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Bill 107

(Chapter 8 of the Statutes of Ontario, 2019)

An Act to amend the Highway Traffic Act and various other statutes in respect of transportation-related matters

The Hon. J. Yurek
Minister of Transportation

1st Reading	May 2, 2019
2nd Reading	May 16, 2019
3rd Reading	June 4, 2019
Royal Assent	June 6, 2019



EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 107 and does not form part of the law.
Bill 107 has been enacted as Chapter 8 of the Statutes of Ontario, 2019.*

SCHEDULE 1 HIGHWAY TRAFFIC ACT

Numerous amendments are made to the *Highway Traffic Act* respecting road safety and other matters. Some highlights are as follows:

1. Driving instructors are required to have a blood alcohol concentration of zero and to have no drugs in their body while providing driving instruction. A police officer may demand that a driving instructor provide a sample of breath or oral fluid for analysis by the appropriate equipment.
2. Section 21.1 of the Act provides for a system of administrative penalties. Amendments are made in respect of the involvement in that system of municipalities or persons employed by municipalities.
3. Currently, the Act states that when a sentence is being imposed for careless driving the court may consider as an aggravating factor whether bodily harm was caused to a person who was vulnerable, including a pedestrian or cyclist. The Act is amended to refer to persons working upon the highway in addition to pedestrians and cyclists.
4. The fines for the contravention of certain provisions regarding unnecessary slow driving, slow vehicles failing to travel on the right side and overtaking and passing are increased to be not less than \$150 and not more than \$1,000.
5. Various amendments are made regarding restricted-use lanes on highways to permit the beginning and end of such lanes to be temporarily changed when the lanes are within a construction zone, and providing for the posting of signs to indicate the change.
6. Currently the Act allows regulations and municipal by-laws to be made permitting the operation of off-road vehicles. The Act is amended to specify that such regulations and by-laws may also prohibit the operation of off-road vehicles.
7. Several changes are made to the Act to reflect changes made to the *Criminal Code* (Canada).

SCHEDULE 2 INSURANCE ACT

Section 267.12 of the *Insurance Act*, which limits the liability of a lessor of a motor vehicle, is amended to provide that the limitation does not apply with respect to certain vehicles unless the lessor or lessors of the vehicle and the lessee are dealing with each other at arm's length.

SCHEDULE 3 METROLINX ACT, 2006

The Schedule amends the *Metrolinx Act, 2006*. The amendments include the following:

Sole responsibility project

The Lieutenant Governor in Council may prescribe a rapid transit design, development or construction project as a rapid transit project that is the sole responsibility of Metrolinx. If a rapid transit project is the sole responsibility of Metrolinx, the City of Toronto and its agencies cannot take further action on that project. The Lieutenant Governor in Council may transfer to Metrolinx the assets, liabilities, rights and obligations related to that project.

Direction and approval project

The Lieutenant Governor in Council may prescribe a rapid transit design, development or construction project as a rapid transit project that is subject to the Minister's direction. If a rapid transit project is subject to the Minister's direction, the Minister may issue directives to the City of Toronto and its agencies about that project. Also, the Lieutenant Governor in Council may require that a specified decision about the project be subject to the Minister's approval.

SCHEDULE 4 PHOTO CARD ACT, 2008

Currently, the *Photo Card Act, 2008* provides for the issuance and use of three types of photo cards: basic photo cards, enhanced photo cards and combined photo cards. The Act is amended to provide that only one type of card may be issued and used.

**SCHEDULE 5
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT**

The *Public Transportation and Highway Improvement Act* is amended to add definitions of the terms “grading” and “structure”. The Act is also amended to provide that earth grading activities in certain circumstances require a permit from the Minister.

**SCHEDULE 6
SHORTLINE RAILWAYS ACT, 1995**

The Schedule amends the *Shortline Railways Act, 1995*. A shortline railway is a railway operated only in Ontario and not under federal jurisdiction, other than urban rail transit systems and railways entirely within industrial sites and mines. The Schedule amends the definition of “railway” to provide that “railway” means a rail service, including the rolling stock that operates on the railway line.

The Schedule authorizes the registrar of shortline railways to add, vary, amend or revoke conditions on shortline railway licences at any time, with a process for notice and submissions. It makes it a condition of every licence to provide operational information on a regular basis. It requires shortline railways to notify the registrar of any changes to the corporate officers of the shortline railway and of any changes to the services provided by the shortline railway.

Currently, the Act requires a shortline railway that intends to discontinue a railway line to go through a process that includes advertising the intended discontinuance and seeking purchasers; if no private purchase occurs, the shortline railway must offer to sell to the Government of Ontario at salvage value. The Schedule repeals these requirements.

The Schedule also permits the registrar to provide certain notices by fax or email.

