

Highway Traffic Act Code de la route

ONTARIO REGULATION 339/94 DEMERIT POINT SYSTEM

Consolidation Period: From January 1, 2016 to the [e-Laws currency date](#).

Last amendment: O. Reg. 403/15.

This Regulation is made in English only.

INTERPRETATION

1. (1) In this Regulation,

“accumulated demerit points” means the total demerit points in a person’s record acquired as a result of offences committed within any period of two years, less any points deducted for that period under this Regulation. O. Reg. 339/94, s. 1 (1); O. Reg. 204/10, s. 1 (1).

(2) A reference in this Regulation to a class of driver’s licence is a reference to the class of licence as prescribed in Ontario Regulation 340/94. O. Reg. 339/94, s. 1 (2).

(3) A reference in this Regulation to “fully licensed driver”, “level 1 exit test”, “level 2 exit test”, “novice driver” and “valid driver’s licence” is a reference to those expressions as defined in Ontario Regulation 340/94. O. Reg. 339/94, s. 1 (3).

(4) A reference in this Regulation to the surrender of a licence does not include the surrender of a licence card that has been marked by the Ministry as valid only to show the driver’s photograph. O. Reg. 339/94, s. 1 (4); O. Reg. 204/10, s. 1 (2).

(5) The short descriptions in Column 3 of the Table to this Regulation indicate, for convenience of reference only, the general nature of the offences under the provisions in Column 1 of the Table and shall not be construed to limit the offences for which demerit points are imposed. O. Reg. 339/94, s. 1 (5).

GENERAL

2. If a person is convicted of an offence under a provision of an Act, regulation or municipal by-law set out in Column 1 of the Table to this Regulation and the penalty imposed by the court for the conviction does not include a period of licence suspension, the Registrar shall record in respect of the person, as of the date of commission of the offence, the number of demerit points set out opposite thereto in Column 2. O. Reg. 339/94, s. 2.

3. (1) If a person is convicted of an offence or two or more offences arising out of the same circumstances and the penalty imposed by the court includes a period of licence suspension, no demerit points shall be recorded. O. Reg. 204/10, s. 2.

(2) If a person is convicted of two or more offences arising out of the same circumstances and the penalty imposed by the court does not include a period of licence suspension, demerit points shall only be recorded for the conviction carrying the greatest number of points. O. Reg. 204/10, s. 2.

4. (1) If a resident of Ontario is convicted or forfeits bail in another province or territory of Canada or in one of the states of the United States of America for an offence that, in the opinion of the Registrar, is in substance and effect equivalent to an offence for which demerit points would be recorded upon conviction in Ontario, the Registrar may record the demerit points for the conviction as if the conviction had been entered or the bail forfeited in Ontario for the equivalent offence. O. Reg. 339/94, s. 4 (1).

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

“conviction” includes a plea of guilty or a finding of guilt. O. Reg. 339/94, s. 4 (2).

(3) Any accumulated demerit points of a new Ontario resident who becomes a fully licensed driver or a novice driver here, including a person classed as a novice driver under subsection 28 (1) of Ontario Regulation 340/94 shall be reduced, from the day on which he or she becomes a fully licensed driver or a novice driver,

(a) to seven, if the driver becomes a fully licensed driver and his or her accumulated demerit points total eight or more;

(b) to four, if the driver becomes a novice driver and his or her accumulated demerit points total five or more. O. Reg. 339/94, s. 4 (3); O. Reg. 204/10, s. 3.

(4) After a reduction under subsection (3), the accumulated demerit points that remain shall be those recorded for the most recently committed offences. O. Reg. 339/94, s. 4 (4).

5. (1) If a person convicted of an offence set out in Column 1 of the Table appeals the conviction and notice of the appeal is served on the Registrar, the conviction and the demerit points related to it shall not be entered on the person's record unless the conviction is sustained on appeal. O. Reg. 339/94, s. 5 (1).

(2) If a conviction referred to in subsection (1) and related demerit points have been recorded prior to service of notice of an appeal on the Registrar, the conviction and demerit points shall be removed from the record, and any suspension imposed as a result of the conviction shall be stayed, as of the date notice is served on the Registrar, unless the conviction is sustained on appeal. O. Reg. 339/94, s. 5 (2).

6. (1) The notice of suspension sent to a person in respect of a suspension under this Regulation shall state the effective date of the suspension. O. Reg. 124/01, s. 1.

(2) REVOKED: O. Reg. 124/01, s. 1.

(3) The period of licence suspension is concurrent with the unexpired portion of any other licence suspension under this or any other authority. O. Reg. 339/94, s. 6 (3).

