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## Legislative Assembly of Ontario

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# Official Report of Debates (Hansard)

Wednesday 11 March 2015

# Journal des débats (Hansard)

Mercredi 11 mars 2015

## Standing Committee on General Government

Transportation Statute Law  
Amendment Act (Making  
Ontario's Roads Safer), 2015

## Comité permanent des affaires gouvernementales

Loi de 2015 modifiant des lois  
en ce qui concerne  
le transport (accroître la  
sécurité routière en Ontario)

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Wednesday 11 March 2015

Mercredi 11 mars 2015

*The committee met at 1601 in committee room 2.*

**TRANSPORTATION STATUTE LAW  
AMENDMENT ACT (MAKING  
ONTARIO'S ROADS SAFER), 2015  
LOI DE 2015 MODIFIANT DES LOIS  
EN CE QUI CONCERNE  
LE TRANSPORT (ACCROÎTRE LA  
SÉCURITÉ ROUTIÈRE EN ONTARIO)**

Consideration of the following bill:

Bill 31, An Act to amend the Highway 407 East Act, 2012 and the Highway Traffic Act in respect of various matters and to make a consequential amendment to the Provincial Offences Act / Projet de loi 31, Loi modifiant la Loi de 2012 sur l'autoroute 407 Est et le Code de la route en ce qui concerne diverses questions et apportant une modification corrélative à la Loi sur les infractions provinciales.

**The Vice-Chair (Mr. Joe Dickson):** Good afternoon, ladies and gentlemen. Welcome to the Standing Committee on General Government.

Just for our guests as they arrive: There will be an introduction time frame of five minutes and then there's a further nine minutes of questioning divided for each of the three parties—that would be three minutes each. I think the first thing you do is always start with the person closest to you, so we would start with the Conservatives when that starts.

Now, how would you like your name? Just Conservatives?

**Mr. Jeff Yurek:** You can call me whatever you want. Progressive Conservatives.

**The Vice-Chair (Mr. Joe Dickson):** Progressive Conservatives?

*Interjection.*

**Mr. Jeff Yurek:** It's still our title.

**The Vice-Chair (Mr. Joe Dickson):** And, just NDP, or New Democratic Party? What would you like?

**Mr. Michael Mantha:** I would like to be called his Royal Highness from Manitoulin Island.

*Interjections.*

**The Vice-Chair (Mr. Joe Dickson):** I'll call you whatever you want.

We're under way.

**SHARE THE ROAD CYCLING COALITION**

**The Vice-Chair (Mr. Joe Dickson):** I'd like to call the first speaker, from Share the Road Cycling Coalition. That would be James Stuckless, the executive director. You look like Jamie.

**Ms. Jamie Stuckless:** That's correct.

**The Vice-Chair (Mr. Joe Dickson):** I brought the wrong glasses today. I apologize, Jamie.

**Ms. Jamie Stuckless:** No worries, I wear glasses too. I understand.

**The Vice-Chair (Mr. Joe Dickson):** We'd sooner have you here than James any day.

Welcome, you have five minutes. We're under way.

**Ms. Jamie Stuckless:** Good afternoon and thank you to the committee for having me here today. My name is Jamie Stuckless and I'm the executive director of the Share the Road Cycling Coalition.

Share the Road is a provincial advocacy organization that has been working since 2009 to make Ontario the most bicycle-friendly place in Canada. To accomplish this goal we coordinate programs and events such as the Bicycle-Friendly Community Award program and the annual Ontario Bike Summit; we work on road safety and awareness campaigns with like-minded organizations, including the Canadian Automobile Association; and we support the work of provincial officials and staff to develop policies and new funding opportunities that support cycling and safer roads for all users.

Share the Road is pleased to have worked with the province recently on the #CycleOn strategy; on the coroner's review of cycling deaths; and on Bill 31, the most extensive update to the Highway Traffic Act in decades.

Bill 31 is a welcome modernization to the Highway Traffic Act that provides municipalities with effective tools for encouraging cycling, gives road users clear strategies for sharing the road safely and opens the door to new economic development and tourism opportunities.

Share the Road is motivated in our work by the clear demonstration that Ontario residents support cycling. We regularly conduct a public opinion poll of Ontario residents. From our 2014 research, we know that there are close to 600,000 cyclists on the road in Ontario each day and more than 3.8 million cyclists who cycle weekly or monthly. We also know that more than half of Ontario residents want to cycle more than they currently do, and

that 53% of residents feel that they would cycle more often with the implementation of a one-metre safe passing law.

Through our polling and our work with communities across the province, we see Ontarians who support cycling because they believe it's beneficial to all road users. Sixty-six per cent of residents agree that getting more people on bikes benefits everyone, not just those who cycle themselves.

Perhaps most importantly, we also see that drivers and cyclists are not two distinct groups. They're largely the same people. People who bike drive automobiles and people who drive also bike. Our research shows that driving a car weekly is just as common among daily cyclists as it is among the general population.

Share the Road works closely with municipalities across Ontario to build safe, connected and bicycle-friendly communities. Through our Bicycle-Friendly Communities program, municipalities are designated as bronze, silver, gold or platinum based on the five essential elements of being bicycle friendly: engineering, education, encouragement, enforcement, and evaluation and planning. To date, 26 communities in Ontario have received a designation through this program, and 57% of Ontario residents live in a bicycle-friendly community.

Bill 31 provides several new and improved tools related to engineering, enforcement and education. Working with our network of stakeholders on the Bicycle-Friendly Communities program, we hear and see the need for these enhanced tools, including:

- the allowance of cycling on paved shoulders, which would help to grow cycle tourism and its related economic impacts;

- the allowance of traffic control signals specific to cyclists and contraflow bike lanes, which will improve accessibility for people on bikes;

- the increased fines for distracted driving and unsafe opening of car doors will enhance enforcement; and

- the one-metre safe passing law, which not only provides road users with an indication of where they should ride and drive, but also provides a strong educational tool that makes it clear that cyclists belong on the road.

