

Français

## Towing and Storage Safety and Enforcement Act, 2021

### S.O. 2021, CHAPTER 26 SCHEDULE 3

**Consolidation Period:** From January 1, 2024 to the [e-Laws currency date](#).

Last amendment: 2023, c. 9, Sched. 36, s. 1-28.

Legislative History: 2023, c. 9, Sched. 36, s. 1-28.

#### CONTENTS

##### [INTERPRETATION](#)

<a href="#">1.</a>	Definitions
<a href="#">2.</a>	Tow operators
<a href="#">3.</a>	Tow truck drivers
<a href="#">4.</a>	Vehicle storage operators
<a href="#">5.</a>	Certificates
<a href="#">6.</a>	Conditions of a certificate
<a href="#">7.</a>	Suspension, cancellation
<a href="#">8.</a>	Procedures for refusals, suspensions and cancellations
<a href="#">9.</a>	Appeal
<a href="#">10.</a>	Inquiries re eligibility

##### [CERTIFICATION](#)

<a href="#">11.</a>	Tow operator requirements
<a href="#">12.</a>	Tow truck driver requirements
<a href="#">13.</a>	Surrender of documents, etc., by driver or other person
<a href="#">14.</a>	Vehicle impoundment if no or suspended certificate
<a href="#">15.</a>	Vehicle storage operator requirements
<a href="#">16.</a>	Insurance
<a href="#">17.</a>	Prohibited practices
<a href="#">18.</a>	Records

##### [PROTECTION OF USERS OF TOWING SERVICES AND VEHICLE STORAGE SERVICES](#)

<a href="#">19.</a>	Requirements re persons using services
<a href="#">20.</a>	Requirement to obtain consent for towing services
<a href="#">21.</a>	Directions re towing
<a href="#">22.</a>	Duties of vehicle storage certificate holders
<a href="#">23.</a>	Requirement to obtain consent for vehicle storage services
<a href="#">24.</a>	Access to vehicle
<a href="#">25.</a>	Restriction on passengers in tow trucks
<a href="#">26.</a>	Estimates, towing and storage services
<a href="#">27.</a>	Invoices
<a href="#">28.</a>	Charges for services
<a href="#">29.</a>	Restrictions on inducements
<a href="#">30.</a>	Restrictions on referrals
<a href="#">31.</a>	Disclosure of interest
<a href="#">32.</a>	Illegal charges
<a href="#">33.</a>	False information
<a href="#">34.</a>	No coercion
<a href="#">35.</a>	Information to be provided
<a href="#">36.</a>	Representations
<a href="#">37.</a>	Complaints
<a href="#">38.</a>	Collision Scenes
<a href="#">39.</a>	Compliance with directions at collision scene

##### [RESTRICTED TOWING ZONES](#)

<a href="#">40.</a>	Restricted towing zones
<a href="#">41.</a>	Designation of restricted towing zones
<a href="#">42.</a>	Tow trucks to be marked
<a href="#">42.</a>	Tow trucks to be marked

<a href="#">43.</a>	Documents to be carried	
<a href="#">43.</a>	Documents to be carried	
		<a href="#">DISPATCH SERVICES</a>
<a href="#">44.</a>	Dispatch services	
		<a href="#">PENALTIES AND OFFENCES</a>
<a href="#">45.</a>	Administrative penalties	
<a href="#">46.</a>	Offences	
<a href="#">47.</a>	Tow operator may be convicted if driver contravenes	
<a href="#">48.</a>	Notice of conviction to Director	
		<a href="#">DIRECTOR OF TOWING AND VEHICLE STORAGE STANDARDS</a>
<a href="#">49.</a>	Director of Towing and Vehicle Storage Standards	
<a href="#">50.</a>	Requirement to keep records	
<a href="#">51.</a>	Information re certain certificate holders	
<a href="#">52.</a>	Collection and disclosure of information	
		<a href="#">INSPECTORS AND INSPECTIONS</a>
<a href="#">53.</a>	Inspectors	
<a href="#">54.</a>	Inspections	
		<a href="#">MISCELLANEOUS</a>
<a href="#">55.</a>	Forms	
<a href="#">56.</a>	Electronic means and formats	
<a href="#">57.</a>	Notice	
<a href="#">58.</a>	Evidence	
<a href="#">59.</a>	Interest and penalties when fee payment dishonoured	
<a href="#">60.</a>	Conflict, Repair and Storage Liens Act	
<a href="#">61.</a>	Protection from personal liability	
<a href="#">62.</a>	Crown bound	
<a href="#">63.</a>	Transition	
		<a href="#">REGULATIONS</a>
<a href="#">64.</a>	Regulations	

## INTERPRETATION

### Definitions

#### 1 In this Act,

- “certificate” means a tow certificate, tow driver certificate or vehicle storage certificate, as the case may be, issued under section 5; (“certificat”)
- “condition”, in relation to a certificate, includes a limitation, restriction or endorsement, and includes a deemed condition; (“condition”)
- “Director” means the Director of Towing and Vehicle Storage Standards appointed under section 49; (“directeur”)
- “drive”, in relation to a tow truck, means to drive, use or otherwise operate the tow truck; (“conduire”)
- “driver’s licence” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*; (“permis de conduire”)
- “highway” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*; (“voie publique”)
- “inspector” means an inspector appointed under section 53; (“inspecteur”)
- “Minister” means the Minister of Transportation or such other member of the Executive Council to whom responsibility for the administration of this Act may be assigned or transferred under the *Executive Council Act*; (“ministre”)
- “Ministry” means the Ministry of the Minister; (“ministère”)
- “motor vehicle” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*; (“véhicule automobile”)
- “prescribed” means prescribed by the regulations; (“prescrit”)
- “regulations” means the regulations made under this Act; (“règlements”)
- “restricted towing zone” means a highway or part of a highway designated under section 41 as a restricted towing zone; (“zone restreinte de dépannage”)
- “tow certificate” means a certificate issued under section 5 to a tow operator; (“certificat de remorquage”)
- “tow driver certificate” means a certificate issued under section 5 to a tow truck driver; (“certificat de conducteur de dépanneuse”)
- “towing”, subject to the regulations, includes,

- (a) the transportation of motor vehicles using a tow truck,
- (b) any ancillary activity such as lifting a motor vehicle for the purposes of loading, towing or transporting it or placing it onto a truck or trailer for the purpose of towing or transporting, and
- (c) any other prescribed activity; (“remorquage”)

“towing services”, subject to the regulations, includes,

- (a) towing, recovery or transportation in respect of motor vehicles that are disabled, abandoned, impounded, seized, damaged, incomplete or inoperable or that require removal from a location for any other reason, and
- (b) any other prescribed activity; (“services de remorquage”)

“tow operator” means a person who, directly or indirectly, alone or with others, operates, manages, supervises, runs or directs the offer of or provision of towing services, and includes,

- (a) an operator, as defined in subsection 16 (1) of the *Highway Traffic Act*, of a tow truck, and
- (b) any other prescribed person; (“exploitant de services de remorquage”)

“tow truck” means,

- (a) a motor vehicle commonly known as a tow truck,
- (b) a commercial motor vehicle, as defined in subsection 1 (1) of the *Highway Traffic Act*, with a flatbed that can tilt to load and that is used to tow or transport other motor vehicles, and
- (c) subject to any prescribed exceptions, a motor vehicle that is designed, modified, configured or equipped so that it is capable of towing other motor vehicles; (“dépanneuse”)

“tow truck driver” means a person who drives a tow truck for the purpose of providing towing services; (“conducteur de dépanneuse”)

“vehicle permit” means a permit as defined in subsection 6 (1) of the *Highway Traffic Act*; (“certificat d’immatriculation de véhicule”)

“vehicle storage certificate” means a certificate issued under section 5 to a vehicle storage operator; (“certificat d’entreposage de véhicules”)

“vehicle storage operator” means a person who, directly or indirectly, alone or with others, operates, manages, supervises, runs or directs the offer of or provision of vehicle storage services; (“exploitant de services d’entreposage de véhicules”)

“vehicle storage services” means the receiving and holding of towed motor vehicles and any other prescribed services; (“services d’entreposage de véhicules”)

“vehicle storage yard facility”, subject to the regulations, means a lot, yard or other premises used to provide vehicle storage services. (“installation d’entreposage de véhicules”) 2021, c. 26, Sched. 3, s. 1; 2023, c. 9, Sched. 36, s. 1, 2.

#### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024; 2023, c. 9, Sched. 36, s. 2 (1-3) - 01/07/2023

### **CERTIFICATION**

#### **Tow operators**

**2** (1) No person shall, except under the authority of a tow certificate and in accordance with this Act and the regulations,

- (a) provide or offer to provide towing services; or
- (b) hold themselves out as a tow operator.

#### **Provision of towing services**

(2) For the purposes of subsection (1), a person provides towing services regardless of whether the person provides the services by employing or engaging a tow truck driver to drive a tow truck that the person owns or operates or whether the person drives such a tow truck themselves.