**An Act to amend the Highway Traffic Act and various other statutes
in respect of transportation-related matters**

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

Contents of this Act

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

Commencement

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

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

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

Short title

3 The short title of this Act is the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019*.

**SCHEDULE 1
HIGHWAY TRAFFIC ACT**

1 The following provisions of the *Highway Traffic Act* are amended by striking out “section 254” wherever it appears and substituting in each case “section 320.27 or 320.28”:

1. Subsections 48 (1), (2), (3) and (6.1).
2. Subsection 48.0.2 (1).
3. Subsection 48.0.3 (1).
4. Subsection 48.0.4 (1).
5. Subsections 48.1 (4) and (6.1).
6. Subsections 48.2 (1), (2) and (3.1).
7. Subsections 48.2.1 (5), (6) and (8).
8. Subsections 48.2.2 (5), (6) and (8).
9. Paragraph 2 of subsection 48.3 (3).

2 The French version of the following provisions of the Act are amended by striking out “ni d’une audience” wherever it occurs and substituting in each case “ni du droit d’être entendu”:

1. Subsection 41.4 (13).
2. Subsection 48 (9).
3. Subsection 48.1 (8.1).
4. Subsection 48.2.1 (16).
5. Subsection 48.2.2 (14).
6. Subsection 48.4 (13).
7. Subsection 55.2 (13).
8. Subsection 172 (13).

3 Subsection 1 (8) of the Act is repealed and the following substituted:

Calculation of days

(8) Where a suspension or impoundment is imposed under this Act, the period of the suspension or impoundment may be determined by counting 24 hours for each day.

4 Section 1.3 of the Act is repealed.

5 Clause 5 (1) (i) of the Act is amended by adding “including an administrative penalty” after “under this Act”.

6 (1) The French version of subsection 21.1 (6) of the Act is amended by striking out “Nul n’a droit à une audience” and substituting “Nul n’a le droit d’être entendu”.

(2) Subsection 21.1 (9) of the Act is repealed and the following substituted:

Parties to judicial review

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

- (a) the person subject to the order imposing an administrative penalty;
- (b) the Registrar; and
- (c) where applicable, the municipality that employed the prescribed authorized person who imposed the administrative penalty under subsection (2) and the municipality that employed the person prescribed for the purpose of subsection (7).

(3) Clause 21.1 (14) (i) of the Act is repealed and the following substituted:

- (i) governing the payment of penalties, including requiring that a penalty be paid before a specified deadline, and authorizing the Registrar or a prescribed person to approve a plan of periodic payments that extends beyond the deadline, and prescribing such persons;

(4) Subsection 21.1 (14) of the Act is amended by adding the following clause:

(k.1) governing whether a prescribed portion of a penalty paid shall be credited to the victims' justice fund account continued under subsection 5 (1) of the *Victims' Bill of Rights, 1995*;

(5) Subclause 21.1 (14) (m) (iv) of the Act is repealed and the following substituted:

(iv) prescribing fees to be paid to commence an appeal or providing that the fees may be established by the municipality that employs the person prescribed for the purpose of subsection (7), and

(6) Subsection 21.1 (14) of the Act is amended by adding the following clauses:

(n) where municipalities or persons employed by municipalities are prescribed under clause (a) or (d), governing the manner and means by which the municipalities may do anything to give effect to this section, including impose a penalty, conduct an appeal, collect payments and provide information to the Ministry;

(o) providing for anything necessary or advisable for carrying out the intent and purposes of this section.

7 (1) Clause 41 (1) (b) of the Act is amended by striking out “section 249, 249.1, 249.2, 249.3, 249.4 or 252” and substituting “section 320.13, 320.16 or 320.17”.

(2) Clause 41 (1) (b.1) of the Act is repealed.

(3) Clause 41 (1) (c) of the Act is amended by striking out “section 254” in the portion before subclause (i) and substituting “section 320.14 or 320.15”.

(4) Section 41 of the Act is amended by adding the following subsection:

Interpretation

(9) Where a conviction is made under the *Criminal Code* (Canada) in relation to an offence set out in subsection (1) or section 42, and that conviction is reported to the Ministry without a section number or as having taken place under section 320.19, 320.2, 320.21 or 320.24 of the *Criminal Code* (Canada), the conviction shall be treated as if it were made and reported under the applicable provision of the *Criminal Code* (Canada) set out in subsection (1) or section 42.

8 Subsection 42 (1) of the Act is amended by striking out “subsection 259 (4)” in the portion before clause (a) and substituting “section 320.18”.

9 (1) Subsection 43 (1) of the Act is amended by striking out “section 259” and substituting “section 320.24”.

(2) Subsection 43 (2) of the Act is repealed and the following substituted:

Expanded meaning of order

(2) For the purposes of subsection (1),

“an order made under section 320.24 of the *Criminal Code* (Canada)” includes an order made under a section of the *Criminal Code* (Canada) referred to in a predecessor to this section.

