

Highway Traffic Act Code de la route

ONTARIO REGULATION 339/94

Amended to O. Reg. 124/01

DEMERIT POINT SYSTEM

This Regulation is made in English only.

INTERPRETATION

1. (1) In this Regulation,

“accumulated demerit points” means the total demerit points in a person’s record acquired as a result of offences committed within any period of two years, less any points deducted for that period under this Regulation;

“probationary driver” means a person classed as such under section 11. O. Reg. 339/94, s. 1 (1).

(2) A reference in this Regulation to a class of driver’s licence is a reference to the class of licence as prescribed in Ontario Regulation 340/94. O. Reg. 339/94, s. 1 (2).

(3) A reference in this Regulation to “fully licensed driver”, “level 1 exit test”, “level 2 exit test”, “novice driver” and “valid driver’s licence” is a reference to those expressions as defined in Ontario Regulation 340/94. O. Reg. 339/94, s. 1 (3).

(4) A reference in this Regulation to the surrender of a licence does not include the surrender of the Photo Card portion of the licence. O. Reg. 339/94, s. 1 (4).

(5) The short descriptions in Column 3 of the Table to this Regulation indicate, for convenience of reference only, the general nature of the offences under the provisions in Column 1 of the Table and shall not be construed to limit the offences for which demerit points are imposed. O. Reg. 339/94, s. 1 (5).

GENERAL

2. If a person is convicted of an offence under a provision of an Act, regulation or municipal by-law set out in Column 1 of the Table to this Regulation and the penalty imposed by the court for the conviction does not include a period of licence suspension, the Registrar shall record in respect of the person, as of the date of commission of the offence, the number of demerit points set out opposite thereto in Column 2. O. Reg. 339/94, s. 2.

3. (1) If a person is convicted of two or more offences arising out of the same circumstances and the penalty imposed by the court in respect of any of the convictions includes a period of licence suspension, no demerit points shall be recorded. O. Reg. 339/94, s. 3 (1).

(2) If a person is convicted of two or more offences arising out of the same circumstances and the penalty imposed by the court in respect of any of the convictions does not include a period of licence suspension, demerit points shall only be recorded for the conviction carrying the greatest number of points and, if that number is the same for two or more convictions, points shall be recorded for one conviction only. O. Reg. 339/94, s. 3 (2).

4. (1) If a resident of Ontario is convicted or forfeits bail in another province or territory of Canada or in one of the states of the United States of America for an offence that, in the opinion of the Registrar, is in substance and effect equivalent to an offence for which demerit points would be recorded upon conviction in Ontario, the Registrar may record the demerit points for the conviction as if the conviction had been entered or the bail forfeited in Ontario for the equivalent offence. O. Reg. 339/94, s. 4 (1).

(2) For the purposes of subsection (1),

“conviction” includes a plea of guilty or a finding of guilt. O. Reg. 339/94, s. 4 (2).

(3) Any accumulated demerit points of a new Ontario resident who becomes a fully licensed driver or a novice driver here, including a person classed as a novice driver under subsection 28 (6) of Ontario Regulation 340/94 shall be reduced, from the day on which he or she becomes a fully licensed driver or a novice driver,

(a) to seven, if the driver becomes a fully licensed driver and his or her accumulated demerit points total eight or more;

(b) to four, if the driver becomes a novice driver and his or her accumulated demerit points total five or more. O. Reg. 339/94, s. 4 (3).

(4) After a reduction under subsection (3), the accumulated demerit points that remain shall be those recorded for the most recently committed offences. O. Reg. 339/94, s. 4 (4).

5. (1) If a person convicted of an offence set out in Column 1 of the Table appeals the conviction and notice of the appeal is served on the Registrar, the conviction and the demerit points related to it shall not be entered on the person’s record unless the conviction is sustained on appeal. O. Reg. 339/94, s. 5 (1).