#### **Same**

(3) For greater certainty, subsection (1) does not apply with respect to a person who drives a tow truck only on behalf of a tow operator.

#### **Tow truck drivers**

**3** No person shall, except under the authority of a tow driver certificate and in accordance with this Act and the regulations,

- (a) drive a tow truck to provide towing services; or

- (b) hold themselves out as a tow truck driver. 2021, c. 26, Sched. 3, s. 3; 2023, c. 9, Sched. 36, s. 1.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024

**Vehicle storage operators**

**4** No person shall, except under the authority of a vehicle storage certificate and in accordance with this Act and the regulations,

- (a) provide or offer to provide vehicle storage services; or
- (b) hold themselves out as a vehicle storage operator.

**Certificates**

**Issuance**

**5** (1) The Director may, subject to subsection (3), issue a tow certificate, tow driver certificate or vehicle storage certificate to an applicant, if the Director is satisfied that the applicant meets the qualifications and requirements prescribed for the certificate. 2021, c. 26, Sched. 3, s. 5 (1); 2023, c. 9, Sched. 36, s. 1.

**Renewal**

(2) The Director may, subject to subsection (3), renew a certificate if the Director is satisfied that the holder meets the qualifications and requirements prescribed for the certificate. 2021, c. 26, Sched. 3, s. 5 (2).

**No issuance or renewal despite qualification**

(3) Regardless of whether an applicant or certificate holder meets the prescribed qualifications and requirements for a certificate, the Director,

- (a) shall refuse to issue or renew the certificate in the prescribed circumstances; and
- (b) may refuse to issue or renew the certificate,
  - (i) if the applicant or holder owes an outstanding fee, fine or administrative penalty, or any interest or penalty in respect of such a fee, fine or penalty, under this Act, the *Highway Traffic Act* or the *Provincial Offences Act*,
  - (ii) if the Director determines that a prescribed circumstance applies, or
  - (iii) for any prescribed reason. 2021, c. 26, Sched. 3, s. 5 (3).

**One certificate only**

(4) No person may hold,

- (a) more than one tow certificate;
- (b) more than one tow driver certificate; or
- (c) more than one vehicle storage certificate. 2021, c. 26, Sched. 3, s. 5 (4); 2023, c. 9, Sched. 36, s. 1.

**Certificate not transferable**

(5) A certificate is not transferable or assignable. 2021, c. 26, Sched. 3, s. 5 (5).

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024

**Conditions of a certificate**

**6** (1) The Director may, in issuing a certificate, attach to it any condition that the Director considers appropriate, including an expiry date.

**Deemed conditions**

(2) Every certificate is deemed to contain the following conditions:

1. The certificate holder is required to take all reasonable precautions to prevent loss of or from, or damage to, any motor vehicle that is being towed, is being held in a vehicle storage yard facility or is otherwise under the certificate holder's control.
2. Any other prescribed condition.

**Variation of conditions**

(3) The Director may, at any time and as the Director considers appropriate, amend a certificate by,

- (a) varying a condition attached to the certificate, other than a condition listed under subsection (2);
- (b) attaching a condition prescribed for the purposes of this subsection to the certificate; or
- (c) removing a condition from the certificate, other than a condition listed under subsection (2).

#### **Compliance**

(4) A certificate holder shall comply with the conditions to which the certificate is subject.

#### **Suspension, cancellation**

7 (1) The Director may suspend or cancel a certificate,

- (a) if the Director is satisfied that the holder no longer meets the qualifications and requirements prescribed for the certificate;
- (b) if the holder has contravened or failed to comply with this Act or the regulations;
- (c) if the payment of a fee for the issuance or renewal of the certificate has been dishonoured;
- (d) if the Director is satisfied that there are reasonable grounds to believe that the holder is not carrying out activities under the certificate with honesty and integrity;
- (e) for any prescribed reason; or
- (f) for any other sufficient reason. 2021, c. 26, Sched. 3, s. 7 (1); 2023, c. 9, Sched. 36, s. 3.

#### **Automatic suspension of tow driver certificate**

(2) If the driver's licence of a holder of a tow driver certificate is cancelled, suspended or otherwise ceases to be in force under any Act or other law, the tow driver certificate is suspended. 2021, c. 26, Sched. 3, s. 7 (2); 2023, c. 9, Sched. 36, s. 1.

#### **Reinstatement**

(3) The Director may lift a suspension of a tow driver certificate under subsection (2) if the driver's licence is reinstated. 2021, c. 26, Sched. 3, s. 7 (3); 2023, c. 9, Sched. 36, s. 1.

#### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024; 2023, c. 9, Sched. 36, s. 3 - 01/07/2023

#### **Procedures for refusals, suspensions and cancellations**

8 Refusals to issue or renew a certificate and suspensions and cancellations of a certificate shall be subject to the prescribed procedures, including any requirements specified by the regulations that the Director give notice of a refusal, suspension or cancellation. 2021, c. 26, Sched. 3, s. 8; 2023, c. 9, Sched. 36, s. 4.

#### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 4 - 01/07/2023

#### **Appeal**

9 (1) If the regulations so provide, one or more of the following decisions, as specified by the regulations and subject to any prescribed exceptions, may be appealed to the prescribed person or entity by the applicant or certificate holder in accordance with the regulations:

1. A decision to refuse to issue a certificate.
2. A decision to refuse to renew a certificate.
3. A decision to suspend a certificate.
4. A decision to cancel a certificate.
5. A decision to amend a certificate under subsection 6 (3).
6. Any other decision of the Director specified by the regulations. 2021, c. 26, Sched. 3, s. 9 (1); 2023, c. 9, Sched. 36, s. 5.

#### **No stay**

(2) Except as otherwise provided by the regulations, an appeal does not operate as a stay of the decision. 2021, c. 26, Sched. 3, s. 9 (2).

#### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 5 - 01/07/2023

### **Inquiries re eligibility**

**10** A person shall respond promptly to any inquiries from the Director for information relating to the person's eligibility to hold a certificate.

## **PROVISION OF TOWING SERVICES AND VEHICLE STORAGE SERVICES**

### **Tow operator requirements**

**11** (1) Every tow operator shall, in providing or offering to provide towing services,

- (a) comply with the prescribed requirements and standards respecting the provision of towing services that are applicable to the operator; and
- (b) ensure that every person employed or engaged by the operator and any other prescribed person complies with this Act and the regulations, including the prescribed requirements and standards respecting the provision of towing services. 2021, c. 26, Sched. 3, s. 11 (1); 2023, c. 9, Sched. 36, s. 6 (2).

### **Employment, engagement of tow truck drivers**

(2) No tow operator shall employ or engage a person as a tow truck driver unless the person is the holder of a valid tow driver certificate. 2021, c. 26, Sched. 3, s. 11 (2); 2023, c. 9, Sched. 36, s. 1, 6 (1).

### **Tow truck requirements**

(3) Every tow operator shall ensure that every tow truck it uses to provide towing services meets the prescribed requirements, has the prescribed equipment and is inspected and maintained in accordance with the regulations. 2021, c. 26, Sched. 3, s. 11 (3); 2023, c. 9, Sched. 36, s. 6 (1).

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024; 2023, c. 9, Sched. 36, s. 6 (1, 2) - 01/07/2023

### **Tow truck driver requirements**

**12** Every tow truck driver shall comply with the prescribed requirements and standards respecting the provision of towing services that are applicable to the tow truck driver. 2023, c. 9, Sched. 36, s. 7.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024; 2023, c. 9, Sched. 36, s. 7 - 01/07/2023

### **Surrender of documents, etc., by driver or other person**

**13** On the demand of a police officer or inspector, a tow truck driver or any other person with the care, charge or control of a tow truck shall surrender the prescribed documents for inspection and furnish the prescribed information to the police officer or inspector. 2021, c. 26, Sched. 3, s. 13; 2023, c. 9, Sched. 36, s. 8.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 8 - 01/07/2023

### **Vehicle impoundment if no or suspended certificate**

**14** (1) A police officer or inspector may detain a tow truck if the police officer or inspector is satisfied that a person was driving a tow truck on a highway at a time when,

- (a) the person did not hold a valid tow driver certificate; or
- (b) the tow operator of the tow truck did not hold a valid tow certificate. 2023, c. 9, Sched. 36, s. 9.

### **Same**

(2) A tow truck detained under subsection (1) shall, at the cost and risk of the tow operator,

- (a) be removed to a vehicle storage yard facility as directed by a police officer or inspector; and
- (b) be impounded for seven days from the time it was detained. 2023, c. 9, Sched. 36, s. 9.

### **Application of impoundment rules**

(3) Except as otherwise provided by the regulations, subsections 55.2 (2) to (18) of the *Highway Traffic Act* apply, with the prescribed and any other necessary modifications, with respect to the impounding of a tow truck under subsection (2). 2023, c. 9, Sched. 36, s. 9.