10 Subsection 44 (1) of the Act is amended by striking out “section 259” and substituting “section 320.24”.

11 (1) Subsection 44.2 (8) of the Act is repealed and the following substituted:

Regulations

(8) The Lieutenant Governor in Council may make regulations governing the suspension or cancellation of drivers' licences of novice drivers or the change in respect of their class for the purpose of subsection (5).

(2) The definition of “approved drug screening equipment” in subsection 44.2 (10) of the Act is repealed and the following substituted:

“approved drug screening equipment” means drug screening equipment that is designed to ascertain the presence of a drug in a person's body and that is prescribed by or approved under the *Criminal Code* (Canada); (“matériel de détection des drogues approuvé”)

12 (1) The French version of subsection 46 (1) of the Act is repealed and the following substituted:

Amende impayée

(1) Le présent article s'applique si une amende est imposée à la suite d'une déclaration de culpabilité à l'égard d'une infraction et que l'infraction est :

- a) prévue à la présente loi ou aux règlements;
- b) prévue à une autre loi figurant à l'annexe du présent article ou aux règlements pris en vertu de cette loi;
- b.1) prévue au paragraphe 12 (1) de la *Loi de 2017 sur le contrôle du cannabis*;
- c) prévue à l'alinéa 17 (1) a) ou au paragraphe 24 (1) de la *Loi de 1997 sur la protection du poisson et de la faune*;
- d) prévue au paragraphe 32 (1) de la *Loi sur les permis d'alcool*;

d.1) prévue à l'alinéa 17.1 (1) a) de la *Loi de 2017 favorisant un Ontario sans fumée*;

e) commise avec un véhicule à moteur contrairement à l'article 249, 249.1, 249.2, 249.3, 249.4, 252, 253, 254, 255 ou 259 du *Code criminel* (Canada).

(2) Clause 46 (1) (e) of the Act is repealed and the following substituted:

(e) that was committed under a section of the *Criminal Code* (Canada) referred to in section 41, 42 or 43.

13 The definition of “vessel” in subsection 48 (18) of the Act is amended by striking out “section 214” and substituting “section 320.11”.

14 Paragraph 1 of subsection 48.0.1 (2) of the Act is amended by striking out “paragraph 254 (2) (a)” and substituting “section 320.27”.

15 The definition of “approved drug screening equipment” in subsection 48.0.2 (8) of the Act is repealed and the following substituted:

“approved drug screening equipment” has the same meaning as in section 44.2; (“matériel de détection des drogues approuvé”)

16 The definition of “approved drug screening equipment” in subsection 48.0.3 (9) of the Act is repealed and the following substituted:

“approved drug screening equipment” has the same meaning as in section 44.2; (“matériel de détection des drogues approuvé”)

17 The definition of “approved drug screening equipment” in subsection 48.0.4 (7) of the Act is repealed and the following substituted:

“approved drug screening equipment” has the same meaning as in section 44.2.

18 (1) Paragraph 1 of subsection 48.3 (3) of the Act is repealed and the following substituted:

1. The person is shown, by an analysis of breath or blood taken pursuant to a demand made under section 320.27 or 320.28 of the *Criminal Code* (Canada) or pursuant to judicial authorization under the *Criminal Code* (Canada), to have a concentration of alcohol in his or her blood of 80 milligrams or more in 100 millilitres of blood.

(2) The definition of “vessel” in subsection 48.3 (16) of the Act is amended by striking out “section 214” and substituting “section 320.11”.

19 (1) Paragraph 1 of subsection 48.3.1 (2) of the Act is amended by striking out “subsection 254 (3.1)” and substituting “subsection 320.28 (2)”.

(2) Subsection 48.3.1 (6) of the Act is amended by striking out “subsection 254 (3.1)” and substituting “subsection 320.28 (2)”.

(3) The definition of “evaluating officer” in subsection 48.3.1 (9) of the Act is amended by striking out “subsection 254 (1)” and substituting “section 320.11”.

(4) The definition of “vessel” in subsection 48.3.1 (9) of the Act is amended by striking out “section 214” and substituting “section 320.11”.

20 (1) Subclause 50.1 (2) (a) (i) of the Act is amended by striking out “section 254 or 256” and substituting “section 320.27 or 320.28”.

(2) Subclause 50.1 (2) (a) (ii) of the Act is amended by striking out “section 254” and substituting “section 320.27 or 320.28”.

(3) Subclause 50.1 (2) (b) (i) of the Act is amended by striking out “section 254” and substituting “subsection 320.28 (2)”.

(4) Subclause 50.1 (2) (b) (ii) of the Act is amended by striking out “section 254” and substituting “subsection 320.28 (2)”.

21 (1) Clause 57 (4) (d) of the Act is amended by striking out “subsection 259 (1.1)” and substituting “section 320.18”.

