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**Official Report
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(Hansard)**

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**Journal
des débats
(Hansard)**

HE-62

**Standing Committee
on Heritage, Infrastructure
and Cultural Policy**

Safer Roads and Communities
Act, 2024

1st Session
43rd Parliament
Friday 15 November 2024

**Comité permanent du
patrimoine, de l'infrastructure
et de la culture**

Loi de 2024 pour prévoir
des routes et des collectivités
plus sûres

1^{re} session
43^e législature
Vendredi 15 novembre 2024

Chair: Laurie Scott
Clerk: Isaiah Thorning

Présidente : Laurie Scott
Greffier : Isaiah Thorning

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON HERITAGE,
INFRASTRUCTURE
AND CULTURAL POLICY**

**COMITÉ PERMANENT DU PATRIMOINE,
DE L'INFRASTRUCTURE
ET DE LA CULTURE**

Friday 15 November 2024

Vendredi 15 novembre 2024

The committee met at 1000 in committee room 1.

The Clerk of the Committee (Mr. Isaiah Thorning):

Good morning, everyone. The Standing Committee on Heritage, Infrastructure and Cultural Policy will now come to order. In the absence of the Chair and Vice-Chair, members, it is my duty to call upon you to elect an Acting Chair. Are there any nominations?

Ms. Mary-Margaret McMahon: You can't nominate yourself.

Mr. Matthew Rae: Why not?

I move that we nominate Acting Chair MPP Grewal.

The Clerk of the Committee (Mr. Isaiah Thorning): Thank you. Do you accept the nomination?

Mr. Hardeep Singh Grewal: I do.

The Clerk of the Committee (Mr. Isaiah Thorning):

Are there any further nominations? Okay. Seeing none, I declare nominations closed and MPP Grewal elected Acting Chair. Thank you.

**SAFER ROADS AND COMMUNITIES
ACT, 2024**

**LOI DE 2024 POUR PRÉVOIR DES ROUTES
ET DES COLLECTIVITÉS PLUS SÛRES**

Consideration of the following bill:

Bill 197, An Act to amend the Highway Traffic Act /
Projet de loi 197, Loi modifiant le Code de la route.

The Acting Chair (Mr. Hardeep Singh Grewal): Good morning, everyone. We're here to conduct clause-by-clause consideration of Bill 197, An Act to amend the Highway Traffic Act. We're joined by staff and legislative counsel, Hansard, and broadcasting and recording. We also have staff from the Ministry of Transportation available to answer questions from the committee. Please wait until I recognize you before starting to speak. As always, all comments should go through the Chair. Any questions before we begin? We're good.

The Clerk has distributed an amendment package to all members and staff electronically. Are there any comments or questions to any section or schedule of the bill, and if so, which section? We'll now begin clause-by-clause consideration of the bill. MPP French.

Ms. Jennifer K. French: Just in terms of how this will unfold, I have a comment about section 1, as is in the amendment package. I'm just not sure when the appropriate time is.

The Acting Chair (Mr. Hardeep Singh Grewal): So currently, we'll have a general discussion on the bill, and then we'll go forward from there.

Ms. Jennifer K. French: Okay. I just want to not move on to the section 4 amendments and miss the section 1 comments.

The Acting Chair (Mr. Hardeep Singh Grewal): No problem. Any other comments? Seeing none, are we good to proceed? Okay.

We're going to move forward to the act to amend the Highway Traffic Act, section 1. MPP French?

Ms. Jennifer K. French: Thank you, folks. We had great and interesting testimony the other day on this bill. One of the pieces that I am left with is that I would recommend that we vote against section 1 of the bill. Section 1 of the bill removes the term "power-assisted bicycle" from the definition of bicycle, which means that e-bikes will be regulated by default as a motor-assisted vehicle like a moped.

Why I'm raising this: I want to refer to the submission that we all received from Cycle Toronto. One of the things that they said was, "It remains unclear how the removal of the 'power-assisted' definition for pedal-assist e-bikes will help ultimately create greater consumer and industry clarity. Not understanding how these subsequent categorizations will proceed does give us pause on endorsing this direction."

Why I'm raising this is, having lived through the MOMS Act and having seen that this government has sped through the process before and created awkward legislation regarding e-bikes, as we had seen in the MOMS Act—and we see here we're still kind of mid-consultation and we don't know what the regulations will be—my concern is that, as it's written now, we're creating a lot of red tape for e-bike users without clarity. We heard from hundreds of e-bike users, during Bill 282, that the government was getting e-bike classification wrong. In fact, this government hasn't even proclaimed those sections of the act, and once again, we're mid-consultation.

