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Compulsory Automobile Insurance Act

R.S.O. 1990, CHAPTER C.25

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Definitions

**1** (1)  In this Act,

“agent” means an agent or broker within the meaning of the *Insurance Act* who is authorized to solicit automobile insurance; (“agent”)

“Association” means the Facility Association referred to in subsection 7 (1); (“Association”)

“Authority” means the Financial Services Regulatory Authority of Ontario continued under subsection 2 (1) of the Financial Services Regulatory Authority of Ontario Act, 2016; (“Autorité”)

“automobile insurance” means insurance against liability arising out of bodily injury to or the death of a person or loss of or damage to property caused by a motor vehicle or the use or operation thereof, and which,

(a) insures at least to the limit required by section 251 of the *Insurance Act*,

(b) provides the statutory accident benefits set out in the *Statutory Accident Benefits Schedule* under the *Insurance Act*, and

(c) provides the benefits prescribed under section 265 of the *Insurance Act*; (“assurance-automobile”)

“Chief Executive Officer” means the Chief Executive Officer appointed under subsection 10 (2) of the Financial Services Regulatory Authority of Ontario Act, 2016; (“directeur général”)

“driver’s licence” has the same meaning as in the *Highway Traffic Act*; (“permis de conduire”)

“highway” has the same meaning as in the *Highway Traffic Act*; (“voie publique”)

“insurance card” means,

(a) a Motor Vehicle Liability Insurance Card in the form approved by the Chief Executive Officer,

(b) a policy of automobile insurance or a certificate of a policy in the form approved by the Chief Executive Officer, or

(c) a document in a form approved by the Chief Executive Officer; (“carte d’assurance”)

“insurer” means an insurer licensed under the *Insurance Act* and carrying on the business of automobile insurance, but does not include an insurer whose licence is limited to contracts of reinsurance; (“assureur”)

“justice” means a justice under the *Provincial Offences Act*; (“juge”)

“lessee” means, in respect of a motor vehicle, a person who is leasing or renting the motor vehicle for a period of 30 days or more; (“locataire”)

“motor vehicle” has the same meaning as in the *Highway Traffic Act* and includes trailers and accessories and equipment of a motor vehicle; (“véhicule automobile”)

“Plan” means the Plan of Operation referred to in subsection 7 (3); (“régime”)

“police officer” means a chief of police or other police officer or a person appointed under section 223 of the *Highway Traffic Act* for the purpose of carrying out the provisions of that Act; (“agent de police”)

“Registrar” means the Registrar of Motor Vehicles; (“registrateur”)

“regulations” means the regulations made under this Act; (“règlements”) R.S.O. 1990, c. C.25, s. 1 (1); 1993, c. 10, s. 52 (1); 1996, c. 21, s. 50 (1, 2); 1997, c. 19, s. 2 (1); 1997, c. 28, ss. 29, 30; 2005, c. 31, Sched. 4, s. 1; 2018, c. 8, Sched. 4, s. 1, 3; 2020, c. 36, Sched. 14, s. 4 (1).

Streetcars

(2)  An electric streetcar that runs on rails principally on a highway shall be deemed to be a motor vehicle for the purposes of this Act. R.S.O. 1990, c. C.25, s. 1 (2).

Exception re: excluded driver

(3)  Even if a motor vehicle is insured under a contract of automobile insurance, it shall be deemed to be an uninsured motor vehicle for the purposes of this Act while it is being operated by an excluded driver as defined in the *Insurance Act* with respect to that contract unless the excluded driver is a named insured under another contract of automobile insurance. R.S.O. 1990, c. C.25, s. 1 (3).

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

1993, c. 10, s. 52 (1) - 01/01/1994; 1996, c. 21, s. 50 (1, 2) - 01/11/1996; 1997, c. 19, s. 2 (1) - 10/10/1997; 1997, c. 28, s. 29, 30 (1-4) - 01/07/1998

[2005, c. 31, Sched. 4, s. 1](http://www.ontario.ca/laws/statute/S05031" \l "sched4s1) - 01/03/2006

[2018, c. 8, Sched. 4, s. 1, 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s1) - 08/06/2019

[2020, c. 36, Sched. 14, s. 4 (1)](http://www.ontario.ca/laws/statute/S20036" \l "sched14s4s1) - 08/12/2020

Compulsory automobile insurance

**2** (1)  Subject to the regulations, no owner or lessee of a motor vehicle shall,

(a) operate the motor vehicle; or

(b) cause or permit the motor vehicle to be operated,

on a highway unless the motor vehicle is insured under a contract of automobile insurance. 1994, c. 11, s. 383; 1996, c. 21, s. 50 (3).