(2) Clause 57 (4) (h) of the Act is amended by striking out “subsection 259 (1.1)” and substituting “section 320.18”.

(3) Subsection 57 (4.1) of the Act is amended by striking out “subsection 259 (1)” and substituting “section 320.18”.

22 The Act is amended by adding the following section:

Driving instructors shall have zero blood alcohol concentration

58.0.1 (1) Every driving instructor shall have a blood alcohol concentration of zero, as indicated by a provincially approved screening device, while providing a prescribed class of driving instruction for compensation in a motor vehicle on a highway.

Driving instructors shall have zero presence of drug

(2) No driving instructor shall have a drug in his or her body, as indicated by approved drug screening equipment, while providing a prescribed class of driving instruction for compensation in a motor vehicle on a highway.

Exception

(3) Subsection (2) does not apply where a police officer is satisfied that the driving instructor is legally authorized to use a drug or drugs for medical purposes, and has that drug or drugs in his or her body, as indicated by approved drug screening equipment.

Testing — alcohol

(4) Where a driving instructor is providing a prescribed class of driving instruction for compensation in a motor vehicle on a highway and the motor vehicle has been brought to a stop by a police officer under the authority of this Act, and the police officer reasonably suspects that the driving instructor has alcohol in his or her body, the police officer may, for the purposes of determining whether the driving instructor is in compliance with this section, demand that the driving instructor provide forthwith a sample of breath into a provincially approved screening device, and the driving instructor shall provide a suitable sample.

Opportunity for second analysis

(5) Where testing under subsection (4) indicates the driving instructor has alcohol in his or her body, the driving instructor may require that a second analysis be performed in accordance with the requirements set out in subsections 48.2 (3), (3.1), (3.2), (4) and (5), with any necessary modifications.

Testing — drugs

(6) Where a driving instructor is providing a prescribed class of driving instruction for compensation in a motor vehicle on a highway and the motor vehicle has been brought to a stop by a police officer under the authority of this Act, and the police officer reasonably suspects that the driving instructor has a drug or drugs in his or her body, the police officer may, for the purposes of determining whether the driving instructor is in compliance with this section, demand that the driving instructor provide forthwith a sample of oral fluid for analysis by approved drug screening equipment, and the driving instructor shall provide a suitable sample.

Definitions

(7) In this section,

“approved drug screening equipment” has the same meaning as in section 44.2; (“matériel de détection des drogues approuvé”)

“driving instructor” means an individual licensed as a driving instructor under section 58, and includes a driving instructor who occupies any seating position within a motor vehicle; (“moniteur de conduite automobile”)

“provincially approved screening device” has the same meaning as in subsection 48.2.1 (22). (“appareil de détection approuvé par la province”)

23 Subsection 85 (1) of the Act, as re-enacted by section 27 of the *Transportation Statute Law Amendment Act (Making Ontario's Roads Safer), 2015*, is amended by striking out “clause 87 (a)” in the portion before clause (a) and substituting “clause 87 (b)”.

24 Subsection 128 (1) of the Act is amended by adding “or” at the end of clause (d), by striking out “or” at the end of clause (e) and by repealing clause (f).

25 Subsection 130 (6) of the Act is amended by striking out “pedestrian or cyclist” at the end and substituting “pedestrian, cyclist or person working upon the highway”.

26 Section 132 of the Act is amended by adding the following subsection:

Offence

(3) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$1,000.

27 Section 147 of the Act is amended by adding the following subsection:

Offence

(3) Every person who, while driving a motor vehicle, contravenes this section is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$1,000.

28 Section 148 of the Act is amended by adding the following subsection:

Offence

(2.1) Every person who, while driving a motor vehicle, contravenes subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$150 and not more than \$1,000.

29 The English version of subsection 149 (1) of the Act is amended by striking out “lines” in the portion before clause (a) and substituting “lanes”.

30 (1) Subsection 151 (1) of the Act is repealed and the following substituted:

Highways designated for use of paved shoulder

(1) The Minister may by regulation designate any part of the King’s Highway as having a paved shoulder, the use of which is restricted to prescribed vehicles, and may make regulations,

- (a) prescribing vehicles for the purposes of this subsection;
- (b) regulating the use of the paved shoulder on a designated part of the highway and prescribing conditions and circumstances for that use, including prescribing rules of the road applicable to the use of the paved shoulder, exemptions from any requirement in this Part, or in a regulation made under this Part, applicable to the use of the paved shoulder and conditions and circumstances for such exemptions;
- (c) providing for the posting of signs and the placing of markings for the purposes of this section;
- (d) prescribing the types of the signs and markings referred to in clause (c), instructions to be contained on them and the location of each type of sign and marking.