(2) If a conviction referred to in subsection (1) and related demerit points have been recorded prior to service of notice of an appeal on the Registrar, the conviction and demerit points shall be removed from the record, and any suspension imposed as a result of the conviction shall be stayed, as of the date notice is served on the Registrar, unless the conviction is sustained on appeal. O. Reg. 339/94, s. 5 (2).

6. (1) The notice of suspension sent to a person in respect of a suspension under this Regulation shall state the effective date of the suspension. O. Reg. 124/01, s. 1.

(2) REVOKED: O. Reg. 124/01, s. 1.

(3) The period of licence suspension is concurrent with the unexpired portion of any other licence suspension under this or any other authority. O. Reg. 339/94, s. 6 (3).

DEMERIT POINTS: FULLY LICENSED DRIVERS

7. (1) If a person who is a fully licensed driver in Ontario in one or more licence classes or a person who is not a resident of Ontario has six, seven or eight accumulated demerit points, the Registrar shall mail a notice setting out the number of points to the person at his or her latest address appearing on the records of the Ministry. O. Reg. 339/94, s. 7 (1).

(2) A failure to give notice under subsection (1) does not render any further proceeding under this Regulation ineffective. O. Reg. 339/94, s. 7 (2).

8. (1) If a person who is a fully licensed driver in Ontario in one or more licence classes or a person who is not a resident of Ontario has 9, 10, 11, 12, 13 or 14 accumulated demerit points, the Registrar may require the person to attend an interview before a Ministry official and to provide information or other evidence to show cause why his or her driver's licence should not be suspended. O. Reg. 339/94, s. 8 (1).

(2) The Minister may, after giving notice, suspend the person's driver's licence,

(a) if the person fails to attend the required interview; or

(b) if the person does not comply with the Ministry's requirements as a result of the interview; or

(c) if, in the Minister's opinion, the person has not shown cause at the interview why the licence should not be suspended. O. Reg. 339/94, s. 8 (2).

(3) A licence suspended under subsection (2) shall not be reinstated until such period as the Minister considers advisable has elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 8 (3).

9. (1) If a person who is a fully licensed driver in Ontario in one or more licence classes or a person who is not a resident of Ontario has 15 or more accumulated demerit points, the Registrar shall, after giving notice, suspend the person's driver's licence. O. Reg. 339/94, s. 9 (1).

(2) A licence suspended under subsection (1) shall not be reinstated until,

(a) in the case of a first suspension, 30 days have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first; or

(b) in the case of a subsequent suspension, six months have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 9 (2).

(3) For the purpose of clause (2) (b), a suspension is a subsequent suspension only if it occurs as a result of a conviction for an offence committed within two years after the expiry of a prior suspension under this section. O. Reg. 339/94, s. 9 (3).

(4) If a suspension is imposed on a person who, at the time of the suspension, is a fully licensed driver in Ontario in one or more licence classes or a person who is not a resident of Ontario, the person's accumulated demerit points for convictions for offences that occurred prior to the effective date of the suspension shall be reduced to seven on that date and the remaining points shall be those recorded for the most recently committed offences. O. Reg. 339/94, s. 9 (4).

DEMERIT POINTS: PROBATIONARY DRIVERS

10. (1) Every driver of a motor vehicle on a highway who was classed as a probationary driver in accordance with Regulation 578 of the Revised Regulations of Ontario, 1990, as it read immediately prior to the coming into force of this Regulation, shall remain classed as a probationary driver until he or she satisfies the conditions set out in section 14 or until he or she becomes a fully licensed driver or a novice driver in a class or classes of motor vehicle pursuant to a notice under subsection (2), whichever occurs first. O. Reg. 339/94, s. 10 (1).

(2) Within three years of the day this Regulation comes into force, the Minister shall notify each person who is at that time classed as a probationary driver,

(a) of his or her licence status;

(b) of the specific conditions and time limits to be met for converting his or her licence from probationary to fully licensed or novice status; and

(c) of the consequences of not converting his or her driver's licence to fully licensed or novice status within the required time limit. O. Reg. 339/94, s. 10 (2).

