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## **Official Report of Debates (Hansard)**

**Monday 30 October 2006**

## **Journal des débats (Hansard)**

**Lundi 30 octobre 2006**

**Standing committee on  
general government**

Highway Traffic Amendment Act  
(Seat Belts), 2006

**Comité permanent des  
affaires gouvernementales**

Loi de 2006 modifiant le Code  
de la route (ceintures de sécurité)

Chair: Linda Jeffrey  
Clerk: Susan Sourial

Présidente : Linda Jeffrey  
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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON  
GENERAL GOVERNMENT**

**COMITÉ PERMANENT DES  
AFFAIRES GOUVERNEMENTALES**

Monday 30 October 2006

Lundi 30 octobre 2006

*The committee met at 1533 in room 151.*

**HIGHWAY TRAFFIC AMENDMENT ACT  
(SEAT BELTS), 2006**

**LOI DE 2006 MODIFIANT LE CODE DE LA  
ROUTE (CEINTURES DE SÉCURITÉ)**

Consideration of Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts / Projet de loi 148, Loi modifiant le Code de la route en ce qui concerne le port de la ceinture de sécurité.

**The Chair (Mrs. Linda Jeffrey):** Good afternoon. The standing committee on general government is called to order. We're here meeting today for clause-by-clause consideration of Bill 148, An Act to amend the Highway Traffic Act respecting the use of seat belts.

Committee, I'd like to just bring to your attention that, besides the clauses you have in front of you, there is some research provided by research officer Andrew McNaught on your desk based on the recommendations. There's also an additional letter that was received today with regard to vintage cars that will clarify some wording changes.

**Mr. John O'Toole (Durham):** Just with the indulgence of the committee, I seek unanimous consent to introduce an additional amendment to section 3 of the bill, although it doesn't meet the criteria of the sub-committee for the timeline. With your indulgence, I'd introduce it. It would still come to a vote.

**The Chair:** It's my understanding that you do not need unanimous consent and you can put the motion on the floor for section 3, but if you could give us an opportunity to copy it and then we'll make sure that everybody has a copy of it by the time we get to section 3. So we'll get that done, and it's not until section 3, so we have a few motions before that.

Our first motion, Mr. O'Toole.

**Mr. O'Toole:** I move that subsection 106(3) of the Highway Traffic Act, as set out in section 1 of the bill, be amended by adding at the end "but may not receive any demerit points for failing to do so."

**The Chair:** Do you want to speak to your motion?

**Mr. O'Toole:** Yes. The purpose of this amendment is something I'm actually looking for in my notes. Pardon me for a second here. Okay. What it really is—just going by memory, this section is so that persons who are over

16 years of age would not, in addition to being fined, receive demerit points against their driving record.

**Mr. Phil McNeely (Ottawa–Orléans):** We don't feel it's necessary. There's no intention to assess demerit points against a passenger. The demerit point system is intended to apply to driving offences, not passenger offences, so there's no need. We will not support that motion.

**Mr. Peter Tabuns (Toronto–Danforth):** Could you tell me your reasoning, Mr. O'Toole?

**Mr. O'Toole:** Persons over the age of 16 with a driver's licence who would receive a ticket for failing to wear a seat belt would not, in addition to that, receive demerit points.

**Mr. Tabuns:** Why wouldn't you assess them demerit points? If it's unsafe or a danger to others—

**Mr. O'Toole:** It's been clarified by the parliamentary assistant—

**Mr. Tabuns:** I heard him.

**Mr. O'Toole:**—that it's not their intention to do that. Quite frankly, it is the responsibility of a licensed driver. It's one of the conditions of driving that—I didn't write this amendment.

**Mr. Tabuns:** Okay.

**Mr. O'Toole:** I'm just saying that it's an amendment we're moving and the purpose and explanation of it is as I've described.