### **Intent of impoundment**

(4) The impoundment of a tow truck under this section is intended to promote compliance with this Act and the regulations and to safeguard the public, and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time. 2023, c. 9, Sched. 36, s. 9.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 9 - 01/07/2023

### **Vehicle storage operator requirements**

**15** (1) Every vehicle storage operator shall, in providing or offering to provide vehicle storage services,

- (a) comply with the prescribed requirements and standards respecting the provision of vehicle storage services that are applicable to the operator; and
- (b) ensure that persons employed or engaged by the operator and any other prescribed person complies with this Act and the regulations, including the prescribed requirements and standards respecting the provision of vehicle storage services. 2023, c. 9, Sched. 36, s. 9.

### **Vehicle storage yard facility requirements**

(2) Every vehicle storage operator shall ensure that the operator's vehicle storage yard facility meets the prescribed requirements. 2023, c. 9, Sched. 36, s. 9.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 9 - 01/07/2023

### **Insurance**

**16** (1) No tow operator shall provide or offer to provide towing services unless the operator is insured as required by the regulations. 2021, c. 26, Sched. 3, s. 16 (1); 2023, c. 9, Sched. 36, s. 10.

### **Same**

(2) No vehicle storage certificate operator shall provide or offer to provide vehicle storage services unless the operator is insured as required by the regulations. 2021, c. 26, Sched. 3, s. 16 (2); 2023, c. 9, Sched. 36, s. 10.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 10 - 01/01/2024

### **Prohibited practices**

**17** No tow truck driver, tow operator or vehicle storage operator shall, directly or indirectly, engage in practices that are prescribed as prohibited practices. 2023, c. 9, Sched. 36, s. 11.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 11 - 01/01/2024

### **Records**

**18** (1) Every certificate holder shall keep the prescribed records in accordance with the prescribed requirements and, on the demand of the Director, a police officer or an inspector, shall produce and surrender a copy of any such record or any information required to be contained in any such record. 2021, c. 26, Sched. 3, s. 18 (1).

### **Reports**

(2) Every certificate holder shall submit any prescribed reports to the Director in accordance with the prescribed requirements. 2021, c. 26, Sched. 3, s. 18 (2).

### **Reports of collisions and incidents**

(3) A tow operator shall, upon request, provide the Director with information or documents regarding any collision or other incident involving a tow truck that was, at the time of the collision or incident, owned or operated by the tow operator. 2023, c. 9, Sched. 36, s. 12.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 12 - 01/01/2024

## PROTECTION OF USERS OF TOWING SERVICES AND VEHICLE STORAGE SERVICES

### Requirements re persons using services

**19** Every tow truck driver, tow operator and vehicle storage operator shall comply with the prescribed requirements and standards respecting persons who request or receive towing services or vehicle storage services. 2021, c. 26, Sched. 3, s. 19; 2023, c. 9, Sched. 36, s. 13.

### Section Amendments with date in force (d/m/y)

2023, c. 9, Sched. 36, s. 13 - 01/01/2024

### Requirement to obtain consent for towing services

**20** (1) Unless the consent of the person specified by the regulations in relation to a motor vehicle is first obtained by a tow truck driver or tow operator in accordance with the regulations,

- (a) the tow truck driver shall not provide, or attempt to provide, towing services in respect of the motor vehicle; and
- (b) neither the tow truck driver nor the tow operator shall charge or demand payment for any towing services in respect of the motor vehicle. 2023, c. 9, Sched. 36, s. 14 (1).

### Same

(2) Subsection (1) does not apply if the motor vehicle is being impounded or stored at the direction of a police officer or other person with authority to direct impoundment or storage or in any other circumstances that may be prescribed. 2023, c. 9, Sched. 36, s. 14 (1).

### Consent requirements

(3) The tow truck driver or tow operator shall, in accordance with the regulations, document a consent required to be provided under subsection (1) and provide a copy of the documentation to the consenting person. 2021, c. 26, Sched. 3, s. 20 (3); 2023, c. 9, Sched. 36, s. 14 (2).

### No alteration

(4) No person shall alter a documented consent, except as permitted by the regulations. 2021, c. 26, Sched. 3, s. 20 (4); 2023, c. 9, Sched. 36, s. 14 (3).

### Restriction on interference

(5) No tow truck driver shall attempt to obtain consent for towing services in respect of a motor vehicle if another tow truck driver has already obtained consent to provide towing services for that motor vehicle that have not yet been provided. 2021, c. 26, Sched. 3, s. 20 (5); 2023, c. 9, Sched. 36, s. 14 (4).

### Section Amendments with date in force (d/m/y)

2023, c. 9, Sched. 36, s. 14 (1-4) - 01/01/2024

### Directions re towing

**21** (1) Subject to any consent required under section 20, a tow truck driver shall, unless the regulations provide otherwise, tow a motor vehicle to the location specified by a person prescribed with respect to the motor vehicle. 2023, c. 9, Sched. 36, s. 15 (1).

### Information to be provided to vehicle storage operator

(2) A tow truck driver who tows a motor vehicle to a vehicle storage yard facility shall provide the prescribed information to the vehicle storage operator in accordance with the regulations. 2021, c. 26, Sched. 3, s. 21 (2); 2023, c. 9, Sched. 36, s. 15 (2).

### Section Amendments with date in force (d/m/y)

2023, c. 9, Sched. 36, s. 1, 15 (1, 2) - 01/01/2024

### Duties of vehicle storage certificate holders

### Records

**22** (1) Every vehicle storage operator shall, in accordance with the regulations, maintain a record of the motor vehicles towed to and removed from the operator's vehicle storage yard facility. 2021, c. 26, Sched. 3, s. 22 (1); 2023, c. 9, Sched. 36, s. 16.

### Notification

(2) A vehicle storage operator shall, in the time and manner specified by the regulations,

- (a) notify the prescribed person of the location of a motor vehicle that has been towed to the operator's vehicle storage yard facility; and



- (b) provide to the person any other information that may be prescribed. 2021, c. 26, Sched. 3, s. 22 (2); 2023, c. 9, Sched. 36, s. 16.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 16 - 01/01/2024

**Requirement to obtain consent for vehicle storage services**

**23** (1) The vehicle storage operator shall, in the prescribed circumstances and in the time and manner specified by the regulations, obtain the consent of the person specified by the regulations in relation to a motor vehicle with respect to the provision of vehicle storage services in respect of the motor vehicle. 2023, c. 9, Sched. 36, s. 17.

**Same**

(2) Subsection (1) does not apply if the motor vehicle is being impounded or stored at the direction of a police officer or other person with authority to direct impoundment or storage or in any other circumstances that may be prescribed. 2023, c. 9, Sched. 36, s. 17.

**Same**

(3) Except as provided by the regulations, in the circumstances in which a consent is required under subsection (1), the consent must be obtained before the vehicle storage operator may charge or demand payment for the vehicle storage services. 2023, c. 9, Sched. 36, s. 17.

**Consent requirements**

(4) The vehicle storage operator shall, in accordance with the regulations,

- (a) document a consent required to be provided under subsection (1); and
- (b) provide a copy of the documentation to the consenting person. 2023, c. 9, Sched. 36, s. 17.

**No alteration**

(5) No person shall alter a documented consent except as permitted by the regulations. 2023, c. 9, Sched. 36, s. 17.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 17 - 01/01/2024

**Access to vehicle**

**24** (1) A tow truck driver shall at such times as may be prescribed permit the owner of a motor vehicle and any other prescribed person to have reasonable access to the motor vehicle. 2023, c. 9, Sched. 36, s. 17.

**Same**

(2) A vehicle storage operator shall permit the owner of a motor vehicle and any other prescribed person to have reasonable access to the motor vehicle during the operator's regular business hours or, if the premises do not have regular business hours, at any time the premises are open for business. 2023, c. 9, Sched. 36, s. 17.

**Exceptions**

(3) A police officer or inspector may direct, or the regulations may provide, that subsection (1) or (2), or both, do not apply with respect to a motor vehicle. 2023, c. 9, Sched. 36, s. 17.

**Requirements re vehicle access**

(4) In permitting a person to have access to a motor vehicle under subsection (1) or (2), a tow truck driver or vehicle storage operator, as the case may be, shall comply with any prescribed requirements. 2023, c. 9, Sched. 36, s. 17.

**No pressuring**

(5) No tow truck driver, tow operator or vehicle storage operator shall retain anything found in a motor vehicle as a means of pressuring a person to make a payment for towing services or vehicle storage services. 2023, c. 9, Sched. 36, s. 17.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1, 17 - 01/01/2024

**Restriction on passengers in tow trucks**

**25** No tow truck driver shall allow a prescribed person to travel as a passenger in a tow truck. 2023, c. 9, Sched. 36, s. 17.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1, 17 - 01/01/2024

### **Estimates, towing and storage services**

**26** (1) A tow truck driver or tow operator shall provide estimates with respect to towing services and a vehicle storage operator shall provide estimates with respect to vehicle storage services. 2023, c. 9, Sched. 36, s. 17.