(3) Despite subsection (1), a person classed as a probationary driver in accordance with Regulation 578 of the Revised Regulations of Ontario, 1990, as it read immediately prior to the coming into force of this Regulation, who resides in Ontario but who has never held an Ontario driver's licence shall be classed as a novice driver on the day this Regulation comes into force. O. Reg. 339/94, s. 10 (3).

11. Any accumulated demerit points of a person who becomes a probationary driver under subsection 14 (8) or (10) shall be reduced, from the day on which he or she becomes a probationary driver,

- (a) to zero, if they total nine or less; or
- (b) by nine, if they total more than nine, and the remaining points shall be those recorded in respect of the most recently committed offences. O. Reg. 339/94, s. 11.

12. (1) When demerit points are recorded on a probationary driver's record for the first time in any probationary period, the Registrar shall mail a notice to the driver at his or her latest address appearing on the records of the Ministry, setting out the number of accumulated demerit points that the driver has and the circumstances under which his or her licence may be suspended. O. Reg. 339/94, s. 12 (1).

(2) A failure to give notice under subsection (1) does not render any further proceeding under this Regulation ineffective. O. Reg. 339/94, s. 12 (2).

13. (1) If a person's accumulated demerit points in a period during which he or she was a probationary driver total six or more, the Registrar shall, after giving notice, suspend the person's driver's licence. O. Reg. 339/94, s. 13 (1).

(2) A licence suspended under subsection (1) shall not be reinstated until 30 days have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 13 (2).

(3) If a suspension is imposed on a person who, at the time of the suspension, is a probationary driver, the person's accumulated demerit points for convictions for offences that occurred prior to the effective date of the suspension shall be reduced to zero on that date. O. Reg. 339/94, s. 13 (3).

(4) If a suspension is imposed on a person who, at the time of the suspension, is not a probationary driver, the person's accumulated demerit points for convictions for offences that occurred prior to the effective date of the suspension shall be reduced to seven on that date and the remaining points shall be those recorded in respect of the most recently committed offences. O. Reg. 339/94, s. 13 (4).

PROBATIONARY CREDITS

14. (1) A probationary driver ceases to be probationary upon accumulating two probationary credits. O. Reg. 339/94, s. 14 (1).

(2) A probationary driver is entitled to one probationary credit for each probationary period during which he or she,

- (a) holds, for a total of 12 months, a valid driver's licence, other than a Class L or R driver's licence, issued under the Act; and
- (b) does not commit any offence, the conviction for which would result in licence suspension or would have resulted in licence suspension had his or her accumulated demerit points not been reduced by the Registrar under section 9 or 13. O. Reg. 339/94, s. 14 (2).

(3) A probationary driver whose licence is suspended during a 12-month probationary period under subsection 9 (1), clause 32 (12) (b), section 46, section 47 for failure to meet medical standards, or section 198 of the Act, or under the *Motor Vehicle Accident Claims Act* or the *Compulsory Automobile Insurance Act*, does not lose a probationary credit under subsection (2) for the probationary period in which the suspension takes place. O. Reg. 339/94, s. 14 (3).

(4) Although, under subsection (3), there is no loss of a probationary credit, the probationary period during which the suspension takes place shall be extended by a length of time equal to the duration of the suspension and entitlement to a probationary credit depends upon compliance with the requirements set out in subsection (2) during the extended period. O. Reg. 339/94, s. 14 (4).

(5) If the driver's licence of a probationary driver is suspended for any reason other than a reason set out in subsection (3), a new probationary period shall start on the day after the day the suspension expires. O. Reg. 339/94, s. 14 (5).

(6) If a probationary driver with one probationary credit is convicted of an offence committed within the period for which he or she acquired the credit and the conviction results in licence suspension for any reason other than a reason set out in subsection (3), the credit for that period shall be revoked unless the probationary driver meets the requirements set out in subsection (2) during the period from the commission of the offence until the effective date of the suspension. O. Reg. 339/94, s. 14 (6).

