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Improving Customer Service for Road Users Act, 2001

[S.O. 2001, Chapter 18](https://www.ontario.ca/laws/statute/s01018)

**Consolidation Period:** From July 1, 2019 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2019, c. 7, Sched. 17, s. 92](http://www.ontario.ca/laws/statute/S19007" \l "sched17s92).

Legislative History: [2019, c. 7, Sched. 17, s. 92](http://www.ontario.ca/laws/statute/S19007" \l "sched17s92).

Definitions

**1** In this Act,

“delegate” means an individual, partnership, corporation or other legal entity to whom the Minister delegates the responsibility to deliver program services or a power or duty in accordance with this Act; (“délégataire”)

“delegation” means, in relation to a power, duty or responsibility, a grant of authority to exercise that power, perform that duty or discharge that responsibility, and includes the grant of a licence to exercise that power, perform that duty or discharge that responsibility and “delegate”, as a verb, has a corresponding meaning; (“délégation”, “déléguer”)

“Minister” means the Minister of Transportation or such other member of the Executive Council to whom the administration of Acts assigned to the Minister of Transportation may be assigned under the *Executive Council Act*; (“ministre”)

“Ministry” means the ministry of the Minister; (“ministère”)

“subdelegate” means an individual, partnership, corporation or other legal entity to whom a delegate subdelegates any delegated powers, duties or responsibilities in accordance with this Act; (“subdélégataire”)

“subdelegation” means, in relation to a power, duty or responsibility, a grant of authority by a delegate to a subdelegate to exercise that power, perform that duty or discharge that responsibility and “subdelegate”, as a verb, has a corresponding meaning. (“subdélégation”, “subdéléguer”) 2001, c. 18, s. 1.

Delegation – responsibilities to deliver services

**2** (1)  The Minister may enter into an agreement with one or more individuals, partnerships, corporations or other legal entities delegating to them the responsibility of the Minister, the Ministry, the Registrar of Motor Vehicles or any other official or employee of the Ministry to deliver all or some of the services of a road user program. 2001, c. 18, s. 2 (1).

Same – powers and duties

(2)  The Minister may enter into an agreement with one or more individuals, partnerships, corporations or other legal entities delegating to them any powers or duties, under an Act or regulation, of the Minister, the Ministry, the Registrar of Motor Vehicles or any other official or employee of the Ministry, that are related to the delivery of services of a road user program. 2001, c. 18, s. 2 (2).

Limitation

(3)  The Minister shall not delegate a power to make regulations or to establish program standards or policies. 2001, c. 18, s. 2 (3).

Same

(4)  The Minister shall not delegate a prescribed power, duty or responsibility relating to the enforcement of a provision of an Act or regulation governing commercial motor vehicles. 2001, c. 18, s. 2 (4).

Contents of delegation agreement

**3** (1)  A delegation agreement shall contain any limitations, conditions and requirements applicable to the delegation and may include other provisions that the Minister considers advisable in the public interest, including provisions,

(a) requiring that the delegate comply with applicable Ministry standards and policies, including standards and policies relating to quality assurance and audits;

(b) setting the financial terms of the delegation;

(c) authorizing the delegate to collect from the public, in respect of a delegated power, duty or responsibility, any fees provided for in an Act or regulation administered by the Minister and any fees established by the Minister under subsection (2) and to retain all or part of such fees;

(d) authorizing the delegate to provide to the public any services specified in the agreement or subsequently approved by the Minister that are ancillary to the exercise, performance or discharge of the delegated powers, duties or responsibilities;

(e) authorizing the delegate to establish additional fees to be charged to the public for ancillary services referred to in clause (d) and to collect and retain all or part of such fees;

(f) granting the delegate, and any subdelegate, access to and use of specified Ministry resources, including information databases, for the purpose of exercising, performing or discharging the delegated powers, duties or responsibilities or providing ancillary services referred to in clause (d);

(g) requiring the delegate to obtain and maintain specified kinds and amounts of insurance;

(h) providing that the Minister may appoint persons to the board of directors of the delegate, if the delegate is a corporation without share capital;

(i) authorizing the delegate to require that the public use forms approved by the Minister for any purpose related to a delegated power, duty or responsibility or to an ancillary service referred to in clause (d);

(j) authorizing the delegate to carry on other activities unrelated to the delegated powers, duties or responsibilities. 2001, c. 18, s. 3 (1).