Bill 197 removes the definition of "power-assisted bicycle" from the Highway Traffic Act, which means that now all e-bikes will fall under the definition of "motor-assisted bicycle" with vehicles like mopeds that require class M licences, plates and insurance. I haven't heard whether the government is intending to regulate all e-bikes similarly to mopeds.

We heard from Jamie Stuckless, who came to committee, about the need to have classifications that work for every-

one and that the e-bikes they use—the bicycle style, or maybe called class 1 and class 2—are very different from the throttle-assist bikes. We've talked about that. All of us have seen mopeds or e-bikes that basically look like motorcycles. They are very different from the pedal-assist, bicycle-style e-bikes that might have a child carrier, which is a whole different issue.

In the absence of clarity from the government, it is my recommendation that we vote against section 1 of the bill. If the government would like to make clear what their intentions are—if this is not about creating red tape for e-bike users, I would be glad to have that reassurance at this time. But sight unseen, the regulations are the intentions. I'm worried that we're creating more problems than we're solving.

The Acting Chair (Mr. Hardeep Singh Grewal): MPP McMahon.

Ms. Mary-Margaret McMahon: I strongly support MPP French's stance on section 1. We heard from Jamie Stuckless. You received a great visual—a picture is worth a thousand words. That's how families get to and from—that's their commute, and we want to get them there, to and from, safely. They are absolutely easing congestion and living healthier lives that way. We don't want to be treating pedal-assist vehicles like, basically, mopeds and scooters. So I'm definitely supportive of that.

The Acting Chair (Mr. Hardeep Singh Grewal): Any other comments?

Mr. Ric Bresee: Just in response to those comments: The government has indicated, as the ADM indicated yesterday, that we will be moving very quickly towards the review and the classification process to ensure that all different types—and again, we had the conversation Wednesday about how the technologies have changed, how there are a huge number of different styles and structures of these bikes. We need to make sure that we get that right, as to which ones require licensing, which ones don't etc., the age restrictions—all of that. That move to get those regulations requires that we, I'll say, clear the path for those definitions, and that is exactly what this legislation is doing.

The Acting Chair (Mr. Hardeep Singh Grewal): If there are no other comments, should we call this to a vote? Shall section 1 carry? All those in favour? All those against? Section 1 is carried.

If there are no amendments to sections 2 and 3, I therefore propose that we bundle sections 2 and 3. Is there agreement?

Ms. Mary-Margaret McMahon: Wasn't that what I submitted—section 2—or no?

The Acting Chair (Mr. Hardeep Singh Grewal): I don't think so. That was section 4, I think. Do you want to double-check?

Interjections.

1010

Ms. Mary-Margaret McMahon: I'm trying to figure this out. Yes, I thought it was section 2, but maybe I'm wrong. This is from—if everyone received the information from the EMS, the paramedics, they have strong concerns. They couldn't get the amendment in, but I think all of you received an email from the paramedics—

The Acting Chair (Mr. Hardeep Singh Grewal): MPP McMahon, we're just going to ask for consensus if we can bundle the two. Then if you have any comments, you can state them afterwards and we can continue with that.

Ms. Mary-Margaret McMahon: Okay.

The Acting Chair (Mr. Hardeep Singh Grewal): If everyone is agreement, are we okay to bundle sections 2 and 3? Agreed. Any debate? MPP McMahon.

Ms. Mary-Margaret McMahon: Okay. Sorry, I thought the paramedics sent everyone an email yesterday. It was too late to get an amendment in, but they're very concerned. I'm not sure if anyone has received it. They're very concerned about a section—I have a letter to hand out, but basically it's to help them, in cases of emergency, to allow them to pass on the left of the streetcars. Could I just distribute this? I thought you had it. I just want it on record that they've asked for this.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP French.

Ms. Jennifer K. French: We're looking at sections 2 and 3 that we've bundled and now we're considering, and this is the opportunity to debate the substance of those sections. Could someone tell me where—I understand we don't have an amendment before us, but we certainly have something that supposedly fits in this section. I'm seeking direction to know which section—where would this fit were it to be in front of us? I'm curious.

The Acting Chair (Mr. Hardeep Singh Grewal): I'll have to refer to our legal counsel.

Interjection.

The Acting Chair (Mr. Hardeep Singh Grewal): Having just received this package, it's not a formal amendment. You're more than welcome to debate the items put forward; however, because we have not received a formal amendment, there are no amendments to sections 2 and 3.

Ms. Jennifer K. French: Right, but is that the appropriate place to discuss it?

The Acting Chair (Mr. Hardeep Singh Grewal): It is entirely up to the member that has brought it forward. The proper channels were to bring in the amendment. Since there's no amendment to sections 2 and 3, we can debate sections 2 and 3, we can talk about the substance of that letter, but there will be no actual—

Ms. Mary-Margaret McMahon: Do I have a chance overall? This just needs to be on the table that people are aware that they've requested this as part of emergency services. We'll distribute the paper just for your perusal, and then be that as it may. You guys have the votes.