Bill 31 is being looked at in the broader context of the #CycleON strategy and the province's 20-year vision for becoming the most bicycle-friendly place in Canada. In addition to the update to the Highway Traffic Act that is currently being reviewed—

**The Vice-Chair (Mr. Joe Dickson):** You have one minute.

**Ms. Jamie Stuckless:** —the #CycleON strategy highlights the importance of cycling skills training and increased funding for cycling infrastructure. Support for these measures is also echoed in our polling data, where we see 60% of Ontarians in support of investing in cycling infrastructure and 68% in support of greater investments in cycling education.

Share the Road believes that Bill 31 is an excellent step in the right direction for road safety, and we look forward to continuing our work together with the prov-

ince to implement Bill 31 to enhance cycling infrastructure and to improve cycling education. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much, Ms. Stuckless. We appreciate your comments. I believe we will start with the official opposition.

**Mr. Jeff Yurek:** Thank you, Chair, for starting the event today.

Thanks for coming in today. I don't have much to ask because you just focused on the cycling aspect. Do you have anything that you think would make the bill stronger that should be looked at as we go forward with amendments in two weeks' time?

**Ms. Jamie Stuckless:** Thank you for the question. Share the Road was quite thrilled to be involved in the development of the bill. We're very happy with what has been included in Bill 31, and we are excited to continue working with the province to focus on the amendments that have been included in Bill 31, so we have no additional suggestions to make for amendments.

**Mr. Jeff Yurek:** Do you have anything you wanted to add that you weren't able to say, that you may have cut out during your speech?

**Ms. Jamie Stuckless:** No, thank you.

**Mr. Jeff Yurek:** Okay. I'm good, Chair.

**The Chair (Mr. Grant Crack):** Thank you, Mr. Yurek. Mr. Mantha.

**Mr. Michael Mantha:** I thought that we covered how we're going to be addressing me going forward. We'll just go with "Mr. Mantha." It's good enough for now.

Bill 31 includes the one-metre rule, but it's limited to say "as may be practicable." How do you think this limitation might affect enforceability or compliance?

**Ms. Jamie Stuckless:** That's definitely something that is worth looking into. Looking at roads, none of them are the same. The inclusion of that language allows a bit of leeway for law enforcement to evaluate what is the safest way to be driving and cycling, so we're certainly open to that language being looked at. However, we do not have a problem with it that we wanted to voice here today.

**Mr. Michael Mantha:** Should Bill 31 include mandatory truck side guards?

**Ms. Jamie Stuckless:** Thank you for the question. From Share the Road's perspective, we would not push to see this included in Bill 31. We definitely think that it is an issue worth looking at, and it is a conversation that we've been having with partners. We recognize that it is a complicated issue made even more complicated by our porous borders. However, there are indications that it could be something worth looking at. In terms of next steps, we would not recommend that it be included in Bill 31. However, we would recommend that the province push the federal government to resurface the report that was done by Transport Canada looking into the effects of side guards and their effects on road safety, or for the province to perhaps pursue their own study into their effectiveness.

1610

**Mr. Michael Mantha:** I have one last question. Bill 31 sets a maximum fine of \$500 for not having a bike light, up from \$20. Is this a reasonable fine?

**Ms. Jamie Stuckless:** We agree with the increase. However, a smaller increase would be ideal as well.

**Mr. Michael Mantha:** What would that look like? What's a smaller increase?

**Ms. Jamie Stuckless:** I don't have a specific number to share with you.

**Mr. Michael Mantha:** You're okay with the \$500, but a smaller one would be better?

**Ms. Jamie Stuckless:** Yes.

**Mr. Michael Mantha:** Okay. I'm good.

**The Chair (Mr. Grant Crack):** We will turn it over to the government side. Prior to doing that, I would just like to thank MPP Dickson for filling in for me in the first few minutes of the committee. It's much appreciated.

Ms. McMahon.

**Ms. Eleanor McMahon:** Thank you, Jamie. It's nice to see you. Could you highlight for members of the committee the extent of the conversations that Share the Road has had across the province—because I know they've been significant—about Bill 31 and how it could be strengthened, both in the context of the minister's working group on #CycleON and otherwise? I know Share the Road has had some webinars. Of course, your outreach work is significant. So maybe you can tell us what you've seen and what you've heard across Ontario—paved shoulders, for example—and the importance of this to the cycling community and to stakeholders across the province.

**Ms. Jamie Stuckless:** I'm glad that you raised the paved shoulders. That is something that has been of particular interest and caused quite a bit of excitement among many of our stakeholders, those who are looking at inter-municipality tourism as well as those who live in rural communities. It's such an important piece of building connective communities and allowing people to cycle for pleasure on the weekend in a tourism aspect or to help to promote cycling in rural communities. The paved shoulders is really an important piece of this project.

The other piece that has really gotten a lot of support from our network is the one-metre safe passing law. As I mentioned in my brief introduction, we see that 53% of Ontario residents feel that they would cycle more with the addition of a one-metre safe passing law. It's a great tool for enforcement, and it's also a great tool to help those Ontarians who want to cycle more and feel safer doing so, to feel like they can do so. Share the Road would be very keen to help work on an education campaign to share that information and use the one-metre safe passing law not only as an enforcement tool, but as a tool for sharing that cyclists do belong on the road and there's a safe way to share the road with cars and cyclists.

**Ms. Eleanor McMahon:** I'm so glad you raised education because it's an issue that's so important to us and to cyclists. What would Share the Road's role be in sup-

port of a province-wide cycling education program perhaps emanating from the provincial government, in terms of bringing education to cyclists and getting our children cycling again? We haven't really had an education program in our province for about 30 years now. What would that look like?

**Ms. Jamie Stuckless:** We've been in conversations with the Ministry of Transportation and a variety of stakeholders for the past couple of years to look at how we can enhance cycling education across the province. I think the largest role that Share the Road has to play is that we have a very strong network of municipal employees, advocates, non-profit representatives, law enforcement officials and planners who are very knowledgeable about education, youth engagement, community engagement and cycling policy. We have a great deal of value to bring to the conversation around how to revamp cycling skills training and ensure that it's not only accessible and interesting to youth and children, but to ensure that it is a program that works for families as well as residents who are new to Canada and maybe have limited access to English or have not ridden a bike before in the Canadian context—really ensuring that we are making cycling as accessible as possible for as many people in Ontario. I think Share the Road can help do that.

