

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; 2012, c. 8, Sched. 22, s.20; 2014, c. 9, Sched. 2; 2015, c. 14, s. 4-59, 61; 2015, c. 27, Sched 7; 2016, c. 5, Sched. 12; 2017, c. 2, Sched 17; 2017, c. 9; 2017, c. 26, Sched 1, s. 31; 2017, c. 26, Sched. 4; 2017, c. 34, Sched 19, s. 22; 2017, c. 34, Sched. 35, s. 27, 29; 2018, c. 3, Sched. 5, s. 26.

Medical reports

Mandatory reports

203 (1) Every prescribed person shall report to the Registrar every person who is at least 16 years old who, in the opinion of the prescribed person, has or appears to have a prescribed medical condition, functional impairment or visual impairment. 2015, c. 14, s. 55.

Discretionary reports

(2) A prescribed person may report to the Registrar a person who is at least 16 years old who, in the opinion of the prescribed person, has or appears to have a medical condition, functional impairment or visual impairment that may make it dangerous for the person to operate a motor vehicle. 2015, c. 14, s. 55.

Authority to make discretionary report prevails over duty of confidentiality

(3) The authority to make a report under subsection (2) prevails over any duty of confidentiality imposed on the prescribed person by or under any other Act or by a standard of practice or rule of professional conduct that would otherwise preclude him or her from providing the information described in that subsection to the Registrar. 2015, c. 14, s. 55.

Required to meet the person

(4) Subsections (1) and (2) only apply if the prescribed person actually met the reported person for an examination or for the provision of medical or other services, or in the circumstances prescribed by regulation. 2015, c. 14, s. 55.

Authority to make discretionary report is not a duty

(5) Subsections (2) and (3) do not impose a duty on a prescribed person to report to the Registrar. 2015, c. 14, s. 55.

General rules respecting medical reports

Contents

204 (1) A report required or authorized by section 203 must be submitted in the form and manner specified by the Registrar and must include,

- (a) the name, address and date of birth of the reported person;
- (b) the condition or impairment diagnosed or identified by the person making the report, and a brief description of the condition or impairment; and
- (c) any other information requested by the form. 2015, c. 14, s. 55.

No liability for compliance

(2) No action or other proceeding shall be brought against a prescribed person required or authorized to make a report under section 203 for making such a report or for reporting to the Registrar in good faith with the intention of reporting under that section. 2015, c. 14, s. 55.

Reports privileged

(3) A report made under section 203, or made to the Registrar in good faith with the intention of reporting under that section, is privileged for the information of the Registrar only and shall not be open to public inspection. 2015, c. 14, s. 55.

Regulations

(4) The Lieutenant Governor in Council may make regulations governing reports made under section 203, including regulations,

- (a) prescribing persons for the purpose of subsection 203 (1) or (2);
- (b) prescribing medical conditions, functional impairments or visual impairments for the purpose of subsection 203 (1);
- (c) prescribing circumstances for the purpose of subsection 203 (4). 2015, c. 14, s. 55.

**Highway Traffic Act
(Excerpt)
(Effective July 1, 2018)**

ONTARIO REGULATION 340/94

14.1 (1) For the purposes of subsection 203 (1) of the Act, the following are the prescribed persons who shall report under that subsection: an optometrist, a nurse practitioner and a physician. O. Reg. 38/18, s. 3.

(2) For the purposes of subsection (1), an optometrist is prescribed only with respect to visual impairments. O. Reg. 38/18, s. 3.

