

Instructions for Driving Instructor's Licence Applicants

With the Introduction of Ontario Regulation 473/07, the province of Ontario has established new guidelines as of December 2007 for applicants who want to become a Driving Instructor. The introduction of the new guidelines will raise the level of standards of instruction in the Beginner Driver Education program and will ensure that only eligible instructors teach beginner drivers.

1. An applicant interested in obtaining a Driving Instructor's Licence should report to the nearest DriveTest Centre. There, the applicant will:

- Pay the \$ 95.00 non-refundable fee.
- Complete necessary application forms.
- Pass a complete "G" test which includes:
 - o Vision Screening
 - o G1 Knowledge Test
 - o G2 Road Test

NOTE: Applicants are disqualified from applying for a driving instructor's licence for a period of one year upon failing their second attempt (within a period of 365 days) at the G1 Knowledge Test (for the purposes of obtaining a Driving Instructor's Licence) or the driving instructor's road test. Disqualified applicants must retake the visual functions and G1 Knowledge Tests, and repay the appropriate fees once the disqualification period has past.

2. A Criminal Record Search will be initiated which will take two to three weeks. After this period of time please contact the number below to determine if the results have been entered on your record. If your Criminal Record Search is not 'cleared' or requires a further review, you will receive a letter from the Ministry of Transportation, Driver Improvement Office.

3. Once you have passed all the class "G" tests and your Criminal Record Search is 'cleared', you may proceed with a MTO-approved Driving Instructor Course.

4. Once you have passed the Driving Instructor Course, the course instructor must sign your application for a Driving Instructor's Licence.

5. To receive your temporary Driving Instructor's Licence, you must take the following to any DriveTest Centre:

- Approved application form (SR-LD-007) with applicable signatures.

6. Providing everything is in order, the appropriate Driving Instructor's Licence fee will be collected and a Temporary Instructor's Licence will be issued.

NOTE: For further information, please contact the ServiceOntario, Driver and Vehicle Licensing Contact Centre at 416-235-2999 or 1-800-387-3445.

Highway Traffic Act R.R.O 1990, Regulation 473/07 Licences for Driving Instructors and Driving Schools

Requirements for driving instructor licence

4. (1) An applicant must satisfy the following requirements for the issue of a driving instructor licence:

1. The applicant has the ability to operate, and to instruct in the safe operation of, a Class G motor vehicle.
2. The applicant meets the requirements of subsection 5(2) of O. Reg. 340/94 to be an accompanying driver, other than by virtue of being licensed as a driving instructor in Ontario.
3. The applicant successfully completed, not more than one year before the date of the application, the examinations referred to in clauses 15(1)(a) and (b) and subsection 15(2) of O. Reg. 340/94.
4. The applicant satisfies the Minister, not more than one year before the date of the application, that he or she meets the requirements of subsection 18(2) of O. Reg. 340/94.
5. The applicant does not have any accumulated demerit points on his or her driving record.
6. The applicant's driver's licence has not been under suspension at any time in the preceding two years,
 - i. as a result of being found guilty or convicted of an offence under section 9 or 53, subsection 128(15) or section 130, subsection 172(2) or section 200 or 216 of the Act,
 - ii. as a result of being found guilty or convicted of an offence under section 2 of the *Compulsory Automobile Insurance Act*,
 - iii. as a result of being found guilty or convicted of an offence under the *Criminal Code* (Canada) committed by means of a motor vehicle or while driving or having the care or control of a motor vehicle, or of a comparable offence in another jurisdiction, or
 - iv. pursuant to section 48 or 48.3 or subsection 172(5) of the Act.
7. The applicant is not, on the date of the application, subject to a charge for an offence under section 151, 162, 163, 163.1, 155, 160, 162, 163, 163.1, 167, 168, 170, 171, 172, 172.1, 212, 271 or 273 of the *Criminal Code* (Canada) or of a comparable offence in another jurisdiction.
8. The applicant has never been convicted or found guilty of an offence under the *Criminal Code* (Canada) listed in paragraph 7, or of a comparable offence in another jurisdiction.
9. The applicant has not been convicted or found guilty in the preceding five years of an offence under the *Criminal Code* (Canada), not including an offence listed in paragraph 7, or of a comparable offence in another jurisdiction.
10. The applicant has never been convicted or found guilty of an offence under section 5, 6 or 7 of the *Controlled Drugs and Substances Act* (Canada) or section 4 or 5 of the *Narcotic Control Act* (Canada), or of a comparable offence in another jurisdiction.
11. The applicant has not been convicted or found guilty in the preceding five years of an offence under the *Controlled Drugs and Substances Act* (Canada) or the *Narcotic Control Act* (Canada), not including an offence listed in paragraph 10, or of a comparable offence in another jurisdiction.
12. The applicant is not subject to a court order, conditions of parole or an undertaking to an officer in charge of prohibiting him or her from,
 - i. possessing a weapon, or
 - ii. being alone with, in the presence of or in proximity to persons under any age that may be specified in the order, conditions or undertaking.
13. The applicant has successfully completed, not more than five years before the date of the application, a course for in-vehicle driving instructors approved by the Minister.
14. Where the applicant has been licensed by another jurisdiction, the applicant's driving record in that jurisdiction is comparable to that required by paragraph 5.
15. The applicant is a fit and proper person to be a driving instructor, having regard to the applicant's character, integrity and past conduct.