Fees

(2)  The Minister is hereby authorized to establish fees not already provided for in any Act or regulation administered by the Minister. 2001, c. 18, s. 3 (2).

Same

(3)  Where the Minister authorizes the delegate to collect fees under clause (1) (c), the delegate must collect the fee established by Act or by regulation or by the Minister under subsection (2). 2001, c. 18, s. 3 (3).

Same

(4)  Where the Minister authorizes the delegate to collect fees under clause (1) (c) or (e), the delegate may collect and retain all or part of the fees despite section 2 of the *Financial Administration Act*. 2001, c. 18, s. 3 (4).

Regulation required to make delegation effective

**4** A delegation under a delegation agreement is not effective unless the Lieutenant Governor in Council makes a regulation,

(a) prescribing the powers, duties and responsibilities that are to be delegated by a delegation agreement;

(b) specifying the individuals, partnerships, corporations or other legal entities to whom such powers, duties and responsibilities are to be delegated; and

(c) specifying the date on which the delegation becomes effective. 2001, c. 18, s. 4.

Subdelegation

**5** (1)  A delegate may subdelegate any delegated powers, duties or responsibilities by means of any kind of business arrangement, subject to the Minister’s approval and to any limitations, conditions and requirements that the Minister may impose. 2001, c. 18, s. 5 (1).

Subdelegation agreement

(2)  An agreement that subdelegates any powers, duties or responsibilities shall contain any limitations, conditions and requirements applicable to the subdelegation and the Minister may require that the agreement include other provisions that the Minister considers advisable in the public interest, including provisions,

(a) requiring that the subdelegate comply with applicable Ministry standards and policies, including standards and policies relating to quality assurance and audits;

(b) setting the financial terms of the subdelegation;

(c) authorizing the subdelegate to collect from the public, in respect of a subdelegated power, duty or responsibility, any fees provided for in an Act or regulation administered by the Minister and any fees established by the Minister under subsection 3 (2) and to retain all or part of such fees;

(d) authorizing the subdelegate to provide to the public any services specified in the delegation agreement or subsequently approved by the Minister at the request of the delegate, that are ancillary to the exercise, performance or discharge of the delegated powers, duties or responsibilities;

(e) authorizing the subdelegate to collect and retain all or part of the additional fees established by the delegate for ancillary services pursuant to a provision described in clause 3 (1) (e);

(f) requiring the subdelegate to obtain and maintain specified kinds and amounts of insurance;

(g) authorizing the subdelegate to require that the public use forms approved by the Minister for any purpose related to a subdelegated power, duty or responsibility or to an ancillary service referred to in clause (d);

(h) authorizing the subdelegate to carry on other activities unrelated to the subdelegated powers, duties or responsibilities. 2001, c. 18, s. 5 (2).

Fees

(3)  Where the delegate authorizes the subdelegate to collect fees under clause (2) (c), the subdelegate must collect the fee established by Act or by regulation or by the Minister under subsection 3 (2). 2001, c. 18, s. 5 (3).

Same

(4)  Where the delegate authorizes the subdelegate to collect fees under clause (2) (c) or (e), the subdelegate may collect and retain all or part of the fees despite section 2 of the *Financial Administration Act*. 2001, c. 18, s. 5 (4).

Unilateral amendment of delegation agreement by Minister

**6** (1)  The Minister may amend a delegation agreement without the agreement of the delegate, including by adding limitations, conditions and requirements applicable to the delegation, and such amendment shall prevail over any conflicting provisions in the delegation agreement as agreed to by the Minister and the delegate, and shall be deemed to form a part of the delegation agreement. 2001, c. 18, s. 6 (1).

