision of vehicle storage services.

**Vehicle storage yard facility requirements**

(2) Every vehicle storage certificate holder shall ensure that the holder's vehicle storage yard facility meets the prescribed requirements.

**Insurance**

**16** (1) No tow certificate holder shall provide or offer to provide towing services unless the holder is insured as required by the regulations.

**Same**

(2) No vehicle storage certificate holder shall provide or offer to provide vehicle storage services unless the holder is insured as required by the regulations.

**Prohibited practices**

**17** No certificate holder shall engage in practices that are prescribed as prohibited practices.

**Records**

**18** (1) Every certificate holder shall keep the prescribed records in accordance with the prescribed requirements and, on the demand of the Director, a police officer or an inspector, shall produce and surrender a copy of any such record or any information required to be contained in any such record.

**Reports**

(2) Every certificate holder shall submit any prescribed reports to the Director in accordance with the prescribed requirements.

**Reports of collisions and incidents**

(3) A tow certificate holder shall report to the Director any collision or other incident involving a tow truck owned or operated by the holder that,

- (a) resulted in injury to or the death of any person;
- (b) is required to be reported under section 199 of the *Highway Traffic Act*; or

(c) is prescribed.

## PROTECTION OF USERS OF TOWING SERVICES AND VEHICLE STORAGE SERVICES

### Requirements re persons using services

**19** Every certificate holder shall comply with the prescribed requirements and standards respecting persons who request or receive towing services or vehicle storage services.

### Requirement to obtain consent for towing services

**20** (1) Unless the consent of the person specified by the regulations in relation to a motor vehicle is first obtained by a tow driver's certificate holder in accordance with the regulations,

- (a) the holder shall not provide, or attempt to provide, towing services in respect of the motor vehicle; and
- (b) neither the holder nor the tow certificate holder shall charge or demand payment for any towing services in respect of the motor vehicle.

### Same

(2) Subsection (1) does not apply if the motor vehicle is being impounded or in any other circumstances that may be prescribed.

### Consent requirements

(3) The tow driver's certificate holder shall, in accordance with the regulations, document a consent required to be provided under subsection (1) and provide a copy of the signed documentation to the consenting person.

### No alteration

(4) No person shall alter a documented consent after it has been signed by the parties, except as permitted by the regulations.

### Restriction on interference

(5) No tow driver's certificate holder shall attempt to obtain consent for towing services in respect of a motor vehicle if another tow driver's certificate holder has already obtained consent to provide towing services for that motor vehicle that have not yet been provided.

### Directions re towing

**21** (1) Subject to any consent required under section 20, a tow driver's certificate holder shall, unless the regulations provide otherwise, tow the motor vehicle to the location specified by the person prescribed with respect to the motor vehicle, and in accordance with any directions that the person may give.

### Information to be provided to vehicle storage operator

(2) A tow driver's certificate holder who tows a motor vehicle to a vehicle storage yard facility shall provide the prescribed information to the vehicle storage operator in accordance with the regulations.

### Duties of vehicle storage certificate holders

#### Records

**22** (1) Every vehicle storage certificate holder shall, in accordance with the regulations, maintain a record of the motor vehicles towed to and removed from the holder's vehicle storage yard facility.

#### Notification

- (2) A vehicle storage certificate holder shall, in the time and manner specified by the regulations,
  - (a) notify the prescribed person of the location of a motor vehicle that has been towed to the holder's vehicle storage yard facility; and
  - (b) provide to the person any other information that may be prescribed.

### Requirement to obtain consent for vehicle storage services

**23** (1) The vehicle storage certificate holder shall, in the time and manner specified by the regulations and in accordance with subsection (3), obtain the person's consent to the vehicle storage services.

### Same

(2) Subsection (1) does not apply if the motor vehicle has been impounded or in any other circumstances that may be prescribed.

### Same

(3) Except as provided by the regulations, a consent under subsection (1) must be obtained before the vehicle storage certificate holder may charge or demand payment for the vehicle storage services.

**Consent requirements**

- (4) The vehicle storage certificate holder shall, in accordance with the regulations,
- (a) document a consent required to be provided under subsection (1); and
  - (b) provide a copy of the documentation, signed in accordance with the regulations, to the consenting person.

**No alteration**

- (5) No person shall alter a documented consent after it has been signed by the parties, except as permitted by the regulations.

**Access to vehicle**

**24** (1) A tow driver's certificate holder shall, before towing the motor vehicle or at such other time as may be prescribed, permit the person who consented to the towing services to have access to the motor vehicle at no charge in order to retrieve personal property.

**Same**

(2) A vehicle storage certificate holder shall permit the owner of a motor vehicle and any other prescribed person to have reasonable access to the motor vehicle at no charge during the holder's regular business hours or, if the premises do not have regular business hours, at any time the premises are open for business, in order to retrieve personal property.

**Exceptions**

(3) A police officer may direct, or the regulations may provide, that subsection (1) or (2), or both, do not apply with respect to a motor vehicle.

**Requirements re vehicle access**

(4) In permitting a person to have access to a motor vehicle, a certificate holder shall comply with any prescribed requirements.

**No pressuring**

(5) No certificate holder shall retain anything that a person is entitled to retrieve under subsection (1) or (2) as a means of pressuring the person to make a payment to the holder for towing services or vehicle storage services.