**Ms. Eleanor McMahon:** Thank you so much.

**The Chair (Mr. Grant Crack):** Thank you for appearing before committee and sharing your insight. It's much appreciated.

**Ms. Jamie Stuckless:** Thank you.

#### EASTERN ONTARIO WARDENS' CAUCUS

**The Chair (Mr. Grant Crack):** Next on the agenda we have with us a good friend of mine. He is currently the mayor of North Dundas and was recently elected as chair of the Eastern Ontario Wardens' Caucus. Congratulations, Mr. Duncan. We have Mr. Eric Duncan with us this afternoon. Welcome, and thank you for taking the time to come up this afternoon. We look forward to your presentation.

**Mr. Eric Duncan:** Thank you very much for having me. I appreciate the opportunity to be at the committee here today. I can say that I didn't bring the protesters outside that you heard.

Our Eastern Ontario Wardens' Caucus is in support of the bill before you today. We appreciate and thank the government and actually all parties for their work not only in the current context of Bill 31 but the need for reform when it comes to provincial offences and some tools that can be provided to municipalities to help us collect some default fines.

Just context: As the Chair mentioned, we were county council colleagues for a few years before his current role. I also serve as chair of the Eastern Ontario Wardens' Caucus. The member from Kingston and the Islands was at our AGM and is aware of our support for this bill and some tweaks we'd like to see in terms of the implementation phase.

We're very proud of the Eastern Ontario Wardens' Caucus, our group of wardens and CAOs. We had a strong delegation, a multi-ministerial panel, at ROMA/OGRA last week touching on this same topic. We represent 13 counties in eastern Ontario, with a population of about 700,000.

In the context of this legislation, when it comes to default POA fines, there are tens of millions of dollars that are on the table for municipalities to be able to collect to help with our revenues and help with our infrastructure and our needs at the local level. Bill 31 definitely provides some tools for that.

In terms of context today, we support the legislation as it stands. Our comments are looking at it from the perspective of going forward regarding the implementation.

The two-year time frame that was proposed: We had the deputy minister from the Ministry of Transportation talk about the IT challenges that are going to be ahead with this bill in terms of three computer systems—being the Ministry of Transportation, the Ministry of the Attorney General and the Ministry of Government Services with ServiceOntario—being able to link together to work with driver's licence and plate denials for those who choose not to pay their tickets.

The changes, by giving these extra tools when it comes to ServiceOntario and with MTO with driver's licences and plate denials, are very helpful for us. But just for context as well, we know that there are other things that have to happen. It only impacts certain driving infractions. Again, when it comes to charges like the Liquor Licence Act, Trespass to Property Act and Tobacco Tax Act—which is a prominent charge and a default fine in eastern Ontario—those are still outstanding in terms of tools for us to have.

In terms of implementation or a suggestion that the Eastern Ontario Wardens' Caucus would have is, in the coming months as this rolls out—the time frame provided by the various ministries involved has been two years. Our goal is, as opposed to doing full rollout at the end of those two years, perhaps to work with municipalities—and I'll use our united counties of Stormont, Dundas and Glengarry, jurisdictions that have strong relationships with OMTRA, the Ontario Municipal Tax and Revenue Association—and the municipal court managers to guinea pig and test these computer systems out on a small scale before they're rolled out.

I'm a big proponent of technology. Technology is great when it works right. One of the things we want to see in the wardens' caucus is to support the government in terms of making sure that it's effectively rolled out on time.

I had a look at this legislation. It's great because you're not providing us money; you're providing us tools to get money that we're entitled to. So it's one of those asks that I think is very easy.

My other quick comment that I will make, which has been made before, and the written submission has more details: We also believe the federal government has a role to assist us in default fines as well—and to let you know

that we're using this as an example of giving the proper tools to us. The Canada Revenue Agency and the federal Minister of Transport can certainly help when it comes to this regard as well. So we will be looking for federal leadership on that.

A key issue, and we're hoping that this committee, the provincial Minister of Transportation and other colleagues—the Ministry of the Attorney General as well—could advocate across the country when it comes to getting the provinces to come up with a universal agreement and buy-in when it comes to the provincial offences side. For example, if a person from Quebec receives a fine, it's transferred so the province of Ontario or municipality can work with other provinces to collect those fines. That has certainly been an issue for us.

The submission has a few more details. I'd be willing to answer any questions. I thank you for your time. More importantly, I thank you for the opportunity to present and for you introducing this to give municipalities a great tool.

**1620**

**The Chair (Mr. Grant Crack):** Thank you very much. We shall begin with Mr. Mantha from the NDP.

**Mr. Michael Mantha:** Good afternoon. Welcome.

**Mr. Eric Duncan:** Thank you.

**Mr. Michael Mantha:** We didn't get a chance to meet up at OGRA, did we?

**Mr. Eric Duncan:** I don't think so.

**Mr. Michael Mantha:** We'll have to do better next time.

**Mr. Eric Duncan:** Sounds good.

**Mr. Michael Mantha:** How do you believe the provincial government can work with municipalities in order to assist with the challenges that we have for the unpaid traffic fines?

**Mr. Eric Duncan:** Again, I think the implementation or the rollout is going to be the computer systems. At the provincial level, in terms of our municipal-provincial relationship right now—again, discussed at our AGM for our Eastern Ontario Wardens' Caucus were the issues around SAMS and the rollout, and again, I go back to that line: Technology is great when it works right. Some of our concerns have been to that front. The rollout was done in one large piece with no way of going back. So in terms of a relationship, we want to be a partner at the municipal level. Again, in our jurisdiction we're willing to do that, to, again, guinea pig and roll out some of these changes in that regard. The sooner this can happen, the better, because, again, it's not easy or quick whenever these things happen. But that's certainly a regard.

The other one, as well, is some technical changes that have to happen in terms of the collection fees that are charged. Very often, default fines go to collection agencies. The time frame and the smoothness for us to be able to add that collection fine on when it goes to ServiceOntario, for example, is a little difficult.

Another example which I think will be—I call it incrementalism over time. Whenever a person can pay a ticket at ServiceOntario—that is great, but it's almost they are

able to cherry-pick, because they may have several default fines outstanding from non-MTO-related offences. So whenever they go in to pay a \$275 ticket, that may clear one aspect related to driving infractions, but there still may be Liquor Licence Act or other charges that are out. So there's some confusion there that we need to work out in the coming months as it rolls out about how we can make sure that when a default fine is paid, for example, at ServiceOntario, they are aware of the full amount and hopefully pressured into paying that full amount.