The Acting Chair (Mr. Hardeep Singh Grewal): I'd like to call and ask the members if there's any further debate on sections 2 and 3. Seeing none, are the members prepared to vote? Okay. Shall sections 2 and 3 carry? All those in favour? All those opposed? I declare sections 2 and 3 carried.

Moving on to section 4: There is an amendment for section 4 from the independent member, Ms. McMahon. Ms. McMahon, would you like to discuss your amendment?

Ms. Mary-Margaret McMahon: But you want me to read it first?

The Acting Chair (Mr. Hardeep Singh Grewal): Yes.

Ms. Mary-Margaret McMahon: I move that section 4 of the bill be amended by adding the following subsection to section 38 of the Highway Traffic Act:

“Exception

“(3) The prohibition in subsection (2) does not apply with respect to a passenger who is riding while seated in an appropriate purpose-built seat that is affixed to the motor assisted bicycle.”

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate on the amendment?

Ms. Mary-Margaret McMahon: We just mentioned this, both MPP French and I. As per submissions by Cycle Toronto and Jamie Stuckless yesterday, who represent thousands of other people and families who travel with these types of bicycles, just making it safe and legal for them to continue to do so—to get to and from safely. I think it was probably just an oversight in the initial bill, so it’s just a tweak for safety.

The Acting Chair (Mr. Hardeep Singh Grewal): MPP French.

Ms. Jennifer K. French: I thought that this part of the deputations was quite interesting around the e-bike passenger provision. In the MOMS Act, which I have discussed, some of its shortcomings, there were provisions that have not yet been proclaimed. And as Jamie Stuckless came before this committee and pointed out, while those provisions have not yet been proclaimed, there were some good ones in there. Now what we have in this particular Bill 197 is all of those provisions are just being wiped. They’re all being repealed en masse, which I’m going to suggest is a mistake in drafting—or maybe they’re coming forward again in regulations. We haven’t heard anything from the government side on whether those provisions will indeed be re-included in what we see coming after this in terms of regulations.

Specifically, I’ll read from Cycle Toronto’s submission that all members received. They have said, “We do think it is essential that the current ban on child e-bike passengers be removed. And as this moves forward, we hope the province will align its categorizations with neighbouring jurisdictions to minimize confusion. We think it essential that the province and HTA continue to treat a category of pedal-assist e-bikes and e-cargo bikes (what might be called class 1 and 2 bikes) just like conventional bicycles.”

Jamie Stuckless had raised the fact that she’s a mom and would like to be able to throw her ducklings in an appropriate and safe seat on her e-bike, as many other parents would want. But as she submitted, there are a number of popular e-bike models, whether they be cargo e-bikes or the trikes or whatnot—or some that look like bicycles but have that little bit of extra pedal-assist, which I know parents would appreciate after a long day with the kidlet on the back—but, highlighting here: “A child in a rear passenger seat on an e-bike. Passenger age restrictions make this currently illegal in Ontario.” There were a number of examples that are currently prohibited in Ontario due to passenger age restrictions, or just their inability to actually

transport passengers. So I don’t know what the government’s intention is or was in not addressing it.

The other thing that I will read into the record: All of us received, as committee members, a submission from Mr. Liam Roach. He said, specific to this issue, “I have concerns about the language surrounding the proposed changes to the HTA sec 38(2) ‘No person who is the owner or is in possession or control of a motor-assisted bicycle shall permit a person who is under the age of 16 years to ride on, drive or operate the motor assisted bicycle on a highway.’”

He says, “In particular, ‘no person under 16 shall ride on’ would prevent any e-bike to be used for the transportation of children, even within a purpose-designed child seats or child carriers.

“As such, I recommend the language of the proposed bill language be modified to explicitly allow the carrying of children within purpose-built carrying systems (or words to that effect). Additional speed or power limits could be part of this language if there are any safety concerns.”

That is from Mr. Liam Roach on this issue.

So, yes, I support the spirit of this amendment; I’m not sure if the wording is exactly right. I do hope that the government’s intention is not to muck this up. In the original provisions, this was something that apparently was correct but is now repealed. So if the government would like to speak to that, I know folks, especially those with kids that they want to put on the e-bike safely and appropriately, would be glad to hear.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP Bresee.

Mr. Ric Bresee: What the amendment is proposing is effectively a predetermination on where our consultations and review will go. I think that would be a mistake to predetermine. We have received a great amount of input from some of the people that the members opposite were just referencing. We will continue to consult and work with those groups and all groups to ensure that we have a model that is very safe.

