

RULES WHEN A DRIVER IS CHARGED WITH A DRIVING OFFENCE

RULE 20

RULE 20(1)

20. (1) For the purposes of this Regulation, a driver is considered to be charged with a driving offence,

RULE 20(1)(A)

(a) if, as a result of the incident, the driver is charged with operating the automobile while his or her ability to operate the automobile was impaired by alcohol or a drug or by a combination of alcohol and a drug;

RULE 20(1)(B)

(b) if, as a result of the incident, the driver is charged with driving while his or her blood alcohol level or blood drug concentration level exceeded the limits permitted by law;

RULE 20(1)(C)

(c) if, as a result of the incident, the driver is charged with an indictable offence related to the operation of the automobile;

RULE 20(1)(D)

(d) if the driver, as a result of the incident, is asked to provide a breath sample or a sample of a bodily substance and he or she is charged with failing or refusing to provide the sample;

RULE 20(1)(E)

(e) if the driver, as a result of the incident, is asked to perform physical coordination tests or submit to an evaluation and he or she is charged with failing or refusing to comply with the demand; or

RULE 20(1)(F)

(f) if, as a result of the incident, the driver is charged with exceeding the speed limit by 16 or more kilometres per hour. O. Reg. 445/18, s. 1.

RULE 20(2)

(2) The degree of fault of the insured shall be determined in accordance with the ordinary rules of law, and not in accordance with these rules,

RULE 20(2)(A)

(a) if the driver of automobile "A" involved in the incident is charged with a driving offence; and

RULE 20(2)(B)

(b) if the driver of automobile "B" is wholly or partly at fault, as otherwise determined under these rules, for the incident. R.R.O. 1990, Reg. 668, s. 20 (2).