

LAW AMENDMENTS COMMITTEE

Red Room, Province House

Monday, November 30, 2015

1:00 p.m.

Bill #134 - Liquor Control Act (amended)

- 1:00 p.m.
1. Nichole McKim, Employee Relations Officer
Ian Johnson, Servicing Coordinator/Policy Analyst
NSGEU

Bill #133 - Motor Vehicle Act (amended)

- 1:00 p.m.
1. Ben Wedge, Chair
Halifax Cycling Coalition

Bill #136 - Motor Vehicle Act (amended)

- 1:00 p.m.
1. Ben Wedge, Chair
Halifax Cycling Coalition

Bill #118 - Heritage Property Act (amended)

1. Phil Pacey
- 2:00 p.m.
2. Karen Brown, Senior Solicitor
Halifax Regional Municipality
 3. Elizabeth Pacey
 4. Waye Mason
Councillor, District 7
Halifax South Downtown
 5. Alan Parish

Bill #134 - Liquor Control Act (amended) continued

- 3:00 p.m.
1. Shirley Burdock
Injury Free Nova Scotia
 2. Todd Leader
Psychologist, Saint Mary's University

Bill #133 - Motor Vehicle Act (amended) continued

- 3:00 p.m.
1. Norm Collins

Bill #131 - Maintenance and Custody Act (amended)

- 3:00 p.m.
1. Rollie Thompson, Q.C.

Bill #136 - Motor Vehicle Act (amended) continued

- 4:00 p.m.
1. Max Rastelli
 2. Barry Barnet
Executive Director,
All Terrain Vehicle Association of Nova Scotia

Bill #112 - Children and Family Services Act (amended)

deferred from previous meeting

Bill #127 - Labour Standards Code (amended)

deferred from previous meeting

Bill #128 - Labour Standards Code (amended)

no representation

Bill #129 - Securities Act (amended)

no representation

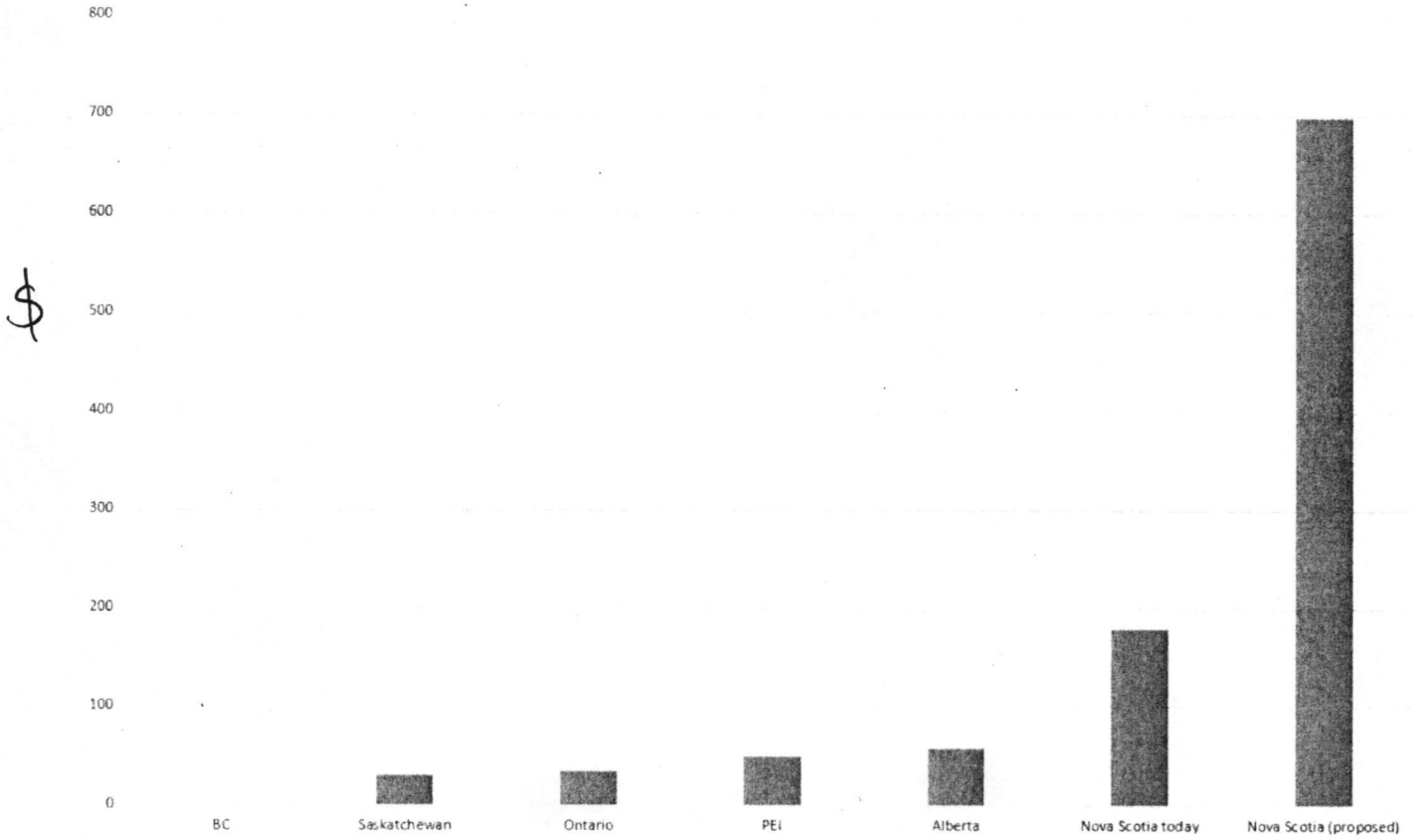
Bill #130 - Community of Sackville Landfill Compensation Act (amended)

