

# **ENHANCING MUNICIPAL COLLECTION OF DEFAULTED *PROVINCIAL OFFENCES ACT* (POA) FINES:**

## **AN UPDATE ON THE EXPANSION OF LICENCE PLATE DENIAL**

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### **MINISTRY OF TRANSPORTATION**

**Association of Municipalities of Ontario (AMO)  
Annual Conference, August 16<sup>th</sup>, 2016**

# PRESENTATION OVERVIEW

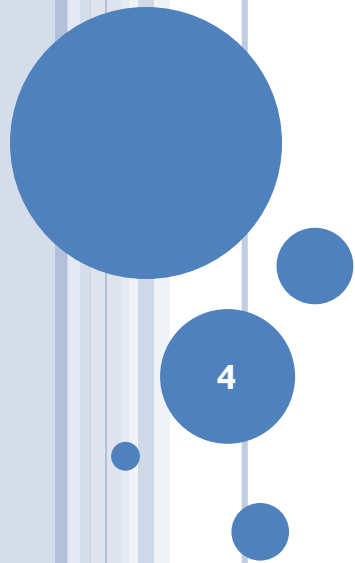
- This presentation provides:
  1. Background on the province's efforts to enhance defaulted POA fine collection; and,
  2. An update on two key fine collection initiatives passed under the *Making Ontario's Roads Safer Act, 2015* (formerly Bill 31):
    - a) Expansion of vehicle plate denial for fine defaulters;
    - b) Enhancement of municipalities ability to charge out-of-province (OOP) owner liability offenders.

# ***THE MAKING ONTARIO'S ROADS SAFER ACT, 2015***

- Key piece of a package of legislative and regulatory amendments to the *Highway Traffic Act*, *Provincial Offences Act* and *Highway 407 East Act*.



- Primary objectives:
  - Improve road safety;
  - Improve the *Highway 407 East Act*;
  - **Enhance the collection of defaulted *Provincial Offences Act* fines.**
- On June 2, 2015, the Act received Royal Assent.



# PART I

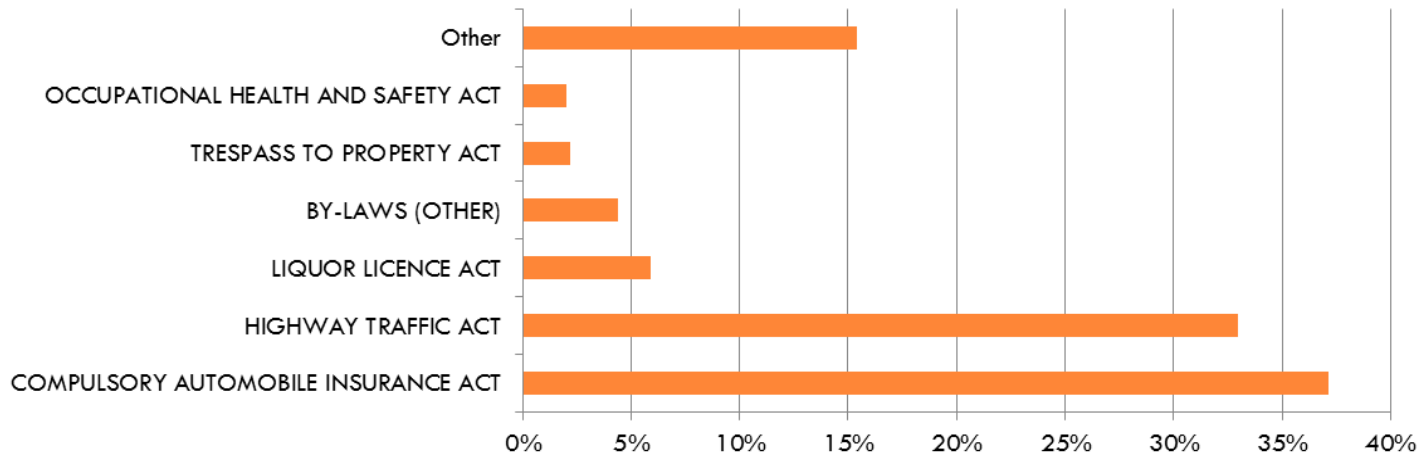
## PROJECT BACKGROUND

# TOTAL FINES IN DEFAULT

## *\$1.4 billion*

*Amount Ontario municipalities have accumulated (1960s to December 2015) in defaulted POA fines imposed under **243 different statutes.***