Notice to delegate

(2)  An amendment may be made under subsection (1) by personally delivering to the delegate written notice of the amendment and it is effective immediately upon the notice being delivered to the delegate or on a later date that is specified in the notice. 2001, c. 18, s. 6 (2).

Notice to subdelegate

(3)  Where the Minister amends a delegation agreement under subsection (1), the delegate shall give notice of the amendment to any subdelegate as provided in the delegation agreement. 2001, c. 18, s. 6 (3).

Effect on subdelegation agreement

(4)  An amendment made under subsection (1) shall prevail over any conflicting provisions in the subdelegation agreement as agreed to by the delegate and the subdelegate, and shall be deemed to form a part of the subdelegation agreement. 2001, c. 18, s. 6 (4).

Same

(5)  An amendment that is deemed to form a part of the subdelegation agreement, as described in subsection (4), is effective immediately upon the notice being delivered to the subdelegate or on a later date that is specified in the notice. 2001, c. 18, s. 6 (5).

Amendments limited to public interest matters

(6)  The Minister may amend a delegation agreement under subsection (1) only if, in the opinion of the Minister, the amendment is in the public interest. 2001, c. 18, s. 6 (6).

Revocation of delegation

**7** (1)  The Lieutenant Governor in Council may by regulation revoke a delegation if, in the opinion of the Lieutenant Governor in Council,

(a) the delegate or subdelegate has contravened or failed to comply with this Act, including the obligations imposed on them under section 9 with respect to records or personal information, or the regulations made under this Act;

(b) the delegate or subdelegate has contravened or failed to comply with the Act or regulation containing or authorizing the delegated powers, duties or responsibilities;

(c) the delegate has contravened or failed to comply with or repudiates, in whole or in part, the delegation agreement or the subdelegate has contravened or failed to comply with or repudiates, in whole or in part, the subdelegation agreement; or

(d) it is in the public interest to do so. 2001, c. 18, s. 7 (1).

Revocation of subdelegation

(2)  If the Lieutenant Governor in Council revokes a delegation under subsection (1), the Lieutenant Governor in Council may also by regulation revoke any subdelegation by the delegate of the delegated powers, duties or responsibilities. 2001, c. 18, s. 7 (2).

Effective date of revocation

(3)  The delegation and any subdelegation are revoked by a regulation made under subsection (1) or (2), as the case may be, on the day specified in the regulation or, if no day is specified in the regulation, on the day the regulation comes into force. 2001, c. 18, s. 7 (3).

Agreements remain in force, as necessary

(4)  A provision of the delegation agreement or of the subdelegation agreement remains in force after a revocation under subsection (1) or (2) if the provision expressly or by necessary implication is to continue to apply despite the revocation. 2001, c. 18, s. 7 (4).

Notice

(5)  The Lieutenant Governor in Council may give the delegate and any subdelegate such notice of the intention to make a regulation under subsection (1) or (2) as the Lieutenant Governor in Council considers reasonable in the circumstances. 2001, c. 18, s. 7 (5).

Non-application of *Statutory Powers Procedure Act*

(6)  The *Statutory Powers Procedure Act* does not apply to the revocation of a delegation or subdelegation under this section. 2001, c. 18, s. 7 (6).

Other remedies not affected

(7)  The powers to amend a delegation agreement under section 6 and to revoke a delegation and subdelegation under this section are in addition to and do not bar or affect the Minister’s right to exercise any other remedy under the delegation agreement or at law. 2001, c. 18, s. 7 (7).

Obligations of delegate

**8** (1)  A delegate shall exercise, perform or discharge the delegated powers, duties or responsibilities in accordance with the law and, in particular, in accordance with this Act, the Act or regulation containing or authorizing the delegated powers, duties or responsibilities and the delegation agreement. 2001, c. 18, s. 8 (1).