**Mr. Michael Mantha:** Thanks.

**The Chair (Mr. Grant Crack):** Thank you, Mr. Mantha. We shall move to the government side: Ms. Hoggarth.

**Ms. Ann Hoggarth:** Hello again.

**Mr. Eric Duncan:** Hello. Good to see you again.

**Ms. Ann Hoggarth:** I remember you presenting to SCOFEA. You're the gentleman who works part-time in the MP's office down there.

**Mr. Eric Duncan:** That's correct, yes.

**Ms. Ann Hoggarth:** I just wanted to quote you. I see that you are mostly in favour of this bill. You said that "the proposed changes to the legislation are welcome." I know that my mayor in my riding, Jeff Lehman, feels exactly the same way. There are millions of dollars that the city of Barrie can use to do good things in the community. We understand that people, when they are fined, need to pay their fines. We all believe in that.

You said there's an "urgent need for new tools," and that the warden of Stormont, Dundas and Glengarry—when we used to be in teaching, we called it "stones, dirt and gravel."

**Mr. Eric Duncan:** That's correct, yes.

**Ms. Ann Hoggarth:** But you had owing to you \$9 million, and it's now \$31 million.

**Mr. Eric Duncan:** Yes.

**Ms. Ann Hoggarth:** That will do a lot to help you.

**Mr. Eric Duncan:** Absolutely. It will certainly be very, very helpful. Another challenge, again, that we have at the federal level and we're aware of that way is that \$15 million of that \$30 million now is related to contraband tobacco charges. We have some issues in terms of being able to reasonably collect that. So that's an issue or a conversation we're having. Particularly in Cornwall, with the port of entry, we've had some issues there. But definitely, this is going to be very, very helpful, and we appreciate it.

**Ms. Ann Hoggarth:** On Monday, AMO came to speak at the public hearings on Bill 31. We asked them if they felt the tools offered to the municipalities in this bill to allow them to collect unpaid fines will encourage more provinces in Canada to do the same. I'd like to ask you the same question. Do you believe this will push other jurisdictions to do this and that there can be a coordinated effort from sea to sea?

**Mr. Eric Duncan:** Absolutely. I see this as being the start of something, the tip of the iceberg, in terms of having these tools. Again, I think Canada Revenue

Agency, at the federal level, can play an important role. I think there's leadership at the provincial level and working at the federal level as well to get a universal agreement. So I think this helps right off the bat, but builds momentum.

Again, I think when people see it be successful in other forums, there's a comfort level there that it can work. We're hoping that after a couple of years we can show that, yes, this does work, so when we go to CRA, when we try to get other provinces on board, for example, there is that proof that these tools—we're not asking for more money. We're just asking for the tools to be able to collect what's rightfully owed to us.

**Ms. Ann Hoggarth:** Definitely. Thank you very much for your presentation. It's good to see you again.

**Mr. Eric Duncan:** Same to you. Thank you.

**The Chair (Mr. Grant Crack):** We shall move to the opposition: Mr. Yurek.

**Mr. Jeff Yurek:** Thanks for coming in, Warden. I just have a few questions for you.

How far back do you think we should be allowed to access these fines? How many years?

**Mr. Eric Duncan:** As far back as possible. Again, we go back to active files, and the written submission does talk about that ability for fines that have been maybe technically written off our balance sheet, but still on record. They never go away.

So I think in terms of our priority right off the bat—and again, that incrementalism aspect is focusing on the most recent, within the past couple of years, but our goal, once we get everything up and going and the kinks are worked out of the system, is to go back as far as possible. To me, it doesn't make a difference whether the fine happened in the year 2000 or in 2014; there was a conviction and they're owed that money. We should be going after that regardless. Those extra dollars are entitled to us and would be helpful to us in the municipal coffers.

**Mr. Jeff Yurek:** Thanks. I noticed in your comments that none of the ministries really talk to each other with regard to their computer programs. Do you have any hope that government will ever break down those silos and actually have conversations between ministries?

**Mr. Eric Duncan:** I'm a big proponent of technology, and I always try to be the optimist on that, so I'm going to say yes. And again, I go back to the point that we're trying to be constructive in the sense of offering the guinea pig aspect. Niagara region is another example I know through the Municipal Court Managers' Association. They've been dealing with this file and working on some tools for several years. Our comfort level would be to not just complain on that aspect, but to offer the idea of guinea-pigging or working with select jurisdictions to make sure the system works right before it rolls out.

I respectfully say on the file with SAMS—which we spoke to the member for Kingston and the Islands about at our AGM—that if we're able to get those kinks worked out of the system and get that technology to work on a small scale and then widened, the time frame in which we're able to actually roll it out across the

province could be quicker and a lot smoother that way, too.

So I'm optimistic, but again, the first person with technology, the deputy minister, spoke to us at ROMA and OGRA to mention that there are three systems which don't currently communicate that need to overlap. We'll see how that goes.

**Mr. Jeff Yurek:** Have you heard any discussion about the percentage the province will keep for helping you collect these fines?

**Mr. Eric Duncan:** To be honest, I don't know how that works with ServiceOntario. I imagine there will be a fee. For example, on the credit card aspect, if it's paid at ServiceOntario, I think there will be some of that, but that goes with the territory. We're able to add on ourselves with collections, for example—not give them a percentage of the ticket, but they're able to add that on top. So I would say, perhaps, when it comes to that model, that could be something we take a look at, where it is added on top of the existing tickets, or our expenses when it comes to collections, to make sure that it's revenue-neutral for the provincial government.

But at the end of the day, the simple fact that we have these tools—there will be more dollars in our coffers because of these changes. Call it bit by bit.

**Mr. Jeff Yurek:** Great. Have you had any discussions with the Western Ontario Wardens' Caucus at all? Have you heard much of a response from them?

**Mr. Eric Duncan:** We had a good meeting at the Good Roads conference as well with the western Ontario wardens, and we're starting to work together on a lot more files. We're actually getting together at AMO this summer and we've talked about this being one of the items.