(2) Section 151 of the Act is amended by adding the following subsection:

Construction zone

(4.1) Where a construction zone designated under subsection 128 (8) includes a part of a highway designated under this section, the official authorized under subsection 128 (8) may authorize a temporary change of the commencement or end of the part designated under this section that is within the designated construction zone, and any such change shall not become effective until the highway or part of it affected is signed in accordance with this section.

31 (1) Subsection 154.1 (1) of the Act is amended by adding the following clause:

- (d.1) providing for the posting of signs on any part of a highway designated as having a high occupancy vehicle lane that is in a construction zone designated under subsection 128 (8);

(2) Section 154.1 of the Act is amended by adding the following subsection:

Construction zone

(1.1) Where a construction zone designated under subsection 128 (8) includes a high occupancy vehicle lane or part of a high occupancy vehicle lane designated under subsection (1), the official authorized under subsection 128 (8) may authorize a temporary change of the commencement or end of the part of the high occupancy vehicle lane that is within the designated construction zone, and any such change shall not become effective until the highway or portion of it affected is signed in accordance with the regulations.

32 Section 184 of the Act is repealed and the following substituted:

Defacing or removing notices or obstructions

184 Every person who wilfully removes, defaces, alters or in any manner interferes with any sign, traffic control device, light, notice, obstruction, barricade, detour sign, gantry or sign post lawfully placed on a highway under this or any Act is guilty of an offence and on conviction is liable to a fine of not less than \$200 and not more than \$1,000 or to imprisonment for a term of not more than six months, or to both.

33 Section 186 of the Act is amended by adding the following subsection:

Same

(4) Where a construction zone designated under subsection 128 (8.1) includes a portion of a highway governed by a by-law passed under subsection (1), signs required by subsection (3) may instead be ground-mounted.

34 (1) Subsection 191.8 (2) of the Act is amended by striking out “Lieutenant Governor in Council” in the portion before clause (a) and substituting “Minister”.

(2) Clause 191.8 (2) (b) of the Act is amended by adding “governing” at the beginning.

(3) Section 191.8 of the Act is amended by adding the following subsection:

Same

(2.1) A regulation made under subsection (2) may provide that a provision of the regulation that permits the operation of off-road vehicles on a highway or part of a highway does not apply with respect to a highway or part of a highway that is under the jurisdiction of a municipality if the municipality has by by-law prohibited such operation.

(4) Clause 191.8 (3) (a) of the Act is repealed and the following substituted:

- (a) permitting the operation of off-road vehicles with three or more wheels, or prohibiting the operation of off-road vehicles on any highway within the municipality that is under the jurisdiction of the municipality, or on any part or parts of such highway;

(5) Subsection 191.8 (4) of the Act is repealed and the following substituted:

By-laws may regulate times of operation

(4) A by-law passed under subsection (3) may apply only during specified times.

35 The French version of subsection 205.7 (2) of the Act is amended by striking out “à sa face même” and substituting “à première vue”.

36 The French version of subsection 205.11 (2) of the Act is amended by striking out “à sa face même” and substituting “à première vue”.

37 (1) The French version of clause 205.24 (1) (b) of the Act is amended by striking out “soit d’un emprisonnement, ou une ordonnance de probation ne peut être rendue” at the beginning and substituting “soit d’un emprisonnement et une ordonnance de probation ne peut être rendue contre lui”.

(2) The French version of subsection 205.24 (2) of the Act is amended by striking out “passible d’emprisonnement ou une ordonnance de probation ne peut être rendue” and substituting “passible d’emprisonnement et une ordonnance de probation ne peut être rendue contre lui”.

38 (1) Subsection 220 (1) of the Act is amended,

- (a) by striking out “section 253, 254 or 255” and substituting “section 320.14 or 320.15”; and
- (b) by striking out “section 252” and substituting “section 320.16”.

(2) Subsection 220 (2) of the Act is amended by striking out “section 252” wherever it appears and substituting in each case “section 320.16”.

39 The French version of subsection 223 (1) of the Act is amended by striking out “de constable” and substituting “d’agent de police”.

CONSEQUENTIAL AMENDMENTS

Civil Remedies Act, 2001

40 Clause (a) of the definition of “vehicular unlawful activity” in section 11.1 of the *Civil Remedies Act, 2001* is amended by striking out “section 253, 254 or 255” and substituting “section 320.14 or 320.15 or a predecessor to those sections”.

Off-Road Vehicles Act

41 (1) Subsection 5 (7) of the *Off-Road Vehicles Act* is amended by striking out “Lieutenant Governor in Council” in the portion before clause (a) and substituting “Minister”.

(2) Section 23 of the Act is amended by striking out “Lieutenant Governor in Council” in the portion before clause (a) and substituting “Minister”.

Victims’ Bill of Rights, 1995

42 Subsection 5 (2) of the *Victims’ Bill of Rights, 1995*, is amended by adding the following clause:

- (a.1) the portion, if any, prescribed under section 21.1 of the *Highway Traffic Act* of an administrative penalty as a portion to be credited to the account;

COMMENCEMENT

Commencement

43 (1) Subject to subsections (2) and (3), this Schedule comes into force on the day the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* receives Royal Assent.

