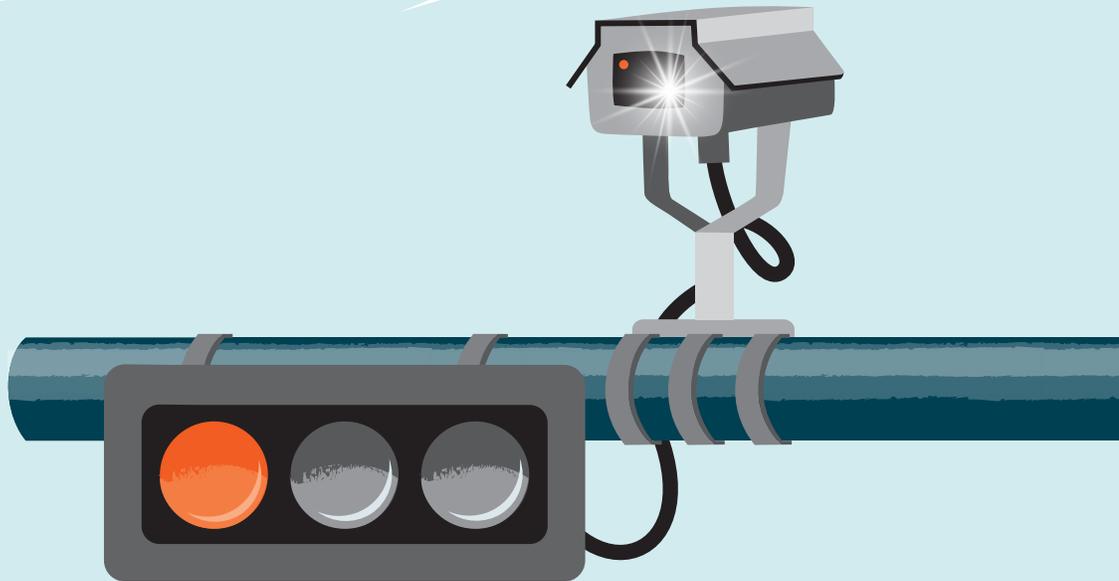


What we heard

Motor Vehicles Act Public Engagement



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Message from the Minister

The Motor Vehicles Act outlines the laws and regulations that help to ensure the safety of all road users in the Yukon. The current Act — drafted in 1977 — is out of date and as the territory continues to develop, it is important our laws reflect the new realities of road users.

This report outlines what we heard during our public engagement and what issues matter most to you. Notes from our meetings with First Nations, municipalities, stakeholders, and members of the public have all been incorporated. In just 60 days, we heard from more than 2,800 respondents.

This feedback has proved to be invaluable for the Yukon government and will help shape new legislation that gives communities and enforcement officers the tools they need to make our roads safer for all users.

As Minister of Highways and Public Works, I want to personally thank everyone who participated in this engagement. Your contribution highlights our collective commitment to the safety and well-being of all Yukoners.



Richard Mostyn

Minister of Highways and Public Works

Engagement

The Government of Yukon is rewriting the *Motor Vehicles Act (MVA)* to address a number of issues in order to deter dangerous driving behaviours, enhance public safety for all road users, and reduce the number of motor vehicle-related injuries and fatalities. This will ensure Yukon's legislation is up-to-date and consistent with other jurisdictions across Canada.

In spring 2019, the Yukon Bureau of Statistics hosted an online public engagement survey on behalf of the Department of Highways and Public Works which asked the public to provide input on several topics related to the MVA. The survey ran for 60 days, starting on April 2, 2019.

Several methods were used to engage the public and stakeholders to complete the survey and submit feedback. These methods included newspaper ads, social media ads and community posters. Letters were also sent to First Nations governments, municipalities, key stakeholders, community associations, and the RCMP to encourage participation.

Additionally, the project team hosted community open houses in 13 Yukon communities, which provided an opportunity for community members to meet with staff, ask questions, and respond to select issues at booths that were set up for each of the topics.