A big thing we're working on with the Western Ontario Wardens' Caucus is broadband. We've had a successful program in eastern Ontario and we're working on the technology front on that. But we have made a commitment when we get together once or twice a year to talk more on this, and this is certainly something that I know is a priority for them, too. So we'll be talking about it at AMO; specifically, the implementation and whether there is somebody who could take a leadership role in that region. I mentioned Niagara, which is well known, that could perhaps help with that.

Discussions will be ongoing, certainly.

**Mr. Jeff Yurek:** Great. Thank you.

**The Chair (Mr. Grant Crack):** Thank you very much and thank you, Mr. Duncan, for your presentation and for answering the questions. Safe trip back.

**Mr. Eric Duncan:** Thank you.

**The Chair (Mr. Grant Crack):** You're welcome.

#### CYCLE TORONTO

**The Chair (Mr. Grant Crack):** Next, from Cycle Toronto, we have the executive director with us: Jared Kolb. Welcome, sir. You have five minutes.

**Mr. Jared Kolb:** Good afternoon, Mr. Chair and members of the committee. My name is Jared Kolb and I am executive director of Cycle Toronto. I know there are some Cycle Toronto members around the table today.

We are a membership-based advocacy organization here in Toronto, we've got 2,700 members and we actively advocate in this very urban context within Toronto, which is the one I'll be speaking from.

That being said, I grew up in Kitchener, started riding a bike when I was five and rode in a very suburban environment. I earned my stripes in long-distance cycling by cycling across Canada back in 2007, so I'm very accustomed to the rural context as well.

**Mr. Mike Colle:** You ever been to Ajax?

**Mr. Jared Kolb:** I rode through Ajax, indeed. With all of that said, I'm really pleased to be here today to be able to present to the committee.

1630

We at Cycle Toronto believe that this is a significant step forward for the province. We feel that Bill 31 is a fantastic next step in terms of modernizing the Highway Traffic Act, in recognizing that a bicycle is a true component of the transportation mix.

When I imagine how we get around in our cities, if you're going 500 metres, often you're going to walk; if you're heading five kilometres, the best mode of transit is actually the bicycle; if you're going beyond that, maybe 10 kilometres, transit or an automobile. What we really need to acknowledge here though is that in the overall mix of how we enhance mobility in Ontario, the bicycle must be a key part of that. That is why it is so encouraging to see so many of the components within Bill 31.

In particular, I wanted to highlight the increased fines for dooring. I know far too many people who have been doored on the streets of Toronto and whose lives have changed forever. There was, in particular, one of our members who lost their life just a few years ago from being doored on Bloor Street. So to see the province taking leadership on this extremely important issue, and increasing the fines, is welcomed and long overdue. So thank you on that.

In terms of areas for potential improvement, I also wanted to highlight several things. One area is around the fine schedule for not having a light on your bicycle. As it's currently stated, we're looking at a fine of \$500 for not having a light. Those of you around the table today who ride will know that your bicycle doesn't actually come with a light. It's not like a motor vehicle in that way that has a light built into it. Lights get stolen, they run out of batteries—there are good reasons why that \$500 fine is too high. We would support an increase, and I have some thoughts on that, but I'll save that, perhaps, for the question period.

The other thing that I wanted to focus on is the language around the one-metre passing rule. We are in full support of the one-metre passing rule, but are concerned about the language of "as nearly as ... practicable." We would like to see that removed.



Finally, on the side guard issue, we would like to see that included in Bill 31. This is one of these issues that has been kicked around for far too many years. We know that side guards save lives. Other jurisdictions have done the research on it. We'd like to see Ontario do the same research and move forward with side guard legislation.

With all of that said, I really, again, just wanted to say how much we welcome this bill and are excited to see it hit the road. Thanks so much.

**The Chair (Mr. Grant Crack):** That was a great pun at the end, sir.

Ms. McMahon?

**Ms. Eleanor McMahon:** Thank you, Mr. Chair. Jared, it's nice to see you.

**Mr. Jared Kolb:** You too.

**Ms. Eleanor McMahon:** I didn't ride my bike here today; I should have rode my bike.

**Mr. Jared Kolb:** It's beautiful out.

**Ms. Eleanor McMahon:** It's beautiful out.

I want to thank you for your work and your leadership, and working with Share the Road as well, in terms of making our province more bicycle-friendly.

A couple of thoughts: Thank you for your compliments on the work that colleagues on all sides of the House have done, and I appreciate your acknowledgement because this has been an amalgam of all sides—our colleagues in the NDP, our colleagues on the Progressive Conservative side as well—a nice sign of our working together. I think that's what Ontarians expect.

I wanted to just ask you about this side guard piece in particular. I think, as you and I have discussed over the years, this is an important issue. I'm glad to see that you're raising it. I think it's important. If we're not able to get it, in the context of this legislation, do you think it might be possible that we look at this in the context—maybe bring the minister's working group back together and maybe discuss it as a group, in terms of getting some study and some evidence-based work? I know that it was discussed at the coroner's review, of course, and was one of the recommendations. What would your thoughts be on that?

**Mr. Jared Kolb:** Yes, thanks for bringing that up. What I would say is that to start, I think we have a fantastic vision statement for cycling in Ontario. The government has set out the goal of becoming one of the leaders around the world in cycling over the next 20 years. We need to create the context for that to flourish. To do that, we do need to take a good, hard look at side guards, and we need to implement them.

Respectfully, I believe that the action planning phase within the minister's working group—that was a fantastic step to take that approach to bring stakeholders together. I think we want to continue to do that. I think it's time for that working group to be reconvened. We would certainly like to see the side guard piece as soon as possible. We've had cyclists who have died here in this city; cyclists in Ottawa who have died, who have fallen under the wheels of transport trucks. We know from the litera-

ture that this saves lives, so we really want to see that happen as soon as possible.

**Ms. Eleanor McMahon:** Thank you for that. Once the legislation passes, which, given the broad-based support, we're hoping will happen quickly, can you see Cycle Toronto playing a role in helping to really reach your audience in partnership with CAA, perhaps Share the Road as well, in terms of an information campaign? Because we're now going to have things—contraflow bike lanes will be wonderful. You've already got them in Toronto—awesome. But there are going to be other facets to this that need communicating, like the one-metre safe passing law, for example, and educating motorists and cyclists alike. I'm hoping that you'll play a role in helping to communicate the messages to your broad stakeholder audience in that regard.