Obligations of subdelegate

(2)  A subdelegate shall exercise, perform or discharge the subdelegated powers, duties or responsibilities in accordance with the law and, in particular, in accordance with this Act, the Act or regulation containing or authorizing the subdelegated powers, duties or responsibilities and the subdelegation agreement. 2001, c. 18, s. 8 (2).

Application of *Freedom of Information and Protection of Privacy Act*

**9** (1)  The *Freedom of Information and Protection of Privacy Act* applies to all records of the delegate and any subdelegate that are integral to the exercise, performance or discharge of the delegated powers, duties or responsibilities and such records shall be deemed to be under the control of the Ministry for the purposes of that Act. 2001, c. 18, s. 9 (1).

Compliance with policies

(2)  The delegate and any subdelegate shall comply with all policies of the Government of Ontario and of the Ministry that relate to the records described in subsection (1). 2001, c. 18, s. 9 (2).

Personal information

(3)  The delegate and any subdelegate may collect, use and disclose personal information, but only for the purpose of exercising, performing or discharging the delegated powers, duties or responsibilities. 2001, c. 18, s. 9 (3).

Privacy officer

(4)  The delegate and any subdelegate shall appoint a person to act as privacy officer in respect of the records described in subsection (1). 2001, c. 18, s. 9 (4).

Reports, records to Minister

(5)  If the Minister requests from the delegate or any subdelegate a record described in subsection (1) or any information that relates to the records described in subsection (1), the privacy officer of the delegate or subdelegate, as the case may be, shall provide the record or information to the Minister within the time specified by the Minister. 2001, c. 18, s. 9 (5).

Definitions

(6)  In this section,

“personal information” and “record” have the same meanings as in the Freedom of Information and Protection of Privacy Act. (“renseignements personnels”, “document”) 2001, c. 18, s. 9 (6).

Obligations to report to a delegate

**10** (1)  The Lieutenant Governor in Council may by regulation provide that any person or class of persons who is required by another Act or regulation to give information or a report to the Minister, the Registrar of Motor Vehicles or any other official or employee of the Ministry shall give the information or report, or a part of the information or report, to the delegate or subdelegate as specified in the regulation and,

(a) shall also give the information or report, or a specified part of the information or report, to the person named in the other Act or regulation; or

(b) shall not give the information or report, or a specified part of the information or report, to the person named in the other Act or regulation. 2001, c. 18, s. 10 (1).

Reports privileged

(2)  Where the other Act or regulation referred to in subsection (1) provides that the information or report is privileged for the information of the Minister, Registrar of Motor Vehicles or any other official or employee of the Ministry only and shall not be open for public inspection and is inadmissible in evidence for any purpose in any trial except to prove compliance with a section of that Act or regulation, that provision applies with necessary modifications to the information or report, or part of them, given to the delegate or subdelegate. 2001, c. 18, s. 10 (2).

Minister may appoint directors

**11** (1)  If a delegation agreement with a corporation without share capital so provides, the Minister may appoint one or more persons to the board of directors of the delegate, as specified in the agreement, for such terms of office as the Minister considers appropriate. 2001, c. 18, s. 11 (1).

Remuneration, expenses of Ministerial appointees

(2)  The remuneration and expenses of the directors appointed by the Minister shall be the responsibility of the delegate. 2001, c. 18, s. 11 (2).

Delegate, subdelegate not a Crown agency

**12** A delegate or subdelegate is not, for any purposes, a Crown agency within the meaning of the *Crown Agency Act* or an agent of the Crown and shall not hold themself out as such. 2001, c. 18, s. 12.

Reports

**13** (1)  A delegate shall report annually to the Minister on the activities of the delegate and any subdelegate over the previous year with respect to the delegated powers, duties or responsibilities. 2001, c. 18, s. 13 (1).

Additional reports

(2)  A delegate shall provide additional reports to the Minister as may be required by the delegation agreement or requested by the Minister. 2001, c. 18, s. 13 (2).

Same

(3)  A subdelegate shall provide any report to the Minister as may be required by the subdelegation agreement or requested by the Minister. 2001, c. 18, s. 13 (3).

