

# PROPOSED AMENDMENTS TO THE HIGHWAY TRAFFIC ACT



## THE PROBLEM:

There currently exists an injustice in Ontario. A driver stopped at a RIDE program and found to be over the limit, loses their license for an immediate 60 days, without a trial or conviction, and then upon a conviction, loses their license for a further year, pays a minimum of a \$500 fine and after reinstatement of license must pay to have a breathalyzer device installed and maintained in their vehicle for a further year.

We now also have a new speeding infraction, renamed as “stunt driving” when the limit is exceeded by 50 km. this offence involves a \$2000 fine and immediate confiscation of the vehicle for a week.

Use a false CVOR certificate and the penalty is \$5000, a false drivers license is worth \$50,000, and running a stop sign is now \$1000.

Compare those penalties to a driver who makes an unsafe turn in front of a motorcycle and kills both riders. That driver will receive a \$500 fine only.

The first person pays a comparatively large penalty because they have the potential to do harm, but a person who actually kills cannot receive anything more substantial than a \$500 fine. This is wrong.

In July of 2002, William James Duff turned left in between three motorcycles on Highway 17 near Batchewana, Ontario. The resultant collision immediately claimed the lives of David and Wanda Harrison. Mr. Duff was convicted of unsafe turn and received the maximum penalty allowed under the Highway Traffic Act, that is, a \$500 fine.

We feel this was unjust, but it was all that was permitted under law. There are some who believe the highway traffic act is just fine the way it is, including previous Ministers of Transportation. When viewed in the above light, however, this is obviously not the case.

Many of the charges under the HTA do not have a specific penalty applied. This is true for left turn charges among others. Instead, the HTA has section 214, which is referred to as general penalties. It is the catchall clause for the penalty for any charge under the act that does not already have a specific penalty applied.

THE PROPOSED SOLUTION IS TO PASS BILL 62:

## Bill 62 2021

### An Act to amend the Highway Traffic Act to create an offence of contravention causing death or serious bodily harm

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

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

#### Part X.0.1

#### Contraventions Causing Death or Serious Bodily Harm

#### Contravention causing death or serious bodily harm

**191.0.2** Every person who, while contravening this Act or the regulations, causes, or contributes to causing, an accident that causes the death of a person or serious bodily harm to a person is guilty of an offence and on conviction is liable to a fine of not less than \$2,000 and not more than \$50,000 or to imprisonment for a term of not more than two years, or to both, and in addition his or her driver's licence or permit may be suspended for a period of not more than five years.