#### **Same**

(2) The estimates referred to in subsection (1) shall be provided in the prescribed circumstances, to the prescribed persons and in accordance with the prescribed requirements. 2023, c. 9, Sched. 36, s. 17.

#### **No charge for estimate**

(3) A person listed in subsection (1) shall not charge or demand payment for preparing an estimate. 2023, c. 9, Sched. 36, s. 17.

#### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1, 17 - 01/01/2024

### **Invoices**

#### **Towing services**

**27** (1) No tow operator or tow truck driver shall charge or demand payment for towing services without first providing an invoice to the person receiving the services in accordance with the regulations. 2023, c. 9, Sched. 36, s. 18.

#### **Vehicle storage services**

(2) No vehicle storage operator shall charge or demand payment for vehicle storage services without first providing an invoice to the person receiving the services in accordance with the regulations. 2023, c. 9, Sched. 36, s. 18.

#### **Exceptions**

(3) Subsections (1) and (2) do not apply in the prescribed circumstances. 2021, c. 26, Sched. 3, s. 27 (3).

#### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1, 18 - 01/01/2024

### **Charges for services**

#### **Minister's regulations**

**28** (1) The Minister may make regulations governing amounts payable for towing services, vehicle storage services and any services related or ancillary to either. 2023, c. 9, Sched. 36, s. 19.

#### **Same**

(2) Without limiting the generality of subsection (1), the regulations may,

- (a) prescribe maximum amounts that may be charged, which may include different maximum amounts in respect of,
  - (i) different services,
  - (ii) different classes of motor vehicles,
  - (iii) different geographical regions, and
  - (iv) such other criteria as the Minister considers appropriate;
- (b) establish and govern procedures to be followed in relation to the charging of amounts for towing services or vehicle storage services and any services related or ancillary to either and requiring compliance with the procedures;
- (c) govern the payment of amounts for towing services or vehicle storage services and any services related or ancillary to either, including methods of payment;
- (d) provide that a specified service not be subject to a charge;
- (e) prescribe criteria that the Director shall take into consideration when determining whether an amount is unreasonably high under subsection (7);
- (f) establish and govern procedures to be followed by the Director when giving a notice under subsection (7). 2023, c. 9, Sched. 36, s. 19.

#### **Submission of amounts**

(3) Every tow operator and vehicle storage operator shall submit to the Director the amount to be charged for each towing service and vehicle storage service that the operator provides and for any related or ancillary services the operator provides. 2023, c. 9, Sched. 36, s. 19.

### **Maximum amounts**

(4) An amount submitted under subsection (3) in respect of a service shall not exceed the applicable maximum amount prescribed under subsection (1) in respect of the service, if any. 2023, c. 9, Sched. 36, s. 19.

### **Same**

(5) If an operator submitted an amount in respect of a service under subsection (3) or (7) and subsequently an applicable maximum amount that is lower than the submitted amount is prescribed under subsection (1), the operator shall submit to the Director an amount that does not exceed the prescribed maximum amount. 2023, c. 9, Sched. 36, s. 19.

### **Publication by Director**

(6) The Director shall publish a list of all amounts submitted under subsection (3) on a website of the Government of Ontario and, if a subsequent amount is submitted under subsection (5) or (7), the Director shall update the list to reflect the most recently submitted amount. 2023, c. 9, Sched. 36, s. 19.

### **Unreasonable amount**

(7) If there is no applicable prescribed maximum amount in respect of a service provided by an operator and the Director is of the opinion that the most recent amount submitted by the operator in respect of the service is unreasonably high, the Director may, by giving written notice to the operator,

- (a) require the operator to submit a lower amount in respect of the service within the time period specified in the notice; and
- (b) specify a maximum amount that may be charged by the operator in respect of the service during the period starting on the day the notice is given and ending on the day that the amount submitted under clause (a) is published by the Director under subsection (6). 2023, c. 9, Sched. 36, s. 19.

### **Compliance**

(8) An operator to whom a written notice is given under subsection (7) shall comply with the notice within the time period specified in the notice. 2023, c. 9, Sched. 36, s. 19.

### **Prohibition re charges**

(9) Subject to subsections (10) and (11), no person shall charge an amount in respect of towing services or vehicle storage services, or any related or ancillary services, that exceeds the amount published under subsection (6) in respect of the person and the service. 2023, c. 9, Sched. 36, s. 19.

### **Same**

(10) If subsection (5) applies, no person shall charge an amount for a service that exceeds the applicable prescribed maximum amount starting on the day the applicable prescribed maximum amount first applies to the person. 2023, c. 9, Sched. 36, s. 19.

### **Same**

(11) If clause (7) (b) applies to an operator, the operator shall not charge an amount for a service that exceeds the amount specified in the notice during the period described in that clause. 2023, c. 9, Sched. 36, s. 19.

### **No charging for work not done**

(12) No person shall charge an amount for towing services or vehicle storage services that were not actually provided. 2023, c. 9, Sched. 36, s. 19.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 19 - 01/01/2024

### **Restrictions on inducements**

**29** (1) No person shall, directly or indirectly, give or receive or offer to give or receive anything in consideration of the furnishing of information or advice given in respect of the occurrence of a collision or the presence of a motor vehicle that requires towing, for the purpose of,

- (a) obtaining work providing towing services or vehicle storage services; or
- (b) enabling any other person to obtain work providing towing services or vehicle storage services. 2023, c. 9, Sched. 36, s. 20.

### **Same**

(2) No person shall, directly or indirectly, give or receive or offer to give or receive anything in consideration of the furnishing of information or advice given in respect of,

- (a) the repair, appraisal or wrecking of a motor vehicle; or

- (b) the referral of a person whose motor vehicle requires towing services or vehicle storage services to,
  - (i) a towing service,
  - (ii) a vehicle storage service, or
  - (iii) any other prescribed service. 2023, c. 9, Sched. 36, s. 20.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 20 - 01/01/2024

**Restrictions on referrals**

**30** (1) Subject to subsection (2), no person shall refer a person whose motor vehicle requires towing services or vehicle storage services to any person or entity in relation to a service referred to in subsection 29 (2). 2023, c. 9, Sched. 36, s. 20.

**Same**

(2) A tow truck driver, tow operator or vehicle storage operator may refer a person whose motor vehicle requires towing services or vehicle storage services to a person or entity in relation to a service referred to in clause 29 (2) (a) or subclause 29 (2) (b) (i) or (ii) if the driver or operator has disclosed any interest in respect of the service to the person in accordance with subsection 31 (1). 2023, c. 9, Sched. 36, s. 20.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 20 – 01/01/2024

**Disclosure of interest**

**31** (1) Every tow truck driver, tow operator and vehicle storage operator who, directly or indirectly, has an interest in any of the following shall, in accordance with the regulations and with subsection (2), disclose to a person to whom the driver or operator is providing towing services or vehicle storage services, as the case may be, and to any other prescribed person, the nature and extent of the interest:

1. A vehicle storage yard facility to which the motor vehicle may be towed.
2. Any other location to which the motor vehicle may be towed for repair, storage, appraisal or other similar purpose.
3. Any person or entity to whom the driver or operator refers the person to whom the driver or operator is providing the services. 2023, c. 9, Sched. 36, s. 20.

**No demand for payment before disclosure**

(2) The disclosure required to be made under subsection (1) must be made before the tow truck driver, tow operator and vehicle storage operator charges for or demands any payment for any of the towing services or vehicle storage services. 2023, c. 9, Sched. 36, s. 20.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 20 - 01/01/2024

**Illegal charges**

**Not payable**

**32** (1) An amount charged in contravention of or non-compliance with this Act or the regulations is not collectable or payable. 2021, c. 26, Sched. 3, s. 32 (1).

**Shall not be retained**

(2) No person shall demand, receive, accept or retain an amount charged or paid in contravention of or non-compliance with this Act or the regulations, and shall provide a refund of such an amount. 2021, c. 26, Sched. 3, s. 32 (2); 2023, c. 9, Sched. 36, s. 21.

**May be recovered**

(3) Any amount that a person fails to refund under subsection (2) is recoverable by the person who made the payment in a court of competent jurisdiction. 2021, c. 26, Sched. 3, s. 32 (3).

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 21 - 01/01/2024

**False information**

**33** (1) No person shall falsify any information or document that the person is required to provide under this Act or any other prescribed Act. 2023, c. 9, Sched. 36, s. 22.

**Same**

(2) No person shall assist or counsel any person who requests or receives towing services or vehicle storage services to falsify any information or document that the person requesting or receiving the services is required to provide under this Act or any other prescribed Act. 2023, c. 9, Sched. 36, s. 22.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 22 - 01/01/2024

**No coercion**

**34** (1) No person shall coerce, intimidate or threaten a person for the purpose of obtaining or seeking to obtain consent to towing services or vehicle storage services or into paying compensation for the services or for any related or ancillary services. 2023, c. 9, Sched. 36, s. 22.