(7) If a probationary driver with one probationary credit is convicted of an offence committed within the period for which he or she acquired the credit and the conviction would have resulted in licence suspension had his or her accumulated demerit points not been reduced by the Registrar under section 13, the credit for that period shall be revoked unless the probationary driver meets the requirements set out in subsection (2) during the period from the commission of the offence until the effective date of the demerit point reduction. O. Reg. 339/94, s. 14 (7).

(8) If a person who has ceased to be a probationary driver under subsection (1) is convicted of an offence committed within a period for which he or she acquired a probationary credit, and the conviction results in licence suspension for any reason other than a reason set out in subsection (3),

- (a) the credit for that period shall be revoked;
- (b) the person shall again be classed as a probationary driver; and
- (c) a new probationary period shall start on the day after the day the suspension expires. O. Reg. 339/94, s. 14 (8).

(9) Subsection (8) does not apply if, during the period from the commission of the offence until the effective date of the suspension, excluding any period for which a probationary credit has been awarded, the probationary driver meets the requirements set out in subsection (2). O. Reg. 339/94, s. 14 (9).

(10) If a person who has ceased to be a probationary driver under subsection (1) is convicted of an offence committed within a period for which he or she acquired a probationary credit, and the conviction would have resulted in licence suspension had his or her accumulated demerit points not been reduced by the Registrar under section 9 or 13,

- (a) the credit for that period shall be revoked;
- (b) the person shall again be classed as a probationary driver; and
- (c) a new probationary period shall start on the twelfth day after the day the conviction is registered on the person's record. O. Reg. 339/94, s. 14 (10).

(11) Subsection (10) does not apply if, during the period from the commission of the offence until the effective date of the demerit point reduction, excluding any period for which a probationary credit has been awarded, the probationary driver meets the requirements set out in subsection (2). O. Reg. 339/94, s. 14 (11).

(12) If subsection (6), (7), (8) or (10) applies, demerit points accumulated as a result of offences committed prior to and including the time of the offence referred to therein shall not be included in determining whether a probationary driver meets the requirements set out in subsection (2) for the period from the commission of the offence until the effective date of the suspension or until the effective date of the demerit point reduction, as the case may be. O. Reg. 339/94, s. 14 (12).

DEMERITPOINTS: NOVICE DRIVERS

15. (1) The Registrar shall mail a notice to a novice driver at his or her latest address on the records of the Ministry setting out the reason for the notice, the circumstances under which his or her licence may be suspended and any other action the Ministry may take if, within any two-year period, the novice driver,

- (a) accumulates two, three, four or five demerit points;
- (b) has on his or her driver's record two or more convictions for moving violations not arising out of the same circumstances that do not result in an accumulation of demerit points or in a suspension; or
- (c) is involved in a collision for which he or she is assessed to be at fault or partially at fault. O. Reg. 339/94, s. 15 (1).

(2) A failure to give notice under subsection (1) does not render any further proceeding under this Regulation ineffective. O. Reg. 339/94, s. 15 (2).

(3) In this section and in section 16, a "moving violation" is a violation indicated by the letter "M" in the Ministry's Conviction Tables. O. Reg. 339/94, s. 15 (3).

16. (1) The Registrar may require a novice driver to attend an interview before a Ministry official at a designated time and place if, within any two-year period, the novice driver,

- (a) accumulates six, seven or eight demerit points;
- (b) is involved in two or more collisions for which he or she is assessed to be at fault or partially at fault; or
- (c) is involved in a collision for which he or she is assessed to be at fault or partially at fault and has two or more convictions for moving violations not arising out of the same circumstances. O. Reg. 339/94, s. 16 (1).