(2) Sections 1, 4, 7 to 11, subsection 12 (2), sections 13 to 22, 25 to 28, 32, 34, 38 and 41 come into force on a day to be named by proclamation of the Lieutenant Governor.

(3) Sections 5, 6 and 42 come into force on the day section 9 of Schedule 2 to the *Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014* comes into force.

**SCHEDULE 2
INSURANCE ACT**

1 Clause 267.12 (4) (c) of the *Insurance Act* is amended by adding “unless the lessor or lessors of the motor vehicle and the lessee are dealing with each other at arm’s length” at the end.

Commencement

2 This Schedule comes into force on the day the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* receives Royal Assent.

**SCHEDULE 3
METROLINX ACT, 2006**

1 (1) Subsection 1 (1) of the *Metrolinx Act, 2006* is amended by adding the following definition:

“agencies”, in relation to the City of Toronto, means,

- (a) every local board as defined in subsection 3 (1) of the *City of Toronto Act, 2006*, including, for greater certainty, the Toronto Transit Commission, and
- (b) every corporation established by the City of Toronto under section 148 of the *City of Toronto Act, 2006*, and every secondary corporation as defined in subsection 148 (4) of that Act; (“organismes”)

(2) The definition of “regional transit system” in subsection 1 (1) of the Act is amended by striking out “and” at the end of clause (a.1), by adding “and” at the end of clause (b) and by adding the following clause:

- (c) a rapid transit project that is the sole responsibility of the Corporation under subsection 46 (1);

2 Sections 47 to 50 of the Act are repealed and the following substituted:

INTERIM MEASURES — UPLOAD OF RAPID TRANSIT PROJECTS

SOLE RESPONSIBILITY PROJECT

Sole responsibility project

46 (1) The Lieutenant Governor in Council may, by regulation, prescribe a project to design, develop and construct rapid transit or an extension to rapid transit as a rapid transit project that is the sole responsibility of the Corporation.

Prohibition, City of Toronto and its agencies

(2) The City of Toronto and its agencies shall not design, develop, construct or work on, or cause design, development, construction or work on,

- (a) a rapid transit project that is the sole responsibility of the Corporation; or
- (b) a rapid transit project that is substantially similar and in close proximity to a rapid transit project that is the sole responsibility of the Corporation.

Minister’s authorization

(3) Despite subsection (2), the Minister may authorize the City of Toronto and its agencies to do design, development, construction or work described in subsection (2).

Transfer of assets, etc., to Corporation

47 (1) The Lieutenant Governor in Council may, by order, transfer to the Corporation, with or without compensation, all or some of the City of Toronto’s and its agencies’ assets, liabilities, rights and obligations with respect to a project prescribed as a rapid transit project that is the sole responsibility of the Corporation, including intellectual property, contractual rights, interests, approvals, registrations and entitlements, originals or copies of reports, documents and data, and any other real or personal property.

Preliminary review of contracts, etc.

(2) For the purpose of preparing an order under subsection (1), the Minister may order the City of Toronto and its agencies to provide the Minister with copies of contracts and other documents as well as copies of reports and data.

Taking possession

(3) The City of Toronto and its agencies shall take all such actions as are necessary and practicable to give the Corporation possession of property transferred under subsection (1), except in any case in which the Corporation and the City of Toronto or the agency, as the case may be, agree otherwise.

No change of control

(4) For the purpose of a provision of an agreement concerning a change of control over an asset, liability, right or obligation of the City of Toronto or its agencies, a transfer under subsection (1) is deemed not to constitute a change of control.

No breach, etc.

- (5) A transfer under subsection (1),
 - (a) is deemed not to constitute a breach, termination, repudiation or frustration of any contract, including a contract of employment or insurance;
 - (b) is deemed not to constitute a breach of any Act, regulation or municipal by-law;
 - (c) is deemed not to constitute an event of default or force majeure;

- (d) is deemed not to give rise to a breach, termination, repudiation or frustration of any licence, permit or other right;
- (e) is deemed not to give rise to any right to terminate or repudiate a contract, licence, permit or other right; and
- (f) is deemed not to give rise to any estoppel.

No new cause of action

- (6) A transfer under subsection (1) does not create any new cause of action in favour of,
- (a) a holder of a debt instrument that was issued by the City of Toronto or its agencies; or
 - (b) a party to a contract with the City of Toronto or its agencies that was entered into before the transfer.

Transfer binding

(7) A transfer under subsection (1) is binding on the Corporation, the City of Toronto and its agencies and all other persons, and if an obligation of a person to the City of Toronto or its agencies is transferred to the Corporation, the obligation continues and the obligation is to the Corporation, despite any requirement under any other Act or the common law, including a requirement for consent, notice or registration.