**Restriction on passengers in tow trucks**

**25** No tow driver's certificate holder shall allow a person to travel as a passenger in a tow truck, except,

- (a) if the person is travelling as a passenger for the purpose of assisting the tow truck driver in carrying out towing services; or
- (b) as permitted by, and in accordance with, the regulations.

**Estimates****Towing services, if consent**

**26** (1) If consent to towing services is required under section 20, the tow driver's certificate holder or tow certificate holder, as the case may be, shall, before the consent is obtained or at such other time as may be prescribed, provide an estimate for the services in accordance with the prescribed requirements to the person who would be providing the consent, together with any other prescribed document or information.

**Vehicle storage services, if consent**

(2) If consent to vehicle storage services is required under section 23, a vehicle storage certificate holder shall, when obtaining the consent, provide an estimate for the services in accordance with the prescribed requirements to the person who would be providing the consent, together with any other prescribed document or information.

**Exceptions**

(3) Subsections (1) and (2) do not apply in the prescribed circumstances.

**If no consent**

(4) If consent under section 20 or 23 is not required, the tow driver's certificate holder, tow certificate holder or vehicle storage certificate holder, as the case may be, shall provide an estimate in accordance with the regulations.

**No charge for estimate**

(5) No certificate holder shall charge or demand payment for preparing an estimate.

**Invoices****Towing services**

**27** (1) No tow certificate holder or tow driver's certificate holder shall charge or demand payment for towing services unless the holder first provides to the person receiving the services an invoice in accordance with the regulations.

**Vehicle storage services**

(2) No vehicle storage certificate holder shall charge or demand payment for vehicle storage services unless the holder first provides to the person receiving the services an invoice in accordance with the regulations.

**Exceptions**

(3) Subsections (1) and (2) do not apply in the prescribed circumstances.

**Charges for services**

**28** (1) No certificate holder shall charge an amount for towing services or vehicle storage services, or for any related or ancillary services that may be prescribed, that is not in accordance with the regulations.

**No charging for work not done**

(2) No certificate holder shall charge an amount for towing services or vehicle storage services that were not actually provided.

**Restrictions on inducements**

**29** (1) No certificate holder shall, directly or indirectly, give or receive or offer to give or receive anything in consideration of the furnishing of information or advice given in respect of the occurrence of a collision or the presence of a motor vehicle that requires towing, for the purpose of,

- (a) obtaining work providing towing services or vehicle storage services; or
- (b) enabling any other person to obtain work providing towing services or vehicle storage services.

**Same**

(2) No certificate holder shall, directly or indirectly, give or receive or offer to give or receive anything in consideration of the furnishing of information or advice given in respect of,

- (a) the repair, appraisal or wrecking of a motor vehicle; or
- (b) the referral of a person whose motor vehicle requires towing services or vehicle storage services to any prescribed service.

**Restrictions on referrals**

**30** (1) Subject to subsection (2), no certificate holder shall refer a person whose motor vehicle requires towing services or vehicle storage services to any person or entity in relation to a service referred to in subsection 29 (2).

**Same**

(2) A certificate holder may refer a person whose motor vehicle requires towing services or vehicle storage services to a person or entity in relation to a service referred to in clause 29 (2) (a), if the person requests the referral.

**Disclosure of interest**

**31** (1) Every certificate holder who, directly or indirectly, has an interest in any of the following shall, in accordance with the regulations and with subsection (2), disclose to a person to whom the holder is providing towing services or vehicle storage services, as the case may be, and to any other prescribed person, the nature and extent of the interest:

1. A vehicle storage yard facility to which the motor vehicle may be towed.
2. Any other location to which the motor vehicle may be towed for repair, storage, appraisal or other similar purpose.
3. Any person or entity to whom the holder refers the person to whom the holder is providing the services.

**No demand for payment before disclosure**

(2) The disclosure required to be made under subsection (1) must be made before the certificate holder charges for or demands any payment for any of the towing services or vehicle storage services.

**Illegal charges****Not payable**

**32** (1) An amount charged in contravention of or non-compliance with this Act or the regulations is not collectable or payable.

**Shall not be retained**

(2) No person shall demand, receive, accept or retain an amount charged or paid in contravention of or non-compliance with this Act or the regulations, and shall provide a refund of such an amount in accordance with the regulations.

**May be recovered**

(3) Any amount that a person fails to refund under subsection (2) is recoverable by the person who made the payment in a court of competent jurisdiction.

**False information**

**33** (1) No certificate holder shall falsify any information or document that the holder is required to provide under this Act or any other prescribed Act.

**Same**

(2) No certificate holder shall assist or counsel any person who requests or receives towing services or vehicle storage services to falsify any information or document that the person requesting or receiving the services is required to provide under this Act or any other prescribed Act.

**No coercion**

**34** (1) No person shall coerce, intimidate or threaten a person for the purpose of obtaining or seeking to obtain consent to towing services or vehicle storage services or into paying compensation for the services or for any related or ancillary services.

**Related conduct**

- (2) No person shall coerce, intimidate or threaten any other person for the purpose of,
- (a) obtaining work providing towing services or vehicle storage services; or
  - (b) preventing a certificate holder from obtaining work providing towing services or vehicle storage services.

**Information to be provided**

**35** (1) Every certificate holder shall, in accordance with the regulations, provide the prescribed information to persons requesting or receiving towing services or vehicle storage services.

**Same**

(2) Every certificate holder shall, in accordance with the regulations, post or display the prescribed information.