1020

Again, on Wednesday, they made reference to a few different models that are available across other jurisdictions. We’re reviewing all of that and wanting to come to a full and clean definition so that we can proceed clearly without excessive red tape, as the member mentioned.

Again, moving forward with a clear path, which is what this bill does, allows us to move into those consultations to ensure that the regulations are appropriate for everyone.

The Acting Chair (Mr. Hardeep Singh Grewal): If there is no further debate, are members prepared to vote on this amendment?

Ms. Mary-Margaret McMahon: Recorded vote.

Ayes

French, McMahon.

Nays

Bresee, Kanpathi, Pierre, Rae, Sandhu.

The Acting Chair (Mr. Hardeep Singh Grewal): I declare this amendment lost.

Are members prepared to vote on section 4? Shall section 4 as a whole carry? All those in favour? All those opposed? I declare it carried.

Further, we have section 5. Would members like to debate section 5? Seeing no debate, are members prepared to vote on section 5? All those in favour of section 5? All those opposed? I declare section 5 carried.

We are now on section 6. I see that there's an amendment from the government side on section 6. For the government members, MPP Bresee to move the amendment.

Mr. Ric Bresee: I move that section 6 of the bill be amended by striking out sections 41.0.2 and 41.0.3 of the Highway Traffic Act.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP French.

Ms. Jennifer K. French: Does he want to explain it first?

Mr. Ric Bresee: The reason for this amendment is to recognize some recent changes within the federal jurisdiction and within the federal amendments, just to make sure that we have the appropriate coding for all of those pieces.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP French.

Ms. Jennifer K. French: I appreciate that, because I was looking at this and I was curious what had happened. I wondered if you had received legal advice that this might be legally incoherent or unconstitutional or intrudes too far into federal jurisdiction over criminal offences. You've said it's coding?

Mr. Ric Bresee: If I may clarify, sections 41.0.2 and 41.0.3 of the Highway Traffic Act, as set out in section 6, have been superseded by amendments that were recently made to section 333.1 of the Criminal Code, and therefore we needed an update to this.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? Seeing none, are members prepared to vote on this amendment? All those in favour? All those opposed? I declare this amendment carried.

Moving forward to section 6: Shall section 6, as amended, carry? All those in favour? All those opposed? Section 6, as amended, is now carried.

Now we're on new section 6.1. The government members will be introducing an amendment, a new section 6.1 to the bill. Would any of the government members like to move that amendment?

Mr. Ric Bresee: I move that section 6.1 be added to the bill:

“6.1 The act is amended by adding the following section:

“Suspension related to theft of a motor vehicle

“41.0.2(1) The driver's licence of a person who is convicted of an offence under subsection 333.1(3) or (4) of the Criminal Code (Canada) is thereupon suspended,

“(a) on a first conviction, for 10 years;

“(b) on a second conviction, for 15 years; and

“(c) on a third or subsequent conviction, indefinitely.

“Notification

“(2) The judge, provincial judge or clerk of the court in which the conviction is made shall promptly notify the

registrar of the conviction, and the notification to the registrar shall provide the person's name, the particulars of the offence and, if available, the person's address, driver's licence number and date of birth.

“Determining subsequent conviction

“(3) In determining whether a conviction is a subsequent conviction for the purposes of subsection (1), the only question to be considered is the sequence of convictions, and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction.

“10-year limitation

“(4) A conviction that is more than 10 years after the previous conviction is deemed to be a first conviction for the purposes of subsection (1).

“Exception

“(5) Despite subsections (3) and (4), when the subsequent conviction is within 10 years after the previous conviction, all previous convictions that were not followed by a 10-year period without a conviction shall be taken into account for the purposes of subsection (1).

“Judge to secure possession

“(6) Where a judge or provincial judge convicts a person of an offence described in subsection (1) and the driver's licence of the person convicted is suspended by operation of this section, the judge shall take the driver's licence and forward it to the registrar.

“Notice to be given

“(7) Upon the arraignment of a person accused of an offence described in subsection (1) and before the court accepts the plea of the person, the clerk or registrar of the court shall orally give a notice to the person to the following effect:

““The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for the period prescribed by statute”.

“Same

“(8) The suspension of a driver's licence by operation of this section shall not be held to be invalid by reason of failure of the clerk or registrar of the court to give the notice provided for in subsection (7).

“Same

“(9) Subsections 41(5) and (8) apply to this section, with necessary modifications.”

I think I got it all.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate on the amendment? MPP French.

Ms. Jennifer K. French: Okay. I'm going to ask why the government has placed limits on which car thefts would be captured by this anti-car-theft bill, as a specific. But just as a quick question of wording: The member moved that section 1 be added to the bill, and it's adding obviously a significant chunk to the bill, but when I'm following along with the bill as written, it doesn't neatly fit. It's a lot of duplication or it looks to be tidying up what is already in the bill. Is this a replacement section, or is this being inserted with all of these other—“Same” only goes to (9) in your new one, but there's a whole section for “appeal” in the

bill. I know I'm in the weeds, but is this really, really as untidy as it appears procedurally?