no representation

Bill #135 - Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act (amended) and Offshore Licensing Policy Act (repealed)

no representation

Typical fine levied against a pedestrian



Courtesy Halifax Cycling Coalition

Submission to the Law Amendments Committee re Bill No. 133 – Motor Vehicle Act (amended)

Norm Collins – November 30, 2015

I first want to express my appreciation to the Minister, Transportation and Infrastructure Renewal and the Department for their positive response to my input re the inconsistency of fines for drivers failing to yield to a pedestrian at a signalized intersection (Section 93 of the Motor Vehicle Act (MVA)) as compared to other locations (Section 125). The tabled changes are very welcome.

I also believe some of the other changes made to Section 93 and Category F Section 125 offences are very sensible and logical. At the same time I believe some of the changes are problematic.

My comments are based on two principles and one concern:

Principles

1. regardless of where a driver fails to yield – signalized intersection or elsewhere – the consequence (fine and points) should be the same.
2. regardless of whether the driver or pedestrian was at fault (violated the MVA) the consequence (fine) should be the same.

Concern

1. police will be reluctant to issue Summary Offence Tickets (SOTs) for a number of the offences in Sections 93 and 125 now that the fine will be at the Category G level of \$697.50.

The first two principles have been addressed by this legislation. Thank you.

I have heard police express frustration with the resources and time necessary to attend court when a SOT is challenged. Doing so takes away from on-street policing. With minimum fines of \$697.50 I am fearful there will be a considerable increase in the number of court challenges of SOTs. The unintended consequence may be less enforcement, with more warnings. If so this may not only minimize the effectiveness of some of the amendments but actually make them counter-productive.

The following Appendix demonstrates comparison where Halifax police issue far fewer SOTs, in one case (Montreal) to pedestrians and in another (New York City) to drivers for failing to yield the right of way to pedestrians.

Furthermore I believe most, if not all Nova Scotians would conclude the proposed fine is out of proportion to other MVA violations

First offence fine amounts	Violation
\$237.50	speeding between 1 – 15 km/hr. over the limit.
\$237.50	using a cell phone or text messaging while driving
\$295.00	speeding between 16 – 30 km/hr. over the limit.
\$410.00	speeding between > 30 km/hr. over the limit.
\$697.50 (proposed)	entering a crosswalk on a Don't Walk sign failing to activate an RA5 light. causing a vehicle to yield when outside a crosswalk

To address this I recommend a distinction be made between incidents where there is a collision (whether or not there is an injury as that is subjective) and those where there is no collision.

Collision?	Consequence
Yes	First offence fine of \$697.50 (Category G) for all Section 93 or Section 125 violations, regardless of whether the driver or pedestrian violated the MVA. Additionally six points if the driver is at fault.
No	First offence fine of \$180.00 (Category B) for all Section 93 or Section 125 violations, again regardless of whether the driver or pedestrian violated the MVA. Additionally two points if the driver is at fault.

I strongly support stronger, more proactive enforcement. Not only do I believe that first offence fines in circumstances where no collision occurs of \$180.00 rather than \$697.50 are more appropriate to the offence but I also believe that at this lower level police will be more inclined to be proactive in their enforcement initiatives.

I believe this recommendation strikes the right balance as to fine levels, reflecting the seriousness of the violation/circumstances, i.e. whether there was a collision as opposed to a non-collision.

I ask the Committee to consider these comments and recommendations

Sincerely

Norm Collins, Crosswalk Safety Advocate

(902-██████████)

<http://crosswalksafety.ca>

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Twitter: @CrosswalkSafety

Crosswalk safety is everyone's responsibility ... be Cautious ... be Seen ... be Safe

Appendix 1

Summary Offence Ticket Data

Data indicates Halifax police already issue considerably fewer SOTs than some other jurisdictions.