**Representations**

**36** (1) Every certificate holder shall comply with the prescribed requirements and standards respecting the making of representations to persons requesting or receiving towing services or vehicle storage services.

**Misrepresentation prohibited**

(2) No certificate holder shall make any representation, whether written, oral or implied, that is misleading, inaccurate or false in order to induce a person to consent to towing services or vehicle storage services.

**Complaints**

- 37** (1) The Director may,
- (a) receive complaints concerning conduct that may be in contravention of or non-compliance with this Act or the regulations;
  - (b) make written requests to certificate holders for information regarding complaints;
  - (c) attempt to resolve complaints concerning any conduct that comes to the Director's attention that may be in contravention of or non-compliance with this Act or the regulations, or refer such complaints to a prescribed complaint resolution process to be dealt with in accordance with the regulations; and
  - (d) if the Director is of the opinion that a certificate holder has contravened or failed to comply with this Act or the regulations, impose a prescribed sanction or take any other prescribed action, as the Director considers appropriate, in accordance with the regulations.

**Request for information**

(2) A request under clause (1) (b) shall indicate the nature of the complaint.

**Duty to comply**

(3) A certificate holder who receives a written request under clause (1) (b) shall provide the requested information to the Director.

**Prohibition, obstruction, etc.**

(4) No person shall hinder, obstruct or interfere with the review of a complaint, refuse to answer questions on relevant matters or provide information on matters relevant to the complaint that the person knows to be false or misleading.

COLLISION SCENES

**Restriction on provision of towing services at collision**

**38** (1) No tow driver's certificate holder shall provide or offer to provide towing services, or park or stop a tow truck, on a highway within 200 metres of,

- (a) the scene of a collision or apparent collision; or
- (b) a motor vehicle involved in a collision.

**Exception**

(2) Subsection (1) does not apply with respect to a tow driver's certificate holder who is at the scene of a collision at the request of a police officer, inspector or person involved in the collision.

**Restricted towing zones**

(3) Nothing in subsection (2) authorizes a tow driver's certificate holder to provide or offer to provide services in a restricted towing zone if the tow certificate holder is not authorized to provide towing services in that zone.

**Compliance with directions at collision scene**

**39** (1) Every tow driver's certificate holder shall comply with any reasonable direction given to the holder by a police officer, inspector or firefighter who is present at the scene of a collision.

**Same**

(2) Every tow driver's certificate holder shall comply with a direction of a police officer or inspector who is present at the scene of a collision to,

- (a) leave the scene of the collision; or
- (b) stay at least 200 metres away from the scene for such time as the police officer or inspector may direct.

**RESTRICTED TOWING ZONES**

**Restricted towing zones**

**40** No person shall provide or offer to provide towing services in a restricted towing zone, except as permitted under section 41.

**Designation of restricted towing zones**

**41** (1) A King's Highway or parts of a King's Highway may be designated in the regulations as a restricted towing zone, and the Director may authorize a tow certificate holder to provide towing services in that zone.

**Same, municipality**

(2) A prescribed municipality may by by-law designate any highway or part of a highway under its jurisdiction as a restricted towing zone, and may authorize a tow certificate holder to provide towing services in that zone.

**Prohibition**

(3) If a tow certificate holder has been authorized to provide towing services in a restricted towing zone, no other tow certificate holder shall provide or offer to provide towing services in that zone.

**Exception**

(4) Subsection (3) does not apply with respect to the provision of towing services to a person in charge of a police department vehicle, a road service vehicle or other motor vehicle owned or operated by or on behalf of the road authority that has jurisdiction and control over the highway, or a person acting under the direction of a police officer or road authority.

**Tow trucks to be marked**

**42** (1) A tow certificate holder authorized under section 41 to provide towing services in a restricted towing zone shall ensure that every tow truck it uses to provide the services in that zone,

- (a) displays the holder's name; and
- (b) displays, in a clearly visible position on each side of and on the back of the tow truck, a sign showing the holder's authorization to provide towing services in the zone.

**Same**

(2) No tow driver's certificate holder shall drive a tow truck displaying information described in clause (1) (a) or (b) unless the holder is driving the tow truck on behalf of the authorized tow certificate holder.

**Documents to be carried**

**43** Every tow driver's certificate holder driving a tow truck in a restricted towing zone on behalf of an authorized tow certificate holder shall carry proof of the authorization.

## DISPATCH SERVICES

### **Dispatch services**

**44** (1) One or more dispatch services may be designated by the regulations for the purpose of governing the dispatching of tow trucks or prescribed classes of tow trucks.

### **Requirement to use**

(2) The persons specified by the regulations shall use a designated dispatch service in accordance with the regulations.

## PENALTIES AND OFFENCES

### **Administrative penalties**

#### **Purpose**

**45** (1) An administrative penalty may be imposed under this section in order to promote compliance with this Act and the regulations.

#### **Order imposing administrative penalties**

(2) If a prescribed person is satisfied that a person is contravening or not complying with or has contravened or failed to comply with a prescribed provision of this Act or of the regulations, the prescribed person may, by order, impose an administrative penalty on the person in accordance with this section and the regulations.

#### **May only be imposed on prescribed persons**

(3) An administrative penalty may only be imposed on a person who belongs to a prescribed class.

#### **May be imposed with other measures**

(4) An administrative penalty may be imposed alone or in conjunction with any other regulatory measure provided by this or any other Act; however, an administrative penalty may not be imposed if the person is charged with an offence under this Act in respect of the same contravention or failure to comply.