**Mr. Tabuns:** Fine. Okay.

**Mr. O'Toole:** And it is going to be defeated by the government, and I understand that.

**The Chair:** Any further discussion? All those in favour of the motion? All those opposed? That's lost.

Our next motion is an NDP motion.

**Mr. Tabuns:** Very simply, the Ontario Safety League recommended that the driver should be making sure that all passengers in the car who are in a seat with a seat belt have that seat belt in place and operative before they drive. It puts the onus on the driver. I think that it was a reasonable recommendation and increases the chances that in fact everyone in the car will be belted in, so I move that amendment on that basis.

**The Chair:** Can you read the motion into the record?

**Mr. Tabuns:** I'm sorry, Madam Chair. It's been weeks.

I move that subsection 106(4) of the Highway Traffic Act, as set out in section 1 of the bill, be amended by

striking out “who is under 16 years old” in the portion before clause (a).

**Mr. McNeely:** Again, we do not support this. This amendment places the onus on a driver to ensure adult passengers are belted up. It’s already an offence against the driver for not ensuring a child passenger under 16 is belted in; that’s fine. Adult passengers should be responsible for themselves. That’s our position in this legislation and that’s what we will support as it is.

**Mr. Tabuns:** Recorded vote.

**The Chair:** A recorded vote has been requested. Any further debate?

### Ayes

O’Toole, Tabuns.

### Nays

Brownell, Duguid, Flynn, McNeely, Rinaldi.

**The Chair:** That motion is lost.

The next motion is a government motion.

**Mr. McNeely:** I move that clause 106(4)(b) of the Highway Traffic Act, as set out in section 1 of the bill, be struck out and the following substituted:

“that passenger is required by the regulations to be secured by a child seating system or child restraint system, and is so secured.”

**The Chair:** The only thing you left out was the (b) in the motion; there’s a (b) in that. Could you just repeat that sentence?

**Mr. McNeely:** I’ll add the (b) for that sentence, then, or do you want it all to be read?

**The Chair:** Just start with the (b), so it’s read properly into the record, please.

**Mr. McNeely:** “(b) that passenger is required by the regulations to be secured by a child seating system or child restraint system, and is so secured.”

1540

**The Chair:** Thank you very much. Any further debate? Mr. McNeely, did you want to expand on it?

**Mr. McNeely:** This amendment makes it clear that clause (a) refers to children eight to 16 and clause (b) to children under age eight without the need to refer to the regulations.

**The Chair:** Any further debate? All those in favour? All those opposed? That’s carried.

The next motion is a government motion.

**Mr. McNeely:** I move that subsection 106(5) of the Highway Traffic Act, as set out in section 1 of the bill, be struck out and the following substituted:

“How to wear seat belt assembly

“(5) A seat belt assembly shall be worn so that,

“(a) the pelvic restraint is worn firmly against the body and across the hips;

“(b) the torso restraint, if there is one, is worn closely against the body and over the shoulder and across the chest;

“(c) the pelvic restraint, and the torso restraint, if there is one, are securely fastened; and

“(d) no more than one person is wearing the seat belt assembly at any one time.”

The rationale for the motion: It prevents doubling up of passengers, particularly children, in one seat belt. That was brought up to us during the presentations the other day.

**The Chair:** Any further debate? Seeing none, all those in favour of the motion? All those opposed? That’s carried.

The next motion is Mr. O’Toole.

**Mr. O’Toole:** I move that subsection 106(6) of the Highway Traffic Act, as set out in section 1 of the bill, be amended by adding the following clause:

“(a.1) who is driving or is a passenger in an historic vehicle, as defined in section 7, that is not equipped with seat belt assemblies.”

The purpose here is to address the antique/authentic car restoration groups, as well as after-market modifications. This was brought to our attention by Mark Nantais and others during the hearings of this committee.