Definition

(2)  For the purposes of subsection (1), where a permit for a motor vehicle has been issued under subsection 7 (7) of theHighway Traffic Act,

“contract of automobile insurance”, with respect to that motor vehicle, means a contract of automobile insurance made with an insurer. R.S.O. 1990, c. C.25, s. 2 (2).

Offence

(3)  Every owner or lessee of a motor vehicle who,

(a) contravenes subsection (1) of this section or subsection 13 (11); or

(b) surrenders an insurance card for inspection to a police officer, when requested to do so, purporting to show that the motor vehicle is insured under a contract of automobile insurance when the motor vehicle is not so insured,

is guilty of an offence and is liable on a first conviction to a fine of not less than $5,000 and not more than $25,000 and on a subsequent conviction to a fine of not less than $10,000 and not more than $50,000 and, in addition, his or her driver’s licence may be suspended for a period of not more than one year. R.S.O. 1990, c. C.25, s. 2 (3); 1996, c. 21, s. 50 (4); 2002, c. 22, s. 33.

Justice to secure possession of driver’s licence

(4)  Where a justice makes a conviction under subsection (3) and the driver’s licence of the person convicted is suspended by the justice, the justice shall take the driver’s licence and forward it to the Registrar. R.S.O. 1990, c. C.25, s. 2 (4).

Police officer may secure possession

(5)  Where a driver’s licence is suspended under this section and the person to whom the suspension applies refuses or fails to surrender his or her licence to the justice forthwith, any police officer may, and upon the direction of the Registrar shall, take possession of the licence and forward it to the Registrar. R.S.O. 1990, c. C.25, s. 2 (5).

Offence

(6)  Every person who fails or refuses to surrender his or her driver’s licence when required by a police officer under subsection (5) is guilty of an offence and on conviction is liable to a fine of not more than $200. R.S.O. 1990, c. C.25, s. 2 (6); 1996, c. 21, s. 50 (5).

Impounding motor vehicle

(7)  In the event of a conviction under subsection (3), the justice may order that the motor vehicle,

(a) that was operated in contravention of subsection (1);

(b) for which a false statement in respect of insurance was made in contravention of subsection 13 (11); or

(c) for which an insurance card was produced in contravention of clause (3) (b),

shall be seized, impounded and taken into the custody of the law for a period of not more than three months. R.S.O. 1990, c. C.25, s. 2 (7); 2002, c. 22, s. 33.

Cost of storage

(8)  All costs and charges for the care and storage of the motor vehicle are a lien upon the motor vehicle that may be enforced in the manner provided by theRepair and Storage Liens Act. R.S.O. 1990, c. C.25, s. 2 (8).

Release of vehicle on security given by person convicted

(9)  If the person convicted under subsection (3) gives security to the satisfaction of the convicting justice, by bond, recognizance or otherwise, that the motor vehicle will not be operated upon a highway during the period specified by the justice in making an order under subsection (7), the motor vehicle may be released to the person convicted, and if the motor vehicle is operated upon a highway during such period it shall be deemed to have been operated without a permit, as defined in subsection 6 (1) of theHighway Traffic Act. R.S.O. 1990, c. C.25, s. 2 (9); 1996, c. 21, s. 50 (6).

Three-year limitation period

(10)  Proceedings may be commenced at any time within three years after the date on which an offence was, or is alleged to have been, committed under subsection (1) or clause (3) (b) or subsection 13 (11). R.S.O. 1990, c. C.25, s. 2 (10); 2002, c. 22, s. 33.

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

1994, c. 11, s. 383 - 31/12/1991; 1996, c. 21, s. 50 (3-6) - 01/11/1996

[2002, c. 22, s. 33](http://www.ontario.ca/laws/statute/S02022" \l "s33) - 01/07/2010

Operator to carry insurance card

**3** (1)  An operator of a motor vehicle on a highway shall have in the motor vehicle at all times,

(a) an insurance card for the motor vehicle; or

(b) an insurance card evidencing that the operator is insured under a contract of automobile insurance,

and the operator shall surrender the insurance card for reasonable inspection upon the demand of a police officer. R.S.O. 1990, c. C.25, s. 3 (1).

Excluded driver to carry insurance card

(2)  Despite subsection (1), an operator of a motor vehicle who is named as an excluded driver under the contract of automobile insurance under which the vehicle is insured shall have in the vehicle at all times an insurance card evidencing that the operator is a named insured under another contract of automobile insurance, and the operator shall surrender the insurance card for reasonable inspection upon the demand of a police officer. R.S.O. 1990, c. C.25, s. 3 (2).