I believe the increased fines in non-collision situations will further reduce the number of SOTs for reasons indicated about.

Using 2014 data, adjusting for population we have:

Summary Offence Tickets issued to pedestrians per 100,000 population	
Halifax	Montreal
0.43	5.94

Note Montreal issued **nearly 14 times** as many SOTs to pedestrians as did Halifax.

Summary Offence Tickets issued to drivers not yielding to pedestrians where no collision occurs per 100 SOTs issued where a collision occurs	
Halifax	New York
76	396

Note New York City issued **over five times** as many SOTs to drivers not yielding to pedestrians but not involved in a collision.

Based on this data the proactive enforcement activity in Halifax lags well behind that of these comparative cities.

I believe the proposed legislation will result in less rather than more enforcement. I believe that in order to address vehicle-pedestrian collision experience the exact opposite is required, i.e. more rather than less enforcement.

I believe implementations of my recommendation will positively impact the achievement of such an objective.

LAW AMENDMENTS COMMITTEE

Red Room, Province House

Wednesday, December 2, 2015

9:30 a.m.

Bill #112 - Children and Family Services Act (amended)

deferred from previous meeting

Bill #118 - Heritage Property Act (amended)

deferred from previous meeting

Bill #131 - Maintenance and Custody Act (amended)

deferred from previous meeting

Bill #133 - Motor Vehicle Act (amended)

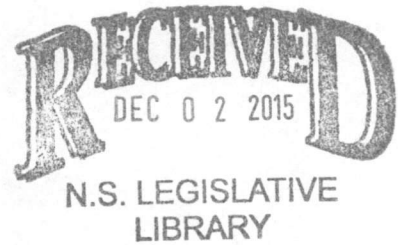
deferred from previous meeting

Bill #134 - Liquor Control Act (amended)

deferred from previous meeting

Bill #136 - Motor Vehicle Act (amended)

deferred from previous meeting



Submission to the Law Amendments Committee re Bill No. 133 – Motor Vehicle Act (amended)

Norm Collins – December 02, 2015

I understand the Minister has decided to continue with the legislation without amendments. I am disappointed with this decision and believe it to be a mistake.

I won't repeat my comments or examples of the other day but wish to provide the Committee with two additional examples of illogical and in my view inappropriate relationships between fines applicable to various infractions.

If the legislation passes un-amended in addition to the examples provided on Monday the following fines will be applicable

First offence fine amounts	Violation
\$410.00	failing to stop for stopped schools bus exhibiting flashing red lights.
\$467.50	exceeding speed limit by between 16 and 30 km/h inclusive in a school area
\$697.50	pedestrian failing to proceed in crosswalk at walk light, whether or not a collision ensues
\$697.50	pedestrian proceeding across intersection or highway at don't walk light, whether or not a collision ensues
\$697.50	pedestrian leaving curb or other place of safety to cross roadway when pedestrian-activated beacon not activated, whether or not a collision ensues
\$697.50	Pedestrian crossing roadway outside of crosswalk zone failing to yield to traffic (aka jaywalking), whether or not a collision ensues

I cannot contemplate any rationalization for first offence fines applicable for failing to stop for a stopped school bus or exceeding the speed limit by 16 to 30 km/h in a school zone being only 59% to 67% of the first offence fines applicable to the non-collision pedestrian infractions listed above.

In email exchanges with the Minister today I suggested rather than retaining fines for these pedestrian infractions at Category B (\$180.00 first offence), as I had recommended Monday, they be increased to Category C (\$237.50 first offence), the same change as was made for using a hand-held cellular telephone or text messaging on a communication device while operating a vehicle on a highway this time last year.

Research is clear that use of cell phones is an increasing and significant cause of vehicle collisions, including those involving pedestrians. In 2013 police reported distracted driving was now the number one cause of fatal vehicle accidents in Nova Scotia. The Department's response was to increase fines to \$237.50. That was a good thing although I believed the increase should have been even greater.

Yet apparently without evidence that the above pedestrian infractions are resulting in similar consequences the fines proposed reflect an increased nine times that of the increase for cell phone usage while driving, not \$57.50 but rather \$517.50. This baffles me.

If fines are believed to be a deterrent it only seems logical the largest fines should address areas where the most deterrent is required, i.e. the use of cell phones while driving, not these pedestrian infractions. The priority strikes me as being the exact opposite of what it should be.

If my recommendation is reflected in the fine structure of the Bill there would still be significant increases to first offence fines:

- from \$180.00 to \$697.50 for driver infractions at signalized intersections
- from \$180.00 to \$697.50 for pedestrian infractions where a collision ensues, and
- from \$180.00 to \$237.50 for pedestrian infractions where no collision ensues.