DEMERIT POINTS: FULLY LICENSED DRIVERS

7. (1) If a person who is a fully licensed driver in Ontario in one or more licence classes or a person who is not a resident of Ontario has six, seven or eight accumulated demerit points, the Registrar shall mail a notice setting out the number of points to the person at his or her latest address appearing on the records of the Ministry. O. Reg. 339/94, s. 7 (1).

(2) A failure to give notice under subsection (1) does not render any further proceeding under this Regulation ineffective. O. Reg. 339/94, s. 7 (2).

8. (1) If a person who is a fully licensed driver in Ontario in one or more licence classes or a person who is not a resident of Ontario has 9, 10, 11, 12, 13 or 14 accumulated demerit points, the Registrar may require the person to attend an interview before a Ministry official and to provide information or other evidence to show cause why his or her driver's licence should not be suspended. O. Reg. 339/94, s. 8 (1).

(2) The Minister may suspend or cancel the person's driver's licence,

(a) if the person fails to attend the required interview; or

(b) if the person does not comply with the Ministry's requirements as a result of the interview; or

(c) if, in the Minister's opinion, the person has not shown cause at the interview why the licence should not be suspended. O. Reg. 339/94, s. 8 (2); O. Reg. 204/10, s. 4.

(2.1) The Minister may cancel the person's driver's licence if the person fails to pay a fee required under subsection 56 (4) of the Act. O. Reg. 403/15, s. 1.

(3) A licence suspended under subsection (2) shall not be reinstated until such period as the Minister considers advisable has elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 8 (3).

9. (1) If a person who is a fully licensed driver in Ontario in one or more licence classes or a person who is not a resident of Ontario has 15 or more accumulated demerit points, the Registrar shall, after giving notice, suspend the person's driver's licence. O. Reg. 339/94, s. 9 (1).

(2) A licence suspended under subsection (1) shall not be reinstated until,

(a) in the case of a first suspension, 30 days have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first; or

(b) in the case of a subsequent suspension, six months have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 9 (2).

(3) For the purpose of clause (2) (b), a suspension is a subsequent suspension only if it occurs as a result of a conviction for an offence committed within two years after the expiry of a prior suspension under this section. O. Reg. 339/94, s. 9 (3).

(4) If a suspension is imposed on a person who, at the time of the suspension, is a fully licensed driver in Ontario in one or more licence classes or a person who is not a resident of Ontario, the person's accumulated demerit points for convictions for offences that occurred prior to the effective date of the suspension shall be reduced to seven on that date and the remaining points shall be those recorded for the most recently committed offences. O. Reg. 339/94, s. 9 (4).

10.-14. REVOKED: O. Reg. 204/10, s. 5.

DEMERIT POINTS: NOVICE DRIVERS

15. (1) The Registrar shall mail a notice to a novice driver at his or her latest address on the records of the Ministry setting out the reason for the notice, the circumstances under which his or her licence may be suspended and any other action the Ministry may take if, within any two-year period, the novice driver accumulates two, three, four or five demerit points. O. Reg. 204/10, s. 6.

(2) A failure to give notice under subsection (1) does not render any further proceeding under this Regulation ineffective. O. Reg. 204/10, s. 6.

16. (1) The Registrar may require a novice driver to attend an interview before a Ministry official at a designated time and place if, within any two-year period, the novice driver accumulates six, seven or eight demerit points. O. Reg. 204/10, s. 7 (1).

(2) The Minister may suspend or cancel the person's driver's licence,

(a) if the person does not attend the required interview;

(b) if the person does not comply with the Ministry's requirements as a result of the interview; or

(c) if, in the Minister's opinion, the person has not shown cause at the interview why the licence should not be suspended. O. Reg. 339/94, s. 16 (2); O. Reg. 204/10, s. 7 (2).

(2.1) The Minister may cancel the person's driver's licence if the person fails to pay a fee required under subsection 56 (4) of the Act. O. Reg. 403/15, s. 2.

(3) A licence suspended under subsection (2) shall not be reinstated until such period as the Registrar considers advisable has elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 16 (3).

17. (1) If a novice driver has nine or more accumulated demerit points, the Registrar shall, after giving notice, suspend his or her driver's licence. O. Reg. 339/94, s. 17 (1).

(2) A licence suspended under subsection (1) shall not be reinstated until,

(a) in the case of a first suspension, 60 days have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first; or

(b) in the case of a subsequent suspension, six months have elapsed from the date the licence was surrendered on account of the suspension or two years have elapsed from the date of the suspension, whichever occurs first. O. Reg. 339/94, s. 17 (2).

(3) For the purpose of clause (2) (b), a suspension is a subsequent suspension only if it occurs as a result of a conviction for an offence committed within two years after the expiry of a prior suspension under this section. O. Reg. 339/94, s. 17 (3).