Offence

(3)  A person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than $400. R.S.O. 1990, c. C.25, s. 3 (3); 1996, c. 21, s. 50 (7).

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

1996, c. 21, s. 50 (7) - 01/11/1996

Particulars to be disclosed

**4** (1)  An operator of a motor vehicle on a highway who is directly or indirectly involved in an accident shall, on the request of any person directly or indirectly involved in the accident, disclose to the person the particulars of the contract of automobile insurance insuring the motor vehicle. R.S.O. 1990, c. C.25, s. 4 (1).

Definition

(2)  For the purposes of subsection (1),

“particulars of the contract of automobile insurance” means,

(a) the name and address of the insured,

(b) the make, model and serial number of the insured vehicle,

(c) the effective date and expiry date of the contract,

(d) the name of the insurer,

(e) the name of the insurer’s agent, if any, and

(f) the policy number of the contract. R.S.O. 1990, c. C.25, s. 4 (2).

Offence

(3)  A person who contravenes subsection (1) is guilty of an offence and on conviction is liable to a fine of not more than $400. 1993, c. 10, s. 52 (2); 1996, c. 21, s. 50 (8).

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

1993, c. 10, s. 52 (2) - 01/01/1994; 1996, c. 21, s. 50 (8) - 01/11/1996

Obligations of agents

**5** An agent shall,

(a) provide to an owner or lessee of a motor vehicle who is a resident of Ontario an application for automobile insurance; and

(b) submit to an insurer a completed application for automobile insurance,

when requested to do so by the owner or lessee of a motor vehicle. R.S.O. 1990, c. C.25, s. 5; 1996, c. 21, s. 50 (9).

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

1996, c. 21, s. 50 (9) - 01/11/1996

Insurance card to be issued

**6** (1)  An insurer shall issue, or cause its agent to issue, an insurance card to a person with whom a contract of automobile insurance is made or whose contract of automobile insurance is renewed. R.S.O. 1990, c. C.25, s. 6 (1).

Misrepresentations

(2)  No insurer or its agent shall, on an insurance card, specify an effective date earlier than the date on which the contract of automobile insurance was actually made or misrepresent in any other way the particulars of the automobile insurance. R.S.O. 1990, c. C.25, s. 6 (2).

Facility Association continued

**7** (1)  The unincorporated non-profit association of insurers known as the Facility Association is continued under the name Facility Association in English and under the name Association des assureurs in French. R.S.O. 1990, c. C.25, s. 7 (1).

Membership

(2)  Every insurer is a member of the Association. 1993, c. 10, s. 52 (3).

The Plan

(3)  The Association shall, in its articles of association, establish a plan, to be known as the Plan of Operation, for providing a contract of automobile insurance to owners, lessees and licensed drivers of motor vehicles who, but for the Plan, would be unable to obtain such insurance. R.S.O. 1990, c. C.25, s. 7 (3); 1996, c. 21, s. 50 (10).

Compliance with Plan, etc.

(3.1)  Every member of the Association shall comply with the Plan and the articles of association, by-laws, rules and resolutions of the Association. 1993, c. 10, s. 52 (4).

Duty of Association

(4)  The Association shall ensure, through its members, that a contract of automobile insurance is provided with respect to every application for automobile insurance submitted under the Plan to an insurer under clause 5 (b). R.S.O. 1990, c. C.25, s. 7 (4).

Agents bound by articles of association, etc.

(5)  Where an agent submits an application under the Plan to an insurer, the agent shall be bound by the applicable articles of association and by-laws of the Association. R.S.O. 1990, c. C.25, s. 7 (5).

Risk sharing

(6)  The Plan may include provisions with respect to the establishment and operation of a risk sharing pool for members of the Association. 1993, c. 10, s. 52 (5).

Catastrophic claims

(6.1)  The Plan may include provisions with respect to the establishment and operation of a catastrophic claims fund for members of the Association. 1993, c. 10, s. 52 (5).

Actions by and against Association

(7)  The Association may, in its name,

(a) Repealed: 1993, c. 10, s. 52 (6).

(b) sue and be sued. R.S.O. 1990, c. C.25, s. 7 (7); 1993, c. 10, s. 52 (6).

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

1993, c. 10, s. 52 (3-6) - 01/01/1994; 1996, c. 21, s. 50 (10) - 01/11/1996

Board of directors

**8** (1)  The affairs of the Association shall be administered by a board of directors established in accordance with its articles of association. R.S.O. 1990, c. C.25, s. 8 (1).

