



April 24, 2015

POA-AMP Consultation  
Ministry of the Attorney General  
720 Bay Street  
11<sup>th</sup> Floor  
Toronto, Ontario  
M7A 2S9

Re: OMCA Response to AMP Proposal

The Ontario Motor Coach Association (OMCA) is extremely concerned by the Ministry's proposal to move certain infractions under provincial statutes and municipal by-laws out of the court system and into an online Administrative Monetary Penalty System.

After reviewing the Ministry's consultation document it would appear that the goal is to create a system that is, in the document's own words, "simpler, faster and less expensive", but not necessarily more fair. We will leave to others more qualified to speak to the issues of eliminating presumption of innocence and reverse onus the proposed changes create, although we certainly are concerned about these issues, and focus on the specific impacts of these proposals on the commercial vehicle regulation and safety enforcement system.

The Ministry's desire to expedite "routine" offences like speeding or parking infractions for personal automobile operators is understandable, and perhaps in that context the proposed changes may have some merit. But for commercial vehicle operators, such "simple" offences are anything but, and the implications of a charge for operators are much higher than the mere financial cost of the fine. We have four specific concerns about how the proposal will unfairly impact coach operators.

- The impact on safety rating systems, specifically Commercial Vehicle Operators Registration (CVOR), could be profound and could have serious implications for operators. At the very least, major systems changes to the the CVOR system will be required.
- The process that occurs in the case of a charge being laid against a commercial vehicle operator is much more complex than for a personal vehicle operator, involving possible dialogue and engagement between Ministry of Transportation officials or police and the operator charged that helps achieve the ultimate goal of improving road safety by educating and correcting behaviour through means other than simply laying charges and levying fines. With an AMPs system such engagement would not occur.

- The current process of going to court rather than simply going online to pay a fine imposes an accountability and a responsibility on law enforcement officers that an AMPs system would not. As a management practice, MTO imposes inspection and violation rate “metrics” on its enforcement staff. While not specifically quotas, the metrics are in fact all too often treated as quotas by some officers. The fact that they may have to go to court to defend a charge imposes at least a degree of discipline on officers to avoid laying dubious charges simply in order to meet their performance metric. If these charges are sent to an AMPS, there could be a tendency merely to lay charges to meet a number, knowing that their involvement with the system ends there and that it will be someone else’s problem to deal with spurious charges.
- Finally, the very nature of the kinds of charges commercial vehicle operators face are complex and much more subjective in nature, a speeding ticket is a fairly straightforward and objectively determined offence, a charge for a vehicle defect based on “excessive wear”, or when a vehicle is deemed “unsafe”, are not. The proposed AMP system, which would rely on online hearing officers, would remove the ability of operators to challenge these charges in a forum where complex issues based on subjective assessments could be fairly adjudicated.

We would strongly caution the government to consider the unintended consequences of adopting an AMPS for commercial vehicle charges. They are complex, more likely to be based on subjective assessments, and part of an integrated road safety system – all of which requires proper adjudication of charges. If the government does decide to proceed with an AMPS for other kinds of charges, we would ask that they consider these unintended negative consequences and leave commercial vehicles out of the AMPS. An AMPS might be a faster and more convenience way to collect fines, but for coach operators at least, it would likely be a less just system.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Switzer', with a long horizontal flourish extending to the right.

Doug Switzer  
President  
OMCA