

Towing and Storage Safety and Enforcement Act (TSSEA) O. Reg. 417/22: GENERAL

Towing Industry Advisory Committee
June 6 2022

Background

The following information is based on staff's interpretation of O. Reg. 417/22: GENERAL and should not be considered legal advice.

Full interpretation and enforcement of Regulations lies with the Province of Ontario.

Background

Ontario Regulation 417/2 Identifies the various requirements for three Provincial Certificates:

- Tow Operator
- Tow Driver
- Vehicle Storage

Director

The Director will have broad powers under the regulations to refuse, revoke or suspend Certificates.

- The Director also has the authority to place conditions on a Certificate
- Some decisions of the Director can be appealed to a Licence Appeal Tribunal
- An appeal does not stay the decision of the Director unless the Licence Appeal Tribunal orders otherwise

Director

- The Director may impose conditions on a certificate
- The Certificate holder is afforded time to make submissions regarding a proposed condition
- There is however no right of appeal to conditions once set

Disqualifying Convictions

Offence Types	
Sexual Offence (some exemptions)	Criminal negligence
Homicide	Manslaughter
Attempted Murder	Accessory after the fact
Counselling Suicide	Discharging a firearm with intent
Administer a noxious thing	Interfere with Transportation Fac.
Aggravated Assault	Assault on Transit Operator
Sexual Assault	Aggravated Sexual Assault
Kidnapping	Trafficking in Persons

Disqualifying Convictions- Previous 5yrs

Offence Types	
Firearm Offences	Sexual Offences
Producing/ Dist Obscene Materials	Immoral Theatrical Performance
Indecent Acts	Offering sexual acts for consideration
Offences against a person	Offences related to conveyances
Offences against rights of property	Fraudulent Transactions
Currency Offences	

Disqualifying Convictions- Previous 10yrs

Offence Types	
Trafficking in substance	Importing/Exporting
Production of substance	Possession /sale of materials for use in the production

Tow Operators

To obtain a Tow Operator certification and application will be required to show:

- A CVOR certificate (safety record will be reviewed)
- Insurance
 1. Coverage against liability resulting from bodily injury to or the death of one or more persons and loss or damage to property, in the amount of at least \$2,000,000 exclusive of interest and costs.
 2. Coverage against liability for damage to a vehicle of the consumer while in the provider's care, custody or control, in the amount of at least \$100,000.
 3. Cargo liability insurance in the amount of at least \$50,000. O. Reg. 426/15, s. 7.

Tow Operators

- No Disqualifying Criminal Conviction (previous slides)
- Fit and proper person to be a tow operator, having regard to the applicant's character, integrity and past
- If the applicant is a corporation, the officers and directors of the corporation meet the qualifications and requirements
- Any person related to the applicant meets the qualifications and requirements

Tow Operators

- Monitor and maintain an email address for the purposes of receiving correspondence from the Ministry
- Adhere to any conditions set by the tow director who is not required to provide notice or reasons for the condition
- Notify the tow director of changes to information within 15 days (address, insurance, officers or directors)
- Keep a copy of the certificate in the tow vehicle
- Publish their rates and provide to anyone upon request including posting on a website they maintain

Tow Operators

- Notify Director of any change in information within 15 days
- Notify Director of any changes in information regarding relationships with other businesses previously provided within 15 days
- When requested, confirm accuracy of information provided within 15 days
- Inform the Ministry as to the location of the physical premises for the towing operation if they have one
- Ensure a copy of the Tow Certificate is kept in each tow truck
- Keep a copy of every tow drivers certificate and Drivers licence

Tow Drivers

- Full Ontario Drivers Licence
- A valid Equivalent licence from another jurisdiction
- Completion of an approved Towtruck Training Course
- Must carry the Tow Driver Certificate, Tow Owners Certificate and CVOR in the Tow Truck at all times
- Must obtain and monitor an email address
- Must surrender electronic documents upon request
- Notify the Director of any changes in information within 15 Days
- No disqualifying convictions (previous slides)

Tow Drivers

Has not received a licence suspension in the previous 2 yrs for the following.

Licence suspension types	
blood alcohol concentration above .05	suspension for presence of drug
Breath testing, drivers of commercial motor vehicles	suspension for drug or drug and alcohol impairment
Racing, stunts, etc	False statement
Driving while licence suspended	Careless driving
Duty of person in case of accident	Police stop
Fail to have valid Insurance	Conviction of offence related to motor vehicle

Vehicle Storage Certificate

- A physical location in Ontario
- Similar insurance to Tow Operator Certificate
- No disqualifying convictions (see previous slides)
- Be a fit and proper person to be a vehicle storage operator, having regard to the applicant's character, integrity and past conduct

Vehicle Storage Certificate

- If a company, the Directors and Officers must also meet the requirements
- Maintain and monitor an email address
- Notify the Director of any changes in information (15 days)
- Advise Director of all premises from which Vehicle Storage is taking place
- Maintain signage showing the name of the certificate holder and display the Certificate

Thank you