The Acting Chair (Mr. Hardeep Singh Grewal): Sorry—

Ms. Jennifer K. French: Yes, I'm asking a question. Does it fit?

The Acting Chair (Mr. Hardeep Singh Grewal): Yes, it does.

Ms. Jennifer K. French: Okay. So we're going to have a significant number of duplications here in the bill, or does this replace it? This says "add." Is it replacing what is here? I'm new.

The Acting Chair (Mr. Hardeep Singh Grewal): I'm going to refer this to our legislative counsel.

Mr. Navdeep Purewal: If I'm correct, the provisions you're referring to being duplicated by this motion are in section 41.0.2. Is that correct?

1030

Ms. Jennifer K. French: Possibly.

Mr. Navdeep Purewal: So, the previous motion that carried removed that from the bill.

Ms. Jennifer K. French: Thank you. That's good. I'm happy to be wrong. I just like things to be tidy.

Back to my question: This restates the bill's provisions governing licence suspensions for convicted car thieves, but it removes the bill's various arbitrary limits on when a car thief would be subject to the suspension, such that all convictions for car theft would now be captured, and not just thefts involving violence or weapons, for example. I feel like the change seems okay, but I am curious about why the government placed limits on which car thefts would be captured by the anti-car theft bill.

The Acting Chair (Mr. Hardeep Singh Grewal): Is there any further debate? MPP Bresee.

Mr. Ric Bresee: Again, with federal section 333.1 having recently been changed, this is effectively a housekeeping item to ensure that our legislation fits with that, and it's under the advice of our legal counsel.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate?

Ms. Jennifer K. French: It's helpful to get real information at committee. That's unusual. Thank you, Mr. Bresee.

The Acting Chair (Mr. Hardeep Singh Grewal): Are members prepared to vote on 6.1? All those in favour? All those opposed? Amendment number 3 is carried.

If there are no amendments to sections 7 to 24, I therefore propose that we bundle sections 7 to 24. Is there agreement? Is there any debate on sections 7 to 24? Seeing none, are the members prepared to vote? Yes.

Shall sections 7 to 24, inclusive, carry? All in favour? All opposed? Sections 7 to 24 are now carried.

We'll be moving on to a new section, 24.1. The NDP has put in an amendment. Amendment number 4 and amendment number 6 rely upon each other. I'm asking for unanimous consent of the committee to see if we can debate those two separately, but in this order: 4, 6, and then 5.

Ms. Jennifer K. French: Not quite yet.

The Acting Chair (Mr. Hardeep Singh Grewal): Sorry about that. I just needed a little bit of clarification.

As amendment number 4 is reliant on amendment number 6, is there unanimous consent from the committee to talk about number 4 and then afterwards conclude with number 6? MPP French.

Ms. Jennifer K. French: I would actually say that amendment 6 is contingent upon number 4. My question is, do I have to move both at the same time?

Interjection.

Ms. Jennifer K. French: Okay, because one of them is a seven-pager. Am I moving amendment 4—but we can consider the meat and potatoes, all together, of 4 and 6? Is that what you're asking?

The Acting Chair (Mr. Hardeep Singh Grewal): If everybody is in agreement, we can do that, yes. Is everybody agreed? Agreed.

MPP French.

Ms. Jennifer K. French: In that case, am I moving only number 4—not 4 and 6?

The Acting Chair (Mr. Hardeep Singh Grewal): Yes, only number 4.

Ms. Jennifer K. French: Thank you.

I move that section 24.1 be added to the bill:

"24.1 The act is amended by adding the following part:

"Part X.0.1

"Harm to Vulnerable Road Users

"Offence

"191.0.2(1) Every driver of a motor vehicle, other than a motor-assisted bicycle, who causes or contributes to causing death or serious bodily harm to an individual described in subsection (2) by contravening one or more listed provisions under section 191.0.2.1 is guilty of an offence.

"Vulnerable road users

"(2) The following are the individuals referred to in subsection (1):

"1. A pedestrian.

"2. An individual on a bicycle or on a motor-assisted bicycle.

"3. An individual in a wheelchair or other device driven by muscular or any other kind of power that is designed for and used by a person whose mobility is limited by one or more conditions or functional impairments.

"4. An individual who is on the highway because the individual is engaged in construction, maintenance, repair or a similar function while on that part of the highway.