As a crosswalk safety advocate I want more enforcement. I understand fines are in part intended to be deterrents to influence behaviour. However it appears the existing \$697.50 first offence fine for failing to yield to a pedestrian in a crosswalk or stopped facing a crosswalk is not achieving that goal. Why then does the Department believe increasing fines for all pedestrian infractions will serve as a greater deterrent? It is not these pedestrian infractions that are the primary driver of vehicle-pedestrian collisions. It is therefore perplexing as to why some of the most significant increases are occurring in respect of these infractions.

I want consistent consequences regardless of whether the driver or pedestrian violated the MVA. My recommended changes achieve that goal.

But I also want a system of fines that is sensible and reasonable. I do not believe the proposed legislation achieves that goal. I believe my recommendation does.

I ask the Committee to again return the Bill to the Department for further consideration of the issue of fines relative to other infractions.

Sincerely

Norm Collins, Crosswalk Safety Advocate

(902-██████████)

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Submission to Law Amendments Committee re Bill No. 133 – Motor Vehicle Act (amended)

Walk 'n Roll Hfx – December 02, 2015

Walk 'n Roll Halifax (www.walknrollhfx.net) is a community group advocating for the benefits of walking as a key indicator of healthy, efficient, socially inclusive and sustainable communities and, the universal rights of people to be able to walk safely and to enjoy high quality public spaces anywhere and at any time.

We wish to provide our input to the level of fines included in proposed Bill No. 133. These comments, endorsed by the Association at our November 4, 2015 meeting, echo those of Norm Collins, a member of our group.

Walk 'n Roll believes there are very positive aspects to the legislation, specifically:

- harmonizing fines for people driving failing to yield to people walking at a signalized intersection (Section 93 of the Motor Vehicle Act (MVA)) with those at other locations (Section 125); and,
- harmonizing fines for people walking for both Section 93 and 125 infractions.

At the same time Walk 'n Roll agrees with the concern raised by Norm Collins that the first offence level of \$697.50 for many people walking infractions is too high.

At this level the fine is out of line with the first offence fines of a number of other infractions such as speeding, cell phone or text messaging distractions while driving, and not stopping for a school bus.

Walk 'n Roll suggests that these infractions contribute at least equally, if not more to people walking - vehicle collisions, and warrant greater not lower fines.

First offence fine amounts	Violation
\$237.50	Speeding between 1 – 15 km/hr. over the limit Using a cell phone or text messaging while driving
\$295.00	Speeding between 16 – 30 km/hr. over the limit.
\$410.00	Speeding > 30 km/hr. over the limit.
\$410.00	Failing to stop for a stopped school bus exhibiting flashing red lights
\$697.50 (proposed by Bill 133)	All people walking infractions relating to crosswalks and 'jaywalking'



Walk 'n Roll believes \$697.50 first offence fines are inconsistent with respect to the fines applicable to other actions in violation of the MVA that lead to vehicle – person walking conflicts.

Walk 'n Roll recommends that first offence fines for infractions for people walking be set at \$180.00. This amount is comparable to the \$237.50 fine determined appropriate less than a year ago for cell phone or text messaging distracted driving.

Walk 'n Roll asks you to send the Bill back to the Department for further consideration.

Sincerely,

William Campbell, on behalf of Walk 'n Roll Hfx

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**Bill #133
Motor Vehicle Act (amended)**

CHANGES RECOMMENDED TO THE LAW AMENDMENTS COMMITTEE
BY THE MINISTER OF TRANSPORTATION
AND INFRASTRUCTURE RENEWAL

PAGE 7, Clause 20 -

(a) add "(1)" after the Clause number; and

(b) add the following subclause:

(2) Section 282 of Chapter 293, as amended by Chapter 24 of the Acts of 1994, Chapters 12 and 44 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapters 20 and 45 of the Acts of 2007, Chapter 21 of the Acts of 2008, Chapters 61 and 62 of the Acts of 2010, Chapter 46 of the Acts of 2011 and Chapter 53 of the Acts of 2014, is further amended by adding immediately after subsection (2) the following subsection:

(3) Notwithstanding subsection (2), where a person is convicted of violating subsection (2) of Section 93, the Registrar shall enter four points on the person's record maintained pursuant to subsection (1) or (1A) in respect of the conviction if, in the course of committing the violation,

(a) the person failed to yield the right of way to a pedestrian as required under subsection (2) of Section 93; or

(b) the person was a pedestrian and proceeded at a time other than when authorized to do so under subsection (2) of Section 93.

PAGE 7, paragraph 22(c), proposed subsection 298(2)

(a) **lines 1 and 2** - delete "any of the provisions" and substitute "subsection (2)";

(b) **proposed clause (a), line 2** - add "subsection (2) of" after "under"; and

(c) **proposed clause (b), line 2** - add "subsection (2) of" after "under".