No expropriation or injurious affection

(8) A transfer under subsection (1) does not constitute an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Regulations

- (9) The Lieutenant Governor in Council may make regulations,
- (a) prescribing contracts to which subsections (5) and (6) do not apply;
 - (b) prescribing Acts that do not apply to a transfer under subsection (1).

DIRECTION AND APPROVAL PROJECT

Direction and approval project

48 The Lieutenant Governor in Council may, by regulation,

- (a) prescribe a project to design, develop and construct rapid transit or an extension to rapid transit as a rapid transit project that is subject to the Minister's direction; and
- (b) require that a specified decision with respect to the project be subject to the Minister's approval.

Minister's direction

49 (1) The Minister may issue directives in writing to the City of Toronto and its agencies in respect of a rapid transit project that is subject to the Minister's direction.

Implementation

(2) The City of Toronto and its agencies shall comply with the directives.

Directive not a regulation

(3) A directive is not a regulation within the meaning of Part III (Regulations) of the *Legislation Act, 2006*.

Minister's approval

50 (1) The City of Toronto and its agencies shall not make a decision that is prescribed under clause 48 (b) as subject to the Minister's approval, or take any action that would arise from making such a decision, unless the decision is approved by the Minister.

Conditions on approval

(2) The Minister may impose conditions on an approval and the City of Toronto or agency, as the case may be, shall only make the decision if they also comply with the conditions.

NO CAUSE OF ACTION

No cause of action

51 (1) No cause of action arises against the persons or entities described in subsection (2) in respect of,

- (a) the enactment of section 2 of Schedule 3 to the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* or the making of a regulation under subsection 46 (1), 47 (9) or section 48 of this Act;
- (b) the authorizing of design, development, construction or work under subsection 46 (3) or the refusing to authorize design, development, construction or work under that subsection;

- (c) the making of an order under subsection 47 (1) or (2);
- (d) the granting of an approval under a regulation made under clause 48 (b) or the refusing to grant an approval under a regulation made under that clause;
- (e) the issuing of a directive under subsection 49 (1);
- (f) the imposing of a condition on an approval under subsection 50 (2); or
- (g) anything done as required by subsection 47 (3) or subsection 49 (2).

Persons or entities

- (2) The persons and entities referred to in subsection (1) are,
 - (a) the Crown, any current or former member of the Executive Council and any current or former employee or agent of or adviser to the Crown;
 - (b) the Corporation, any current or former member of the Corporation and any current or former employee or agent of or adviser to the Corporation;
 - (c) the City of Toronto, any current or former member of the City of Toronto city council and any current or former employee or agent of or adviser to the City of Toronto; and
 - (d) the City of Toronto's agencies, any current or former board member of the agencies and any current or former employee or agent of or adviser to the agencies.

Proceedings barred

- (3) No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, tort, misfeasance, bad faith, trust or fiduciary obligation, and any remedy under any statute, that is based on a cause of action described in subsection (1) may be brought or maintained against the persons or entities described in subsection (2).

Application

- (4) Subsection (3) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages, or any other remedy or relief, and includes a proceeding to enforce a judgment or order made by a court or tribunal outside of Canada.

Retrospective effect

- (5) Subsections (3) and (4) apply regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day section 2 of Schedule 3 to the *Getting Ontario Moving Act (Transportation Statute Law Amendment)*, 2019 came into force.

Proceedings set aside

- (6) Any proceeding referred to in subsection (3) or (4) commenced before the day this subsection came into force shall be deemed to have been dismissed, without costs, on the day section 2 of Schedule 3 to the *Getting Ontario Moving Act (Transportation Statute Law Amendment)*, 2019 came into force.

No expropriation or injurious affection

- (7) No making of a regulation under subsection 46 (1), 47 (9) or section 48 and nothing described in clauses (1) (b) to (f) constitutes an expropriation or injurious affection for the purposes of the *Expropriations Act* or otherwise at law.

Commencement

3 This Schedule comes into force on the day the *Getting Ontario Moving Act (Transportation Statute Law Amendment)*, 2019 receives Royal Assent.

**SCHEDULE 4
PHOTO CARD ACT, 2008**

1 (1) The definitions of “basic photo card, “combined photo card” and “enhanced photo card” in section 1 of the *Photo Card Act, 2008* are repealed.

(2) The definition of “photo card” in section 1 of the Act is repealed and the following substituted:

“photo card” means a card issued under this Act that has on it the holder’s name and photograph and additional information about the holder that may be prescribed; (“carte-photo”)

2 (1) Subsection 3 (1) of the Act is amended by striking out the portion before clause (a) and substituting the following:

Photo cards

(1) The Minister may issue a photo card to an individual who,

(2) Subsection 3 (2) of the Act is repealed.