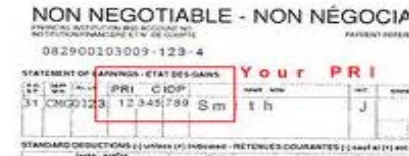
**% of Total Amount of Payments in Default  
(1969 to December 31, 2015)**



# DEFAULTED FINES – KEY CONSIDERATIONS

- Collection rate has improved year-over-year from 65% in 2009 to 80% in 2015.
- \$1.4 billion in defaulted fines includes:
  - Defaulters unable to pay due to poverty/serious illness;
  - Deceased defaulters;
  - Fines incurred by corporations/companies that have ceased to exist; and,
  - Amounts that have already been subject to existing sanctions (e.g. suspensions, garnished wages, etc).

# CURRENT FINE COLLECTION TOOLS



## Licence Suspensions

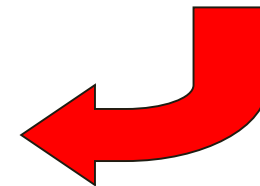
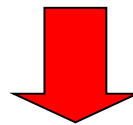
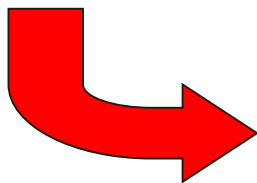
- Highway Traffic Act;
- Compulsory Automobile Insurance Act;
- Motorized Snow Vehicles Act;
- Off Road Vehicles Act;
- Dangerous Goods Transportation Act
- Public Vehicles Act; and
- Sections of the Criminal Code (Canada), Fish and Wildlife Conservation Act, and Liquor Licence Act

## Plate Denials

- Parking Fines
- Red Light Camera Fines
- Owner Fail to Stop for School Bus Fines
- Taxi Scooping Fines

## Other options available for municipalities

- Property Tax Bill
- Civil enforcement
- Collection/consumer reporting agencies
- Notice of garnishment of wages
- Imprisonment



# GOVERNMENT COMMITMENT

- **2011:** Municipal requests for more collection tools:
  - Letter from Association of Municipalities of Ontario;
  - Ontario Association of Police Services Boards (OAPSB) White Paper.
- **2012:** Formation of the ***Provincial-Municipal Defaulted Fines Working Group***.
- **February 2012:** Drummond Commission Report recommendation.
- **March 2012:** Commitment included in 2012 Ontario Budget.





# PROVINCIAL–MUNICIPAL DEFAULTED FINES WORKING GROUP

- March 2012 – Present
- **Mandate:** work with municipalities to identify and explore measures to enhance the collection of defaulted POA fines.
  - **Provincial Participants:** Ministries of Transportation, the Attorney General, Municipal Affairs and Housing, and Finance, and Government Services.
  - **Municipal Participants:** Association of Municipalities of Ontario, Municipal Court Managers' Association, Association of Municipal Clerks and Treasurers of Ontario, Prosecutor's Association of Ontario, Municipal Finance Officers' Association, and City of Toronto.