#### **Limitation**

(5) An administrative penalty may only be imposed within the prescribed time period.

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

(6) There is no right to be heard before an order imposing an administrative penalty is made.

#### **Appeal**

(7) A person who is subject to an order imposing an administrative penalty may, in accordance with the regulations, appeal the order to a person or entity prescribed for the purpose of this subsection, who may confirm, vary or set aside the order.

#### **Same**

(8) An appeal commenced under subsection (7) operates as a stay of the order until the matter is finally disposed of.

#### **Parties to judicial review**

(9) The parties to any judicial review brought in respect of this section are,

- (a) the person subject to the order imposing an administrative penalty; and
- (b) the prescribed person referred to in subsection (2).

#### **Maximum administrative penalty**

(10) An administrative penalty shall not exceed \$100,000 or such lesser amount as may be prescribed.

#### **Enforcement**

(11) If a person fails to pay an administrative penalty in accordance with the terms of the order imposing the penalty, the Director may file the order with the Superior Court of Justice and the order may be enforced as if it were an order of the court.

#### **Same**

(12) For the purposes of section 129 of the *Courts of Justice Act*, the date on which the order is filed with the court is deemed to be the date of the order.

#### **Same**

(13) An administrative penalty that is not paid in accordance with the terms of the order imposing the penalty is a debt due to the Crown and is also enforceable as such.

**Offences**

**46** (1) Every person who contravenes or fails to comply with this Act or a regulation is guilty of an offence and on conviction is liable to a penalty determined in accordance with subsection (2) or (3), as the case may be.

**Penalties**

- (2) Subject to subsection (3), every person convicted of an offence under subsection (1) is liable,
- (a) for a first offence, to a fine of not less than \$250 and not more than \$1,000; and
  - (b) for each subsequent offence, to a fine of not less than \$1,000 and not more than \$5,000.

**Same**

- (3) Every person convicted of an offence under subsection (1) in respect of a provision listed in subsection (4), or of an offence under subsection (7), (8) or (10), is liable,
- (a) for a first offence, to a fine of not less than \$2,000 and not more than \$10,000, or to imprisonment for a term of not more than six months, or to both; and
  - (b) for each subsequent offence, to a fine of not less than \$5,000 and not more than \$50,000, or to imprisonment for a term of not more than six months, or to both.

**Same**

(4) Subsection (3) applies with respect to subsection 2 (1), sections 3 and 4, subsections 11 (2), 21 (1), 24 (5), 28 (1) and (2), 32 (2), 33 (1) and (2), 34 (1) and (2) and 37 (4).

**Same**

(5) An offence committed more than five years after a previous conviction for the same offence is not a subsequent offence for the purposes of clause (2) (b) or (3) (b).

**Penalty, corporations**

(6) Despite subsections (2) and (3), a corporation convicted of an offence under this Act is liable to a fine of not more than \$100,000.

**Offence, false statement, inaccurate information**

(7) Every person who submits a false or inaccurate document, makes a false statement or includes inaccurate information in or with an application, declaration, affidavit or other document required by the Director or under this Act is guilty of an offence.

**Same**

(8) Every person who displays, presents or surrenders a document required by the Director or under this Act that is fictitious, an imitation or altered, is guilty of an offence.

**Same, defence**

(9) A person is not guilty of an offence under subsection (7) or (8) if the person exercised all reasonable care to avoid contravening the subsection.

**Offence, corporate director or officer**

(10) If a corporation commits an offence under subsection (7) or (8), every director or officer of the corporation who authorized, permitted or concurred in the commission of the offence is also guilty of the offence.

**Limitation**

(11) Subject to subsection (12), no proceeding for an offence under this section shall be commenced more than two years after the facts on which the proceeding is based first came to the knowledge of the Director.

**Same**

(12) No proceeding for an offence under subsection (7), (8) or (10), or an offence under subsection (1) in respect of subsection 33 (1) or (2), shall be commenced more than six years after the facts on which the proceeding is based first came to the knowledge of the Director.

**Tow operator may be convicted if driver contravenes**

**47** (1) Except as provided by the regulations, if a tow truck driver or any other person with the care, charge or control of the tow truck is subject to be charged with an offence under this Act, the tow operator of the tow truck may be charged with and convicted of the offence unless, at the time of the offence, the tow truck was in the possession of that person without the tow operator's consent.

**Penalty**

(2) On conviction for an offence under subsection (1), the tow operator is liable to the penalty specified by this Act for the offence.

**Limitation**

(3) Despite subsection (2), the tow operator is not liable to imprisonment or to a probation order under subsection 72 (1) of the *Provincial Offences Act* as a result of the conviction or as a result of default in payment of the fine resulting from the conviction.

**Notice of conviction to Director**

48 A judge, provincial judge or justice of the peace who makes a conviction in respect of an offence under this Act, or the clerk of the court in which the conviction is made, shall promptly notify the Director of the conviction, together with any other information that the Director may require.

### DIRECTOR OF TOWING AND VEHICLE STORAGE STANDARDS

**Director of Towing and Vehicle Storage Standards**

49 The Minister may appoint a Director of Towing and Vehicle Storage Standards for the purposes of this Act.

**Requirement to keep records**

50 (1) The Director shall keep records, in the form the Director considers appropriate, of the following information:

1. All certificates issued, renewed, suspended or revoked under this Act.
2. All administrative penalties imposed under this Act.
3. All convictions for offences under this Act.
4. All convictions of a certificate holder under any other prescribed Act or under a prescribed provision of any other Act.
5. All collisions and incidents described in subsection 18 (3) that are reported to the Director under that subsection or that otherwise come to the Director's attention.
6. All prescribed information.