(4) If a suspension is imposed on a person who, at the time of the suspension, is a novice driver, the person's accumulated demerit points for convictions for offences that occurred prior to the effective date of the suspension shall be reduced to four on that date and the remaining points shall be those recorded in respect of the most recently committed offences. O. Reg. 339/94, s. 17 (4).

(5) If a suspension is imposed on a person who, at the time of the suspension, is no longer a novice driver, the person's accumulated demerit points for convictions for offences that occurred prior to the effective date of the suspension shall be reduced to seven on that date and the remaining points shall be those recorded in respect of the most recently committed offences. O. Reg. 339/94, s. 17 (5).

18. (1) Sections 7 to 9 apply, and not sections 15, 16 and 17, to a driver who holds a licence that includes more than one licence class, only one of which is novice class, if he or she is a fully licensed driver in the other licence class or classes. O. Reg. 339/94, s. 18 (1).

(2) REVOKED: O. Reg. 204/10, s. 8.

19. OMITTED (REVOKES OTHER REGULATIONS). O. Reg. 339/94, s. 19.

20. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS REGULATION). O. Reg. 339/94, s. 20.

TABLE

Item	Column 1 Provisions for Offences	Column 2 Number of Demerit Points	Column 3 Short Description of Offences for Convenience of Reference only
1	Section 200 of the <i>Highway Traffic Act</i>	7	Failing to remain at scene of accident
1.1	Section 216 of the <i>Highway Traffic Act</i> , except where a suspension order is made under subsection 216 (3)	7	Driver failing to stop when signalled or requested to stop by a police officer
2	Section 130 of the <i>Highway Traffic Act</i>	6	Careless driving
3	Section 172 of the <i>Highway Traffic Act</i>	6	Racing
4	Section 128 of the <i>Highway Traffic Act</i> ; subsection 13 (3) of Regulation 829 of the Revised Regulations of Ontario, 1990; any provision of the National Capital Commission Traffic and Property Regulations CRC 1978, c. 1044 made under the <i>National Capital Act</i> (Canada) fixing maximum rates of speed and any municipal by-law fixing maximum rates of speed where the rate of speed is exceeded by,		

	(a) 50 km/h or more	6	Exceeding speed limit by 50 km/h or more
	(b) 30 km/h or more and less than 50 km/h	4	Exceeding speed limit by 30 to 49 km/h
	(c) more than 15 km/h and less than 30 km/h	3	Exceeding speed limit by 16 to 29 km/h
5	Subsections 174 (1) and (2) of the <i>Highway Traffic Act</i>	5	Driver of public vehicle or school bus failing to stop at railway crossings
6	Section 164 of the <i>Highway Traffic Act</i>	3	Driving through, around or under railway crossing barrier
7	Subsections 135 (2) and (3), clause 136 (1) (b), subsection 136 (2), subsection 138 (1), subsection 139 (1), subsection 141 (5) and subsections 144 (7), (8) and (21) of the <i>Highway Traffic Act</i>	3	Failing to yield right of way
8	Clause 136 (1) (a), subsections 144 (14), (15), (16), (17), (18) and (21), subsections 146 (3) and (4) and section 163 of the <i>Highway Traffic Act</i> , any municipal by-law requiring a driver to stop for a stop sign or signal light, and the National Capital Commission Traffic and Property Regulations CRC 1978, c. 1044 made under the <i>National Capital Act</i> (Canada) requiring a driver to stop for a stop sign	3	Failing to obey a stop sign, signal light or railway crossing signal
9	Subsection 134 (1) of the <i>Highway Traffic Act</i>	3	Failing to obey directions of police constable
10	Subsection 134 (3) of the <i>Highway Traffic Act</i>	3	Driving or operating a vehicle on a closed highway
11	Subsections 199 (1) and (1.1) of the <i>Highway Traffic Act</i>	3	Failing to report an accident
12	Subsection 148 (8), sections 149, 150 and 166 of the <i>Highway Traffic Act</i>	3	Improper passing
13	Section 154 of the <i>Highway Traffic Act</i>	3	Improper driving where highway divided into lanes
14	Subsections 175 (11) and (12) of the <i>Highway Traffic Act</i>	6	Failing to stop for school bus
15	Section 158 of the <i>Highway Traffic Act</i>	4	Following too closely
16	Section 162 of the <i>Highway Traffic Act</i>	3	Crowding driver's seat
17	Clause 156 (1) (a) of the <i>Highway Traffic Act</i>	3	Drive wrong way – divided highway
18	Clause 156 (1) (b) of the <i>Highway Traffic Act</i>	3	Cross divided highway – no proper crossing provided
19	Section 153 of the <i>Highway Traffic Act</i>	3	Wrong way in one way street or highway
20	Subsection 157 (1) of the <i>Highway Traffic Act</i>	2	Backing on highway
21	Subsections 140 (1), (2) and (3) of the <i>Highway Traffic Act</i>	3	Pedestrian crossover
22	Subsections 148 (1), (2), (4), (5), (6) and (7) of the <i>Highway Traffic Act</i>	2	Failing to share road
23	Subsections 141 (2) and (3) of the <i>Highway Traffic Act</i>	2	Improper right turn
24	Subsections 141 (6) and (7) of the <i>Highway Traffic Act</i>	2	Improper left turn
25	Subsections 142 (1), (2) and (8) of the <i>Highway Traffic Act</i>	2	Failing to signal
26	Section 132 of the <i>Highway Traffic Act</i>	2	Unnecessary slow driving
27	Section 168 of the <i>Highway Traffic Act</i>	2	Failing to lower headlamp beam
28	Subsection 165 (1) of the <i>Highway Traffic Act</i>	3	Improper opening of vehicle door
29	Section 143 and subsection 144 (9) of the <i>Highway Traffic Act</i> and any municipal by-law prohibiting turns	2	Prohibited turns
30	Section 160 of the <i>Highway Traffic Act</i>	2	Towing of persons on toboggans, bicycles, skis, etc., prohibited
31	Subsection 182 (2) of the <i>Highway Traffic Act</i>	2	Failing to obey signs prescribed by regulation under subsection 182 (1)
32	Subsection 106 (2) of the <i>Highway Traffic Act</i>	2	Driver failing to properly wear seat belt
33	Subclause 106 (4) (a) (i) of the <i>Highway Traffic Act</i>	2	Driving while passenger under 16 fails to occupy position with seat belt
33.1	Subclause 106 (4) (a) (ii) of the <i>Highway Traffic Act</i>	2	Driving while passenger under 16 fails to properly wear seat belt
33.2	Clause 106 (4) (b) of the <i>Highway Traffic Act</i>	2	Driving while child passenger not properly secured
34	Subsection 8 (2) of Regulation 613 of the Revised Regulations of Ontario, 1990	2	Driver failing to ensure infant passenger is secured as prescribed
34.1	Subsection 8 (3) of Regulation 613 of the Revised Regulations of Ontario, 1990	2	Driver failing to ensure toddler passenger is secured as prescribed
34.2	Subsection 8 (4) of Regulation 613 of the Revised Regulations of Ontario, 1990	2	Driver failing to ensure child passenger is secured as prescribed
35	Clause 159 (1) (a) of the <i>Highway Traffic Act</i>	3	Failing to stop on right for emergency vehicle
36	Clause 159 (1) (b) of the <i>Highway Traffic Act</i>	3	Failing to stop – nearest curb – for emergency

