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## **Official Report of Debates (Hansard)**

**Thursday 10 May 2007**

## **Journal des débats (Hansard)**

**Jeudi 10 mai 2007**

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finance and economic affairs**

Safer Roads for  
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**Comité permanent des finances  
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Loi de 2007 visant à créer  
des routes plus sécuritaires  
pour un Ontario plus sûr

Chair: Pat Hoy  
Clerk: Douglas Arnott

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
FINANCE AND ECONOMIC AFFAIRS**

**COMITÉ PERMANENT DES FINANCES  
ET DES AFFAIRES ÉCONOMIQUES**

Thursday 10 May 2007

Jeudi 10 mai 2007

*The committee met at 1003 in room 151.*

**SAFER ROADS FOR  
A SAFER ONTARIO ACT, 2007  
LOI DE 2007 VISANT À CRÉER  
DES ROUTES PLUS SÉCURITAIRES  
POUR UN ONTARIO PLUS SÛR**

Consideration of Bill 203, An Act to amend the Highway Traffic Act and the Remedies for Organized Crime and Other Unlawful Activities Act, 2001 and to make consequential amendments to other Acts / Projet de loi 203, Loi modifiant le Code de la route et la Loi de 2001 sur les recours pour crime organisé et autres activités illégales et apportant des modifications corrélatives à d'autres lois.

**The Chair (Mr. Pat Hoy):** The standing committee on finance and economic affairs will now come to order. We are here today, committee, to consider clause-by-clause on Bill 203. Have members filed all motions with the clerk? Good. We have no amendments—

**Mr. Phil McNeely (Ottawa–Orléans):** Mr. Chair, can we see all the motions that have been filed at this time?

**The Chair:** There's one being printed now.

**Mr. Gilles Bisson (Timmins–James Bay):** Oh, there's one that's not in the package.

**The Chair:** It is a PC motion, right?

**Mr. Ted Arnott (Waterloo–Wellington):** Yes.

**The Chair:** There's a PC motion being printed now.

**Mr. McNeely:** Will there be an opportunity to walk one on if that motion doesn't turn out to be what we expect?

**The Chair:** Yes.

Okay, there are no amendments to sections 1 through 4. Shall I block those? All in favour? Agreed.

Shall sections 1 to 4 carry? All in favour? Opposed? Carried.

Section 5: We have a government motion. In your packet, it's numbered as number 1. Mr. McNeely, if you would read that in.

**Mr. McNeely:** I move that the English version of subsection 5.1(2) of the Highway Traffic Act, as set out in section 5 of the bill, be amended by striking out “an administrative penalty” and substituting “an administrative monetary penalty.”

This motion clarifies that this subsection refers to the same administrative monetary penalty as does subsection 5.1(1) and standardizes the use of the term.

**The Chair:** Any other comment?

**Mr. Bisson:** Just a quick comment and question to legislative counsel: Normally we say “administrative penalty” in most legislation. Just out of curiosity, is there a difference?

**Ms. Susan Klein:** I'm not sure what we normally use. “Administrative monetary penalty” is a term that's used.

**Mr. Bisson:** It doesn't make a lot of difference.

**Ms. Klein:** Well, I guess you could have administrative penalties that aren't monetary, but that's the term that was used in subsection 5.1(1).

**Mr. Bisson:** Okay. It doesn't really change anything.

**The Chair:** Any other comment? Hearing none, all in favour? Opposed? Carried.

Shall section 5, as amended, carry? All in favour? Opposed? Carried.

Section 6: Page 2 in your packet, a government motion.

**Mr. McNeely:** I move that subsection 41(4.1) of the Highway Traffic Act, as set out in subsection 6(2) of the bill, be struck out and the following substituted:

“Reduced suspension with ignition interlock condition

“(4.1) A person whose driver's licence is suspended under subsection (1) for an offence listed in clause (1)(b.1) or (c) may apply to the registrar for the reinstatement of his or her licence before the end of the licence suspension period, and the registrar may reinstate the person's licence before the end of the licence suspension period, if the person has been notified under section 57 that he or she is required to participate in a conduct review program under that section that consists of or includes an ignition interlock program.”

**The Chair:** Comment?

**Mr. McNeely:** This motion clarifies existing wording and removes ambiguity. This amendment makes it clear that the registrar has the power to reinstate the driver's licence early if an application has been made. The amendment also clarifies that the driver must have already been approved for participation in an ignition interlock program before they can have their suspension reduced.

**The Chair:** Thank you. Any other comment? Hearing none, all in favour? Opposed? Carried.

Shall section 6, as amended, carry? All in favour? Opposed? Carried.

There are no amendments to sections 7 through 9. Shall I block them together? Agreed? Agreed.

Shall sections 7 through 9 carry? All in favour? Opposed, if any? Carried.