(2) The Minister may, after giving notice, suspend the person's driver's licence,

- (a) if the person does not attend the required interview;
- (b) if the person does not comply with the Ministry's requirements as a result of the interview; or
- (c) if, in the Minister's opinion, the person has not shown cause at the interview why the licence should not be suspended. O. Reg. 339/94, s. 16 (2).

(3) A licence suspended under subsection (2) shall not be reinstated until such period as the Registrar considers advisable has elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 16 (3).

17. (1) If a novice driver has nine or more accumulated demerit points, the Registrar shall, after giving notice, suspend his or her driver's licence. O. Reg. 339/94, s. 17 (1).

(2) A licence suspended under subsection (1) shall not be reinstated until,

- (a) in the case of a first suspension, 60 days have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first; or
- (b) in the case of a subsequent suspension, six months have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 17 (2).

(3) For the purpose of clause (2) (b), a suspension is a subsequent suspension only if it occurs as a result of a conviction for an offence committed within two years after the expiry of a prior suspension under this section. O. Reg. 339/94, s. 17 (3).

(4) If a suspension is imposed on a person who, at the time of the suspension, is a novice driver, the person's accumulated demerit points for convictions for offences that occurred prior to the effective date of the suspension shall be reduced to four on that date and the remaining points shall be those recorded in respect of the most recently committed offences. O. Reg. 339/94, s. 17 (4).

(5) If a suspension is imposed on a person who, at the time of the suspension, is no longer a novice driver, the person's accumulated demerit points for convictions for offences that occurred prior to the effective date of the suspension shall be reduced to seven on that date and the remaining points shall be those recorded in respect of the most recently committed offences. O. Reg. 339/94, s. 17 (5).

18. (1) Sections 7 to 9 apply, and not sections 15, 16 and 17, to a driver who holds a licence that includes more than one licence class, only one of which is novice class, if he or she is a fully licensed driver in the other licence class or classes. O. Reg. 339/94, s. 18 (1).

(2) Sections 12 and 13 apply, and not sections 15, 16 and 17, to a driver who holds a licence that includes more than one licence class, only one of which is novice class, if he or she is a probationary driver in the other licence class or classes. O. Reg. 339/94, s. 18 (2).

19. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 339/94, s. 19.

20. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 339/94, s. 20.