2,859

RESPONDENTS TO THE PUBLIC SURVEY



Analysis

Respondents were asked to provide feedback on seven topics including:



Driver licensing



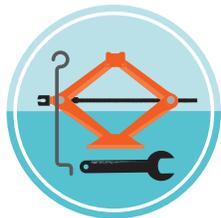
Fees and fines



Impaired driving



Road user safety



Vehicle condition and safety



Enforcement technology



Off-road vehicles (ORV) and snowmobiles



13 COMMUNITY
OPEN HOUSES



The following is what was shared with us:



Driver Licensing

Opinions on the issue of increasing the minimum age for getting a learner's licence to 16 is split, with **50%** supporting, and **47%** opposed. A number of respondents note that increasing the age to get a learner's licence will be detrimental to those young drivers who have jobs and responsibilities and rely on themselves to get to work. **Sixty-six percent** of respondents agree the length of the learner stage should be increased from 6 months to 12 months; however, when asked if they would like to see an increase in the novice stage from 18 months to 24 months, **62%** are opposed to the change.

A large percentage of responses are in support of requiring learning drivers to have a minimum of 10 hours of supervised driving experience in the winter as well as driving at night, with **84%** and **76%** in support, respectively.

When asked if drivers in the Graduated Driver's Licence program should be required to restart the learner or novice stage if convicted of any type of driving offence, **60%** of responses are in support. **Fifty-three percent** of responses are also in support of the requirement for drivers to pass a second road test to graduate to a full class 5 licence.

In response to increasing the age from 70 to 75 for the medical exams for seniors, several respondents make note that many seniors are active and fit at age 70, making the medical exam unnecessary. The survey yields split results regarding if the age should be increased to 75, with **46%** in favour and **48%** opposed. Regardless of age, **83%** of respondents feel it is important for the government to continue to cover the cost of mandatory seniors' medical exams.

Many respondents recommend more readily available and enhanced education programs for drivers in all stages of licensing. Suggestions include providing well-advertised and affordable programs and courses about defensive driving, licence reinstatement, and general driving education.



Fees and Fines

Currently, Yukon's fees for vehicle registration, licence renewal and driver exams do not cover the full cost of administering these services. A solution presented in the survey would be to increase fees to cover these costs, to which **35%** are in support and **55%** are against.

Seventy-two percent of respondents are in favour of increasing fines for offences in the MVA to reflect the seriousness of the offence and help deter unsafe driving behaviours. There is substantial support for this change in relation to impaired and distracted driving, as well as speeding, based on the respondents' comments on the survey and what we heard during community open houses.

Some survey respondents indicate they'd like to see consideration of fines for other road users, such as cyclists and pedestrians, to encourage safe practices for sharing the road for all road users.



Impaired Driving

In Yukon, a driver may receive an immediate 24-hour suspension if an RCMP officer has reasonable grounds to believe the driver is impaired by alcohol or drugs. However, there are currently no specific penalties for levels below the criminal limit (i.e. blood-alcohol concentration of 0.05% to 0.08%, or failing a field sobriety test due to impairment with drugs), which is inconsistent with the laws in most Canadian jurisdictions. Support to increase roadside penalties for levels of impaired driving lower than the criminal level is divided among responses, with **44%** in support and **50%** against. Some respondents express concern about fines being implemented in the absence of a mechanism to accurately and consistently test the level of cannabis in a person's system.

At **76%**, the majority of respondents indicate they would like to see a requirement to go to a remedial program, such as IMPACT, for drivers charged with impaired driving at or above the criminal level, as noted above. Another **73%** of responses are in favour of a more intensive program to be required for people who continue to re-offend. Feedback from the public suggests the need for criminal charges for re-offenders to assist in modifying their behaviour. Other feedback suggests rehabilitation programs should be used to deter this behaviour early.

The alcohol ignition interlock program is issued to drivers who have been convicted of impaired driving and includes a device used to prevent a vehicle from being started or operated with a driver who has been drinking, in order to modify their behaviour. This program is currently not mandatory on a first federal impaired driving offence and when proposed to be mandatory as such, **55%** are supportive of this.

A resounding **87%** of respondents are in support of having stiff penalties for driving impaired at double the legal limit or higher, and **86%** are in favour of stiff penalties for driving impaired with a child or youth in the vehicle. In regards to a zero-tolerance approach for alcohol and drugs for all drivers in the first five years of driving, regardless of their age, **64%** support this.