**Mr. McNeely:** We feel that this amendment is unnecessary because an exemption for these types of vehicles will be provided in the regulation. Clause (f) of subsection 106(8) is the authority to provide this exemption. In addition, the amendment is too restrictive because there are other vehicles that require a similar exemption, such as buses, and they will also be dealt with in the regulation.

**The Chair:** Any further discussion?

**Mr. O’Toole:** One of the general comments we would make, certainly at the conclusion, I suppose, is that under the regulations or permitting section, the minister’s power to make exemptions or regulations—we have a problem with that. It allows too much potential for exclusions or inclusions that aren’t clearly spelled out in the bill. This isn’t just specific to the vintage car issue. It’s in a general sense to the somewhat open opportunity for groups or classes to be exempt from the regulations. So we would encourage members—and I’ll be asking for a recorded vote—to deal with this and deal with any exemptions in a very specific, inside-the-bill kind of exemption. The school bus and other exemptions that exist today were clearly addressed within the hearings, and I think it would be clear from that discussion that all parties were in support of the industry’s position. So there you go.

**The Chair:** Any further discussion? Seeing none, a recorded vote has been requested.

### Ayes

O’Toole, Tabuns.

### Nays

Brownell, Duguid, Flynn, McNeely, Rinaldi.

**The Chair:** That motion is lost.

The next motion is yours, Mr. O’Toole.

**Mr. O'Toole:** I move that subsection 106(6) of the Highway Traffic Act, as set out in section 1 of the bill, be amended by striking out “or” at the end of clause (b), by adding “or” at the end of clause (c) and by adding the following clause:

“(d) who is actually engaged in farm work which requires him or her to travel in the back of a truck and the truck does not travel on a highway or at a speed exceeding 40 kilometres per hour.”

The amendment is an effort to ensure that this bill does not have the unintended consequence of forcing groups like farmers to alter how they do business on their farm. While we want to ensure that farm work continues unimpeded, we do not want individuals to ride in the back of trucks in general. We feel that the limits placed in this amendment would ensure that the practice of riding in the back of a truck is not allowed.

**Mr. McNeely:** This bill focuses on the issue of seat belts in motor vehicles and is not intended to deal with the issue of riding in the back of pickup trucks. That issue will be the subject of consultations with the agricultural, construction and municipal sectors. We feel that’s the proper time to address it.

**The Chair:** Further debate?

**Mr. O'Toole:** Just to be conclusive there, I have the assurance of the parliamentary assistant that there will be discussions with the Ontario Federation of Agriculture, the Christian farmers and the farmers’ union to make sure that their views and methods of dealing with it would be exercised and reported back to the House.

**Mr. McNeely:** Our minister has said that there will be consultations—and there will be consultations—and we can describe those when they occur.

**Mr. O'Toole:** On a lighter note, I need to have confidence that this will happen prior to the election. As you know, even one of your members has had this as an issue as well as a former member, Doug Galt, and it shouldn’t be kicked around. There was some pretty strong input during the hearings on this about eliminating any potential, under any circumstance, for a person to ride in the back of a pickup truck. I myself was listening quite clearly to that, and have made every effort to do as you’re suggesting: consult with the federations, the representatives of various farm organizations. I’ll be sending this transcript out primarily to those organizations. I don’t mean that as a threat. I’m just saying, it’s that important to have certainty, because some of this bill—the sections there that I’ll deal with later in one of our amendments—is not going to be proclaimed until such time as the minister has time to. So you’ve got to do what you say. That’s the issue here.

**Mr. McNeely:** The commitment has been made by the minister to go out to these groups, and that will certainly be part of the process. We’re getting on with the important part of this legislation, but this one requires that additional consultation.

**The Chair:** All those in favour of the motion? All those opposed? That’s lost.

The next motion is Mr. Tabuns.