"5. An individual who,

"i. is,

"A. a police officer, a special constable, a First Nations constable, a municipal law enforcement officer or an auxiliary member of a police force, within the meaning of the Police Services Act,

"B. a firefighter within the meaning of the Fire Protection and Prevention Act, 1997,

"C. an individual who attends on a call for an ambulance, or

"D. an emergency response worker, and

"ii. is acting in the course of their duties, and

"iii. is not in or on a motor vehicle, streetcar or other motor vehicle running only upon rails, motorized snow

vehicle, traction engine, farm tractor, self-propelled instrument of husbandry or road-building machine.

“6. An individual prescribed by the regulations.

“Relation to absolute liability offence

“(3) An offence under subsection (1) is not an absolute liability offence, even if an offence of contravening a listed provision is an absolute liability offence.”

The Acting Chair (Mr. Hardeep Singh Grewal): Is there any further debate on the amendment?

Ms. Jennifer K. French: Yes, I'd like to.

The Acting Chair (Mr. Hardeep Singh Grewal): Sure.

Ms. Jennifer K. French: Perfect.

Folks, this is, as I moved, about protecting vulnerable road users. “Vulnerable road users” is quite an inclusive category, as I've outlined here, but certainly as we've heard as members of this Legislature in our communities. Just at committee, we did have folks from Good Roads come and talk about their support for an inclusion of a vulnerable road-user protection in this bill or, frankly, in any other bills that we've ever talked about in terms of road safety.

This motion, and also 6, would enact part of MPP Harden's Bill 40, which is the Moving Ontarians Safely Act. It's a vulnerable road user law which establishes meaningful consequences for motor vehicle drivers who seriously injure or kill a vulnerable road user—so as I said, pedestrians, cyclists, someone in a wheelchair, road workers, first responders at the roadside—when committing an offence under the Highway Traffic Act. While these consequences can include increased financial penalties, they are mainly intended to be restorative rather than retributive.

No, I don't believe anyone sets out in the morning to harm someone else. There is opportunity for training. There is opportunity for so much learning and improvement.

That's why appropriate vulnerable road user legislation would focus on restorative rather than retributive measures and include things like being required to hear victim impact statements. The goal is to foster greater consideration for the unequal risks facing vulnerable road users on the road as compared to drivers protected by two tonnes of steel.

This is an important issue. People have come before multiple committees talking about the need for this type of legislation, and I'm excited to once again bring it before this committee that has an opportunity in this moment to do the right thing and include vulnerable road user legislation in this bill.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate?

Ms. Mary-Margaret McMahon: Thank you for bringing this forward, MPP Bell—

Ms. Jennifer K. French: French.

Ms. Mary-Margaret McMahon: French.

Ms. Jennifer K. French: MPP Bell has a long history of—

Ms. Mary-Margaret McMahon: You're both passionate for road safety—safety in general.

When I was a Toronto city councillor, we did work on this. We need some serious protections for vulnerable road users. I think it's a smart, logical amendment to keep everyone safe again. We talked yesterday about how there's no

hierarchy on the roads; the roads are for everyone. We want everyone to get home safely, so I'm happy to support this.

1040

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP Bresee.

Mr. Ric Bresee: I appreciate the intent and, obviously, this government has the same concerns as everyone. As we spoke of Wednesday, safety on the roads is a non-partisan issue. We all desire that. This bill will increase and enhance the strengthening of public safety, certainly, while not segmenting or discriminating. As MPP McMahon's conversations on Wednesday led to, all road users are valuable, all road users are prioritized—having a particular segment that prioritizes one set of road users over another is inappropriate from this perspective, so we won't be recommending supporting this.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP McMahon.

Ms. Mary-Margaret McMahon: I think we can all agree, with due respect, there's not a hierarchy on the road in that way, but we all know who's vulnerable on the roads and who's not. Of course, it would behoove us to ensure safer measures for vulnerable road users. That's just a no-brainer there. Thank you.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP French.

Ms. Jennifer K. French: I think it's important when all of us, I believe, do want the roads to be safer and talk about safety being the most important—there are missed opportunities: the restorative piece, the education piece, the after-the-fact after something awful has happened. There is more opportunity to prevent further harm or to, I would say even—I don't know that you can mitigate the emotional harm in the aftermath, but that is certainly something.

Mr. Harden rode his bicycle—he's a super keener; I'll give him that—from Ottawa to Queen's Park, stopped in Oshawa, met with folks in the broader Durham community to come and talk about things like near misses, lost family members, injury. There is a lot of opportunity—and they weren't all cyclists, right? It was just different people who used the roadways for different reasons as highlighted in this amendment.

And to never put into legislation those vulnerable-road-user considerations and protections is a mistake, especially because much of this is also after the fact. It's one thing to have penalties, yes, but also the restorative piece and having the opportunity for victim impact statements to be heard—all of that is I think rooted in focusing on humanity and experience on the roads. That might be a little bit warm and fuzzy, but there's some pretty awful stuff that happens. More could be prevented and more can be done, and this is an opportunity.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? Seeing none, are members prepared to vote on amendment number 4?

