

# Highway Traffic Act

R.S.O. 1990, CHAPTER H.8

Amended by: 1992, c. 20, s. 2; 1993, c. 8; 1993, c. 13, s. 1; 1993, c. 18; 1993, c. 27, Sched.; 1993, c. 31, s. 2; 1993, c. 34; 1993, c. 40; 1994, c. 27, s. 138; 1994, c. 28; 1994, c. 29; 1994, c. 35; 1996, c. 1, Sched. E, s. 2; 1996, c. 9, s. 26; 1996, c. 20; 1996, c. 31, ss. 68-71; 1996, c. 32, s. 71; 1996, c. 33, ss. 1-17; 1997, c. 4, s. 81; 1997, c. 12; 1997, c. 26, Sched.; 1997, c. 41, s. 120; 1998, c. 5, ss. 25-27; 1998, c. 6; 1998, c. 18, Sched. G, s. 56; 1998, c. 28, s. 67; 1998, c. 35, s. 103; 1998, c. 38; 1999, c. 8, s. 7; 1999, c. 12, Sched. B, s. 9; 1999, c. 12, Sched. G, s. 24; 1999, c. 12, Sched. R, ss. 1-19; 1999, c. 13; 2000, c. 15; 2000, c. 26, Sched. O; 2000, c. 29; 2000, c. 30, s. 10; 2000, c. 35; 2001, c. 4, s. 4; 2001, c. 9, Sched. O; 2001, c. 13, s. 18; 2001, c. 32, s. 26; 2002, c. 4, s. 64; 2002, c. 5, s. 32; 2002, c. 15; 2002, c. 17, Sched. C, s. 15; 2002, c. 17, Sched. F, Table; 2002, c. 18, Sched. P, ss. 1-39; 2002, c. 21; 2002, c. 22, ss. 95-101; 2002, c. 24, Sched. B, s. 25; 2002, c. 30, Sched. E, s. 7; 2004, c. 22, ss. 1-6; 2004, c. 31, Sched. 18.

**204. (1)** Every member of the College of Optometrists of Ontario shall report to the Registrar the name, address and clinical condition of every person sixteen years of age or over attending upon the optometrist for optometric services who, in the opinion of the optometrist, is suffering from an eye condition that may make it dangerous for the person to operate a motor vehicle. R.S.O. 1990, c. H.8, s. 204 (1); 1998, c. 18, Sched. G, s. 56.

## **No action for compliance with subs. (1)**

**(2)** No action shall be brought against a qualified optometrist for complying with this section. R.S.O. 1990, c. H.8, s. 204 (2).

## **Reports privileged**

**(3)** The report referred to in subsection (1) is privileged for the information of the Registrar only and shall not be open for public inspection, and the report is inadmissible in evidence for any purpose in any trial except to prove compliance with subsection (1). R.S.O. 1990, c. H.8, s. 204 (3).

## Highway Traffic Act

### ONTARIO REGULATION 340/94

*Amended to O. Reg. 83/05*

## DRIVERS' LICENCES

17. (1) Qualifications required by an applicant for or a holder of a Class A, B, C, D, E or F driver's licence are that the applicant or holder,

(a) has no history or clinical diagnosis of diabetes that requires insulin for control;

(b) is not taking any drug that could, in the dosage prescribed or in the dosage recommended by the manufacturer, impair his or her ability to drive a motor vehicle of the applicable class safely;

(c) has no established medical history of myocardial infarction, angina pectoris, coronary insufficiency or thrombosis;

(d) has no established medical history of heart disease including arrhythmia or of respiratory dysfunction likely to interfere with the safe driving of a motor vehicle of the applicable class;

(e) is not suffering from an aortic aneurysm, whether resected or not;

(f) is not suffering from hypertension accompanied by postural hypotension resulting in giddiness when under treatment;

(g) has no established medical history of loss of consciousness or awareness due to a chronic or recurring condition;

(h) has no established medical history of a disorder of the musculoskeletal or nervous system that may interfere with the safe driving of a motor vehicle of the applicable class;

(i) has no established medical history of an intractable psychotic or psychoneurotic disorder, having particular regard for sustained hostile, aggressive, paranoid, suicidal or other destructive tendencies or depression unless it is medically determined that the condition from which the person has suffered is corrected or controlled;

(j) has a visual acuity as measured by Snellen Rating that is not poorer than 20/30 with both eyes open and examined together and not poorer than 20/100 in the weaker eye, with or without corrective lenses; and

(k) has a horizontal visual field of at least 150 continuous degrees along the horizontal meridian and at least 20 continuous degrees above and below fixation, with both eyes open and examined together.

(2) An applicant for or a holder of a Class A, B, C, D, E or F driver's licence who fails to meet the qualifications referred to in clauses (1) (a) to (i) may, despite the failure, qualify for the class of licence applied for or held if he or she demonstrates the ability to drive a motor vehicle in the applicable class as safely as any person who meets those qualifications. O. Reg. 340/94, s. 17 (2).

(3) An applicant for or a holder of a Class D driver's licence who fails to meet the qualification referred to in clause (1) (c) may, despite the failure, qualify for that class of licence if it is medically determined that he or she has made a full recovery and there is no established history of a second occurrence of myocardial infarction, thrombosis or recurring angina pectoris. O. Reg. 340/94, s. 17 (3).

(4) An applicant for or a holder of a Class B, C, E or F driver's licence whose hearing in one ear is better than in the other must be able to perceive in the better ear, with or without a hearing aid, a forced whisper at a distance of 1.5 metres or, if an audiometer is used to test the person's hearing, must not have a loss in the better ear of more than 40 decibels at 500, 1,000 and 2,000 hertz. O. Reg. 340/94, s. 17 (4).

**18.** (1) An applicant for or a holder of a Class M, M1 or M2 driver's licence must have,

(a) a visual acuity as measured by Snellen Rating that is not poorer than 20/50, with both eyes open and examined together with or without the aid of corrective lenses; and

(b) a horizontal visual field of at least 120 continuous degrees along the horizontal meridian and at least 15 continuous degrees above and below fixation, with both eyes open and examined together. O. Reg. 83/05, s. 10.

(2) An applicant for or a holder of a Class G, G1 or G2 driver's licence must have,

(a) a visual acuity as measured by Snellen Rating that is not poorer than 20/50 with both eyes open and examined together with or without the aid of corrective lenses; and

(b) a horizontal visual field of at least 120 continuous degrees along the horizontal meridian and at least 15 continuous degrees above and below fixation, with both eyes open and examined together. O. Reg. 83/05, s. 10.

**19.** (1) The examinations and qualifications required of an applicant for or a holder of a driver's licence by section 16, clauses 17 (1) (j) and (k), subsections 17 (4) and 18 (1), clause 18 (2) (a) and sections 21.1 and 21.2 apply despite the *Human Rights Code*. O. Reg. 83/05, s. 11.

(2) Subsection 17 (2) applies despite the *Human Rights Code*. O. Reg. 340/94, s. 19 (2).