**Mr. Tabuns:** I move that section 106 of the Highway Traffic Act, as set out in section 1 of the bill, be amended by adding the following subsection:

“Penalty

“(7.1) A person who contravenes subsection (2), (3) or (4) is guilty of an offence and on conviction is liable,

“(a) for a first offence, to a fine of not less than \$85 and not more than \$500; and

“(b) for each subsequent offence, to a fine of not more than \$2,000, and for the purpose of this clause, an offence under any of subsections (2), (3) and (4) is a subsequent offence if the person was previously convicted of an offence under any of subsections (2), (3) and (4).”

This is part of the initiative to make the driver responsible to ensure that everyone in the car is wearing a seat belt. It’s consistent with the recommendations of the OPP, the Ontario Safety League and the presenter from POINTTS.

**The Chair:** Any discussion?

**Mr. McNeely:** Ontario has one of the highest levels of seat belt use in the country. These types of severe penalties are reserved for the most serious offences under the Highway Traffic Act, offences that pose the greatest risk to other road users, such as impaired driving, repeat excessive speeding offences and commercial vehicles that lose wheels on highways. Additionally, this amendment would increase burdens on police and court resources and require mandatory court appearances for second and subsequent offences. So we do not support this motion.

**The Chair:** Any further debate?

**Mr. Tabuns:** Recorded vote.

**Ayes**

Tabuns.

**Nays**

Brownell, Duguid, Flynn, McNeely, Rinaldi.

**The Chair:** That motion is lost.

Next motion, Mr. O’Toole.

**Mr. O'Toole:** I move that clauses 106(8)(e) and (f) of the Highway Traffic Act, as set out in section 1 of the bill, be struck out.

**1550**

The justification for that: Our party feels that the extensive regulatory powers this bill sets out for the minister are unnecessary. We don’t agree that it should be solely up to the minister to exempt classes of vehicles, classes of drivers, passengers or actions from the bill with the stroke of a pen in the middle of the night.

My sense here is that that’s how we got into this trouble. There was an omission, and I don’t think it was deliberate, with respect to the purpose of this bill, which was a unanimous agreement by all parties for “one person, one seat belt.” Yet we’re now providing a circum-

stance or a mechanism where there can be exemptions. As I tried to state earlier, the exemptions should be dealt with in the bill, and I understand there are sections dealing with classes of vehicle today.

I think this time was set aside for the minister to deal with this important public safety issue in this bill. Quite frankly, I'm somewhat disappointed, although we're trying to move expeditiously, that we didn't take the time to address a couple of issues that have been timeless. One of them is the exemptions provision. I would asked for a recorded vote on this section.

**The Chair:** Any discussion?

**Mr. McNeely:** This amendment would remove existing exemptions in place in the regulation for emergency personnel such as firefighters, police and ambulance attendants, as well as taxicabs and correctional services vehicles. It would also remove the authority to place exemptions in the regulation for antique or historic vehicles and other vehicles not originally manufactured with seat belts, such as buses. So we feel that the way to go is with the way it is, and we do not support this change.

**Mr. Tabuns:** I sympathize with the motion by Mr. O'Toole. I don't like the idea of so much power being put into the minister's hand and issues being taken for granted in the legislation. But I would say, unfortunately, that I'm going to have to vote with Mr. McNeely on this because he's right: In practical terms, there would be problematic fallout if in fact the amendment passed. But Mr. O'Toole's correct to have moved the motion, because too much is left to regulation in the legislation we've had to deal with in the last while.

**The Chair:** Any further discussion? Seeing none, a recorded vote has been requested.

#### Ayes

O'Toole.

#### Nays

Brownell, Duguid, Flynn, McNeely, Rinaldi, Tabuns.

**The Chair:** The motion is lost.

The last motion for this section, Mr. McNeely.

**Mr. McNeely:** I move that the definition of "seat belt assembly" in the French version of subsection 106(9) of the act, as set out in section 1 of the bill, be amended by striking out "retenue à la hauteur du bassin ou une retenue à la hauteur du bassin et une retenue au sommet du torse" at the end and substituting "ceinture sous-abdominale ou une ceinture sous-abdominale et une ceinture diagonale".