**Related conduct**

(2) No person shall coerce, intimidate or threaten any other person for the purpose of,

- (a) obtaining work providing towing services or vehicle storage services; or
- (b) preventing the other person from obtaining work providing towing services or vehicle storage services. 2023, c. 9, Sched. 36, s. 22.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 22 - 01/01/2024

**Information to be provided**

**35** (1) Every tow truck driver, tow operator and vehicle storage operator shall, in accordance with the regulations, provide the prescribed information to persons requesting or receiving towing services or vehicle storage services. 2023, c. 9, Sched. 36, s. 22.

**Same**

(2) Every tow truck driver, tow operator and vehicle storage operator shall, in accordance with the regulations, post or display the prescribed information. 2023, c. 9, Sched. 36, s. 22.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 22 - 01/01/2024

**Representations**

**36** (1) Every tow truck driver, tow operator and vehicle storage operator shall comply with the prescribed requirements and standards respecting the making of representations to persons requesting or receiving towing services or vehicle storage services. 2023, c. 9, Sched. 36, s. 22.

**Misrepresentation prohibited**

(2) No person shall make any representation, whether written, oral or implied, that is misleading, inaccurate or false in order to induce a person to consent to towing services or vehicle storage services. 2023, c. 9, Sched. 36, s. 22.

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 22 - 01/01/2024

**Complaints**

**37** (1) The Director may,

- (a) receive complaints concerning conduct that may be in contravention of or non-compliance with this Act or the regulations;
- (b) make written requests to persons for information regarding complaints;
- (c) attempt to resolve complaints concerning any conduct that comes to the Director's attention that may be in contravention of or non-compliance with this Act or the regulations, or refer such complaints to a prescribed complaint resolution process to be dealt with in accordance with the regulations; and
- (d) if the Director is of the opinion that a person has contravened or failed to comply with this Act or the regulations, impose a prescribed sanction or take any other prescribed action, as the Director considers appropriate, in accordance with the regulations. 2023, c. 9, Sched. 36, s. 22.

**Request for information**

(2) A request under clause (1) (b) shall indicate the nature of the complaint. 2023, c. 9, Sched. 36, s. 22.

### **Duty to comply**

(3) A person who receives a written request under clause (1) (b) shall provide the requested information to the Director. 2023, c. 9, Sched. 36, s. 22.

### **Prohibition, obstruction, etc.**

(4) No person shall hinder, obstruct or interfere with the review of a complaint, refuse to answer questions on relevant matters or provide information on matters relevant to the complaint that the person knows to be false or misleading. 2023, c. 9, Sched. 36, s. 22.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 22 - 01/01/2024

### **Collision Scenes**

#### **Restriction on provision of towing services at collision**

**38** (1) No tow truck driver or tow operator shall provide or offer to provide towing services, or park or stop a tow truck, on a highway within 200 metres of,

- (a) the scene of a collision or apparent collision; or
- (b) a motor vehicle involved in a collision. 2023, c. 9, Sched. 36, s. 22.

### **Exception**

(2) Subsection (1) does not apply with respect to a tow truck driver who is at the scene of a collision at the request of a police officer, inspector or person involved in the collision. 2023, c. 9, Sched. 36, s. 22.

### **Restricted towing zones**

(3) Nothing in subsection (2) authorizes a tow truck driver or any other person with the care, charge or control of a tow truck to provide or offer to provide services in a restricted towing zone if the tow operator is not authorized to provide towing services in that zone. 2023, c. 9, Sched. 36, s. 22.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1, 22 - 01/01/2024

### **Compliance with directions at collision scene**

**39** (1) Every tow truck driver shall comply with any reasonable direction given by a police officer, inspector or firefighter who is present at the scene of a collision. 2023, c. 9, Sched. 36, s. 22.

### **Same**

(2) Every tow truck driver shall comply with a direction of a police officer or inspector who is present at the scene of a collision to,

- (a) leave the scene of the collision; or
- (b) stay at least 200 metres away from the scene for such time as the police officer or inspector may direct. 2023, c. 9, Sched. 36, s. 22.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1, 22 - 01/01/2024

**Note: Sections 40 to 45 of this Act come into force on a day to be named by proclamation of the Lieutenant Governor.**

### **RESTRICTED TOWING ZONES**

#### **Restricted towing zones**

**40** No person shall provide or offer to provide towing services in a restricted towing zone, except as permitted under section 41.

#### **Designation of restricted towing zones**

**41** (1) A King's Highway or parts of a King's Highway may be designated in the regulations as a restricted towing zone, and the Director may authorize a tow certificate holder to provide towing services in that zone.

### **Same, municipality**

(2) A prescribed municipality may by by-law designate any highway or part of a highway under its jurisdiction as a restricted towing zone, and may authorize a tow certificate holder to provide towing services in that zone.

### **Prohibition**

(3) If a tow certificate holder has been authorized to provide towing services in a restricted towing zone, no other tow certificate holder shall provide or offer to provide towing services in that zone.

### **Exception**

(4) Subsection (3) does not apply with respect to the provision of towing services to a person in charge of a police department vehicle, a road service vehicle or other motor vehicle owned or operated by or on behalf of the road authority that has jurisdiction and control over the highway, or a person acting under the direction of a police officer or road authority.

### **Tow trucks to be marked**

**42** (1) A tow certificate holder authorized under section 41 to provide towing services in a restricted towing zone shall ensure that every tow truck it uses to provide the services in that zone,

- (a) displays the holder's name; and
- (b) displays, in a clearly visible position on each side of and on the back of the tow truck, a sign showing the holder's authorization to provide towing services in the zone. 2021, c. 26, Sched. 3, s. 42 (1).

### **Same**

(2) No tow driver certificate holder shall drive a tow truck displaying information described in clause (1) (a) or (b) unless the holder is driving the tow truck on behalf of the authorized tow certificate holder. 2021, c. 26, Sched. 3, s. 42 (2); 2023, c. 9, Sched. 36, s. 1.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 42 of the Act is repealed and the following substituted: (See: 2023, c. 9, Sched. 36, s. 23)**

### **Tow trucks to be marked**

**42** (1) A tow certificate holder authorized under section 41 to provide towing services in a restricted towing zone shall ensure that every tow truck it uses to provide the services in that zone,

- (a) displays the holder's name; and
- (b) displays, in a clearly visible position on each side of the tow truck, a sign showing the holder's authorization to provide towing services in the zone. 2023, c. 9, Sched. 36, s. 23.

### **Same**

(2) No tow truck driver shall drive a tow truck displaying information described in clause (1) (a) or (b) unless they are driving the tow truck on behalf of the authorized tow certificate holder. 2023, c. 9, Sched. 36, s. 23.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024; 2023, c. 9, Sched. 36, s. 23 - not in force

### **Documents to be carried**

**43** Every tow driver certificate holder driving a tow truck in a restricted towing zone on behalf of an authorized tow certificate holder shall carry proof of the authorization. 2021, c. 26, Sched. 3, s. 43; 2023, c. 9, Sched. 36, s. 1.

**Note: On a day to be named by proclamation of the Lieutenant Governor, section 43 of the Act is repealed and the following substituted: (See: 2023, c. 9, Sched. 36, s. 23)**

### **Documents to be carried**

**43** Every tow truck driver driving a tow truck in a restricted towing zone on behalf of an authorized tow certificate holder shall carry proof of the authorization. 2023, c. 9, Sched. 36, s. 23.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024; 2023, c. 9, Sched. 36, s. 23 - not in force

## **DISPATCH SERVICES**

### **Dispatch services**

**44** (1) One or more dispatch services may be designated by the regulations for the purpose of governing the dispatching of tow trucks or prescribed classes of tow trucks.

### **Requirement to use**

(2) The persons specified by the regulations shall use a designated dispatch service in accordance with the regulations.

## PENALTIES AND OFFENCES

### Administrative penalties

#### Purpose

**45** (1) An administrative penalty may be imposed under this section in order to promote compliance with this Act and the regulations.

#### Order imposing administrative penalties

(2) If a prescribed person is satisfied that a person is contravening or not complying with or has contravened or failed to comply with a prescribed provision of this Act or of the regulations, the prescribed person may, by order, impose an administrative penalty on the person in accordance with this section and the regulations.

#### May only be imposed on prescribed persons

(3) An administrative penalty may only be imposed on a person who belongs to a prescribed class.

#### May be imposed with other measures

(4) An administrative penalty may be imposed alone or in conjunction with any other regulatory measure provided by this or any other Act; however, an administrative penalty may not be imposed if the person is charged with an offence under this Act in respect of the same contravention or failure to comply.