Information to be provided to Chief Executive Officer

(2)  The Association shall notify the Chief Executive Officer of the names and residence addresses of the persons elected or appointed as officers and directors of the Association forthwith after such election or appointment, and such names and addresses may be made available to the public by the Chief Executive Officer. R.S.O. 1990, c. C.25, s. 8 (2); 1997, c. 28, s. 29; 2018, c. 8, Sched. 4, s. 3.

Service on Association

(3)  Service on the directors or officers of the Association, or any of them, is good and sufficient service on the Association, and such service may be by personal service or by registered mail. R.S.O. 1990, c. C.25, s. 8 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 8 (3) of the Act is amended by striking out “and such service may be by personal service or by registered mail” at the end. (See: 2019, c. 7, Sched. 12, s. 1 (1))

Idem

(4)  Where service on the Association is made by registered mail on a director or officer of the Association under subsection (3), the service shall be deemed to have been made on the fifth day after the day of mailing unless the notice is not delivered or the director or officer to whom notice is given establishes that he or she did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice until a later date. R.S.O. 1990, c. C.25, s. 8 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 8 (4) of the Act is repealed. (See: 2019, c. 7, Sched. 12, s. 1 (2))

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

1997, c. 28, s. 29 - 01/07/1998

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

[2019, c. 7, Sched. 12, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S19007" \l "sched12s1s1) - not in force

By-laws

**9** (1)  The Association may pass by-laws relating to its affairs and not inconsistent with this Act or the regulations,

(a) providing for the execution of documents by the Association;

(b) respecting banking and finance;

(c) fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;

(d) providing for the appointment and remuneration of officers and employees of the Association;

(e) respecting the calling, holding and conducting of meetings of the Association and the duties of members of the Association;

(f) delegating to an operating committee such powers and duties of the board of directors as are set out in the by-law, other than the power to make, amend or revoke by-laws;

(g) prescribing forms and providing for their use;

(h) respecting management of the property of the Association;

(i) respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required and for the safekeeping of its securities;

(j) imposing assessments on members of the Association for the purpose of meeting the operating costs of the Association and the Plan and providing for the collection of such assessments;

(k) prescribing rules and procedures related to the operation of the Plan; and

(l) respecting all of the things that are considered necessary for the operation of the Plan, the attainment of the objects of the Association and the efficient conduct of its affairs. R.S.O. 1990, c. C.25, s. 9 (1).

Articles of association

(2)  Any power of the Association that may be exercised by by-law under subsection (1) may be provided for in the articles of association of the Association. R.S.O. 1990, c. C.25, s. 9 (2).

Filing of by-laws and amendments

**10** (1)  The Association shall file with the Chief Executive Officer every by-law and every amendment, revision or consolidation of the Plan or of the articles of association, by-laws, rules or resolutions of the Association at least thirty days before the effective date of the by-law or of the amendment, revision or consolidation. 1993, c. 10, s. 52 (7); 1997, c. 28, s. 29; 2018, c. 8, Sched. 4, s. 3.

Approval of Chief Executive Officer

(2)  No by-law and no amendment, revision or consolidation of the Plan or of the articles of association, by-laws, rules or resolutions of the Association shall come into effect unless it is approved by the Chief Executive Officer. 1993, c. 10, s. 52 (7); 1997, c. 28, s. 29; 2018, c. 8, Sched. 4, s. 3.

Rates

(3)  The Association may prepare rates in respect of contracts provided under the Plan. R.S.O. 1990, c. C.25, s. 10 (3).

Idem

(4)  Rates prepared under subsection (3) do not come into effect until approved under the *Insurance Act*. R.S.O. 1990, c. C.25, s. 10 (4); 1997, c. 28, s. 31.

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

1993, c. 10, s. 52 (7) - 01/01/1994; 1997, c. 28, s. 29, 31 - 01/07/1998

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

Investigatory powers

**11** The Chief Executive Officer has the same powers in respect of the Association that the Chief Executive Officer has in respect of an insurer under sections 442.1, 442.2, 442.3, 443 and 444 of the Insurance Act. 1993, c. 10, s. 52 (8); 1997, c. 28, s. 29; 2014, c. 7, Sched. 6, s. 1; 2018, c. 8, Sched. 4, s. 3.