This amendment is necessary to correct an inconsistency in the French wording that predated Bill 148 to ensure that the definitions are the same in both languages. So it's strictly translation.

**The Chair:** Any further discussion? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 1, as amended, carry? All those in favour? All those opposed? That's carried.

Section 2: a government motion.

**Mr. McNeely:** I move that subsection 106(8.2) of the Highway Traffic Act, as set out in section 2 of the bill, be amended by striking out "giving his or her correct name and address is reasonable identification" at the end and substituting "giving his or her correct name, date of birth and address is reasonable identification."

The rationale is that date of birth will assist the officer in ascertaining whether or not a passenger is 16 years of age or older for the purposes of laying a charge against an unbelted passenger. The driver would be charged if the unbelted passenger was under 16. So it's an added bit of information that will certainly assist in enforcing this legislation.

**The Chair:** Any discussion? Seeing none, all those in favour of the motion? All those opposed? That's carried.

Shall section 2, as amended, carry? All those in favour? All those opposed? That's carried.

Section 2.1: There's a government motion on the table. I'll let you read it into the record, and then I'll make a statement about it.

**Mr. McNeely:** I move that the bill be amended by adding the following section:

"2.1 Clauses 207(2)(a) and (c) of the act are repealed and the following substituted:

“(a) subsection 106(2) or (4);...

“(c) a regulation or bylaw made or passed under a section or subsection referred to in clause (a) or (b) or under section 106; or’.”

**The Chair:** I just want to notify committee that this amendment actually opens up section 207 of the Highway Traffic Act. This section was not previously opened in Bill 148.

Normally, amendments that open sections of the parent act not open in the amending bill are ruled out of order unless, without the amendment, the bill would contain an inconsistency or error, or create a conflict in terms of language or reference. For example, a motion changing a reference to a section, subsection etc., where the reference is no longer accurate, would be in order.

Having reviewed the amendment and consulted with the clerk of the committee and legislative counsel, I've decided that this amendment satisfies the exception mentioned above and that without this amendment, Bill 148 would create a conflict in terms of language or reference.

That's just for clarification. Any comments on this motion?

**Mr. Tabuns:** I don't fully understand the import of the amendment, so perhaps the parliamentary assistant could help.

**Mr. McNeely:** Would you like to hear that from legal? We have a legal representative here.

**Mr. Tabuns:** Sure.

**The Chair:** If you could say your name and who you represent for the record.

**Ms. Mary Preiano:** My name is Mary Preiano. I'm counsel with the Ministry of Transportation. Sorry, the question again, please?

**Mr. Tabuns:** What does this amendment do?

**Ms. Preiano:** This merely corrects a cross-reference in section 207 to the re-enacted subsection references in 106 when this bill passes.

**Mr. Tabuns:** The only note I have from my staff is that it would be problematic in terms of imposing fines on drivers.

**Ms. Preiano:** This section essentially allows a driver charge to be converted to an owner charge. But there is an exception for charges under 106, so driver charges are not permitted to be converted to owner charges. This amendment is purely consequential to ensure that the reference to the offence provisions in the remade section 106 is consistent.

**Mr. Tabuns:** Okay. Thank you very much.

**The Chair:** Any further discussion?

**Mr. O'Toole:** I appreciate the explanation. I understand that the violation comes up later in the identification of persons who are—if they fail to give the proper identification, that's an issue too for the OPP. They can't be passed on to the owner of the vehicle.

**Ms. Preiano:** No.

**Mr. O'Toole:** The fine or the demerits.

**Ms. Preiano:** For a passenger offence—

**Mr. O'Toole:** Say it was my son or daughter driving the vehicle—because of bad information being provided? Is this what it's doing? Is it making sure that it's only the driver of the vehicle?

**Ms. Preiano:** No, this is purely consequential to ensure that the section references currently in place in section 207 refer to the same provisions in 106 after this bill comes into force.