**Mr. Jared Kolb:** Yes. What I would say is, late last year we partnered on a ride with the Toronto police. We went out very early on a very cold December morning and it was an opportunity to highlight the varying experiences that police officers face so that various cyclists can understand that, as well as the real issues that cyclists face from the perspective of the police.

One of the things we heard from the Toronto police was that the officers who rode with us in plain clothes had an overwhelming response in terms of the level of aggression they felt on our roadways. They were very clear about that. This was something that I think was very real for members of the police.

I couldn't agree more. I think there's a lot of partnership work that does need to be done in this context and there are going to be a lot of communications that are going to be required around the various rules that are outlined in this bill.

**Ms. Eleanor McMahon:** Wonderful. Thanks, Jared.

**Mr. Jared Kolb:** Thanks.

**The Chair (Mr. Grant Crack):** Thank you very much. We'll move to the official opposition: Mr. Harris.

**Mr. Michael Harris:** Thank you for your presentation.

This week, we had a written submission from the Ottawa police calling for us to change the definition of "motor vehicles" to "vehicles," to include cyclists with regard to distracted driving or using phones. What are your thoughts on that?

**Mr. Jared Kolb:** Right. It's very difficult to text or talk on your phone while riding your bicycle. I think that's a first thing to just recognize. A unicycle is a little different. You could definitely get some texting done in that context—

**Mr. Michael Harris:** But so too could it be to text and drive a vehicle.

**Mr. Jared Kolb:** Yes. I guess what I would say is that we are opposed to texting and cycling. It is not a safe way to ride a bicycle. There's no question about that. I think what is potentially misguided here is to put it under the same fine schedule as the proposed distracted driving fine schedule.

The proportionality of the damage that a driver can do while at the wheel of a one- or two-tonne motor vehicle versus with 20 pounds of steel between their legs on a bicycle—it's an order of magnitude that's different. What we'd like to see is certainly a fine schedule that would be added for distracted cycling but that it be lower.

Currently, in the Highway Traffic Act, for pedestrians, for instance, the provision is that if not otherwise stated the fine is \$50. We think that is much more appropriate for the proportion of risk in terms of riding a bicycle while texting.

**Mr. Michael Harris:** Now, I actually had an email from a constituent on this same issue, when it came up with texting and cycling. It was cyclists who wear earbuds in both ears, who are listening to their what-have-you, hands-free, I suppose. Now I'm not sure exactly what the existing fines are for that for cyclists. I don't know what your thoughts are on that. I know that drivers driving automobiles would be subject to fines for that. I don't know what your thoughts are on cyclists, because there are a lot of cyclists who listen or have earbuds in both ears, who are just listening to music. I don't know what your comment would be on that.

**Mr. Jared Kolb:** Yes, certainly. It's one thing that, personally, I don't actually do. I don't want to ride while having music blaring in my ears simply because of the risk of the road. We've got to keep our attention on the road at all times.

**Mr. Michael Harris:** Right.

**Mr. Jared Kolb:** That being said, having one earbud in versus having both in so that you can continue to look at this—I think it's something to study. I wouldn't come forward with any recommendation on that at this time.

**Mr. Michael Harris:** All right. Thanks for your time.

**Mr. Jared Kolb:** Thank you.

**The Chair (Mr. Grant Crack):** Thank you. Mr. Mantha?

**Mr. Michael Mantha:** You put a lot of emphasis in trying to get a message across, and I want to make sure that you do get it across, in regard to the one-metre rule. The proposed language is limited under the present Bill 31, where it says "as may be practicable." Do you think that this limitation might limit the enforceability of the actual act?

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**Mr. Jared Kolb:** Yes, we have the same concerns. When we look around North America at other safe passing laws, there are 25 states in the US that don't water the legislation down with a similar wording. Nova Scotia doesn't either. I don't see that there's a reason why we should here in Ontario.

We have other parts of the HTA that we can look to for guidance on this, whether it's passing a stationary emergency vehicle while on a highway—we don't put the same kind of language around that. What we really need to focus on here is enhancing safety. My concern is that with that language added in to the one-metre passing rule, it will make it very difficult to enforce.

**Mr. Michael Mantha:** So that would be one amendment that we can agree on that should be included in Bill 31?

**Mr. Jared Kolb:** Yes, that would be great.

**Mr. Michael Mantha:** Again, I want to make sure that I understood you very clearly in regard to the truck side guards. You believe that that is our opportunity right now, as with the one-metre rule, to make sure that it's included in this bill.

**Mr. Jared Kolb:** Yes. We do want to see that included in Bill 31. As a part of the minister's working group, that was something that, over the past several years, we have been clear about. We would certainly encourage that that be included in this bill today.

**Mr. Michael Mantha:** The increase of the maximum fine from \$20 to \$500 for the light: What would be your suggestion as a fair amendment for the actual increase?

**Mr. Jared Kolb:** Thanks for asking that. Again, similar to a comment that I just made: In the Highway Traffic Act, we include a provision, when pedestrians are not captured within another component of the HTA, of a max fine of \$50. We feel that that is a much more appropriate fine for this. So we're not opposed to seeing it increased, but the \$500 fine really feels excessive.

**Mr. Michael Mantha:** Okay. Thank you.

**Mr. Jared Kolb:** Thanks.

**The Chair (Mr. Grant Crack):** Thank you, Mr. Kolb, for coming forward and sharing your views. We appreciate it.

#### COLLISION INDUSTRY INFORMATION ASSISTANCE

**The Chair (Mr. Grant Crack):** At this time, I'd like to welcome the executive director of Collision Industry Information Assistance, Mr. John Norris. Welcome, sir.

**Mr. John Norris:** Thank you, Chair. It's always daunting to be the last speaker at the end of the day.

**The Chair (Mr. Grant Crack):** We'll remember you the most.

**Mr. John Norris:** Thank you. Thank you for the opportunity to speak with you today. I recognize it's late in the day, so I'll make this as quick as I can.