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

1993, c. 10, s. 52 (8) - 01/01/1994; 1997, c. 28, s. 29 - 01/07/1998

[2014, c. 7, Sched. 6, s. 1](http://www.ontario.ca/laws/statute/S14007" \l "sched6s1) - 24/07/2014

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

Annual report

**11.1**  The Chief Executive Officer shall make an annual report to the Minister of Finance on the affairs of the Association and the Minister shall then lay the report before the Assembly if it is in session or, if not, at the next session. 1993, c. 10, s. 52 (8); 1997, c. 28, s. 29; 2018, c. 8, Sched. 4, s. 3.

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

1993, c. 10, s. 52 (8) - 01/01/1994; 1997, c. 28, s. 29 - 01/07/1998

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

Termination of contracts of insurance

**12** (1)  Where a contract of automobile insurance has been in effect for more than sixty days, the insurer may only terminate the contract for one or more of the following reasons:

1. Non-payment of, or any part of, the premium due under the contract or of any charge under any agreement ancillary to the contract.

2. The insured has given false particulars of the described automobile to the prejudice of the insurer.

3. The insured has knowingly misrepresented or failed to disclose in an application for insurance any fact required to be stated therein.

4. For a material change of risk within the meaning of the statutory conditions referred to in section 234 of the *Insurance Act*. R.S.O. 1990, c. C.25, s. 12 (1); 1993, c. 10, s. 52 (9, 10).

Exception

(2)  Subsection (1) does not apply to,

(a) an insurer running off its business, where the insurer has specific approval of the Chief Executive Officer to cancel a contract; or

(b) a contract in respect of a motor vehicle used in the course of carrying on a business, trade or profession. R.S.O. 1990, c. C.25, s. 12 (2); 1997, c. 28, s. 29; 2018, c. 8, Sched. 4, s. 3.

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

1993, c. 10, s. 52 (9, 10) - 01/01/1994; 1997, c. 28, s. 29 - 01/07/1998

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

Validation or transfer of permits

**13** (1)  No person shall apply for the issuance, validation or transfer of a permit for a motor vehicle unless the motor vehicle is insured under a contract of automobile insurance. 2002, c. 22, s. 34.

Ministry to be satisfied of insurance

(2)  The Ministry of Transportation shall not issue, validate or transfer a permit for a motor vehicle unless it is satisfied that, at the time that the application for the issuance, validation or transfer is made, the motor vehicle is insured under a contract of automobile insurance. 2002, c. 22, s. 34.

Minister may require information

(3)  The following persons shall, upon the request of the Minister of Transportation, give the Registrar such information as may be prescribed, including personal information, for any purpose related to this Act or any provision of the Highway Traffic Act concerning automobile insurance, subject to such conditions as may be prescribed:

1. A particular insurer.

2. Every insurer in a prescribed class of insurers.

3. A particular person.

4. Every person in a prescribed class of persons. 2002, c. 22, s. 34.

Collection of information on Minister’s behalf

(4)  The Minister of Transportation may enter into agreements authorizing one or more persons to collect and keep information provided under subsection (3) on behalf of the Registrar, and require those persons to provide the information to the Registrar. 2002, c. 22, s. 34.

Format of information

(5)  The Minister of Transportation may require that information provided or kept under subsection (3) or (4) be in any format that the Minister considers appropriate, and be provided by any means that the Minister considers appropriate. 2002, c. 22, s. 34.

Verifying accuracy

(6)  The Minister of Transportation may verify the accuracy of information provided or kept under subsection (3) or (4) by comparing the information with information that is collected under the authority of the Highway Traffic Act. 2002, c. 22, s. 34.

Use of information for other purposes

(7)  Nothing in this section limits or controls the collection, use or disclosure of, or access to, any information provided to a person authorized under subsection (4), for any purpose other than one set out in this section. 2002, c. 22, s. 34.

Proof of insurance

(8)  Despite anything in this Act or the Highway Traffic Act, the Ministry of Transportation may require a person who applies for the issuance, validation or transfer of a permit for a motor vehicle to do any or all of the following:

1. Certify in a form approved by the Chief Executive Officer that the motor vehicle is insured under a contract of automobile insurance.

2. Produce for inspection an insurance card for the motor vehicle.

3. Produce for inspection any other evidence that is satisfactory to the Ministry of Transportation that the motor vehicle is insured under a contract of automobile insurance. 2002, c. 22, s. 34; 2018, c. 8, Sched. 4, s. 3.

Ministry of Transportation may rely on information

(9)  The Ministry of Transportation, for the purpose of determining that it is satisfied under subsection (2), may rely on information obtained pursuant to this section. 2002, c. 22, s. 34.