TABLE

Item	COLUMN 1	COLUMN 2	COLUMN 3
	Provisions for Offences	Number of Demerit Points	Short Description of Offences for Convenience of Reference only
1	Section 200 of the <i>Highway Traffic Act</i>	7	Failing to remain at scene of accident
1.1	Section 216 of the <i>Highway Traffic Act</i> , except where a suspension order is made under subsection 216 (3)	7	Driver failing to stop when signalled or requested to stop by a police officer
2	Section 130 of the <i>Highway Traffic Act</i>	6	Careless driving
3	Section 172 of the <i>Highway Traffic Act</i>	6	Racing
4	Section 128 of the <i>Highway Traffic Act</i> ; subsection 13 (3) of Regulation 829 of the Revised Regulations of Ontario, 1990; any provision of the National Capital Commission Traffic and Property Regulations CRC 1978, c. 1044 made under the <i>National Capital Act</i> (Canada) fixing maximum rates of speed and any municipal by-law fixing maximum rates of speed where the rate of speed is exceeded by, (a) 50 km/h or more (b) 30 km/h or more and less than 50 km/h (c) more than 15 km/h and less than 30 km/h	6 4 3	Exceeding speed limit by 50 km/h or more Exceeding speed limit by 30 to 49 km/h Exceeding speed limit by 16 to 29 km/h
5	Subsections 174 (1) and (2) of the <i>Highway Traffic Act</i>	5	Driver of public vehicle or school bus failing to stop at railway crossings
6	Section 164 of the <i>Highway Traffic Act</i>	3	Driving through, around or under railway crossing barrier
7	Subsections 135 (2) and (3), clause 136 (1) (b), subsection 136 (2), subsection 138 (1), subsection 139 (1), subsection 141 (5) and subsections 144 (7), (8) and (21) of the <i>Highway Traffic Act</i>	3	Failing to yield right of way
8	Clause 136 (1) (a), subsections 144 (14), (15), (16), (17), (18) and (21), subsections 146 (3) and (4) and section 163 of the <i>Highway Traffic Act</i> , any municipal by-law requiring a driver to stop for a stop sign or signal light, and the National Capital Commission Traffic and Property Regulations CRC 1978, c. 1044 made under the <i>National Capital Act</i> (Canada) requiring a driver to stop for a stop sign	3	Failing to obey a stop sign, signal light or railway crossing signal
9	Subsection 134 (1) of the <i>Highway Traffic Act</i>	3	Failing to obey directions of police constable
10	Subsection 134 (3) of the <i>Highway Traffic Act</i>	3	Driving or operating a vehicle on a closed highway
11	Subsections 199 (1) and (1.1) of the <i>Highway Traffic Act</i>	3	Failing to report an accident
12	Subsection 148 (8), sections 149, 150 and 166 of the <i>Highway Traffic Act</i>	3	Improper passing
13	Section 154 of the <i>Highway Traffic Act</i>	3	Improper driving where highway divided into lanes
14	Subsections 175 (11) and (12) of the <i>Highway Traffic Act</i>	6	Failing to stop for school bus
15	Section 158 of the <i>Highway Traffic Act</i>	4	Following too closely
16	Section 162 of the <i>Highway Traffic Act</i>	3	Crowding driver's seat
17	Clause 156 (1) (a) of the <i>Highway Traffic Act</i>	3	Drive wrong way - divided highway
18	Clause 156 (1) (b) of the <i>Highway Traffic Act</i>	3	Cross divided highway - no proper crossing provided
19	Section 153 of the <i>Highway Traffic Act</i>	3	Wrong way in one way street or highway
20	Subsection 157 (1) of the <i>Highway Traffic Act</i>	2	Backing on highway
21	Subsections 140 (1), (2) and (3) of the <i>Highway Traffic Act</i>	2	Pedestrian crossover
22	Subsections 148 (1), (2), (4), (5), (6) and (7) of the <i>Highway Traffic Act</i>	2	Failing to share road
23	Subsections 141 (2) and (3) of the <i>Highway Traffic Act</i>	2	Improper right turn
24	Subsections 141 (6) and (7) of the <i>Highway Traffic Act</i>	2	Improper left turn
25	Subsections 142 (1), (2) and (8) of the <i>Highway Traffic Act</i>	2	Failing to signal
26	Section 132 of the <i>Highway Traffic Act</i>	2	Unnecessary slow driving
27	Section 168 of the <i>Highway Traffic Act</i>	2	Failing to lower headlamp beam

28	Section 165 of the <i>Highway Traffic Act</i>	2	Improper opening of vehicle door
29	Section 143 and subsection 144 (9) of the <i>Highway Traffic Act</i> and any municipal by-law prohibiting turns	2	Prohibited turns
30	Section 160 of the <i>Highway Traffic Act</i>	2	Towing of persons on toboggans, bicycles, skis, etc., prohibited
31	Subsection 182 (2) of the <i>Highway Traffic Act</i>	2	Failing to obey signs prescribed by regulation under subsection 182 (1)
32	Subsection 106 (3) of the <i>Highway Traffic Act</i>	2	Driver failing to wear complete seat belt assembly
33	Subsection 106 (6) of the <i>Highway Traffic Act</i>	2	Driver failing to ensure passenger under 16 years wears complete seat belt assembly
34	Subsection 106 (7) of the <i>Highway Traffic Act</i>	2	Driver failing to ensure child passenger under 23 kilograms occupies position with seat belt assembly

O. Reg. 339/94, Table; O. Reg. 164/96, s. 1; O. Reg. 331/97, s. 1; O. Reg. 538/97, s. 1; O. Reg. 637/99, s. 1.