Our association represents 300 collision repair, auto refinishing and auto body repair facilities across Ontario. Many of them are licensed by the Ontario Ministry of Transportation to perform vehicle inspections on repaired "salvage" vehicles that were damaged and written off in a collision, to determine if the vehicle should have a brand change applied and now become a "rebuilt" vehicle and safe for road use. Our association was hired by the Ontario Ministry of Transportation to present information workshops on this program and has good, strong inside knowledge of the program.

There are two areas included in Bill 31 we'd like to comment on. One is the provision to privatize the Motor Vehicle Inspection Station program. We're in favour. Wouldn't it be helpful if all your presenters were that quick?

Let me explain the second, though, in better detail. In Ontario, when a vehicle is involved in a serious collision and is written off as too badly damaged to repair, a notification is placed on the vehicle permit registration, usually as “salvage,” or if so badly damaged the vehicle is only good for parts, then the brand is “irreparable.” This program was implemented—indeed Ontario was the last province to do so in Canada—to protect consumers from fraud.

Regrettably, many unsuspecting car owners purchased damaged, written-off, prior-hit vehicles without being able to know if the vehicle had serious past damage. Branding solved that problem: The purchaser now knows the vehicle history of damage. If the brand was assigned improperly or was absent when it should have shown, then the owner could appeal the brand designation to the MTO and get it corrected.

Bill 31 moves to restrict the appeal of that branding decision to only those who hold the vehicle portion of the permit at the time of the accident and continue to hold the vehicle permit portion. So Bill 31 would remove the opportunity for anyone who purchased this wrecked vehicle to change the brand to what in fact was the correct brand. They would be left with no opportunity, no rights, to correct that mistake. We believe that is an error and that the motorist should have the right to be able to correct a mistake made on a brand designation.

Bill 31 allows for a fee to be charged for this service, which I believe should be refunded if the original brand is found to be wrong. However, Bill 31 only allows the insurance company and the original owner of the vehicle that made the brand designation error to appeal their own errors. I can tell you that no insurer is going to appeal the brand they’ve already set.

We suspect that brand appeals will drop from the over 1,000 that the ministry has on file to next to zero after Bill 31 is passed. It won’t mean that insurers are getting better at branding procedures; it just means that they won’t get caught making an error because the new car owner’s right to appeal the insurer’s decision will be terminated in Bill 31.

Car owners that may have in their possession an improperly branded vehicle should have the right to appeal this brand to MTO, as they do now, and get it corrected, as they have in the past, and not the terminated right to appeal that Bill 31 sets.

There’s another frightening aspect to the brand appeal termination in Bill 31. Three weeks ago we received photos and a damage appraisal and looked at a 2007 Bentley TC two-door convertible. That’s a beautiful car, with only 57,000 kilometres on the odometer. This car ran through water in the Burlington flood and soaked the carpet. No electrical circuit or module was touched. The dealer only recommended replacing the carpet to repair this car. The total repair cost was just over \$8,000. With the customer’s \$7,500 deductible, the insurance costs were only a \$500 claim. Instead, the insurer wrote off this car, gave the owner almost \$100,000 for it and branded the car “for parts only.” This action is non-compliant with

branding regulations and certainly doesn’t help in reducing costs for insurers to meet a 15% mandated premium cut.

A 2014 Camaro: so badly damaged in the rear that the trunk was inside the occupant compartment area—certainly and correctly a total loss. However, the insurance company did not brand this vehicle at all, ensuring that the new owner of this soon-to-be-repaired vehicle will never know that the vehicle they purchased had a history of severe damage. Please also understand that by not placing a mandatory brand on that vehicle history on that Camaro, the insurer makes much more money when they sell that vehicle.

These non-compliance violations by insurance companies occur all the time. They are worrying, as each error is evidence of clear non-compliance with the Highway Traffic Act, but hundreds of these violations do not generate any charges from the Ministry of Transportation.

My fear is that recently we’re seeing much more blatant, clear violations of the branding policy regulations by insurers as they know that soon these violations will be hidden from view with the restrictions on brand appeals contained in Bill 31.

I would recommend to you to keep brand appeals open to all but charge for the appeal, with appropriate refunds, to better allow innocent motorists to ensure that the brand on their vehicle is correct and to keep insurers honest with branding as per regulation and not trying to pass off damaged cars as undamaged to an unassuming public or to assign non-compliant brands.

Thank you for your attention.

**The Chair (Mr. Grant Crack):** Thank you very much, Mr. Norris. We shall start with the official opposition. Mr. Harris.

**Mr. Michael Harris:** Thank you. I wasn’t aware that there was so much carpet in a 2007 Bentley TC—

**Mr. John Norris:** Yes. Everything in a Bentley is expensive.

**Mr. Michael Harris:** Yes. I don’t have any questions at this time. Is there anything further you’d like to add that you didn’t have an opportunity to do in your submission?

**Mr. John Norris:** We watched these over the last few years. We were involved in writing this program and putting on the program for the ministry. I’m worried that we’re seeing a significant number of very strange activities going on, where cars that should have a brand by law are not. I think there are people who anticipate that Bill 31 will pass, and after that, they’ll be hidden.

**Mr. Michael Harris:** Why do you suspect that? Why is there more?

**Mr. John Norris:** Because there’s no reason for this to occur. These are blatant non-compliance errors. These are blatant violations of the HTA. In the past, we had some, but we had a mixture. In the last few weeks, we’re seeing significant numbers from insurers. My anticipation is that they know they can get away with it in the very near future. There will be no way to review that and

there will be no way to appeal that with Bill 31, as there is now.

It also makes them a lot more money. We had an Infiniti Q65: brand new \$65,000 vehicle. It got hit by lightning. The insurance company put a brand on it of “irreparable” when the repair was \$14. It was just the antenna.

Sometimes an individual might be out \$50,000 or \$60,000 on this and can’t get back in. My biggest fear is that we can’t change it, with Bill 31 being passed. If I have a vehicle and the brand is wrong, it’s simply non-compliant. I have no option any longer. In the past, I could appeal that to the ministry, and they could look at that. Now that’s going to be banned. I won’t be able to do that, or no one in the public can do that, and that’s a shame. We’ll have people out there who are buying vehicles that have significant damage and should have been branded and weren’t and cannot bring it back to what it should have been. It’s wrong, frankly.

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**Mr. Michael Harris:** Thank you.