No liability

(10)  Where the Ministry of Transportation has relied on information obtained pursuant to this section, the Crown, the Minister of Transportation, the Ministry, the Registrar and the employees, officers and agents of the Minister or the Ministry are not liable in any action relating to the issuance, validation or transfer of a permit for a motor vehicle that arises out of that reliance or any failure or refusal to issue, validate or transfer a permit that arises out of that reliance. 2002, c. 22, s. 34.

Offence for false statement

(11)  No person shall, in certifying under paragraph 1 of subsection (8) that a motor vehicle is insured under a contract of automobile insurance, make a statement that he or she knows or ought to know is false. 2002, c. 22, s. 34.

Definition

(12)  In this section,

“contract of automobile insurance” means a contract of automobile insurance made with an insurer. 2002, c. 22, s. 34.

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

[2002, c. 22, s. 34](http://www.ontario.ca/laws/statute/S02022" \l "s34) - 01/07/2010

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

Possession, use, sale, etc., of false or invalid insurance card

**13.1**(1)  No person shall,

(a) have a false or invalid insurance card in his or her possession that he or she knows or ought to know is false or invalid;

(b) use a false or invalid insurance card that he or she knows or ought to know is false or invalid;

(c) sell, give, deliver or distribute a false or invalid insurance card that he or she knows or ought to know is false or invalid; or

(d) produce for inspection any other evidence, that he or she knows or ought to know is false or invalid, that the motor vehicle is insured under a contract of automobile insurance. 2002, c. 22, s. 34.

Offence

(2)  A person who contravenes this section is guilty of an offence and is liable on a first conviction to a fine of not less than $10,000 and not more than $50,000 and on a subsequent conviction to a fine of not less than $20,000 and not more than $100,000. 2002, c. 22, s. 34.

Definition

(3)  In this section,

“contract of automobile insurance” means a contract of automobile insurance made with an insurer. 2002, c. 22, s. 34.

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

1996, c. 21, s. 50 (11) - 01/11/1996

[2002, c. 22, s. 34](http://www.ontario.ca/laws/statute/S02022" \l "s34) - 01/07/2010

Evidence in certain prosecutions

**13.2**(1)  This section applies with respect to prosecutions for offences under sections 2, 13 and 13.1. 2002, c. 22, s. 34.

Statutory declaration

(2)  A statutory declaration by a person who is identified in the declaration as an officer or employee of an insurer is admissible in evidence as proof, in the absence of evidence to the contrary, that the motor vehicle identified in the declaration was or was not insured by the insurer on the date or dates specified in the declaration. 2002, c. 22, s. 34.

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

[2002, c. 22, s. 34](http://www.ontario.ca/laws/statute/S02022" \l "s34) - 01/07/2010

Definition

**14** (1)  In this section,

“person” includes the Association. 1993, c. 10, s. 52 (11).

General penalty

(2)  Every person who contravenes any provision of this Act or the regulations is guilty of an offence and, except where otherwise provided, on conviction is liable on a first conviction to a fine of not more than $250,000 and on each subsequent conviction to a fine of not more than $500,000. 1993, c. 10, s. 52 (11); 2012, c. 8, Sched. 8, s. 1.

Insurers, Association

(3)  If an insurer or the Association is convicted of an offence under subsection (2), the fine shall not be less than $5,000. 1993, c. 10, s. 52 (11).

Directors, officers, etc.

(4)  Every director, officer or chief agent of an insurer or the Association is guilty of an offence who,

(a) caused, authorized, permitted or participated in the insurer or Association committing an offence to which subsection (2) applies; or

(b) failed to take reasonable care to prevent the insurer or Association from committing an offence to which subsection (2) applies. 1993, c. 10, s. 52 (11).

Penalty

(5)  On conviction for an offence under subsection (4), the person convicted is liable on a first conviction to a fine of not more than $100,000 and on a subsequent conviction to a fine of not more than $200,000. 1993, c. 10, s. 52 (11).

Application

(6)  Subsection (4) applies whether or not the insurer or Association has been prosecuted for or convicted of an offence to which subsection (2) applies. 1993, c. 10, s. 52 (11).

Restitution

(7)  A court that convicts a person of an offence to which this section applies may, in addition to any other penalty, order the person to make compensation or restitution in relation to the offence. 1993, c. 10, s. 52 (11).

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

1993, c. 10, s. 52 (11) - 01/01/1994

[2012, c. 8, Sched. 8, s. 1](http://www.ontario.ca/laws/statute/S12008" \l "sched8s1) - 01/01/2013

Suspension or cancellation of licence

**14.1**  (1)  In addition to any penalty under this Act, if an insurer contravenes this Act, the Chief Executive Officer may suspend or cancel the insurer’s licence issued under the *Insurance Act*. 1997, c. 28, s. 32; 2018, c. 8, Sched. 4, s. 3.