Section 10: We have a government motion, number 3 in your packet.

**Mr. McNeely:** I move that subsections 48(11) and (12) of the Highway Traffic Act, as set out in section 10 of the bill, be struck out and the following substituted:

“Duties of officer

“(11) Every officer who asks for the surrender of a licence under this section shall,

“(a) notify the registrar of that fact, or cause the registrar to be so notified, in the form and manner and within the time prescribed by the regulations;

“(b) keep a record of the licence received with the name and address of the person and the date and time of the suspension; and

“(c) as soon as practicable after receiving the licence, provide the licensee 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.”

**The Chair:** Any comment?

**Mr. McNeely:** This motion clarifies the reporting requirements of police officers. Also, by removing subsection 48(12), the motion simplifies the procedures for police. They didn't want to be looking at holding these licences and then giving them back after the period of suspension. Now that part of the duty will not be theirs.

This amendment ensures that the MTO, via the registrar, is informed when a driver's licence is surrendered to police under section 48's short-term suspension provision for blood alcohol concentrations of between .05 and .08. Without this provision, the MTO may not immediately learn that a driver's licence has been suspended at roadside and drivers may not be told the correct length of their suspension. The motion also removes the requirement in section 12 for police to retain the physical copy of the driver's licence at the police station. Drivers will be sent directly to an MTO office to obtain a replacement driver's licence card rather than returning to the police station to retrieve the confiscated card.

The amendment was drafted following consultation with police, who found the previous process to be inefficient, and was supported by police services. The motion is paired with the next government motion.

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**The Chair:** Any other comment? Hearing none, all in favour? Opposed? Carried.

The next amendment, page 4 in your packet, is dependent on an amendment, number 13, to section 49. So could we have unanimous consent to move to section 49 and the amendment in question on page 13? Do we have unanimous consent to do that? Agreed.

So, now, for the benefit of the committee, we are on page 13, section 49 of the bill. It is a PC motion.

**Mr. Arnott:** I move that section 49 of the bill be struck out and the following substituted:

“Short title

“49. The short title of this act is Rob and Lisa's Law (Safe Roads), 2007.”

**The Chair:** Comment?

**Mr. Arnott:** I've been asked to bring forward this amendment in memory of Rob and Lisa so as to remind everyone of the fact that their lives were lost and this bill is coming forward to ensure that they did not lose their lives in vain.

I was encouraged to bring forward this amendment by the member for Oak Ridges as well as the member for Durham. On behalf of our party, I would ask members of the committee to consider supporting this.

**The Chair:** Any other comment?

**Mr. McNeely:** We will not be supporting this motion. While we understand that that was a great tragedy to that couple, to their families, there are several issues covered in this bill and we will not be supporting this motion, even though we do understand the good reasons why it's coming forward.

**Mr. Bisson:** Well, I just find that rather regrettable, because the government on a number of occasions has named bills after individuals for similar types of things. Just because it's suggested by the Conservatives, I don't know why you should say no. I think it's a bit partisan, quite frankly.

**Mr. Arnott:** I'm not going to be partisan or political about this at all, because I want to respect the family, but Mr. Bisson is right, I believe. This isn't something that's brand new; it's not the first time it has ever been suggested. If the government has reservations about that, I accept that. Out of respect to the family, I'm not going to make this a partisan issue.

**Mrs. Carol Mitchell (Huron-Bruce):** I just want to clarify. This is not a partisan issue. Why we are bringing this forward is because the bill encompasses more. We understand the intent of the private member's bill and the naming and the motion coming forward. This in no way is partisan. We feel that the title should reflect the coverage that this bill will encompass. I want to reinforce that this in no way is partisan. We do thank you for providing the input, and we do appreciate it, but we feel that the title should reflect in fact what we hope the bill will achieve.

**Mr. Bisson:** Like Mr. Arnott, I don't want to drag this out, because the family certainly has suffered more than it needs to. But I find it somewhat regrettable because this has been done before. It's not a new precedent that's being established. The government has done it numerous times; in fact, the previous government did it numerous times as well. I don't know why we wouldn't. Anyway, that's my point.

**The Chair:** Any other comment? Hearing none, all in favour? Opposed? The motion is lost.

Now, then, do the members want to vote on this section or shall we go back to—I believe it was motion number 3?

**Mr. Wayne Arthurs (Pickering–Ajax–Uxbridge):** We can vote if it's ready.

**The Chair:** We'll vote on section 49. Shall section 49 carry? All in favour? Opposed? Carried.

Now back to section 10: PC motion number 4 is now out of order.

We have another amendment to section 10, number 5 in your package, a government motion.