(3) For the purposes of subsection 203 (1) of the Act, the following are the prescribed medical conditions, functional impairments and visual impairments that a prescribed person under subsection (1) shall report:

1. Cognitive impairment: a disorder resulting in cognitive impairment that,
 - i. affects attention, judgment and problem solving, planning and sequencing, memory, insight, reaction time or visuospatial perception, and
 - ii. results in substantial limitation of the person's ability to perform activities of daily living.
2. Sudden incapacitation: a disorder that has a moderate or high risk of sudden incapacitation, or that has resulted in sudden incapacitation and that has a moderate or high risk of recurrence.
3. Motor or sensory impairment: a condition or disorder resulting in severe motor impairment that affects co-ordination, muscle strength and control, flexibility, motor planning, touch or positional sense.
4. Visual impairment:
 - i. A best corrected visual acuity that is below 20/50 with both eyes open and examined together.
 - ii. A visual field that is less than 120 continuous degrees along the horizontal meridian, or less than 15 continuous degrees above and below fixation, or less than 60 degrees to either side of the vertical midline, including hemianopia.
 - iii. Diplopia that is within 40 degrees of fixation point (in all directions) of primary position, that cannot be corrected using prism lenses or patching.
5. Substance use disorder: a diagnosis of an uncontrolled substance use disorder, excluding caffeine and nicotine, and the person is non-compliant with treatment recommendations.
6. Psychiatric illness: a condition or disorder that currently involves acute psychosis or severe abnormalities of perception such as those present in schizophrenia or in other psychotic disorders, bipolar disorders, trauma or stressor-related disorders,

dissociative disorders or neurocognitive disorders, or the person has a suicidal plan involving a vehicle or an intent to use a vehicle to harm others. O. Reg. 38/18, s. 3.

(4) A person prescribed under subsection (1) is not required under subsection 203 (1) of the Act to report a person whose impairment is, in the prescribed person's opinion, of a distinctly transient or non-recurrent nature. O. Reg. 38/18, s. 3.

(5) A person prescribed under subsection (1) is not required under subsection 203 (1) of the Act to report modest or incremental changes in ability that, in the prescribed person's opinion, are attributable to a process of natural aging, unless the cumulative effect of the changes constitutes a condition or impairment described in subsection (3). O. Reg. 38/18, s. 3.

(6) When considering whether a person has or appears to have a prescribed medical condition, functional impairment or visual impairment that is described in subsection (3), a prescribed person under subsection (1) may take into consideration,

(a) the CCMTA Medical Standards for Drivers described in subsection 14 (4); and

(b) the document entitled Determining Medical Fitness to Operate Motor Vehicles (9th edition), published by the Canadian Medical Association and dated 2017, as it may be amended from time to time, that is available on the Internet through the website of the Canadian Medical Association. O. Reg. 38/18, s. 3.

14.2 For the purposes of subsection 203 (2) of the Act, the following are the prescribed persons who may report under that subsection: an occupational therapist, an optometrist, a nurse practitioner and a physician. O. Reg. 38/18, s. 3.

15. (1) An examination of an applicant for or a holder of any class of driver's licence, including a driver's licence with or without any endorsement, condition or waiver, or an examination in relation to any endorsement, condition or waiver may include,

(a) an examination of the person's knowledge of the Act and the regulations under it;

(b) a demonstration of the person's ability to drive safely a motor vehicle of a class authorized to be driven by the class of licence applied for or held;

(c) a demonstration of the person's ability to operate safely a motor vehicle of a class authorized to be driven by the class of licence applied for and that is equipped with air brakes, or a combination of such a motor vehicle and towed vehicles;

(d) an examination of a person's knowledge of air brakes, their functions and safe operation for the class of licence applied for or held; and

(e) medical and physical examinations, tests and procedures to determine the person's fitness to drive or to determine whether the person meets the qualifications prescribed by section 14, 17, 18, 21.1 or 21.2. O. Reg. 340/94, s. 15 (1); O. Reg. 490/98, s. 1; O. Reg. 83/05, s. 8 (1, 2); O. Reg. 42/12, s. 2.

(1.1) It is a condition of a driver's licence that the holder submit to the examinations required under subsection (1) at such times as the Minister may require. O. Reg. 83/05, s. 8 (3).

(2) An examination under subsection (1) may include the applicable level 2 exit test in the case of a person fully licensed to operate a Class G or M motor vehicle or in the case of an applicant for a Class G or M driver's licence or a driving instructor's licence. O. Reg. 340/94, s. 15 (2).

(3) The applicable level 2 exit test may be taken in a Class G motor vehicle, including one equipped with air brakes, in the case of any person fully licensed to operate a Class G vehicle. O. Reg. 340/94, s. 15 (3); O. Reg. 205/10, s. 8.