Notice to Minister

(4)  A delegate and any subdelegateshall advise the Minister promptly of any matter related to the delegated powers, duties or responsibilities that is a matter of public safety or public interest. 2001, c. 18, s. 13 (4).

Crown not liable for delegate’s or subdelegate’s acts

**14** (1)  No action or other proceeding shall be instituted against the Crown, the Minister, the Registrar of Motor Vehicles or any other official or employee of the Ministry for any act of a delegate or subdelegate or employee or agent of a delegate or subdelegate in the execution or intended execution of a power, duty or responsibility delegated under this Act or for an alleged neglect or default in the execution or intended execution of a power, duty or responsibility delegated under this Act. 2001, c. 18, s. 14 (1).

Crown not liable for delegation, subdelegation

(2)  No action or other proceeding shall be instituted against the Minister, the Registrar of Motor Vehicles or any other official or employee of the Ministry for any act done in good faith in the execution or intended execution of a power or duty under this Act or for any alleged neglect or default in the execution in good faith of a power or duty under this Act. 2001, c. 18, s. 14 (2).

Exception

(3)  Despite subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, subsection (2) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (2) to which it would otherwise be subject. 2001, c. 18, s. 14 (3); 2019, c. 7, Sched. 17, s. 92.

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

[2019, c. 7, Sched. 17, s. 92](http://www.ontario.ca/laws/statute/S19007" \l "sched17s92) - 01/07/2019

Offence

**15** (1)  A delegate or subdelegate that contravenes or fails to comply with this Act, the Act or regulation containing or authorizing the delegated powers, duties or responsibilities or the regulations under this Act or under the Act containing or authorizing the delegated powers, duties or responsibilities is guilty of an offence and on conviction is liable to a fine of not more than $100,000 for each day or part of a day on which the offence occurs or continues. 2001, c. 18, s. 15 (1).

Same

(2)  A director, officer, employee or agent of a delegate or subdelegate who knowingly contravenes or fails to comply with this Act, the Act or regulation containing or authorizing the delegated powers, duties or responsibilities or the regulations under this Act or under the Act containing or authorizing the delegated powers, duties or responsibilities is guilty of an offence. 2001, c. 18, s. 15 (2).

Same

(3)  A director or officer of a delegate or subdelegate is guilty of an offence who,

(a) knowingly causes, authorizes, permits or participates in the commission of an offence under subsection (1); or

(b) fails to take reasonable care to prevent the delegate or subdelegate from committing an offence under subsection (1). 2001, c. 18, s. 15 (3).

Same

(4)  A person who is convicted of an offence under subsection (2) or (3) is liable to a fine of not more than $25,000 for each day or part of a day on which the offence occurs or continues. 2001, c. 18, s. 15 (4).

Regulations

**16** (1)  The Lieutenant Governor in Council may make regulations,

(a) deeming a program to be a road user program for the purposes of section 2;

(b) prescribing powers, duties and responsibilities relating to the enforcement of a provision of an Act or regulation governing commercial motor vehicles for the purpose of subsection 2 (4);

(c) prescribing the powers, duties and responsibilities of the Minister, the Ministry, the Registrar of Motor Vehicles or any other official or employee of the Ministry that are to be delegated under a delegation agreement;

(d) specifying the delegate to whom such powers, duties and responsibilities are to be delegated;

(e) specifying the date on which the delegation becomes effective;

(f) respecting any matter that the Lieutenant Governor in Council considers advisable to carry out effectively the intent and purpose of this Act or of an Act or regulation containing or authorizing a delegated power, duty or responsibility. 2001, c. 18, s. 16 (1).

General or particular

(2)  A regulation made under subsection (1) may be general or particular in its application. 2001, c. 18, s. 16 (2).

**17** Omitted (provides for coming into force of provisions of this Act). 2001, c. 18, s. 17.

**18** Omitted (enacts short title of this Act). 2001, c. 18, s. 18.

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