**Mr. O'Toole:** That's fine. Thank you.

**Mr. McNeely:** If you could you stay at the table, that would be fine. We may require your services.

**The Chair:** I don't mind. Yes, you can stay.

Any further comments or questions on the motion? All those in favour of the motion? All those opposed? That's carried.

Shall section 2.1, as amended, carry? All those in favour? All those opposed? That's carried.

Section 3: It's a government motion.

**Mr. McNeely:** I move that subsection 3(2) of the bill be struck out and the following substituted:

“Same

“(2) Sections 1, 2 and 2.1 come into force on a day to be named by proclamation of the Lieutenant Governor.”

**1600**

Having the legislation be in force on proclamation will assist in permitting a smooth transition for the purposes of enforcement and education. The transition time is essential to permit new short-form wordings to be established and a set fine issued so the police can continue issuing tickets for seat belt offences, as opposed to re-

quiring persons charged and the charging police officer to appear in court.

**The Chair:** Any comments or questions? Seeing none, all those in favour of the motion? All those opposed? That's carried.

**Mr. O'Toole:** you have the next motion.

**Mr. O'Toole:** I move that section 3 of the bill be struck out and the following substituted:

“Commencement

“3. This act comes into force on the day it receives royal assent.”

I'm not sure if this has any conflict with the previous government motion. I'd have to beg leave for legal counsel's interpretation. The Ontario Provincial Police, in its October 23 presentation, requested that the entire bill should come into effect at royal assent. As the bill is currently written, the provision relating to passengers identifying themselves does not come into force and effect until some unknown date when the LG proclaims it. We agree with the OPP on the need to be given the tools to do their jobs, to move quickly in an effort to avoid further tragedies or confusion.

It's on that basis; I'm not sure if the previous amendment dealt with the proclamation—

**The Chair:** Would you like some clarification, Mr. O'Toole?

**Mr. O'Toole:** Sure.

**The Chair:** We're seeking clarification whether or not—

**Mr. O'Toole:** Two questions: (1) Does it conflict with the previous government motion? (2) Since it's now the bill, is mine redundant?

**The Chair:** Okay. We're working that out.

I'm being told your motion is out of order.

**Mr. O'Toole:** I guess, for a point of clarification, before it comes to the—

**The Chair:** Would you like to talk to legislative counsel about that?

**Mr. O'Toole:** Yes. Because this motion has been ruled out of order, I can't speak to that motion, so I'll just speak to the one we've already passed. I should have intervened then, really, to clarify.

What I'm concerned about is the OPP's comment on this whole idea of persons identifying themselves. There was a subsequent request for information made by myself, asking when the government is going to make available the proper tools, i.e., the MTO database, which includes pictures, so they can positively identify people who, rightly or wrongly, are failing to disclose who they are; you know, false identification, people who are in the vehicle. Do you follow me? That came up during the hearings, Mr. McNeely. I guess that, when you don't proclaim a section, it doesn't give the police clarity in enforcement. That's what they were saying to us. They're going to spend a lot of time chasing down and issuing legal documents to ascertain who people are. I think you follow me.

**Mr. McNeely:** I think we certainly agree that giving the police more capacity to identify through the driver's

licence photo is very important. You have the written response on that. This kind of motion would create a gap in the ability of police to issue tickets until a short-form wording and set fines have been established. With our amendment today, I would recognize the problems that were brought forward the other day during those presentations. We feel that that is going to work quite well, that everything will come together at the right time.

If you wish to ask questions of legal, they certainly would be able to add additional information.

**Mr. O'Toole:** Perhaps legal counsel. My point is that the OPP made their request during the meetings that this would be an administrative problem for them: first of all, the identification process, because if they had the MTO files, they could easily do a search on name and match pictures to the actual licence, the photo on the driver's licence. They can't do that with the database they have today, which doesn't include the picture. So if somebody discloses the wrong name, they don't know if it's "John Smith" or not. They've then got this additional public money being spent on trying to find out who in fact the person was, that fourth person in the vehicle or whatever, without the seat belt. Do you follow me? It's sort of administrative.