3 Section 4 of the Act is repealed.

4 Clause 8 (b) of the Act is repealed and the following substituted:

(b) may require different fees for different circumstances and different classes of applicants and holders of photo cards.

5 Subsection 9 (3) of the Act is repealed.

6 Subsection 11 (1) of the Act is amended by striking out “subsection 4 (4) or”.

7 Paragraph 6 of subsection 12 (5) of the Act is repealed.

8 Subsection 13 (2) of the Act is amended by striking out “other than a combined photo card” at the end.

9 Clause 23 (b) of the Act is repealed and the following substituted:

(b) prescribing additional information about the holder that may be included on a photo card;

10 Section 24 of the Act is repealed and the following substituted:

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24 An enhanced photo card or a combined photo card that was issued under this Act before the day subsection 1 (1) of Schedule 4 to the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* came into force, and was valid immediately before that day, continues to be valid until the card expires or is cancelled under this Act, but cannot be renewed, replaced or revised on or after that day.

Commencement

11 This Schedule comes into force on the day the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* receives Royal Assent.

**SCHEDULE 5
PUBLIC TRANSPORTATION AND HIGHWAY IMPROVEMENT ACT**

1 Section 1 of the *Public Transportation and Highway Improvement Act* is amended by adding the following definitions:

“grading” means configuring the surface of the land by removing, adding or moving material, whether earthen or otherwise; (“nivellement”)

“structure” includes any above or below ground installation or infrastructure; (“structure”)

2 Clause 34 (2) (a) of the Act is repealed and the following substituted:

- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road, or perform any grading upon or within 45 metres of any limit of the King’s Highway or upon or within 180 metres of the centre point of an intersection;

3 The French version of subsection 36 (4) of the Act is amended by adding “faite en vertu du présent article” after “La désignation” at the beginning.

4 Clause 38 (2) (a) of the Act is repealed and the following substituted:

- (a) place, erect or alter any building, fence, gasoline pump or other structure or any road, or perform any grading upon or within 45 metres of any limit of a controlled-access highway or upon or within 395 metres of the centre point of an intersection;

Commencement

5 This Schedule comes into force on the day the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* receives Royal Assent.

**SCHEDULE 6
SHORTLINE RAILWAYS ACT, 1995**

1 The definition of “railway” in section 1 of the *Shortline Railways Act, 1995* is repealed and the following substituted:

“railway” means a rail service, including the rolling stock that operates on a railway line; (“chemin de fer”)

2 Section 5 of the Act is amended by adding the following subsections:

Condition to provide operational information

(3.1) It is a condition of every licence that the licensee provide operational information on a form approved by the registrar no later than,

- (a) the third anniversary of the issuance of the licence and no later than every three years thereafter; or
- (b) in the case of a shortline railway licensed prior to the day the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* received Royal Assent, the first anniversary of the day the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* received Royal Assent and no later than every three years thereafter.

Change of conditions

(3.2) The registrar may, at any time and in respect of any licence, add, vary, amend or revoke any condition to which the licence is subject.

Notice

(3.3) The registrar shall not exercise any power under subsection (3.2) until he or she has given the licensee notice of intention to exercise the power and has afforded the licensee a reasonable opportunity to make written submissions.

Written submissions

(3.4) A shortline railway may, no later than 30 days after being notified under subsection (3.3), submit to the registrar documents, records and written submissions that may show cause why the registrar should not add, vary, amend or revoke a condition or limitation to which the licence is subject.

Decision of registrar

(3.5) Upon the expiration of the 30 day period referred to in subsection (3.4) and consideration of any documents, records and submissions submitted under that subsection, the registrar shall maintain, add, vary, amend or revoke the conditions.

3 Section 6 of the Act is amended by striking out “or” at the end of clause (b) and by adding the following clauses:

- (d) the corporate officers of the licensee change; or
- (e) the services provided by the shortline railway change or are discontinued.

4 (1) Subsection 8 (1) of the Act is amended by striking out “or” at the end of clause (a), by adding “or” at the end of clause (b) and by adding the following clause:

- (c) by fax or electronic mail to the last fax number or electronic mail address shown on the records of the registrar.

(2) Subsection 8 (3) of the Act is amended by adding “or the day after it is sent under clause 1 (c)” at the end.

5 Sections 10 and 12 of the Act are repealed.

6 (1) Subsection 15 (1) of the Act is amended by striking out “shortline railways and shortline railway companies” at the end and substituting “shortline railways, railway lines on which shortline railways operate and shortline railway companies”.

(2) Subsection 15 (2) of the Act is amended by striking out “shortline railways and shortline railway companies” and substituting “shortline railways, railway lines on which shortline railways operate and shortline railway companies”.

Commencement

7 This Schedule comes into force on the day the *Getting Ontario Moving Act (Transportation Statute Law Amendment), 2019* receives Royal Assent.