

## **Extending the Reduced Suspension Program, Clarifying Long-term Vehicle Impoundment Rules and Making Other Consequential Amendments to Enhance Ontario's Impaired Driving Programs**

### **Background:**

For the last 16 years, Ontario has been ranked first or second in road safety in North America (measured by number of fatalities per 10,000 licenced drivers). Between 2005 and 2014 Ontario saw a significant reduction in the number of fatalities resulting from drinking and driving collisions down from 174 to 98 (44% reduction).

Despite this recent success, drinking and driving fatalities continue to represent more than one quarter of all fatalities annually. It is completely unacceptable to drink and drive. There is no reason anyone should be driving a vehicle after they have been drinking. As a result, the ministry initiated legislative changes to further curb drinking and driving.

On June 2, 2015, the Making Ontario's Roads Safer Act, 2015 (formerly Bill 31) received Royal Assent. Among its various amendments, the Act, and its supporting regulations, addresses the issue of impaired driving.

The changes related to impaired driving were divided into two phases:

- Phase 1, Administrative Sanctions & Remedial Escalation, was implemented October 2, 2016.
  - This included:
    - Expanding existing alcohol impaired sanctions to drug-impaired drivers.
    - Expanding the remedial measures program and ignition interlock monitoring requirements to all drivers who have received multiple alcohol or drug-impaired driving administrative sanctions.
- Phase 2, Consequential Amendments & Reduced Suspension, would be implemented on July 1, 2018.
  - Proposed amendments are:
    - Extending the Reduced Suspension with Ignition Interlock Conduct Review Program to second-time offenders.
    - Expanding long term Vehicle Impoundment Program (VIP) rules to apply in all cases where drivers convicted of a Criminal Code of Canada (CCC) driving offence or caught driving while suspended are subject to a CCC VIP.
    - Amending various impaired driving provisions to enhance operational simplicity and provide consistent terminology that will

make it easier for the public to understand the rules.

The purpose of this registry is to solicit feedback for the proposed changes for Phase 2. The premise behind these proposed changes, further detailed below, is to promote road safety and further reduce instances of impaired driving.

### **Proposed Regulatory Amendments:**

*To further enhance Ontario's impaired driving rules, the Ministry of Transportation (MTO) is seeking to implement the following changes as part of Phase 2 of the impaired driving provisions of the Making Ontario's Road Safer Act, Consequential Amendments & Reduced Suspension:*

- A) Extending the Reduced Suspension with Ignition Interlock (II) Conduct Review Program to second time offenders.
- Under the current Reduced Suspension with Ignition Interlock Conduct Review Program, first-time offenders who meet the eligibility requirements and successfully complete an application (completion of remedial measures assessment and lease agreement for an ignition interlock device) can have their licence suspension period and ignition interlock requirements adjusted.
  - The ministry is proposing to make regulatory amendments that would enable second-time convicted alcohol impaired drivers to install an ignition interlock device in order to reduce their licence suspension, which would in turn help reduce instances of suspended and/or impaired driving.
  - Allowing more drivers to enroll into II and remedial measures programs would allow the ministry to monitor these drivers, which would help reduce instances of drivers driving impaired and/or without a licence.
- B) Ensuring the consistent application of Vehicle Impoundment Program (VIP) rules in Ontario.
- Currently, drivers who are caught driving with a suspended licence as a result of a Criminal Code conviction (e.g., impaired driving, driving while disqualified, failing to remain at the scene of a collision) would have their vehicle impounded for at least 45 days.
  - The ministry is proposing to make regulatory amendments that would ensure that 45 day VIP rules would also apply to drivers convicted of a CCC driving offence and caught driving while suspended for:
    - a. Failing to complete the required remedial education or treatment program
    - b. Failing to complete the required Driver Improvement Interview
    - c. Driving without the required ignition interlock device

- Additionally, the ministry will add an appeal ground for VIPs to include that the driver was not under suspension or subject to an II condition at the time of the impoundment.
- This will eliminate confusion amongst police services by ensuring escalating impoundment period will be 45-90-180 days in every scenario where a driving while disqualified (DWD) charge is applicable.
- Additionally, this will ensure that the same appeal option is available to all vehicle owners.

C) Amending certain impaired driving provisions to provide consistent terminology in order to make the current rules clearer and easier to understand.

- Currently, there are multiple sections within the HTA which provide the authority to suspend a driver's licence for failure to complete a prescribed remedial program and require an II condition on a licence after reinstatement from a CCC suspension.
- MTO is proposing to repeal any duplicative sections to create a single consistent authority in the HTA.
- This would provide consistent terminology in order to make the current rules clearer and easier to understand.
- This would also ensure that all aspects of the Ministry of Transportation's alcohol impaired driving programs are consistently designed and efficiently delivered.

**Public Consultation:**

Ontario is considering the above mentioned proposals and invites you to submit your comments on the proposed regulatory amendments to support the implementation of Phase 2 the impaired driving provisions of the *Making Ontario's Roads Safer Act, 2015*.