Ms. Jennifer K. French: Recorded vote.

Ayes

French, McMahon.

Nays

Bresee, Kanapathi, Pierre, Rae, Sandhu.

The Acting Chair (Mr. Hardeep Singh Grewal): I declare this motion lost.

Next, we have amendment number 5, tabled by the NDP. MPP French.

Ms. Jennifer K. French: I move that section 24.1 be added to the bill:

“24.1 The act is amended by adding the following section:

“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.”

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP French.

Ms. Jennifer K. French: I’ve had the privilege of working with Bikers Rights Organization, Gerry Rhodes and lots of folks who, gosh, for years and years and years have been championing this issue because of two motorcycle riders who were killed because someone made an inappropriate left-hand turn and at sentencing there was such a limited slap on the wrist—I believe the maximum was \$500 that the judge was able to award at that time—which added insult to injury for that loss of life.

This is an amendment that is seeking to enact Bill 15, which is mine—and I have been very proud to work with folks across communities to bring this forward a number of times—which establishes higher financial penalties for drivers who seriously injure or kill someone when committing an offence under the Highway Traffic Act. Think inappropriate left turn; think flipping a U-turn illegally. This is not to do with impaired driving or anything. This is a violation under the Highway Traffic Act, which means that there aren’t special considerations, that this is a slap on the wrist, even if something terrible happens. It’s different from the previous motion, but it also calls for more serious consequences for people who kill or seriously injure someone while driving.

Understand that these are not mandatory penalties. The goal of this, as we have debated in the House—and it passed through the House, passed second reading. This government allowed it to proceed to committee. In fact, I believe it was this particular committee that heard that bill. I sat in the chair right over there and got to debate it, which was a special and important opportunity to bring those

voices to this committee. And it’s stuck in limbo, so it has not been called for clause-by-clause. It’s just hanging there. Part of the challenge of that bill not going through, my understanding is, is something in the title. This amendment does not have the title of the bill, which created an inadvertent challenge for us.

This is a chance to move it into government legislation, make it the law of the land. This is a government that does seem to prioritize penalties, and this is a chance to give a judge, at sentencing—if someone is charged and then they are convicted, at sentencing, a judge would now have more penalties to reach for, if appropriate. This is not prescriptive; this gives judges options, who—we have heard from families, their hands are tied, that they can’t consider the case on its own merit, that they only have a maximum of a \$500 fine.

So I had reintroduced this, the Fairness for Road Users Act (Contraventions Causing Death or Serious Bodily Harm), 2023, which is Bill 15. It would be a meaningful change for families across the province who know too well the pain of loss or injury on our roads. We don’t want bad things to happen on the roads, but when they do, there shouldn’t be insult to that injury for families. So again, this would increase penalties if someone on the road breaks a driving law and hurts or kills someone. This bill would give the court options during sentencing so that families might no longer suffer insult after suffering injury. I would ask for the committee to include this amendment today.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP Bresee.

Mr. Ric Bresee: Again, the government shares the view that drivers who commit these offences should be prosecuted to the full extent of the law. It’s why, in 2018, we created an offence, careless driving causing bodily harm or death, which already carries basically the same types of penalties that the member is moving with this amendment: \$2,000 to \$50,000 fines, imprisonment for up to two years, driver’s licence suspension and the remedial education courses. This includes a factor that the courts can take into consideration, aggravating factors, whether they’re a vulnerable user by virtue of being a pedestrian, working on the roads, a cyclist, whatever. That is already there. And the police have the authority, have the existing penalties, both under the Highway Traffic Act—careless driving, stunt driving, careless driving causing death or bodily harm—and under the Criminal Code, of dangerous driving, that these serious penalties are already available to the judicial system to address. Again, we won’t be supporting.

1050

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? MPP French.

Ms. Jennifer K. French: I have heard this so many times before from the government, and it is incorrect. When I had the opportunity to meet with Minister Mulroney at the time and we—she and I had talked about this at that time. “Careless” is not appropriate in this case.

A police officer can't—sorry; I'll finish that thought. In talking to the then Minister of Transportation at the time, that's why there was interest from the ministry in bringing the bill forward to committee: to give it its day in court, to have these conversations and flesh this out and actually debate it and discuss it. I will—

The Acting Chair (Mr. Hardeep Singh Grewal): Thank you—

Ms. Jennifer K. French: I'm not done.