#### Limitation

(5) An administrative penalty may only be imposed within the prescribed time period.

#### No right to be heard

(6) There is no right to be heard before an order imposing an administrative penalty is made.

#### Appeal

(7) A person who is subject to an order imposing an administrative penalty may, in accordance with the regulations, appeal the order to a person or entity prescribed for the purpose of this subsection, who may confirm, vary or set aside the order.

#### Same

(8) An appeal commenced under subsection (7) operates as a stay of the order until the matter is finally disposed of.

#### Parties to judicial review

- (9) The parties to any judicial review brought in respect of this section are,
- (a) the person subject to the order imposing an administrative penalty; and
  - (b) the prescribed person referred to in subsection (2).

#### Maximum administrative penalty

(10) An administrative penalty shall not exceed \$100,000 or such lesser amount as may be prescribed.

#### Enforcement

(11) If a person fails to pay an administrative penalty in accordance with the terms of the order imposing the penalty, the Director may file the order with the Superior Court of Justice and the order may be enforced as if it were an order of the court.

#### Same

(12) For the purposes of section 129 of the *Courts of Justice Act*, the date on which the order is filed with the court is deemed to be the date of the order.

#### Same

(13) An administrative penalty that is not paid in accordance with the terms of the order imposing the penalty is a debt due to the Crown and is also enforceable as such.

### Offences

**46** (1) Every person who contravenes or fails to comply with this Act or a regulation is guilty of an offence and on conviction is liable to a penalty determined in accordance with subsection (2) or (3), as the case may be. 2021, c. 26, Sched. 3, s. 46 (1).

### Penalties

- (2) Subject to subsection (3), every person convicted of an offence under subsection (1) is liable,
- (a) for a first offence, to a fine of not less than \$250 and not more than \$1,000; and



- (b) for each subsequent offence, to a fine of not less than \$1,000 and not more than \$5,000. 2021, c. 26, Sched. 3, s. 46 (2).

**Same**

(3) Every person convicted of an offence under subsection (1) in respect of a provision listed in subsection (4), or of an offence under subsection (7), (8) or (10), is liable,

- (a) for a first offence, to a fine of not less than \$2,000 and not more than \$10,000, or to imprisonment for a term of not more than six months, or to both; and
- (b) for each subsequent offence, to a fine of not less than \$5,000 and not more than \$50,000, or to imprisonment for a term of not more than six months, or to both. 2021, c. 26, Sched. 3, s. 46 (3).

**Same**

(4) Subsection (3) applies with respect to subsection 2 (1), sections 3 and 4, subsections 11 (2), 21 (1), 24 (5), 28 (9) to (12), 32 (2), 33 (1) and (2), 34 (1) and (2) and 37 (4). 2021, c. 26, Sched. 3, s. 46 (4); 2023, c. 9, Sched. 36, s. 24.

**Same**

(5) An offence committed more than five years after a previous conviction for the same offence is not a subsequent offence for the purposes of clause (2) (b) or (3) (b). 2021, c. 26, Sched. 3, s. 46 (5).

**Penalty, corporations**

(6) Despite subsections (2) and (3), a corporation convicted of an offence under this Act is liable to a fine of not more than \$100,000. 2021, c. 26, Sched. 3, s. 46 (6).

**Offence, false statement, inaccurate information**

(7) Every person who submits a false or inaccurate document, makes a false statement or includes inaccurate information in or with an application, declaration, affidavit or other document required by the Director or under this Act is guilty of an offence. 2021, c. 26, Sched. 3, s. 46 (7).

**Same**

(8) Every person who displays, presents or surrenders a document required by the Director or under this Act that is fictitious, an imitation or altered, is guilty of an offence. 2021, c. 26, Sched. 3, s. 46 (8).

**Same, defence**

(9) A person is not guilty of an offence under subsection (7) or (8) if the person exercised all reasonable care to avoid contravening the subsection. 2021, c. 26, Sched. 3, s. 46 (9).

**Offence, corporate director or officer**

(10) If a corporation commits an offence under subsection (7) or (8), every director or officer of the corporation who authorized, permitted or concurred in the commission of the offence is also guilty of the offence. 2021, c. 26, Sched. 3, s. 46 (10).

**Limitation**

(11) Subject to subsection (12), no proceeding for an offence under this section shall be commenced more than two years after the facts on which the proceeding is based first came to the knowledge of the Director. 2021, c. 26, Sched. 3, s. 46 (11).

**Same**

(12) No proceeding for an offence under subsection (7), (8) or (10), or an offence under subsection (1) in respect of subsection 33 (1) or (2), shall be commenced more than six years after the facts on which the proceeding is based first came to the knowledge of the Director. 2021, c. 26, Sched. 3, s. 46 (12).

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 24 - 01/01/2024

**Tow operator may be convicted if driver contravenes**

**47** (1) Except as provided by the regulations, if a tow truck driver or any other person with the care, charge or control of the tow truck is subject to be charged with an offence under this Act, the tow operator of the tow truck may be charged with and convicted of the offence unless, at the time of the offence, the tow truck was in the possession of that person without the tow operator's consent.

**Penalty**

(2) On conviction for an offence under subsection (1), the tow operator is liable to the penalty specified by this Act for the offence.

### **Limitation**

(3) Despite subsection (2), the tow operator is not liable to imprisonment or to a probation order under subsection 72 (1) of the *Provincial Offences Act* as a result of the conviction or as a result of default in payment of the fine resulting from the conviction.

### **Notice of conviction to Director**

**48** A judge, provincial judge or justice of the peace who makes a conviction in respect of an offence under this Act, or the clerk of the court in which the conviction is made, shall promptly notify the Director of the conviction, together with any other information that the Director may require.

## **DIRECTOR OF TOWING AND VEHICLE STORAGE STANDARDS**

### **Director of Towing and Vehicle Storage Standards**

**49** The Minister may appoint a Director of Towing and Vehicle Storage Standards for the purposes of this Act.

### **Requirement to keep records**

**50** (1) The Director shall keep records, in the form the Director considers appropriate, of the following information:

1. All certificates issued, renewed, suspended or cancelled under this Act.
2. All administrative penalties imposed under this Act.
3. All convictions for offences under this Act.
4. All convictions of a certificate holder under any other prescribed Act or under a prescribed provision of any other Act.
5. All collisions and incidents described in subsection 18 (3) that are reported to the Director under that subsection or that otherwise come to the Director's attention.
6. All prescribed information. 2021, c. 26, Sched. 3, s. 50 (1); 2023, c. 9, Sched. 36, s. 25.

### **Same**

(2) The Director shall ensure that records kept under subsection (1) are updated and corrected as required so that they are accurate. 2021, c. 26, Sched. 3, s. 50 (2).

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 25 - 01/07/2023

### **Information re certain certificate holders**

**51** The Director may make the names of tow operators and vehicle storage operators, and any other information respecting them that the Director thinks should be publicly known, available to the public in the manner that the Director considers appropriate. 2023, c. 9, Sched. 36, s. 26.

### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 26 - 01/07/2023

### **Collection and disclosure of information**

#### **Collection by Director**

**52** (1) The Director may request and collect information from any public body or related government, as the Director considers appropriate, if the Director considers it necessary for a prescribed purpose.

#### **Disclosure by Director**

(2) The Director may disclose information to any public body or related government, as the Director considers appropriate, if the Director considers it necessary for a prescribed purpose.

#### **Disclosure to Director**

(3) On receipt of a request for information from the Director under subsection (1), a public body shall disclose to the Director any information from their records that may assist the Director with a prescribed purpose.

### **Deemed compliance with privacy legislation**

(4) Any disclosure of information under this section is deemed to be in compliance with clause 42 (1) (e) of the *Freedom of Information and Protection of Privacy Act* and clause 32 (e) of the *Municipal Freedom of Information and Protection of Privacy Act*.

### **Notice under privacy legislation**

(5) Any collection by a public body of personal information, as defined in the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*, disclosed to the public body under this section, is exempt from the application of subsection 39 (2) of the *Freedom of Information and Protection of Privacy Act* and subsection 29 (2) of the *Municipal Freedom of Information and Protection of Privacy Act*.

### **Otherwise authorized collection or disclosure**

(6) The authority to collect and disclose information under this section is in addition to any other authority under this or any other Act for the Director to collect and disclose information.

### **Definitions**

(7) In this section,

“public body” means,

- (a) any ministry, agency, board, commission, official or other body of the Government of Ontario,
- (b) any municipality in Ontario,
- (c) a local board, as defined in subsection 1 (1) of the *Municipal Act, 2001*, or
- (d) a prescribed person or entity; (“organisme public”)

“related government” means,

- (a) the Government of Canada and the Crown in right of Canada, and any ministry, agency, board, commission or official of either of them, or
- (b) the government of any other province or territory of Canada, and any ministry, agency, board, commission or official of any of them. (“gouvernement lié”)

## **INSPECTORS AND INSPECTIONS**

### **Inspectors**

**53** (1) The Director may appoint one or more persons as inspectors for the purpose of ensuring compliance with this Act and the regulations, and shall issue to every inspector written proof of the appointment.