# WORKING GROUP INITIATIVES

Initiative	Ministry
Expansion of licence plate denial	MTO
Improved access to MTO data	MTO
Increase \$20 fine default fee	MAG
Mandate fine payment in chronological order	MAG
Make collection agency fees enforceable like a fine	MAG
Ensure that late fees remain payable when an extension is granted	MAG
Ensure that MTO and ServiceOntario have information to refer defaulters to the correct municipal court office	MAG



# **PART 2A**

**The Expansion of Licence  
Plate Denial to Collect  
Defaulted POA Fines**

# OVERVIEW OF INITIATIVE

1. Expand Ontario's existing plate denial regime, which applies to **vehicle-based offences** (such as red light camera offences), to also include defaulted POA fines for **driving-based offences** (such as speeding);
2. Allow for the denial of **all licence plates** owned by a defaulter, for fines stemming from *driving-based offences*;
3. Apply plate denial retrospectively;
4. Procedural improvements to existing plate denial system for fines stemming from *vehicle-based offences*;
5. Enhanced customer service – enabling defaulted fine payment through ServiceOntario.

# SCOPE OF ENHANCEMENTS

Statute/Offences/Charges	Current		Future	
	DL Suspension	“Single” Plate Denial	Multi-Plate Denial	Improved “Single” Plate Denial
Highway Traffic Act	✓		✓	
Compulsory Automobile Insurance Act	✓		✓	
Motorized Snow Vehicles Act	✓		✓	
Off Road Vehicles Act	✓		✓	
Dangerous Goods Transportation Act & Public Vehicles Act	✓		✓	
Specific sections of the Criminal Code (Canada), Fish and Wildlife Conservation Act, and Liquor Licence Act	✓		✓	
Parking		✓		✓
Red light camera		✓		✓
Owner fail to stop for school bus		✓		✓
Taxi Scoopers		✓		✓

# KEY OUTCOMES



- Enhance municipal collection of defaulted POA fines (revenue);
- Improve customer service;
- Promote the administration of justice;
- Enhance road safety.

# PROJECT TIMELINES

- *The Making Ontario's Roads Safer Act, 2015*, received Royal Assent on June 2nd, 2015.
- Target implementation: **Spring 2017**.
- This timeline is necessary in order to accommodate:
  - Complex IT systems modifications; and,
  - Drafting and development of supporting regulations.
- Working with municipalities to communicate changes to public.



# **PART 2B**

## **Charging Out-of-Province Owner Liability Offenders**

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# BACKGROUND AND CONTEXT FOR ACTION

- Ontario's Red Light Camera (RLC) Program, introduced permanently in 2004 to improve intersection safety.
  - Current parties: Halton, Hamilton, Ottawa, Peel, Toronto, Waterloo, York; London (pending).
- \$25.2 million in fine revenue from 92,250 offences (2014).
- Tickets to Ontario offenders issued through mail; court summons to out-of-province offenders.
- **2012:** Ottawa suggested that the charging process for out-of-province offenders was onerous and requested ability to mail tickets to out-of-province plate owners.



# PROJECT OVERVIEW

- Changes to enhance municipalities' ability to charge/prosecute out-of-province RLC offenders (and other offenders), included in *Making Ontario's Road Safer Act, 2015*.
- Specifically:
  - Provide municipalities authority to issue tickets by mail to out-of-province vehicle plate owners involved in red light camera or fail to stop for school bus offences in Ontario; and,
  - Ensure Ontario courts accept certified documents from other jurisdictions as evidence for the prosecution of these offences.

# KEY PROJECT IMPACTS

- Ticketing process remains status quo;
  - Municipalities continue to be responsible for all aspects of ticketing out-of-province RLC/school bus offenders.
- Increase municipal fine revenue;
- Improve road safety (through fewer fatalities and injuries due to motor vehicle collisions);
- Promote the administration of justice by enforcing compliance with a duly imposed penalty.

# PROJECT IMPLEMENTATION

- Royal Assent on June 2<sup>nd</sup>, 2015.
- No IT systems changes were necessary.
- MTO/MAG developed supporting regulatory changes.
- Project implementation: **January 1<sup>st</sup>, 2016.**
- Key stakeholders informed via correspondence, All-Chiefs Bulletin, and Provincial-Municipal Working Group.

**THANK YOU!**

# CONTACT INFORMATION

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