			vehicle
36.1	Clause 159 (1) (b) of the <i>Highway Traffic Act</i>	3	Failing to stop – nearest edge of roadway – for emergency vehicle
36.2	Subsection 159 (2) of the <i>Highway Traffic Act</i>	3	Failing to slow down and proceed with caution for emergency vehicle or tow truck
36.3	Subsection 159 (3) of the <i>Highway Traffic Act</i>	3	Failing to move into another lane for emergency vehicle or tow truck – if safe to do so
36.4	Subsection 159 (4) of the <i>Highway Traffic Act</i>	3	Following fire department vehicle too closely
37	Subsection 79 (2) of the <i>Highway Traffic Act</i>	3	Motor vehicle equipped with or carrying a speed measuring warning device
38	Subsection 154.1 (3) of the <i>Highway Traffic Act</i>	3	Improper use of high occupancy vehicle lane
39	Subsection 146.1 (3) of the <i>Highway Traffic Act</i>	3	Failing to obey traffic control stop sign
40	Subsection 146.1 (4) of the <i>Highway Traffic Act</i>	3	Failing to obey traffic control slow sign
41	Subsection 176 (3) of the <i>Highway Traffic Act</i>	3	Failing to obey school crossing stop sign
42	Section 78 of the <i>Highway Traffic Act</i>	3	Driving with display screen visible to driver
43	Section 78.1 of the <i>Highway Traffic Act</i>	3	Driving while holding or using hand-held device
44	Subsection 148 (6.1) of the <i>Highway Traffic Act</i>	2	Failing to leave one metre while passing bicycle

O. Reg. 339/94, Table; O. Reg. 164/96, s. 1; O. Reg. 331/97, s. 1; O. Reg. 538/97, s. 1; O. Reg. 637/99, s. 1; O. Reg. 107/03, s. 1; O. Reg. 197/05, s. 1; O. Reg. 596/05, s. 1; O. Reg. 615/05, s. 1; O. Reg. 64/06, s. 1; O. Reg. 521/06, s. 1; O. Reg. 428/09, s. 1; O. Reg. 226/15, s. 1.

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