What I would say, though, is that an officer at the roadside, when they're responding to a crash or a collision, cannot levy a charge that they can't back up. So they can't call it "careless" if that won't hold up in court. They can't just say, "This is really emotionally bad; this is awful. I'm going to call it careless." It has to meet certain criteria. So yes, if "careless" is an appropriate charge and then that can get a conviction, that is a significant charge. That is a significant penalty. But that is not what happens when someone is killed by a left-hand turn or something like that. "Careless" is not the charge that can be laid and certainly not the charge that can be defended and proven.

A conviction under the careless charge is so, so rare. It is so rare. People plead down, and they plead down to this, and that is the \$500 fine. So people are pleading down. We don't see that people have the consequences that the broader community would expect when someone is injured or killed, and every time the government says, "We have 'careless,' and it's really strong"—you do, and very few get convicted under that. The evidence has to exist at the scene; it doesn't, and police are not able to lay that charge often. And certainly, in most cases they plead down. This makes it so that even if they plead down, the judge has more tools to reach for. Even if they plead down from "careless," if that doesn't stick, there's still an opportunity for the judge to have this range of penalties, consequences when it comes to licences, all of that, because that doesn't exist. That's why it is needed.

So, respectfully, I disagree. I have a million times on the record. The ministry folks know that, so whoever is writing your briefing notes, please take that back, because this should be in here. This should be in this bill. Or pull it back to committee for clause-by-clause, and let's fight this back out here in committee.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? Seeing none, are members prepared to vote on amendment number 5?

Ms. Jennifer K. French: Recorded vote.

Ayes

French, McMahon.

Nays

Bresee, Kanapathi, Pierre, Rae, Sandhu.

The Acting Chair (Mr. Hardeep Singh Grewal): I declare amendment number 5 lost.

Moving forward to the new section 24.2, where amendment 6 was added by members of the NDP: Go ahead, MPP French.

Ms. Jennifer K. French: This is a seven-page amendment, but it isn't in order since amendment number 4 did not pass. This was connected, so I will withdraw this amendment.

The Acting Chair (Mr. Hardeep Singh Grewal): Thank you very much, MPP French.

There are no amendments to sections 25 to 31. I therefore propose that we bundle sections 25 to 31. Is everybody in agreement? Is there any debate on sections 25 to 31? Seeing none, are members prepared to vote?

Shall sections 25 to 31, inclusive, carry? All those in favour? All those opposed? Sections 25 to 31, inclusive, have carried.

There has been an amendment introduced to the preamble. The NDP has introduced amendment number 7. MPP French.

Ms. Jennifer K. French: I move that the preamble of the bill be amended by adding "Is committed to promoting the safe use of bicycles and electric bicycles, without adding red tape." at the end.

The Acting Chair (Mr. Hardeep Singh Grewal): To the committee members: In the case of a bill that is being referred to a committee after second reading, a substantive amendment to the preamble is admissible only if it's rendered necessary by amendments made to the bill. I find that the bill has not been amended in such a way to warrant this amendment to the preamble. As such, this amendment is out of order.

My apologies, MPP French.

Shall the preamble of the bill, as stated, carry?

Ms. Jennifer K. French: Is there a chance to debate this section of the bill? Is now a good time?

The Acting Chair (Mr. Hardeep Singh Grewal): Sure. MPP French.

Ms. Jennifer K. French: Well, as disappointed as I am to not be able to amend the preamble, because that would be out of order, I appreciate the opportunity to discuss said preamble.

I would like to hear the government's intentions when it comes to e-bike regulations. I don't want the government to impose new regulatory barriers on e-bike users. I have heard the government members speak about the need for appropriate classifications, the changing nature of e-bikes and whatnot, but I haven't heard that they're going to continue to allow people to prioritize this positive and healthful and clean way of getting around. I've seen the government create red tape accidentally many times, despite their bumper stickers that they don't want to create it. So I would like that reassurance. This preamble talks about—it's sort of like a value statement. It says it's focused on ensuring everyone can travel safely throughout Ontario, whatnot. I would just like to give the chance to the government to reassure that e-bikes are indeed going to stay an option for the hundreds of people we've heard

from, the thousands we haven't heard from—and I am not reassured after this committee.

Those are my thoughts on the preamble.

The Acting Chair (Mr. Hardeep Singh Grewal): Any further debate? Seeing none, are members prepared to vote?

Shall the preamble of the bill carry? All those in favour? All those opposed? The preamble of the bill has carried.

Shall the title of the bill carry? All those in favour? All those opposed? The title has carried.

Shall Bill 197, as amended, carry? All those in favour? All those opposed? Carried.

Shall I report the bill, as amended, to the House? All those in favour? All those opposed? The bill, as amended, has carried, and it will be reported to the House.

There being no further business, the committee now stands adjourned until Monday, November 18, 2024, at 9 a.m. Thank you, everyone.

The committee adjourned at 1100.

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