Hearing

(2)  If the Chief Executive Officer intends to suspend or cancel the licence of an insurer, the procedure set out in section 58 of the *Insurance Act* applies to the suspension or cancellation, as the case may be. 1997, c. 28, s. 32; 2018, c. 8, Sched. 4, s. 3.

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

1997, c. 28, s. 32 - 01/07/1998

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

Definitions

**14.2**In sections 14.3 to 14.7 and subsection 15 (3),

“person” includes the Association; (“personne”)

“requirement established under this Act” means,

(a) a requirement imposed by a provision of this Act that is prescribed for the purpose of section 14.4 or 14.5 or by a provision of a regulation that is prescribed for the purpose of either of those sections,

(b) a requirement imposed by order, or

(c) an obligation assumed by way of undertaking. (“exigence établie en vertu de la présente loi”) 2012, c. 8, Sched. 8, s. 2.

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

[2012, c. 8, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched8s2) - 01/01/2013

Administrative penalties

**14.3**  (1)  An administrative penalty may be imposed under section 14.4 or 14.5 for either of the following purposes:

1. To promote compliance with the requirements established under this Act.

2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening or failing to comply with a requirement established under this Act. 2012, c. 8, Sched. 8, s. 2.

Same

(2)  An administrative penalty may be imposed alone or in conjunction with any other regulatory measure provided by this Act, including an order under section 14.1 for the suspension or cancellation of an insurer’s licence. 2012, c. 8, Sched. 8, s. 2.

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

[2012, c. 8, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched8s2) - 01/01/2013

General administrative penalties

**14.4**  (1)  If the Chief Executive Officer is satisfied that a person is contravening or not complying with or has contravened or failed to comply with any of the following, the Chief Executive Officer may, by order, impose an administrative penalty on the person in accordance with this section and the regulations:

1. A provision of this Act or the regulations as may be prescribed.

2. A requirement or obligation described in clause (b) or (c) of the definition of “requirement established under this Act” in section 14.2. 2012, c. 8, Sched. 8, s. 2; 2018, c. 8, Sched. 4, s. 3.

Procedure

(2)  If the Chief Executive Officer proposes to impose an administrative penalty under subsection (1), the procedure set out in section 441.3 of the Insurance Act applies, with necessary modifications. 2012, c. 8, Sched. 8, s. 2; 2018, c. 8, Sched. 4, s. 3.

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

[2012, c. 8, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched8s2) - 01/01/2013

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

Summary administrative penalties

**14.5**(1)  If the Chief Executive Officer is satisfied that a person is contravening or not complying with or has contravened or failed to comply with a provision of this Act or the regulations as may be prescribed, the Chief Executive Officer may, by order, impose an administrative penalty on the person in accordance with this section and the regulations. 2012, c. 8, Sched. 8, s. 2; 2018, c. 8, Sched. 4, s. 3.

Procedure

(2)  The procedure set out in section 441.4 of the Insurance Act applies, with necessary modifications, to the imposition of an administrative penalty under subsection (1). 2012, c. 8, Sched. 8, s. 2.

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

[2012, c. 8, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched8s2) - 01/01/2013

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

Maximum administrative penalties

**14.6**(1)  An administrative penalty imposed under section 14.4 shall not exceed the following amounts:

1. For a contravention or failure to comply by a person, other than an individual, $200,000 or such lesser amount as may be prescribed for a prescribed requirement established under this Act.

2. For a contravention or failure to comply by an individual, $100,000 or such lesser amount as may be prescribed for a prescribed requirement established under this Act. 2012, c. 8, Sched. 8, s. 2.

Same

(2)  An administrative penalty imposed under section 14.5 shall not exceed $25,000 or such lesser amount as may be prescribed for a prescribed requirement established under this Act. 2012, c. 8, Sched. 8, s. 2.

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

[2012, c. 8, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched8s2) - 01/01/2013

Enforcement of administrative penalties

**14.7**Section 441.6 of the Insurance Act applies, with necessary modifications, with respect to the payment and enforcement of administrative penalties imposed under this Act. 2012, c. 8, Sched. 8, s. 2.

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

[2012, c. 8, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S12008" \l "sched8s2) - 01/01/2013

Regulations

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

(a) exempting any person or class of persons or vehicle or class of vehicles from this Act or any provision of this Act, subject to such conditions as are set out in the regulations;

(b) prescribing identifying markers for all automobiles licensed in Ontario and providing for their use;

(c) Repealed: 1997, c. 19, s. 2 (2).