**Same**

(2) The Director shall ensure that records kept under subsection (1) are updated and corrected as required so that they are accurate.

**Information re certain certificate holders**

51 The Director may make the names of certificate holders, and any other information respecting the holders that the Director thinks should be publicly known, available to the public in the manner that the Director considers appropriate.

**Collection and disclosure of information****Collection by Director**

52 (1) The Director may request and collect information from any public body or related government, as the Director considers appropriate, if the Director considers it necessary for a prescribed purpose.

**Disclosure by Director**

(2) The Director may disclose information to any public body or related government, as the Director considers appropriate, if the Director considers it necessary for a prescribed purpose.

**Disclosure to Director**

(3) On receipt of a request for information from the Director under subsection (1), a public body shall disclose to the Director any information from their records that may assist the Director with a prescribed purpose.

**Deemed compliance with privacy legislation**

(4) Any disclosure of information under this section is deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act* and clause 32 (e) of the *Municipal Freedom of Information and Protection of Privacy Act*.

**Notice under privacy legislation**

(5) Any collection by a public body of personal information, as defined in the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, disclosed to the public body under this section, is exempt from the application of subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act*.

### **Otherwise authorized collection or disclosure**

(6) The authority to collect and disclose information under this section is in addition to any other authority under this or any other Act for the Director to collect and disclose information.

### **Definitions**

(7) In this section,

“public body” means,

- (a) any ministry, agency, board, commission, official or other body of the Government of Ontario,
- (b) any municipality in Ontario,
- (c) a local board, as defined in subsection 1 (1) of the *Municipal Act, 2001*, or
- (d) a prescribed person or entity; (“organisme public”)

“related government” means,

- (a) the Government of Canada and the Crown in right of Canada, and any ministry, agency, board, commission or official of either of them, or
- (b) the government of any other province or territory of Canada, and any ministry, agency, board, commission or official of any of them. (“gouvernement lié”)

## INSPECTORS AND INSPECTIONS

### **Inspectors**

**53** (1) The Director may appoint one or more persons as inspectors for the purpose of ensuring compliance with this Act and the regulations, and shall issue to every inspector written proof of the appointment.

### **Proof of appointment**

(2) Every inspector, in the execution of the inspector’s powers and duties under this Act, shall produce the proof of appointment on request.

### **Common law constable**

(3) A person appointed as an inspector is a constable at common law for the purpose of executing an inspector’s powers and duties under this Act.

### **Inspections**

**54** (1) In this section,

“vehicle” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*.

### **Power to examine tow trucks**

(2) For the purpose of ensuring compliance with this Act and the regulations, an inspector may examine a tow truck without a warrant, and subsections 216.1 (2) to (7) of the *Highway Traffic Act* apply to this power, with necessary modifications.

### **Same, requirement to assist**

(3) The tow truck driver and any other person with the care, charge or control of the tow truck shall assist in the examination.

### **Power to inspect premises**

(4) For the purpose of ensuring compliance with this Act and the regulations, an inspector may, without a warrant,

- (a) enter any premises that are the business premises of a person;
- (b) enter any premises that are business premises where the records of a person, or vehicles, equipment or other things that are relevant to the inspection, are kept;
- (c) examine vehicles, equipment, documents, records or other things that are relevant to the inspection;
- (d) demand the production for inspection of a vehicle, equipment, document, record or other thing that is relevant to the inspection;
- (e) remove, for review and examination or testing, a vehicle, equipment or other thing that is relevant to the inspection;
- (f) remove, for review and copying, a document or record that is relevant to the inspection;
- (g) in order to produce information or a document or record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business on the premises;
- (h) carry out any examination, test, audit or investigation procedure that is relevant to the inspection; and

- (i) question a person on matters relevant to the inspection.

### **Dwellings**

(5) The power to enter and inspect premises under this section shall not be exercised to enter and inspect any part of the premises that is used as a dwelling without the consent of the occupier.

### **Written demand for documents and records**

(6) An inspector may, at any time and for any purpose related to the administration or enforcement of this Act and the regulations, deliver a demand personally on a person or any director, officer, employee or agent of a person, or mail a demand to such a person at the latest address of the person appearing on the records of the Ministry, requiring that the person deliver to the inspector, within the time specified in the demand, any document or record, the production of which could be required under clause (4) (d).

### **Time of entry**

(7) The power to enter and inspect premises shall be exercised during the regular business hours of the premises or, if the premises do not have regular business hours, at any time the premises are open for business.

### **Assistance**

(8) An inspector may be accompanied by any person or persons who may be of assistance to the inspector in conducting the inspection.

### **No use of force**

(9) An inspector or a person referred to in subsection (8) shall not use force to enter or inspect any premises under this section.

### **Obligation to produce and assist**

(10) If an inspector demands that a vehicle, equipment, document, record or other thing be produced for inspection, the person who has custody of the vehicle, equipment, document, record or thing shall produce it immediately and, in the case of a document or record, shall on request provide any assistance that is reasonably necessary to interpret the document or record or to produce it in a readable form.