### **Proof of appointment**

(2) Every inspector, in the execution of the inspector’s powers and duties under this Act, shall produce the proof of appointment on request.

### **Common law constable**

(3) A person appointed as an inspector is a constable at common law for the purpose of executing an inspector’s powers and duties under this Act.

### **Inspections**

**54** (1) In this section,

“vehicle” has the same meaning as in subsection 1 (1) of the *Highway Traffic Act*. 2021, c. 26, Sched. 3, s. 54 (1).

### **Power to examine tow trucks**

(2) For the purpose of ensuring compliance with this Act and the regulations, an inspector may examine a tow truck without a warrant, and subsections 216.1 (2) to (7) of the *Highway Traffic Act* apply to this power, with necessary modifications. 2021, c. 26, Sched. 3, s. 54 (2).

### **Same, requirement to assist**

(3) The tow truck driver and any other person with the care, charge or control of the tow truck shall assist in the examination. 2021, c. 26, Sched. 3, s. 54 (3).

### **Power to inspect premises**

(4) For the purpose of ensuring compliance with this Act and the regulations, an inspector may, without a warrant,

- (a) enter any premises that are the business premises of a person;
- (b) enter any premises that are business premises where the records of a person, or vehicles, equipment or other things that are relevant to the inspection, are kept;
- (c) examine vehicles, equipment, documents, records or other things that are relevant to the inspection;

- (d) demand the production for inspection of a vehicle, equipment, document, record or other thing that is relevant to the inspection;
- (e) remove, for review and examination or testing, a vehicle, equipment or other thing that is relevant to the inspection;
- (f) remove, for review and copying, a document or record that is relevant to the inspection;
- (g) in order to produce information or a document or record in readable form, use data storage, information processing or retrieval devices or systems that are normally used in carrying on business on the premises;
- (h) carry out any examination, test, audit or investigation procedure that is relevant to the inspection; and
- (i) question a person on matters relevant to the inspection. 2021, c. 26, Sched. 3, s. 54 (4).

#### **Dwellings**

(5) The power to enter and inspect premises under this section shall not be exercised to enter and inspect any part of the premises that is used as a dwelling without the consent of the occupier. 2021, c. 26, Sched. 3, s. 54 (5).

#### **Written demand for documents and records**

(6) An inspector may, at any time and for any purpose related to the administration or enforcement of this Act and the regulations, deliver a demand personally on a person or any director, officer, employee or agent of a person, mail a demand to such a person at the latest address of the person appearing on the records of the Ministry, or send a demand by electronic means of transmission to the latest electronic mail address of the person appearing on the records of the Ministry, requiring that the person deliver to the inspector, within the time specified in the demand, any document or record, the production of which could be required under clause (4) (d). 2021, c. 26, Sched. 3, s. 54 (6); 2023, c. 9, Sched. 36, s. 27 (1).

#### **Time of entry**

(7) The power to enter and inspect premises shall be exercised during the regular business hours of the premises or, if the premises do not have regular business hours, at any time the premises are open for business. 2021, c. 26, Sched. 3, s. 54 (7).

#### **Assistance**

(8) An inspector may be accompanied by any person or persons who may be of assistance to the inspector in conducting the inspection. 2021, c. 26, Sched. 3, s. 54 (8).

#### **No use of force**

(9) An inspector or a person referred to in subsection (8) shall not use force to enter or inspect any premises under this section. 2021, c. 26, Sched. 3, s. 54 (9).

#### **Obligation to produce and assist**

(10) If an inspector demands that a vehicle, equipment, document, record or other thing be produced for inspection, the person who has custody of the vehicle, equipment, document, record or thing shall produce it immediately and, in the case of a document or record, shall on request provide any assistance that is reasonably necessary to interpret the document or record or to produce it in a readable form. 2021, c. 26, Sched. 3, s. 54 (10).

#### **Things removed**

(11) An inspector who removes a vehicle, equipment, document, record or other thing under clause (4) (e) or (f) or to whom a vehicle, equipment, document, record or other thing is delivered pursuant to a demand made under clause (4) (d) or subsection (6) shall give a receipt for it and return it to the person who produced or delivered it within a reasonable time. 2021, c. 26, Sched. 3, s. 54 (11).

#### **Copy admissible in evidence**

(12) A copy of a document or record that is certified as a true copy by the person making it is admissible in evidence in any proceeding or prosecution as proof, in the absence of evidence to the contrary, of the document or record copied and its contents. 2021, c. 26, Sched. 3, s. 54 (12).

#### **Co-operation with inspector**

(13) Every tow operator and vehicle storage operator and their directors, officers, employees and agents shall co-operate with an inspector conducting an inspection. 2023, c. 9, Sched. 36, s. 27 (2).

#### **Obstruction**

(14) No person shall hinder, obstruct or interfere with an inspector conducting an inspection, refuse to answer questions on matters relevant to the inspection or provide the inspector with information on matters relevant to the inspection that the person knows to be false or misleading. 2021, c. 26, Sched. 3, s. 54 (14).

#### **Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 27 (1, 2) - 01/07/2023

## MISCELLANEOUS

### **Forms**

**55** The Director may require that forms approved by the Director be used for any purpose under this Act.

### **Electronic means and formats**

**56** (1) Anything that the Director is required or authorized to do or provide under this Act may be done or provided by electronic means or in an electronic format.

### **Same**

(2) Anything that any person is required or authorized to do or provide to the Director under this Act may be done or provided by electronic means or in an electronic format, in the circumstances and in the manner specified by the Director.

### **Requirements, electronic format**

(3) If the regulations so provide, the prescribed documents shall be kept in or converted into electronic format in accordance with the regulations.

### **Definition, “documents”**

(4) For the purposes of subsection (3),

“documents” includes a photograph.

### **Notice**

**57** Where notice is required or permitted under this Act to be given or delivered to, or served on, a person, the notice shall be given, delivered or served in accordance with the regulations, and is deemed to have been received in accordance with the regulations.

### **Evidence**

**58** (1) A copy of any document, as defined in subsection 56 (4), that is filed or kept under this Act, or any statement containing information from the records required or authorized to be kept under this Act, that purports to be certified by the Director under the seal of the Ministry as being a true copy of the original,

(a) shall be received in evidence in all courts without proof of the seal, the Director’s signature or the manner of preparing the copy or statement; and

(b) is proof, in the absence of evidence to the contrary, of the facts contained in the copy or statement.

### **Director’s signature**

(2) The Director’s signature may be an original signature or an engraved, lithographed, printed or otherwise mechanically or electronically reproduced signature or facsimile signature.

### **Ministry seal**

(3) The seal of the Ministry may be affixed by impressions or may be an engraved, lithographed, printed or otherwise mechanically or electronically reproduced seal or facsimile of a seal.

### **Signature and seal only required on first page**

(4) The Director’s signature need only be on the first page of the copy or statement.

### **Same**

(5) The seal of the Ministry need only be on the first page of the copy or statement if the following pages are sequentially numbered, by hand or otherwise; if the pages following the first page are not sequentially numbered, the seal must be on each page.

### **Electronic filing in court**

(6) A copy or statement described in subsection (1) may be filed in a court by direct electronic transmission in accordance with the regulations.

### **Interest and penalties when fee payment dishonoured**

**59** If payment for any fee required under this Act to be paid is dishonoured, interest at a prescribed rate may be charged on the amount of the payment, and a prescribed penalty may be imposed.

### **Conflict, *Repair and Storage Liens Act***

**60** In the event of a conflict respecting towing services or vehicle storage services between this Act or the regulations made under this Act and the *Repair and Storage Liens Act* or the regulations made under that Act, this Act and the regulations made under this Act prevail.

### **Protection from personal liability**

**61** (1) No action or other proceeding for damages shall be commenced against the Minister, a delegate or agent of the Minister, an inspector, a public servant or the Director for anything done in good faith in the exercise or performance or intended exercise or performance of the person's powers or duties under this Act, or for any alleged neglect or default in the exercise or performance in good faith of those powers and duties.

### **Crown not relieved of liability**

(2) Despite subsection 8 (3) of the *Crown Liability and Proceedings Act, 2019*, subsection (1) does not relieve the Crown of liability to which it would otherwise be subject as a result of the acts or omissions of a person specified in subsection (1).

### **Crown bound**

**62** This Act binds the Crown.

### **Transition**

**63** (1) This Act and the regulations apply with respect to towing services or vehicle storage services that start being provided on or after the day this subsection comes into force.

### **Same**

(2) Except as otherwise provided by the regulations, this Act and the regulations apply with respect to towing services or vehicle storage services that started being provided before the day this subsection came into force, if the applicable vehicle is still in the possession or under the care, charge or control of the tow operator or vehicle storage operator.