**The Chair (Mr. Grant Crack):** Mr. Mantha.

**Mr. Michael Mantha:** Good afternoon. Thanks for joining us.

**Mr. John Norris:** Thank you.

**Mr. Michael Mantha:** You made a statement that you are very much in favour of seeing the privatization under Bill 31, of this going forward.

**Mr. John Norris:** Of the Motor Vehicle Inspection Station program, yes.

**Mr. Michael Mantha:** Does Collision Industry Information Assistance have any interest in gaining control of the vehicle inspection system?

**Mr. John Norris:** We have 368 shops that are in the inspection program, and there are 12,000 facilities, so that’s not going to happen. We don’t have the capacity to be able to do that.

One thing I should point out: why we’re in favour is that we will have the opportunity to change some of the regulations. I personally think that we should be checking airbags on cars. Right now in Ontario, we don’t check airbags on cars. I think that being able to stick your hand out and do turn signals on the 401 in replacement for turn signals on the car is not a good idea—and I think we really need to write that in to the inspection program to make sure the cars have that.

**Mr. Michael Mantha:** I think we can agree that safety comes first. Can we agree that the oversight and the accountability provisions of Bill 31 could be tightened up in order to ensure that this happens with proper oversight from the Ombudsman or even the Auditor General’s office?

**Mr. John Norris:** “Oversight” is an interesting word. The regulations are already there—when we passed what was called type 6 legislation in the House back in 2003 and 2008. The regulations are there. The enforcement is there. It’s just that the motor vehicle branding unit and the Ministry of Transportation apparently don’t have any urge to do so. So insurers continue to do that.

When we checked two years ago, there were 864 open files with the Ministry of Transportation of people who had appealed the brand. So the brand was wrong on the vehicle, they appealed it to the ministry, and the ministry investigated and changed it. Every one of those was set by an insurance company in violation of the regulation. It’s a non-compliance regulation if you brand it improperly. So MTO was right, found it, changed it, but never charged any of those insurers. They were never ticketed or charged. Now that opportunity is gone. With Bill 31 passing, we don’t have the opportunity to check those. We have no history of that. If I buy a damaged car, like that Camaro, without any history that it has been damaged, I have no opportunity to change that, go back to the ministry and say, “This was wrong. Here’s the proof. Here’s the evidence. It needs to have this.” I can’t get that with the new bill.

What I’m suggesting, in answering your question: It just needs the enforcement by the ministry of the current regulation, and do not restrict the brands only to those who had an ownership in the car before the accident. Make sure that anyone in Ontario, as it is now, who has a car that shouldn’t have that brand attached can have the opportunity to have it looked at by the MTO and changed. Bill 31 denies that right.

**Mr. Michael Mantha:** I just want to make sure I understood your answer. Are you concerned that this bill—

**The Chair (Mr. Grant Crack):** Mr. Mantha, the time is up. I apologize. Thanks for the look.

We’ll move to the government side and Mr. Colle.

**Mr. Mike Colle:** John, would any of this be captured, like the case of the Camaro, on the mandatory Carfax?

**Mr. John Norris:** That’s interesting.

**Mr. Mike Colle:** It should be, if it’s in an accident.

**Mr. John Norris:** Yes. Understand what goes on here: The car has had a significant structural incident. It looks like it hit a telephone pole at 100 miles an hour going backwards. So it is written off, and it should be written off. How does that information get to the public? Normally, it gets there because the insurance company must place a brand on that. The insurance company is going to buy that car back, and they must place a brand on that, based on the damage; hence, the UVIP, the vehicle identification package that you get when you buy a car, would show that. It would show that the purchase was made by an insurer and the brand was changed.

What you’re asking about is a damage estimate on Carfax. Understand how Carfax and CarProof get their data: They get it from the estimate that the shop writes. So when the shop wrote that estimate to say that it was badly damaged, if the insurance company sells that package, sells that estimate to Carfax or CarProof, they would have it on there. If they didn’t sell it, they would not have it on their records. UVIP would have it, if it was done properly, but Carfax and CarProof may not. I think we’ve all seen some CBC news items on how a lot of information doesn’t get transferred.

The proper way to do it is exactly what Ontario did. Ontario was absolutely correct. They said, “If you have a damaged car and it meets this criteria that it’s so badly damaged the insurance company has to buy it back from you, then that’s going to show on the used vehicle information package.” It’s going to show “damaged.” It’s going to show that the insurance company bought it back, and it’s going to show a brand, so that protects consumers. Everyone knows that happened. In this case, it’s not happening.

**The Chair (Mr. Grant Crack):** Okay. A final quick question. Ms. McGarry.

**Mrs. Kathryn McGarry:** Thank you very much for your presentation. I certainly want you to know that we know that CIIA is a strong supporter of Ontario’s Mandatory Vehicle Branding Program, and we really do appreciate your support in ensuring that the branding program remains strong as MTO considers procuring the third-party oversight, which will include the oversight of the branding program.

I also understand that you have been consulted previously by ministry staff and have been quite engaged in the development of this particular initiative, and I really want to thank you for—

**Mr. John Norris:** On the branding program, certainly. Yes, we have over the years.

I should also mention that in June we’re presenting the presentation on Ontario’s branding to the Americans, because the US thinks Ontario has got the strongest, healthiest and most active branding and inspection program in North America. So it’s a credit to Ontario.

**Mrs. Kathryn McGarry:** The ministry will be undertaking a public procurement before the contract is awarded.

**The Chair (Mr. Grant Crack):** Okay. Well, thank you very much, Mr. Norris, for coming forward.

That concludes the delegations this afternoon, but I would like to remind members of the committee that our next meeting will be March 23, and we will be—

**Mr. Mike Colle:** Oh, not next week?

**The Chair (Mr. Grant Crack):** No, unless you want to come in next week, Mr. Colle. I’d entertain some type of motion. But it’s March 23 for clause-by-clause. The deadline for amendments is Thursday, March 19 at noon, and that’s as per the committee motion that we adopted on March 2.

I’d like to wish everyone a very good March break. Thank you very much for all the work you have done this week. We shall see you here Monday the 23rd. Thanks to the Clerk’s office and Hansard. This meeting is adjourned.

*The committee adjourned at 1657.*





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