**Mr. McNeely:** I move that section 48 of the Highway Traffic Act, as set out in section 10 of the bill, be amended by adding the following subsection:

“Regulations

“(17.1) The Lieutenant Governor in Council may make regulations,

“(a) respecting the form, manner and time within which the registrar must be notified under subsection (11);

“(b) prescribing other material or information to be forwarded to the registrar under subsection (11).”

This motion allows procedures to be prescribed in regulation—form, timing, etc.—for police, with notification to the registrar, of a short-term driver's licence suspension being issued to a driver with a .05 to .08 blood alcohol concentration reading. The rationale: The regulation needs to provide details of the material, the information that police must provide to the MTO to appropriately document and register the short-term licence suspension on a driver's record.

**The Chair:** Any other comment? Hearing none, all in favour? Opposed? Carried.

Shall section 10, as amended, carry? All in favour? Opposed? Carried.

There are no amendments to sections 11 through 15. Shall I block those together? Agreed? Agreed.

All in favour of sections 11 through 15 inclusive? Opposed? Carried.

Section 16: We have a government motion, page 6.

**Mr. McNeely:** I move that subsection 57(11) of the Highway Traffic Act, as set out in section 16 of the bill, be struck out and the following substituted:

“Notification

“(11) The registrar may notify a person who meets the prescribed criteria and conditions that he or she is required to participate in a conduct review program, but not every person who meets the prescribed criteria and conditions will be notified by the registrar, and the decision whether to notify a person or not is in the discretion of the registrar.”

This motion eliminates an ambiguity and ensures that the authority to decide who takes part in a conduct review program clearly rests with the registrar and is a matter of discretion for the registrar. The language is more consistent with the other parts of the act and indicates that the registrar's decision about who participates in a conduct review program is to be discretionary and makes it clear that drivers cannot insist on entry into a program.

**The Chair:** Any other comment? Hearing none, all in favour? Opposed? Carried.

Same section 16, government motion, page 7.

**Mr. McNeely:** I move that subsections 57(14) and (15) of the Highway Traffic Act, as set out in section 16 of the bill, be struck out and the following substituted:

“Registrar's discretion in requiring persons to participate

“(14) In exercising his or her discretion under subsection (11), the registrar shall take into account the interests of road safety, the driving record and past conduct of any person who meets the prescribed criteria and conditions and the capacity of any conduct review program to accommodate all of the persons who meet the prescribed criteria and conditions.”

This motion removes a redundant part of the bill that the previous motion moved into subsection (11) and makes it clear that the registrar can use a driver's previous driving record and the other relevant key road safety factors when deciding who should partake of the conduct review program. This text in 57(14) is now redundant because it's now incorporated within section 57(11). The amendment also further clarifies the powers of the registrar.

**The Chair:** Any other comment? Hearing none, all in favour? Opposed? Carried.

Shall section 16, as amended, carry? All in favour? Opposed, if any? Carried.

Sections 17 through 20, inclusive, do not have any amendments. Shall I block them? Agreed? Agreed.

Shall sections 17 through 20 carry? All in favour? Opposed, if any? Carried.

Section 21 of the bill, page 8 in your packet.

**Mr. McNeely:** I move that subsection 172(4) of the Highway Traffic Act, as set out in section 21 of the bill, be struck out and the following substituted:

“10-year limitation

“(4) 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).”

**The Chair:** Comment?

**Mr. McNeely:** This makes provision for drivers who are convicted of street racing, stunt driving or participating in a driving contest under section 172 more than 10 years after their first conviction. It makes it clear that a conviction obtained more than 10 years after the first conviction is treated as a first conviction. Under these circumstances, the maximum two-year licence suspension would apply. Only a conviction obtained 10 years or less since the first conviction would be eligible for a maximum 10-year licence suspension. Without this amendment, it would be unclear what would happen when a second conviction is obtained more than 10 years after a first conviction.

**The Chair:** Any other comment? Hearing none, all in favour? Opposed, if any? Carried.

There's another one to this section from the government, page 9 in your packet.

**Mr. McNeely:** I move that subsection 172(10) of the Highway Traffic Act, as set out in section 21 of the bill, be amended by striking out “showing the time from

which the suspension takes effect, the period of time for which the licence is suspended and the place where the licence may be recovered” at the end and substituting “showing the time from which the suspension takes effect and the period of time for which the licence is suspended.”

**The Chair:** Comment, if any?

**Mr. McNeely:** This simplifies the police procedures when suspending licences at roadside for street racing, stunt driving or participating in a driving contest by removing the requirement that police take the licence card back to the police station. Instead, police officers will send the licence card back to MTO, thus simplifying matters for the police. This amendment makes police procedures consistent with those for drinking and driving roadside suspensions, the amendment to subsection 48(11). So it's consistency, as well.

**The Chair:** Any other comment? Hearing none, all in favour? Opposed, if any? Carried.

Another government motion to this section, page 10 in your packet.