### **Things removed**

(11) An inspector who removes a vehicle, equipment, document, record or other thing under clause (4) (e) or (f) or to whom a vehicle, equipment, document, record or other thing is delivered pursuant to a demand made under clause (4) (d) or subsection (6) shall give a receipt for it and return it to the person who produced or delivered it within a reasonable time.

### **Copy admissible in evidence**

(12) A copy of a document or record that is certified as a true copy by the person making it is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the document or record copied and its contents.

### **Co-operation with inspector**

(13) A certificate holder and the directors, officers, employees and agents of a certificate holder shall co-operate with an inspector conducting an inspection.

### **Obstruction**

(14) No person shall hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with information on matters relevant to the inspection that the person knows to be false or misleading.

## MISCELLANEOUS

### **Forms**

55 The Director may require that forms approved by the Director be used for any purpose under this Act.

### **Electronic means and formats**

56 (1) Anything that the Director is required or authorized to do or provide under this Act may be done or provided by electronic means or in an electronic format.

### **Same**

(2) Anything that any person is required or authorized to do or provide to the Director under this Act may be done or provided by electronic means or in an electronic format, in the circumstances and in the manner specified by the Director.

### **Requirements, electronic format**

(3) If the regulations so provide, the prescribed documents shall be kept in or converted into electronic format in accordance with the regulations.

**Definition, “documents”**

(4) For the purposes of subsection (3), “documents” includes a photograph.

**Notice**

57 Where notice is required or permitted under this Act to be given or delivered to, or served on, a person, the notice shall be given, delivered or served in accordance with the regulations, and is deemed to have been received in accordance with the regulations.

**Evidence**

58 (1) A copy of any document, as defined in subsection 56 (4), that is filed or kept under this Act, or any statement containing information from the records required or authorized to be kept under this Act, that purports to be certified by the Director under the seal of the Ministry as being a true copy of the original,

- (a) shall be received in evidence in all courts without proof of the seal, the Director’s signature or the manner of preparing the copy or statement; and
- (b) is proof, in the absence of evidence to the contrary, of the facts contained in the copy or statement.

**Director’s signature**

(2) The Director’s signature may be an original signature or an engraved, lithographed, printed or otherwise mechanically or electronically reproduced signature or facsimile signature.

**Ministry seal**

(3) The seal of the Ministry may be affixed by impressions or may be an engraved, lithographed, printed or otherwise mechanically or electronically reproduced seal or facsimile of a seal.

**Signature and seal only required on first page**

(4) The Director’s signature need only be on the first page of the copy or statement.

**Same**

(5) The seal of the Ministry need only be on the first page of the copy or statement if the following pages are sequentially numbered, by hand or otherwise; if the pages following the first page are not sequentially numbered, the seal must be on each page.

**Electronic filing in court**

(6) A copy or statement described in subsection (1) may be filed in a court by direct electronic transmission in accordance with the regulations.

**Interest and penalties when fee payment dishonoured**

59 If payment for any fee required under this Act to be paid is dishonoured, interest at a prescribed rate may be charged on the amount of the payment, and a prescribed penalty may be imposed.

**Conflict, *Repair and Storage Liens Act***

60 In the event of a conflict respecting towing services or vehicle storage services between this Act or the regulations made under this Act and the *Repair and Storage Liens Act* or the regulations made under that Act, this Act and the regulations made under this Act prevail.

**Protection from personal liability**

61 (1) No action or other proceeding for damages shall be commenced against the Minister, a delegate or agent of the Minister, an inspector, a public servant or the Director for anything done in good faith in the exercise or performance or intended exercise or performance of the person’s powers or duties under this Act, or for any alleged neglect or default in the exercise or performance in good faith of those powers and duties.

**Crown not relieved of liability**

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in subsection (1).

**Crown bound**

62 This Act binds the Crown.

**Transition**

63 (1) This Act and the regulations apply with respect to towing services or vehicle storage services that start being provided on or after the day this subsection comes into force.

**Same**

(2) Except as otherwise provided by the regulations, this Act and the regulations apply with respect to towing services or vehicle storage services that started being provided before the day this subsection came into force, if the applicable vehicle is still in the possession or under the care, charge or control of the tow operator or vehicle storage operator.

## REGULATIONS

**Regulations**

**64** (1) The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to effectively carry out the intent and purpose of this Act and, without limiting the generality of the foregoing, may make regulations,

