

Vulnerable Road Users: Recent Legislative Approaches

Bill 174, Road Safety Act: Passed on Dec 12, 2017, this legislation made several amendments to the Highway Traffic Act, including increasing penalties for distracted driving and failure to yield for pedestrians at crosswalks, crossovers and school crossings, expanding the use of flashing blue lights for emergency vehicles, and creating the framework for the automated camera enforcement of improper passing of school buses. It also created a new category of offence - careless driving causing bodily harm or death.

Bill 158, Vulnerable Road Users Act: A private member's bill introduced by Cheri DiNovo. The Bill would amend the HTA so that drivers who commit one of 45 offences and cause death or serious bodily harm to a vulnerable road user would face additional consequences upon conviction. During clause by clause consideration of Bill 174, amendments were proposed that would incorporate Bill 158 into Bill 174. These motions were not adopted.

		Original Highway Traffic Act (before Dec 12, 2017)	Bill 174: Road Safety Act	Bill 158: Vulnerable Road Users Act
Careless Driving: <i>Driving without due care and attention or without reasonable consideration for other persons using the highway (HTA 130)</i>	<i>Fines or Imprisonment</i>	\$400 to \$2,000 and/or up to six months imprisonment	Careless Driving Causing Bodily Harm or Death: \$2,000 to \$50,000 and/or up to two years in jail, and six demerit points	No changes proposed. Existing fines and/or jail time would apply. If the offender violates their probation order following conviction, they would be subject to a fine of up to \$50,000.
	<i>License Suspension</i>	Courts may choose to suspend for up to two years	Careless Driving Causing Bodily Harm or Death: Courts may choose to suspend for up to five years	Mandatory. If a vulnerable road user is harmed or killed, a license suspension up to one year would be required. The suspension could be extended up to the maximum allowed for that offence.
	<i>Community Service</i>	Courts may choose to require community service, as a condition "appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the defendant," provided the defendant agrees.	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, 50 to 200 hours of community service related to road safety would be required.
	<i>Driver Training</i>	Courts may choose to require driver training, as a condition "appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the defendant."	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, a driver training course would be required.
	<i>Presence at Hearing for Sentencing</i>	Defendant does not have to be present.	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, the defendant must be present and victim impact statements may be read.
	<i>New definitions/ Additional Notes</i>		Additional clarity provided around the definition of Careless Driving, specifically that 'driving without reasonable consideration for other persons' includes driving in a manner that may limit one's ability to prudently adjust to changing circumstances on the highway. When sentencing, courts shall consider as an aggravating factor the vulnerability of the victim, including by virtue of their being a pedestrian or cyclist.	Vulnerable road user: a pedestrian, an individual on a bicycle or motor assisted bicycle, an individual in a wheelchair, a construction worker, or an emergency response worker

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Other Offences Carrying a Possible Prison Term under HTA - Racing and Stunt Driving (HTA 172) - Driving under Suspension (HTA 53) - Failing to Slow Down or Change Lanes for Stopped Emergency Vehicles (HTA 159) - Failing to Stop for a School Bus (HTA 175)	<i>Fines or Imprisonment</i>	Range from \$400 to \$10,000, and/or up to six months imprisonment	No changes proposed.	No changes proposed. Existing fines and/or jail time would apply. If the offender violates their probation order following conviction, they would be subject to a fine of up to \$50,000.
	<i>License Suspension</i>	Courts may choose to suspend for up to two years, and up to 10 years for some repeat offences.	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, a license suspension of up to one year would be required. A court could choose to extend the suspension up to the maximum allowed for that offence under the HTA.
	<i>Community Service</i>	Courts may choose to require community service, as a condition "appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the defendant," provided the defendant agrees.	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, 50 to 200 hours of community service related to road safety would be required.
	<i>Driver Training</i>	Courts may choose to require driver training, as a condition "appropriate to prevent similar unlawful conduct or to contribute to the rehabilitation of the defendant."	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, a driver training course would be required.
	<i>Presence at Hearing for Sentencing</i>	Defendant does not have to be present.	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, the defendant must be present and victim impact statements may be read.

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Distracted Driving -Driving while holding or using a hand-held wireless communication or entertainment device (HTA 78.1).	<i>Fines</i>	\$300 to \$1,000	First offence: \$500 to \$1,000, Second offence (within five years): \$500 to \$2,000 Subsequent offences (within five years): \$500 to \$3,000	No changes proposed. Existing fines and/or jail time would apply. If the offender violates their probation order following conviction, they would be subject to a fine of up to \$50,000.
	<i>License Suspension</i>	None	Mandatory First offence: three days Second offence (within five years): seven days Subsequent offences (within five years): 30 days	Mandatory. If a vulnerable road user is harmed or killed, a license suspension of up to one year would be required.
	<i>Community Service</i>	None	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, 50 to 200 hours of community service related to road safety would be required.
	<i>Driver Training</i>	Courts may not require driver training. If 9 to 14 demerit points have been accumulated, driver training could be required in a demerit point interview.	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, a driver training course would be required.
	<i>Presence at Hearing for Sentencing</i>	Defendant does not have to be present.	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, the defendant must be present and victim impact statements may be read.

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Other Offences with No Possible Prison Term <ul style="list-style-type: none"> - Failing to yield to a pedestrian in a crosswalk or crossover (HTA 140, HTA 144) - Failing to stop for a school crossing guard or school bus (HTA 176, 175) - Driving without a correct license (HTA 32) - Driving without an ignition interlock device when such a device is required (HTA 41.2) - Driving with an alcohol level higher than zero, young and novice drivers (HTA 44.1) - Speeding (HTA 128) - Failing to follow the traffic directions of a police officer (HTA 134) - Speeding (HTA 128) - Failing to obey traffic signals signs or to properly yield (HTA 135, 136, 138, 139, 142.1, 144, 146, 146.1, 182) - Improper turn (HTA 141, 143) - Failing to signal (HTA 142) - Blocking an intersection (HTA 145) - Unsafe passing (HTA 148, 149, 150, 167) - Driving on a paved shoulder or the wrong way (HTA 151, 153, 157) - Unsafe lane change (HTA 154, 156) - Following too closely (HTA 158) - Improper towing (HTA 160) - Crowding the driver's seat (HTA 162) - Failing to stop at a railway crossing (HTA 163, 164) - Opening a vehicle door in a way that endangers (HTA 165) - Passing a streetcar whose doors are open (HTA 166) - Failing to adjust headlights (HTA 168) - Stopping on the roadway (HTA 172) 	<i>Fines</i>	Range from \$60 to \$1,000	No changes proposed.	No changes proposed. Existing fines and/or jail time would apply. If the offender violates their probation order following conviction, they would be subject to a fine of up to \$50,000.
	<i>License Suspension</i>	None Exception: 30-day suspension required for young drivers with a blood alcohol level above zero (HTA 44.1)	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, a license suspension of up to one year would be required.
	<i>Community Service</i>	None	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, 50 to 200 hours of community service related to road safety would be required.
	<i>Driver Training</i>	Courts may not require driver training. If 9 to 14 demerit points have been accumulated, driver training could be required in a demerit point interview.	No changes proposed.	Mandatory. If a vulnerable road user is harmed or killed, a driver training course would be required.
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indicates a proposed change