**Mr. McNeely:** I move that subsection 172(13) of the Highway Traffic Act, as set out in section 21 of the bill, be struck out and the following substituted:

“No appeal or hearing

“(13) There is no appeal from, or right to be heard before, a vehicle detention, driver's licence suspension or vehicle impoundment under subsection (5), (6) or (7), but this subsection does not affect the taking of any proceeding in court.”

**The Chair:** Any comment? Hearing none, all in favour? Opposed, if any? Carried.

Shall section 21, as amended, carry? All in favour? Opposed, if any? Carried.

Now we come to new section 21.1.

**Mr. Arnott:** Mr. Chairman, I'd like to request a five-minute recess so that I may confer with the parliamentary assistant.

**The Chair:** A five-minute recess requested—

**Mr. Arnott:** It may not take five minutes.

**The Chair:** A five-minute recess is requested. All in favour? Carried.

*The committee recessed from 1024 to 1027.*

**The Chair:** The committee will come to order once again. We were about to discuss new section 21.1, PC motion 11.

**Mr. Arnott:** I move that the bill be amended by adding the following section:

“21.1 Part X of the act is amended by adding the following section:

“Nitrous oxide fuel systems prohibited

“172.1(1) No person shall drive or permit to be driven on a highway a motor vehicle manufactured or modified after its manufacture such that nitrous oxide may be delivered into the fuel mixture unless,

“(a) the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide can be clearly seen by looking at the interior or exterior of the motor vehicle;

“(b) there is no canister, bottle, tank or pressure vessel connected to that part; and

“(c) if the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide is located inside the passenger compartment, there is no canister, bottle, tank or pressure vessel capable of containing nitrous oxide in the passenger compartment.

“Same

“(2) No person shall drive or permit to be driven on a highway a motor vehicle manufactured or modified after its manufacture such that nitrous oxide may be delivered into the fuel mixture unless,

“(a) the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide is completely disconnected from the part of the system that connects to the engine;

“(b) the disconnection can be clearly seen by looking at the interior or exterior of the motor vehicle; and

“(c) the disconnected parts cannot be reconnected from inside the passenger compartment.

“Offence

“(3) Every person who contravenes subsection (1) or (2) is guilty of an offence and on conviction is liable to a fine of not less than \$500 and not more than \$2,000 or to imprisonment for a term of not more than six months, or to both.”

**The Chair:** Thank you. Just to be clear, you're reading from—I followed you along—the replacement motion. Comment?

**Mr. Arnott:** Yes. The member for Oak Ridges, who has worked very hard on this issue for a long time, has asked me to move this amendment because, unfortunately, he was unable to be here for clause-by-clause deliberations on this bill. But he worked with the Minister of Transportation and I understand that the minister agreed to this amendment, so I'm hopeful and looking forward to the government members supporting this amendment.

As I understand it, this amendment would ensure that cars that are retrofitted with fuel systems that burn nitrous oxide, which enhances their performance and allows them to speed to excessive limits, in many cases resulting in these kinds of accidents—this would make sure that those kinds of systems would be prohibited and that rather severe penalties would result if people continued to retrofit their vehicles in this manner.

**The Chair:** Thank you. Any other comment?

**Mr. McNeely:** We support the motion.

**The Chair:** Thank you. Any other comment? Hearing none—this is on the replacement motion—all in favour? Opposed? Carried.

**Mr. Arnott:** Thank you.

**The Chair:** Sections 22 through 47, inclusive, have no amendments. Shall I block them? Agreed.

All in favour? Carried.

Section 48 of the bill, PC motion, page 12 in your packet.

**Mr. Arnott:** Is that motion still in order or does it make reference to the one that was defeated?

**The Chair:** The numbering is the same, I'm advised. Page 12.

**Mr. Arnott:** I move that subsection 48(2) of the bill be amended by adding "21.1" after "21."

**The Chair:** Comment? All right, then: Hearing no other comment, all in favour? Carried.

Shall section 48, as amended, carry? All in favour? Opposed, if any? Carried.

We have already completed section 49.

Shall the title carry? All in favour? Opposed, if any? Carried.

Shall Bill 203, as amended, carry? All in favour? Carried.

Shall I report the bill, as amended, to the House? All in favour? Carried.

**Mr. Arnott:** Mr. Chairman, just again, on behalf of the member for Oak Ridges, who worked a long time on this issue, I want to express my appreciation to the members of the committee for their support of the motion that our caucus put forward. I would recommend this bill to the House.

**Mr. McNeely:** I just want to support that as well and say that we thank the member for Oak Ridges, Mr. Klees, for all the good work he did on getting his part of the bill forward. His private member's bill was a big part of our consultation on this legislation. You have that on the record.

**The Chair:** Thank you. Any other good wishes? Hearing none, we are adjourned.

*The committee adjourned at 1033.*

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