(4) If an examination referred to in this section includes a demonstration of the person's ability to drive safely a motor vehicle, the applicant shall be deemed to be fully licensed in that class of vehicle for the purpose of the examination. O. Reg. 340/94, s. 15 (4).

(5) Revoked: O. Reg. 38/18, s. 4.

16. The Minister may require that,

- (a) any holder of a Class G or M driver's licence who has reached the age of 80 complete successfully the applicable examinations prescribed in section 15 every two years and demonstrate every two years that he or she continues to meet the qualifications prescribed in section 14;
- (b) any holder of a driver's licence who has reached the age of 70 and is involved in an accident complete successfully the applicable examinations prescribed in section 15 and demonstrate that he or she continues to meet the qualifications prescribed in section 14;
- (c) any holder of a Class A, B, C, D, E or F driver's licence who has reached the age of 65 but has not yet reached the age of 80 and is involved in an accident or accumulates more than two demerit points complete successfully the applicable examinations prescribed in section 15 and demonstrate that he or she continues to meet the qualifications prescribed in section 14;
- (d) any holder of a Class A, B, C, D, E or F driver's licence who is under the age of 46 complete successfully the examination prescribed in clause 15 (1) (a) every five years and demonstrate every five years that he or she continues to meet the qualifications prescribed in section 14;
- (e) any holder of a Class A, B, C, D, E or F driver's licence who has reached the age of 46 but has not yet reached the age of 65 complete successfully the examination prescribed in clause 15 (1) (a) every five years and demonstrate every three years that he or she continues to meet the qualifications prescribed in section 14;

- (f) any holder of a Class A, B, C, D, E or F driver's licence who has reached the age of 65 but has not yet reached the age of 80 complete successfully the examination prescribed in clause 15 (1) (a) every five years and demonstrate every year that he or she continues to meet the qualifications prescribed in section 14;
- (g) any holder of a Class D driver's licence who has reached the age of 65 but has not yet reached the age of 80 complete successfully the examination prescribed in clause 15 (1) (a) every five years and demonstrate every five years that he or she continues to meet the qualifications prescribed in subsection 18 (3);

Note: On July 1, 2018, clause 16 (g) of the Regulation is revoked. (See: O. Reg. 100/17, s. 1 (4))

- (h) any holder of a Class A, B, C, D, E or F driver's licence who has reached the age of 80 complete successfully the applicable examinations prescribed in section 15 every year and demonstrate every year that he or she continues to meet the qualifications prescribed in section 14; and
- (i) any holder of a driver's licence with an air brake endorsement complete successfully the examinations prescribed in clauses 15 (1) (c) and (d),
 - (i) at any time that he or she is required under any of clauses (a) to (h) to take an examination prescribed in clause 15 (1) (a) or (b), or
 - (ii) every five years. O. Reg. 251/12, s. 2.

17. 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. 453/10, s. 3.

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.
- (3) An applicant for or a holder of a Class A, B, C, D, E or F driver's licence must

have,

- (a) 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 the aid of corrective lenses; and
- (b) 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. O. Reg. 453/10, s. 4.

(4) Where the horizontal visual field of a driver is to be determined,

- (a) it shall be measured without the aid of extraordinary optical devices that enhance or modify vision or that interfere with the horizontal visual field, such as telescopic lenses, prism lenses or sidebar prisms;
- (b) the continuous horizontal visual field shall not include the natural blind spot;
- (c) the visual field representation must include the central visual fixation point at its centre;
- (d) no less than half of the continuous degrees of the horizontal visual field that are required along the horizontal meridian shall be found on either side of the vertical meridian; and
- (e) the continuous degrees of the horizontal visual field that are required above and below fixation shall be continuous throughout the required continuous degrees along the horizontal meridian. O. Reg. 38/18, s. 5.

19. The examinations and qualifications required of an applicant for or a holder of a driver's licence by sections 14, 16 and 17, subsection 18 (1), clause 18 (2) (a), subsections 18 (3) and (4) and sections 21.1 and 21.2 apply despite the Human Rights Code. O. Reg. 453/10, s. 5; O. Reg. 38/18, s. 6.