What they want, clearly, is the data shared—the parliamentary assistant hasn't made it clear to us whether that's going to be done—and then to streamline the administrative portion for the OPP. They should be able to say, "You've got a ticket and you are John Smith," or whatever your name is, and then go back their cruiser and verify it. Today they could actually go back to their cruiser and determine whether or not you have outstanding tickets. They can see it all right there on whatever that database they have is called. I suspect that you or someone in your staff knows that. They can go back to the cruiser today and they'll know if you have outstanding speeding tickets, other demerit points, they'll know that you're driving with a suspended licence, but they can't tell that it's actually Brad Duguid. Somebody could wrongly use your name, see?

**Mr. Brad Duguid (Scarborough Centre):** Probably.

**Mr. O'Toole:** Somebody could wrongly use your name or you could have some false identification.

**The Chair:** Mr. O'Toole, are you asking a question to a specific individual?

**Mr. O'Toole:** Well, yes. What's the case here? What do the OPP do, according to the way you have redrafted the bill under your government motion?

**Ms. Preiano:** Under the motion that was just passed, all the substantive provisions of the bill would come into force on proclamation. That would enable us to get regulations in place to establish short-form wordings and to ask the Chief Justice to issue set fines, so the people can continue to enforce seat belt offences by way of tickets as opposed to requiring mandatory court appearances for everyone charged. That's what the motion—

**Mr. O'Toole:** Thank you. I have a duty to be on the record. I've done it. They're the government; they win every vote. We lose them all.

**Mr. Lou Rinaldi (Northumberland):** Good job, John.

**Mr. O'Toole:** I've done my job, and my constituents know I'm working hard for them. Thank you very much.

**The Chair:** Thank you, committee. I thought that when we received Mr. O'Toole's amendment, it was in section 3. In fact, I'm being told it's in section 1, so it will not be dealt with at this point. We can go back to section 1 after we've dealt with section 3, just so you know I haven't forgotten. But it's in the wrong order.

Shall section 3, as amended, carry? All those in favour? All those opposed? That's carried.

In order to go back to deal with the motion that Mr. O'Toole put forward, it's my understanding, because we have passed section 1 as amended, that we need unanimous consent to reopen the section prior to discussing the amendment.

*Interjections.*

**The Chair:** We have unanimous consent to reopen section 1 to discuss it. Mr. O'Toole, you have the floor.

**Mr. O'Toole:** I'd like to thank our legislative research person, Alain, for the job that he [*inaudible*] all weekend. I bring this to your attention and thank you again for allowing me to just put it on the record.

The amendment to 106(3):

"Amend this section to prohibit children under the age of 12 from riding in the front passenger seat of a vehicle in which a front, passenger-side airbag system is installed and active."

The explanation here is that the Insurance Bureau of Canada and other things aren't dealing with seat belts. This is actually restraining seats that are being dealt with, and I understand you may not—but I want to put on the record that there are more injuries caused by the impact of airbags being discharged with infants and other young children in front seats of vehicles. This has been the subject of some CBC reports. I think it goes beyond the scope of this bill and these hearings, but in your review, parliamentary assistant, I would suspect it's something they should probably consider. We've gone to some considerable expense and trouble to increase booster seats for certain children's weights and heights and find out what is technically the safest possible position for children to be in. We've done a lot of work on that, and I commend us for doing that. But, again, this is the point I've amended, and you can call it or you can respond to the question, if you'll deal with it or not, because it's not in the bill. Do you follow me?

1610

**The Chair:** Mr. O'Toole, just so I'm correct in my job as Chairman, I need you to use different language in order to move the motion, because right now, the way you've read it in, it isn't actually a motion. Just so we make sure it's accurately recorded.