## **REGULATIONS**

### **Regulations**

**64** (1) The Lieutenant Governor in Council may make regulations respecting any matter necessary or advisable to effectively carry out the intent and purpose of this Act and, without limiting the generality of the foregoing, may make regulations,

- (a) governing anything referred to as being prescribed or anything that is required or permitted to be done in accordance with the regulations or otherwise as provided by the regulations;
- (b) further defining or clarifying the definitions of "towing", "towing services" and "vehicle storage yard facility" in section 1;
- (c) defining any word or expression used in this Act that has not already been expressly defined in this Act;
- (d) governing certificates and their issuance, renewal, suspension and cancellation, including,
  - (i) governing applications for issuance or renewal,
  - (ii) establishing and governing classes in relation to tow certificates, tow driver certificates or vehicle storage certificates,
  - (iii) governing qualifications and requirements for a certificate,
  - (iv) governing conditions that may be attached to a certificate, subject to subsection 6 (2),
  - (v) if the Director determines that the holders of two or more tow operator certificates, tow driver certificates or vehicle storage certificates, as the case may be, are related persons as determined by the regulations, providing for steps that the Director may or shall take, and specifying other consequences, in relation to the certificates held by those persons,
  - (vi) establishing and governing procedures for the purposes of section 8,
  - (vii) providing for an appeal from a decision referred to in subsection 9 (1) to a person or entity specified by the regulations, including specifying circumstances in which a decision may not be appealed, and governing such appeals, including specifying the parties to an appeal, the powers of the prescribed person or entity in the appeal, and circumstances in which an appeal does not operate as a stay of the decision;
- (e) prescribing and governing requirements and standards for the purposes of each of sections 11, 12 and 15, including, as applicable, requirements and standards respecting,
  - (i) the manner in which towing services or vehicle storage services shall be provided or offered,
  - (ii) equipment on, or the use of any equipment or other thing on or in, tow trucks or vehicle storage yard facilities,
  - (iii) security requirements respecting tow trucks, towed vehicles or vehicle storage yard facilities,
  - (iv) words, phrases, signs and markings and other information to be displayed on tow trucks or in vehicle storage yard facilities, and the timing and manner of their display,

- (v) the storage, display and provision of copies of a certificate,
- (vi) changes in a certificate holder's name, or in any other information respecting the holder, that is specified by the regulations;
- (f) for the purposes of section 14, requiring police officers and inspectors to keep records of impoundments for a specified period of time and to report specified information with respect to the impoundments to the Director, and governing such records and reports;
- (g) governing consent to towing services and vehicle storage services;
- (h) governing estimates and invoicing for towing services and vehicle storage services, including setting out and governing requirements respecting invoices and receipts;
- (i) REPEALED: 2023, c. 9, Sched. 36, s. 28 (4).
- (j) governing the refund of amounts under subsection 32 (2);
- (k) governing the provision of information to persons who request or receive towing services or vehicle storage services;
- (l) for the purposes of section 37,
  - (i) establishing and governing a process for making, reviewing and dealing with complaints,
  - (ii) providing for the referral of complaints to a specified complaint resolution process and governing that process,
  - (iii) respecting the sanctions that may be imposed, and actions that may be taken, by the Director under clause 37 (1) (d),
  - (iv) providing for an appeal of a sanction imposed or action taken by the Director to a person or entity specified by the regulations and governing such appeals, including specifying the parties to an appeal and the powers of the prescribed person or entity in the appeal, and whether the appeal operates as a stay of the sanction or action;
- (m) establishing a standard form of agreement for towing services or vehicle storage services and requiring and governing its use;
- (n) for the purposes of section 41,
  - (i) designating restricted towing zones,
  - (ii) prescribing municipalities that may designate restricted towing zones,
  - (iii) governing the erection of signs and the placing of markings to indicate a restricted towing zone and governing such signs and markings,
  - (iv) providing that any power that may be exercised, or duty that shall be performed, by the Director in relation to restricted towing zones may be exercised or shall be performed by a municipality prescribed under subclause (ii) with respect to a restricted towing zone designated by the municipality, subject to such modifications as the regulations may specify, and governing the exercise and performance of the powers and duties;
- (o) governing the designation of dispatch services for the purposes of section 44 and governing their use, including requiring registration with a dispatch service or requiring that specified documents or information be provided to a specified person or entity for the purposes of a dispatch service;
- (p) governing administrative penalties for the purposes of section 45;
- (q) prescribing additional powers and duties of the Director;
- (r) governing the making of information public by the Director under section 51;
- (s) prescribing fees for anything that may or must be done under this Act and requiring and governing their payment;
- (t) governing the use of electronic documents for the purposes of this Act, including,
  - (i) the use, issuance, creation, recording, storage, transmission, copying, display, appearance, form or content of electronic documents,
  - (ii) governing the sending and receipt of documents and information by email, including requiring that a certificate holder or any other person specified by the regulations maintain an email address and specifying requirements respecting the maintaining of such an email address;
- (t.1) providing that any Part or provision of this Act, or any regulation or provision of a regulation, applies to a specified class of vehicles in addition to the motor vehicles that the Part, provision or regulation otherwise applies to, prescribing modifications to that Part, provision or regulation for any such application and prescribing conditions and circumstances for any such application;

- (u) providing for exemptions from this Act or any of its provisions, or that a provision of this Act does not apply, and prescribing circumstances and conditions for any such exemption or non-application;
- (v) governing such transitional matters as the Lieutenant Governor in Council considers necessary or advisable to facilitate the implementation of this Act or to deal with any problems or issues arising as a result of the enactment or application of this Act. 2021, c. 26, Sched. 3, s. 64 (1); 2023, c. 9, Sched. 36, s. 1, 28.

**Same, administrative penalties**

- (2) Clause (1) (p) may include regulations,
  - (a) respecting the determination of penalties that may be imposed under section 45, including,
    - (i) prescribing the amount of a penalty, or a method for calculating the amount, and prescribing different penalties or ranges of penalties for different types of contraventions or failures to comply and different penalties or ranges of penalties depending on specified criteria,
    - (ii) authorizing a prescribed person to determine the amount of a penalty, if the amount of the penalty or method for calculating the amount of the penalty is not prescribed, and prescribing criteria that may or must be considered when making an order under subsection 45 (2),
    - (iii) authorizing that a penalty may be imposed for each day or part of a day on which a contravention or failure to comply continues,
    - (iv) prescribing a lesser maximum penalty and the provisions of this Act or of the regulations to which the lesser maximum penalty applies, for the purpose of subsection 45 (10),
    - (v) authorizing higher penalties, not exceeding the maximum penalty established under subsection 45 (10) or prescribed under subclause (iv), for a second or subsequent contravention or failure to comply;
  - (b) governing the payment of penalties, including requiring that a penalty be paid before a specified deadline, and authorizing the Director to approve a plan of periodic payments that extends beyond the deadline;
  - (c) authorizing the imposition of late payment fees respecting penalties that are not paid before the specified deadline, including graduated late payment fees, and providing that such fees are included as part of the penalty for enforcement purposes;
  - (d) prescribing and governing procedures for making and serving an order under section 45, including prescribing rules for service and prescribing the day on which an order is deemed to have been received;
  - (e) governing the appeal of an order under subsection 45 (7);
  - (f) providing for anything necessary or advisable for carrying out the intent and purposes of section 45. 2021, c. 26, Sched. 3, s. 64 (2).

**Same, regulations governing appeals**

- (3) For greater certainty, regulations made under subsection (1) governing appeals may include regulations,
  - (a) establishing procedures for commencing and conducting an appeal;
  - (b) establishing time limits for the stages of an appeal and authorizing the person or entity hearing the appeal to extend any time limit;
  - (c) prescribing that an appeal must or may be conducted orally, electronically or in writing or authorizing the person or entity hearing the appeal to make that determination;
  - (d) establishing criteria to be considered and criteria not to be considered by the person or entity hearing the appeal when making a determination on the appeal. 2021, c. 26, Sched. 3, s. 64 (3).

**Same, classes**

- (4) For greater certainty, regulations made under subsection (1) may be made with respect to any class that may be prescribed under subclause (1) (d) (ii) or any other class of person, place or thing. 2021, c. 26, Sched. 3, s. 64 (4).

**Same, transitional regulations**

- (5) In the event of a conflict between a regulation made under clause (1) (v) and this Act, the regulation prevails. 2021, c. 26, Sched. 3, s. 64 (5).

**Section Amendments with date in force (d/m/y)**

2023, c. 9, Sched. 36, s. 1 - 01/01/2024; 2023, c. 9, Sched. 36, s. 28 (1-5) - 01/07/2023

**65-68** OMITTED (AMENDS, REPEALS OR REVOKES OTHER LEGISLATION).

**69** OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT).



**70** OMITTED (ENACTS SHORT TITLE OF THIS ACT).

---

Français

[Back to top](#)