(2) The Minister shall refuse to issue a driving instructor licence to a person who does not satisfy the requirements of paragraphs 1 to 16 of subsection (1) and shall serve written notice of the refusal on that person.

Application for driving instructor licence

5. (1) An applicant for a driving instructor licence shall submit, together with the application,

- (a) two photographs of the applicant taken not more than 30 days before the date of the application and dated by the photographer;
- (b) the fees required by subsection 8(1); and
- (c) any other material that the Minister may require as evidence that the applicant satisfied the requirements of subsection 4(1).

(2) An applicant for a driving instructor licence who has twice failed an examination for such licence under subsection 15(2) of O. Reg. 340/94 is not eligible to take the examination again until one year has passed since the last failed examination.

Term of initial driving instructor licence

6. (1) The term of driving instructor licence issued to an applicant for the first time under this Regulation shall be at least 13 months and shall expire on March 31 of the year in which it expires.

(3) Despite subsection (1), a driving instructor licence that is deemed to be issued under section 9 expires on the date set out in the licence that was issued under the old regulation.

Renewal of driving instructor licence

7. (1) Every renewal of a driving instructor licence shall be for a term of three years and shall expire on March 31 of the year in which it expires.

(2) A driving instructor licence that is not renewed within one year after its expiry is not renewable and must be applied for again.

(3) Section 6 applies with necessary modifications to a driving instructor licence that applied for again as required by subsection (2).

Fees

8. (1) The following fees are payable in respect of the issue, renewal or replacement of a driving instructor licence:

1. For examination under clauses 15(1)(a) and (b) and subsection 15(2) of O. Reg. 340/94	\$95
2. For the issue of a driving instructor licence, per month, to the date of its expiry	\$1.25
3. For the renewal of a driving instructor licence	\$45
4. For the replacement of a lost or destroyed driving instructor licence	\$10

(2) The fee under paragraph 1 of subsection (1) is due when the examinations are booked and is payable even if the time booked for taking the examination passes without the examination being taken.

Refusal to renew or revocation of driving instructor licence

10. (1) Subject to section 35, the Minister may refuse to renew or may revoke a driving instructor licence,