- (a) governing anything referred to as being prescribed or anything that is required or permitted to be done in accordance with the regulations or otherwise as provided by the regulations;
- (b) further defining or clarifying the definitions of “towing” and “vehicle storage yard facility” in section 1;
- (c) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (d) governing certificates and their issuance, renewal, suspension and revocation, including,
  - (i) governing applications for issuance or renewal,
  - (ii) establishing and governing classes in relation to tow certificates, tow driver’s certificates or vehicle storage certificates,
  - (iii) governing qualifications and requirements for a certificate,
  - (iv) governing conditions that may be attached to a certificate, subject to subsection 6 (2),
  - (v) if the Director determines that the holders of two or more tow operator certificates, tow driver’s certificates or vehicle storage certificates, as the case may be, are related persons as determined by the regulations, providing for steps that the Director may or shall take, and specifying other consequences, in relation to the certificates held by those persons,
  - (vi) establishing and governing procedures for the purposes of section 8,
  - (vii) providing for an appeal from a decision referred to in subsection 9 (1) to a person or entity specified by the regulations, including specifying circumstances in which a decision may not be appealed, and governing such appeals, including specifying the parties to an appeal, the powers of the prescribed person or entity in the appeal, and circumstances in which an appeal does not operate as a stay of the decision;
- (e) prescribing and governing requirements and standards for the purposes of each of sections 11, 12 and 15, including, as applicable, requirements and standards respecting,
  - (i) the manner in which towing services or vehicle storage services shall be provided or offered,
  - (ii) equipment on, or the use of any equipment or other thing on or in, tow trucks or vehicle storage yard facilities,
  - (iii) security requirements respecting tow trucks, towed vehicles or vehicle storage yard facilities,
  - (iv) words, phrases, signs and markings and other information to be displayed on tow trucks or in vehicle storage yard facilities, and the timing and manner of their display,
  - (v) the storage, display and provision of copies of a certificate,
  - (vi) changes in a certificate holder’s name, or in any other information respecting the holder, that is specified by the regulations;
- (f) for the purposes of section 14, requiring police officers to keep records of impoundments for a specified period of time and to report specified information with respect to the impoundments to the Director, and governing such records and reports;
- (g) governing consent to towing services and vehicle storage services;
- (h) governing estimates and invoicing for towing services and vehicle storage services, including setting out and governing requirements respecting invoices and receipts;
- (i) governing amounts payable for towing services, vehicle storage services and any services related or ancillary to either that are specified by the regulations, including,
  - (i) fixing maximum amounts that may be charged or otherwise limiting or restricting the amounts, including providing that a specified service not be subject to a charge,

- (ii) establishing and governing procedures to be followed in relation to the charging of amounts for towing services or vehicle storage services and requiring compliance with the procedures,
- (iii) governing the payment of amounts for towing services or vehicle storage services, including methods of payment;
- (j) governing the refund of amounts under subsection 32 (2);
- (k) governing the provision of information to persons who request or receive towing services or vehicle storage services;
- (l) for the purposes of section 37,
  - (i) establishing and governing a process for making, reviewing and dealing with complaints,
  - (ii) providing for the referral of complaints to a specified complaint resolution process and governing that process,
  - (iii) respecting the sanctions that may be imposed, and actions that may be taken, by the Director under clause 37 (1) (d),
  - (iv) providing for an appeal of a sanction imposed or action taken by the Director to a person or entity specified by the regulations and governing such appeals, including specifying the parties to an appeal and the powers of the prescribed person or entity in the appeal, and whether the appeal operates as a stay of the sanction or action;
- (m) establishing a standard form of agreement for towing services or vehicle storage services and requiring and governing its use;
- (n) for the purposes of section 41,
  - (i) designating restricted towing zones,
  - (ii) prescribing municipalities that may designate restricted towing zones,
  - (iii) governing the erection of signs and the placing of markings to indicate a restricted towing zone and governing such signs and markings,
  - (iv) providing that any power that may be exercised, or duty that shall be performed, by the Director in relation to restricted towing zones may be exercised or shall be performed by a municipality prescribed under subclause (ii) with respect to a restricted towing zone designated by the municipality, subject to such modifications as the regulations may specify, and governing the exercise and performance of the powers and duties;
- (o) governing the designation of dispatch services for the purposes of section 44 and governing their use, including requiring registration with a dispatch service or requiring that specified documents or information be provided to a specified person or entity for the purposes of a dispatch service;
- (p) governing administrative penalties for the purposes of section 45;
- (q) prescribing additional powers and duties of the Director;
- (r) governing the making of information public by the Director under section 51;
- (s) prescribing fees for anything that may or must be done under this Act and requiring and governing their payment;
- (t) governing the use of electronic documents for the purposes of this Act, including,
  - (i) the use, issuance, creation, recording, storage, transmission, copying, display, appearance, form or content of electronic documents,
  - (ii) governing the sending and receipt of documents and information by email, including requiring that a certificate holder or any other person specified by the regulations maintain an email address and specifying requirements respecting the maintaining of such an email address;
- (u) providing for exemptions from this Act or any of its provisions, or that a provision of this Act does not apply, and prescribing circumstances and conditions for any such exemption or non-application;
- (v) governing such transitional matters as the Lieutenant Governor in Council considers necessary or advisable to facilitate the implementation of this Act or to deal with any problems or issues arising as a result of the enactment or application of this Act.

**Same, administrative penalties**

- (2) Clause (1) (p) may include regulations,
  - (a) respecting the determination of penalties that may be imposed under section 45, including,
    - (i) prescribing the amount of a penalty, or a method for calculating the amount, and prescribing different penalties or ranges of penalties for different types of contraventions or failures to comply and different penalties or ranges of penalties depending on specified criteria,

- (ii) authorizing a prescribed person to determine the amount of a penalty, if the amount of the penalty or method for calculating the amount of the penalty is not prescribed, and prescribing criteria that may or must be considered when making an order under subsection 45 (2),
- (iii) authorizing that a penalty may be imposed for each day or part of a day on which a contravention or failure to comply continues,
- (iv) prescribing a lesser maximum penalty and the provisions of this Act or of the regulations to which the lesser maximum penalty applies, for the purpose of subsection 45 (10),
- (v) authorizing higher penalties, not exceeding the maximum penalty established under subsection 45 (10) or prescribed under subclause (iv), for a second or subsequent contravention or failure to comply;
- (b) governing the payment of penalties, including requiring that a penalty be paid before a specified deadline, and authorizing the Director to approve a plan of periodic payments that extends beyond the deadline;
- (c) authorizing the imposition of late payment fees respecting penalties that are not paid before the specified deadline, including graduated late payment fees, and providing that such fees are included as part of the penalty for enforcement purposes;
- (d) prescribing and governing procedures for making and serving an order under section 45, including prescribing rules for service and prescribing the day on which an order is deemed to have been received;
- (e) governing the appeal of an order under subsection 45 (7);
- (f) providing for anything necessary or advisable for carrying out the intent and purposes of section 45.