20. If the Minister waived under this section any of the qualifications set out in section 17, as this section and section 17 read before January 1, 2011, with respect to an applicant for or a holder of any class of driver's licence, the Minister may renew the waiver of those qualifications for the holder requesting a renewal of his or her licence, as if those qualifications still applied to the holder, if,

- (a) the holder provides evidence satisfactory to the Minister, including the reports of any examinations which the Minister may require, that he or she can safely drive motor vehicles in the class authorized to be driven by the class of licence for which a renewal has been applied; and
- (b) there has been no worsening of the condition that would have disqualified the holder had the waiver not been granted. O. Reg. 453/10, s. 6.

21. Revoked: O. Reg. 453/10, s. 7.

21.1 If the Minister waived under this section a qualification set out in clause 17 (1) (j) or (k), as this section and as those clauses read before January 1, 2011, for an applicant for or a holder of a Class A or D driver's licence, the Minister may renew the waiver of the qualification set out in clause 18 (3) (a) or (b), as applicable, for the holder requesting a renewal of his or her licence if,

- (a) the holder can safely drive motor vehicles in the class authorized to be driven by the class of licence for which a renewal is requested;
- (b) there is no worsening of the condition that would have disqualified the holder had the prior waiver not been granted;
- (c) the holder provides evidence that he or she has successfully completed the tests, procedures and examinations that the Minister may require to demonstrate that the conditions in clauses (a) and (b) are satisfied; and
- (d) the holder does not have a medical condition or disability that requires a Ministerial waiver from the qualifications for obtaining any class of driver's licence prescribed in the Act or the regulations other than the waiver under this section. O. Reg. 83/05, s. 12 (4); O. Reg. 453/10, s. 8.

21.2 (1) The Minister may waive the qualification set out in clause 18 (2) (b) for an applicant for or a holder of a Class G, G1 or G2 driver's licence if,

- (a) the applicant or holder provides evidence that he or she has successfully completed the tests, procedures and examinations that the Minister may require; and
- (b) the applicant or holder,
 - (i) meets all of the other qualifications set out in this Regulation for the applicable class of driver's licence,
 - (ii) has not been able to meet the qualification set out in clause 18 (2) (b) for a period of at least three months immediately before the application,
 - (iii) does not have a medical or visual condition or disability that, alone or combined with a reduced horizontal visual field, may significantly impair his or her ability to drive, including,
 - (A) a neurological deficit or disorder, including epilepsy,
 - (B) diabetes that requires insulin for control,
 - (C) hypotension, or
 - (D) an impairment resulting from dementia, stroke, brain tumour, brain surgery, head trauma or arthritis,
 - (iv) does not have accumulated more than six demerit points on his or her driving record,
 - (v) did not have his or her driver's licence under suspension at any time within the preceding five years pursuant to section 53, subsection 128

(15) or section 130, 172, 200 or 216 of the Act or as a result of a conviction under the Criminal Code(Canada) for an offence committed by means of a motor vehicle or while driving or having the care, charge or control of a motor vehicle, and

(vi) has not, within the preceding five years and within the period of time he or she has been unable to meet the requirements of clause 18 (2) (b), been involved in a collision the circumstances of which also gave rise to a conviction for contravening or failing to comply with section 128, 136, 138, 140, 141, 147, 148, 154, 156, 158 or 172 or subsection 175 (11) of the Act. O. Reg. 83/05, s. 13.

(2) The Minister may revoke a waiver given under subsection (1) at any time if the holder no longer meets the requirements of subclause (1) (b) (i), (iii), (iv), (v) or (vi). O. Reg. 83/05, s. 13.

(3) If the applicant's or holder's horizontal visual field is so fragmented or incomplete that the size, shape, nature or relative position of the defects in it or along the horizontal meridian or above or below fixation may significantly impair his or her ability to drive, then the Minister shall not grant the waiver under this section. O. Reg. 83/05, s. 13.