- (a) the licensee made a false or inaccurate statement on his or her application for the licence under this Regulation, on his or her application for a licence under the old regulation or on his or her application for renewal of a licence that was issued or deemed to be issued this Regulation;
 - (b) the licensee did not satisfy a requirement of subsection 4(1) at the time the application for the licence was made or the licence was issued;
 - (c) if the licensee holds a licence deemed to be issued under section 9, the licensee did not satisfy a requirement of section 3 of the old regulation at the time the application for a driving instructor's licence was made or the licence was issued under the old regulation or at the time the licence was deemed to be issued under section 9 of this Regulation;
 - (d) at any time while licensed as a driving instructor,
 - (i) under this Regulation,
 - (A) the licensee ceases to meet the requirements of subsection 5(2) of O. Reg. 340/94 to be an accompanying driver, other than by virtue of being licensed as a driving instructor in Ontario,
 - (B) the licensee has more than three accumulated demerit points on his or her driving record,
 - (C) the licensee is convicted or found guilty of an offence under the Criminal Code (Canada) or of a comparable offence in another jurisdiction,
 - (D) the licensee is convicted or found guilty of an offence under the *Controlled Drugs and Substances Act* (Canada) or the *Narcotics Control Act* (Canada) or of a comparable offence in another jurisdiction,
 - (E) the licensee is subject to a court order, conditions of parole or an undertaking to an officer in charge, prohibiting him or her from possessing a weapon, or
 - (F) the licensee is subject to a court order, conditions of parole or an undertaking to an officer in charge, prohibiting him or her from being alone with, in the presence of or in proximity to persons under any age that may be specified in the order, conditions or undertaking, or
 - (ii) under the old regulation, grounds existed for the suspension or revocation of the licence under section 9 of that regulation;
 - (e) at any time while licensed as a driving instructor under this Regulation or, in the case of sub-clauses (i) and (ii), while licensed as a driving instructor under the old regulation,
 - (i) the licensee does not or did not operate motor vehicles safely,
 - (ii) the licensee does not or did not provide adequate instruction to his or her students or treats his or her student in an appropriate manner,
 - (iii) the licensee contravenes or fails to comply with section 58, 58.1 or 58.2 of the Act or any provision of this Regulation or breaches a condition of his or her licence, or
 - (iv) the licensee is not a fit and proper person to be a driving instructor, having regard to his or her character, integrity and past conduct.
- (7) The Minister shall serve written notice of a refusal to renew or a revocation of licence on the licensee.
- (8) The licensee revocation shall be effective on the date set out in the notice.

Licence to be displayed

11. Every licensed driving instructor shall display his or her driving instructor licence in the motor vehicle in which he or she is providing driving instruction so that the licence is plainly visible to the person sitting in the driver's seat.

Instruction must be for licensed driving school

- 12. (1) A licensed driving instructor shall not provide instruction to a holder of Class G1 driver's licence except pursuant to a written contract between the instructor and a licensed driving school for the employment or services of the instructor to provide driving instruction.
- (2) Subsection (1) does not apply to a licensed driving instructor who provides instruction in a driver education course provided by a school board.

Information to Ministry

13. Every licensed driving instructor shall respond forthwith to any inquires from the Ministry for information relating to his or her qualifications to hold a driving instructor licence.

Students' licences not to be retained

14. If a licensed driving instructor asks to see a student's driver's licence, the school may retain the student's driver's licence only for as long as is necessary to make a copy of it and must return the licence to the student immediately after copying it.

Right to be heard - circumstances

- 35. (1) An applicant for a driving instructor licence or person who holds a driving instructor licence, including a licence deemed to have been issued under section 9, has no right to be heard before the Minister makes a decision to refuse to issue the licence or to revoke or refuse to renew the licence except in the following circumstances:
 - 1. Where the Minister proposes to refuse to issue a licence because the applicant fails to satisfy the requirement under paragraph 1 or 15 subsection 4(1).
 - 2. Where the Minister proposes to revoke a licence or refuse to renew a licence under clause 10(1)(b) because the licensee did not satisfy a requirement set out in paragraph 1 or 15 subsection 4(1).
 - 3. Where the Minister proposes to revoke a licence or refuse to renew a licence under clause 10(1)(c) because the licensee did not satisfy a requirement set out in clause 3(1)(a) or (h) of the old regulation.
 - 4. Where the Minister proposes to revoke a licence or refuse to renew a licence under clause 10(1)(d)(ii) because the licensee did not satisfy a requirement set out in clause 3(1)(a) or (h) of the old regulation.
 - 5. Where the Minister proposes to revoke a licence or refuse to renew a licence under sub-clause 10(1)(e)(i), (ii) or (iv).
- (3) Prior to making a decision described in paragraph 1, 2, 3, 4 or 5 of subsection (1), the Minister shall serve notice of his or her proposed decision on the applicant or licensee, together with a summary of reasons for such proposed decision.
- (4) An applicant or a licensee may, within 30 days after being served with a notice under subsection (3), submit in writing to the Minister any information that the applicant or licensee considers relevant to the Minister's proposed decision.
- (5) The Minister shall review and consider any information submitted under subsection (4) before making a decision described in paragraph 1, 2, 3, 4, or 5 of subsection (1).
- (6) There is no right to appeal a decision of the Minister made under section 58 or 58.1 of the Act or under this Regulation, but nothing in this Regulation prevents the taking of a proceeding in court to review such a decision.

Service

36. (1) Any notice required to be served under this Regulation is sufficiently served if delivered personally or sent by mail addressed to the person upon whom service is to be made at the last address for service appearing on the records of the Ministry.