**Same, regulations governing appeals**

- (3) For greater certainty, regulations made under subsection (1) governing appeals may include regulations,
  - (a) establishing procedures for commencing and conducting an appeal;
  - (b) establishing time limits for the stages of an appeal and authorizing the person or entity hearing the appeal to extend any time limit;
  - (c) prescribing that an appeal must or may be conducted orally, electronically or in writing or authorizing the person or entity hearing the appeal to make that determination;
  - (d) establishing criteria to be considered and criteria not to be considered by the person or entity hearing the appeal when making a determination on the appeal.

**Same, classes**

- (4) For greater certainty, regulations made under subsection (1) may be made with respect to any class that may be prescribed under subclause (1) (d) (ii) or any other class of person, place or thing.

**Same, transitional regulations**

- (5) In the event of a conflict between a regulation made under clause (1) (v) and this Act, the regulation prevails.

**CONSEQUENTIAL AMENDMENTS**

***Consumer Protection Act, 2002***

**65 (1) Subclause (b) (iv) of the definition of “unsolicited goods or services” in subsection 13 (9) of the *Consumer Protection Act, 2002* is amended by striking out “tow and storage services regulated under Part VI.1, Tow and Storage Services” and substituting “towing services or vehicle storage services regulated under the *Towing and Storage Safety and Enforcement Act, 2021*”.**

**(2) Part VI.1 of the Act is repealed.**

**(3) Subclause 116 (1) (b) (v.1) of the Act is repealed.**

**(4) Subsection 123 (7.1) of the Act is repealed.**

***Highway 407 Act, 1998***

**66 Section 55 of the *Highway 407 Act, 1998* is repealed.**

***Highway Traffic Act***

**67 (1) The Schedule to section 46 of the *Highway Traffic Act* is amended by adding “*Towing and Storage Safety and Enforcement Act, 2021*”.**

**(2) The Schedule to section 46 of the Act, as re-enacted by subsection 22 (1) of Schedule 19 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017*, is amended by adding “*Towing and Storage Safety and Enforcement Act, 2021*”.**

**(3) Section 171 of the Act is repealed.**

**(4) Subsection 177 (5) of the Act is repealed and the following substituted:**

**No effect on towing services**

(5) Nothing in this section affects the operation of section 25 or 38 of the *Towing and Storage Safety and Enforcement Act, 2021*.

**(5) Subsection 228 (7) of the Act is amended by striking out “the *Dangerous Goods Transportation Act, the Motorized Snow Vehicles Act*” and substituting “the *Dangerous Goods Transportation Act, the Towing and Storage Safety and Enforcement Act, 2021, the Motorized Snow Vehicles Act*”.**

***Repair and Storage Liens Act***

**68 (1) Subsection 3 (2.0.1) of the *Repair and Storage Liens Act* is repealed and the following substituted:**

**Towing and vehicle storage services**

(2.0.1) Except as otherwise provided for in the regulations, if the repair includes one or more towing services or vehicle storage services regulated under the *Towing and Storage Safety and Enforcement Act, 2021*, no lien arises with respect to those services if the repairer fails to comply with the prescribed provisions of that Act, if any.

**(2) Subsection 3 (2.2) of the Act is repealed and the following substituted:**

**Amount, towing and vehicle storage**

(2.2) In cases where the *Towing and Storage Safety and Enforcement Act, 2021* applies, the amount of a repairer’s lien under subsection (2) with respect to towing services or vehicle storage services shall be determined in accordance with the prescribed requirements, if any.

**(3) Subsection 4 (3.0.1) of the Act is repealed and the following substituted:**

**Towing and vehicle storage services**

(3.0.1) Except as otherwise provided for in the regulations, if the storage or storage and repair includes one or more towing services or vehicle storage services regulated under the *Towing and Storage Safety and Enforcement Act, 2021*, no lien arises with respect to those services if the storer fails to comply with the prescribed provisions of that Act, if any.

**(4) Subsection 4 (3.2) of the Act is repealed and the following substituted:**

**Amount, towing and vehicle storage**

(3.2) In cases where the *Towing and Storage Safety and Enforcement Act, 2021* applies, the amount of a storer’s lien under subsection (3) with respect to towing services or vehicle storage services shall be determined in accordance with the prescribed requirements, if any.

**COMMENCEMENT AND SHORT TITLE**

**Commencement**

**69 (1) Subject to subsection (2), the Act set out in this Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

**(2) Subsection 67 (2) comes into force on the later of the day subsection 22 (1) of Schedule 19 to the *Stronger, Fairer Ontario Act (Budget Measures), 2017* comes into force and the day subsection 67 (1) of this Schedule comes into force.**

**Short title**

**70 The short title of the Act set out in this Schedule is the *Towing and Storage Safety and Enforcement Act, 2021*.**