(c.1) making amendments to the Plan and to the articles of association, by-laws, rules and resolutions of the Association;

(c.2) prescribing persons, classes of persons, insurers, classes of insurers, information and conditions for the purposes of subsection 13 (3).

(d) Repealed: 1997, c. 19, s. 2 (3).

R.S.O. 1990, c. C.25, s. 15; 1993, c. 10, s. 52 (12); 1996, c. 21, s. 50 (12, 13); 1997, c. 19, s. 2 (2, 3); 2002, c. 22, s. 35.

Regulation under cl. (1) (c.1)

(2)  A regulation shall not be made under clause (1) (c.1) unless the Chief Executive Officer has consulted with the Association on the subject matter of the regulation and has submitted a report on the consultation to the Minister of Finance. 1993, c. 10, s. 52 (13); 1997, c. 28, s. 29; 2018, c. 8, Sched. 4, s. 3.

Regulations, administrative penalties

(3)  The Lieutenant Governor in Council may make regulations governing the administrative penalties that may be imposed under sections 14.4 and 14.5 and, without limiting the generality of the foregoing, may make regulations,

(a) prescribing provisions of this Act or the regulations for the purposes of sections 14.4 and 14.5;

(b) prescribing criteria the Chief Executive Officer is required or permitted to consider when imposing a penalty under section 14.4 or 14.5;

(c) prescribing the amount of a penalty, or the method for calculating the amount of a penalty, and prescribing different penalties or ranges of penalties for different types of contraventions or failures to comply and for different classes of persons;

(d) authorizing the Chief Executive Officer to determine the amount of a penalty, if the amount of the penalty or the method for calculating the amount of the penalty is not prescribed, and prescribing criteria the Chief Executive Officer is required or permitted to consider when determining this;

(e) authorizing a penalty to be imposed for each day or part of a day on which a contravention or failure to comply continues;

(f) authorizing higher penalties (not to exceed the maximum penalty established under section 14.6 or prescribed under clause (j)) for a second or subsequent contravention or failure to comply by a person;

(g) governing the manner of paying the penalties;

(h) requiring that a penalty be paid before a specified deadline or before a deadline specified by the Chief Executive Officer;

(i) authorizing the imposition of late payment fees respecting penalties that are not paid before the deadline, including graduated late payment fees;

(j) prescribing lesser maximum administrative penalties and the requirements established under this Act to which the lesser maximum penalties apply for the purpose of subsection 14.6 (1) or (2). 2012, c. 8, Sched. 8, s. 3; 2018, c. 8, Sched. 4, s. 3.

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

1993, c. 10, s. 52 (12) - 01/01/1998; 1993, c. 10, s. 52 (13) - 01/01/1994; 1996, c. 21, s. 50 (12, 13) - 01/11/1996; 1997, c. 19, s. 2 (2, 3) - 10/10/1997; 1997, c. 28, s. 29 - 01/07/1998

[2002, c. 22, s. 35 (1, 2)](http://www.ontario.ca/laws/statute/S02022" \l "s35s1) - 01/07/2010

[2012, c. 8, Sched. 8, s. 3](http://www.ontario.ca/laws/statute/S12008" \l "sched8s3) - 01/01/2013

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

**15.1**Repealed: 2020, c. 36, Sched. 14, s. 4 (2).

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

[2018, c. 8, Sched. 4, s. 2](http://www.ontario.ca/laws/statute/S18008" \l "sched4s2) - 08/06/2019

[2020, c. 36, Sched. 14, s. 4 (2)](http://www.ontario.ca/laws/statute/S20036" \l "sched14s4s2) - 08/12/2020

Forms

**16** (1)  The Chief Executive Officer may approve forms for the purposes of this Act and the forms may provide for such information to be furnished as the Chief Executive Officer may require. 1997, c. 19, s. 2 (4); 1997, c. 28, s. 33 (2); 2018, c. 8, Sched. 4, s. 3.

Electronic forms

(2)  The Chief Executive Officer may approve an electronic version of a form. 1997, c. 19, s. 2 (4); 1997, c. 28, s. 33 (2); 2018, c. 8, Sched. 4, s. 3.

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

1997, c. 19, s. 2 (4) - 10/10/1997; 1997, c. 28, s. 33 (2) - 01/07/1998

[2018, c. 8, Sched. 4, s. 3](http://www.ontario.ca/laws/statute/S18008" \l "sched4s3) - 08/06/2019

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