**Mr. O'Toole:** Now I have to thank legislative counsel for helping me. Alain, thank you.

*Interjections.*

**Mr. O'Toole:** Well, he didn't really help me, obviously. I'm only kidding. Because he did help me out by

trying to draft this amendment, but of course, it's legislative counsel that drafts the amendments, not members. That's the clarification.

I read it as follows: I move that section 106 of the Highway Traffic Act, as set out in section 1 of the bill and as amended by the committee, be amended by adding the following subsection:

“Front seat use

“(3.1) No passenger under the age of 12 shall occupy a seating position in the front seat of a motor vehicle if the front passenger-side airbag system is installed and active.”

**The Chair:** Does anybody on committee want a copy of this motion prior to voting on it? You don't have a copy of this motion. What you have is not exactly the same, so I'm offering—does committee want a copy of that before you vote on it?

*Interjection.*

**The Chair:** Okay. Just so you understand.

**Mr. O'Toole:** Just a small word. Do members understand the intent here? It's young children as passengers in the front seat, and the amendment is technically forbidding them to ride in the front seat passenger-side, period.

**The Chair:** Any questions of the mover?

**Mr. Tabuns:** Not so much a question. I understand that Mr. O'Toole is acting to increase safety. My concern with the amendment is, I wouldn't mind having a bit more technical report from staff before we pass on it. It does strike me—and this is to the parliamentary assistant—a lot has come up in the course of these hearings—technological change, the change in other jurisdictions around the world—that say to me that a lot more work is needed on the whole subject of passenger safety. I know what you wanted to do with this bill; your intentions were good. We've got a problem, we need to move on it and we need to move on it quickly. That's a positive thing. But the amendment that Mr. O'Toole has put forward raises the whole question about reviewing these acts and dealing with the changed context within which we operate.

**Mr. McNeely:** Just a response. We agree with you that the safety of children is very important. If they're in the front seat of the vehicle, this is something that should be considered. But are we talking about age or weight, is what we should be considering. There's other legislation. So I think at this time we would not support this motion.

**Mr. O'Toole:** I would just ask on the record that you direct this to the minister's attention and the other processes with the agricultural sector and others; you may pass it by the safety league, the safety council, CAA and others to see if it's the appropriate thing to do. I thank you for the time given to this amendment.

**Mr. McNeely:** We'll give you that undertaking.

**Mr. Duguid:** Just for what it's worth, Madam Chair, as well, in putting things on the record, I find it hard to believe that vehicle manufacturers still manufacture new vehicles without the ability to switch the airbags on and off in the passenger seat. Obviously, they still are, at least recently, in that position. If any vehicle manufacturers are reviewing these particular hearings, it's something that I would certainly want to bring to their attention. There really shouldn't be any cars made today where you don't have the option to turn on and off the airbags. Unfortunately, I suspect there still are.

**The Chair:** No further debate? Shall the motion carry? All those in favour? All those opposed? That's lost.

We're at section 4. Shall section 4 carry? All those in favour? All those opposed? That's carried.

Shall the title of the bill carry? All those—

**Mr. O'Toole:** Recorded vote.

**The Chair:** On the title of the bill? Okay.

### Ayes

Brownell, Duguid, Flynn, McNeely, O'Toole, Rinaldi, Tabuns.

**The Chair:** That's a unanimous vote. I like those. Thank you. That's carried.

Shall Bill 148, as amended, carry? All those in favour? All those opposed? That carried, just by a smidge.

Shall I report the bill, as amended, to the House? All those in favour? All those opposed? That's carried.

Committee, this concludes our consideration of Bill 148. I'd like to thank all my colleagues on the committee for their hard work and speed on this bill. I'd like to thank the staff and the members of the public who contributed to this committee's work. This committee now stands adjourned.

*The committee adjourned at 1616.*





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Ministry of Transportation

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