Sixty-seven percent of respondents support seizing a vehicle after three or more federal impaired driving or other motor vehicle-related *Criminal Code* convictions within the previous 10 years. However, a recurring issue noted is that vehicles are often used by other members of the family; therefore, the seizure or impoundment of a vehicle as a result of impaired driving charges can be detrimental to the family as it is no longer available for use to anyone.

A number of comments suggest drivers who are under the influence of drugs and alcohol at or above the legal limit, as well as repeat offenders, should lose their licence or have it suspended for a significant amount of time. While **46%** support the licence suspension for criminally impaired driving charges until the charge has been resolved in court, **41%** disagree.

Results are evenly divided with **40%** in support of penalties for driving while impaired by fatigue, such as a 24-hour roadside suspension, while **41%** are not in favour. Suggestions were made to provide more education around fatigue impairment so the public can have a better understanding of the risks it presents. Respondents are also interested in learning more about how this could be monitored.

Overall, impaired driving is noted as one of the single most important traffic issues with over 200 comments.



Road User Safety

Currently, if all seat belts in a vehicle are occupied, there is no restriction on the number of passengers that may legally be transported in the vehicle. When asked if the number of passengers in a vehicle should be limited to the number of seat belts, **69%** agree.

We received a mixed response on whether riding in a pick-up truck bed should be prohibited with **35%** against, **23%** in support, and **37%** in support of this restriction, with exceptions. Currently, the law allows individuals to ride in the bed of a pick-up truck if they are seven years of age or older and seated with their waist below the top edge of the box or railing. A large majority of exceptions suggested by respondents include parades, work-related needs, emergency situations, on private property, in rural areas or backroads, within communities, in campgrounds, during recreational activities, and hunting. Some comments suggest setting a higher age limit with the recommended minimum age ranging from age 10 to 18. Another suggestion includes recognizing safety customizations such as the installment of seat belts in the truck bed.

Fifty-seven percent of respondents agree that animals should be secured in the bed of a truck, while **31%** disagree. Of those who agree, **25%** think animals should be secured in a container, and **18%** choose a harness. In regards to securing animals inside a vehicle, **61%** do not agree this is necessary.

Road User Safety continued...

Survey respondents were asked what constitutes distracted driving. Of those responses, **81%** identify writing, **77%** for reading print materials, **76%** said grooming, and **27%** said smoking. **74%** of respondents agreed that operating any electronic device (laptops, video games, cameras, video, entertainment displays, portable audio players, GPS units) was also considered distracted driving; however, a number of comments point out GPS units should not be included in the list of electronic devices. **Ten percent** of respondents identify other distracting activities including eating and drinking, pets, children, sexual acts, music, searching for items inside a vehicle, and drivers paying attention to distractions outside of the vehicle such as signage.

When approached with the idea of implementing stronger penalties for high-risk driving offenses, such as racing, stunting, excessive speeding and distracted driving, **71%** are in support of this change. Overall, distracted driving, dangerous driving and speeding are noted as some of the most important traffic issues with 585 comments. Implementing a lifetime ban for very serious driving offences such as excessive speeding and racing has **57%** of support.

Drivers not adhering to the law regarding school zones and buses is a common issue in the feedback from the survey and public engagement. Noteworthy areas include drivers who do not stop when the bus' stop sign and flashing lights are activated and speeding through school and playground zones. In March 2019, the Government of Yukon increased the fines for failing to stop for a school bus from \$200 to \$500 and increased demerit points from five to eight points. If drivers fail to stop for a school bus, **78%** of respondents are in support of further increasing fines, **65%** are for increasing demerits, and **50%** agree with licence suspension; **47%** think the driver should be required to take a defensive driving course, while **37%** agree a demerit point probation is justified. While many comments back up reasons why fines, demerits and/or courses and programs would be ideal penalties, other ideas from respondents include licence suspension or removal, community service, and vehicle impoundment.

Vulnerable road users include pedestrians, cyclists, motorcyclists, and those using assistive devices. Regarding penalties for offences involving these road users, **59%** support more severe fines, **50%** agree to increase demerits, **41%** support licence suspension and **6%** have other recommendations. These recommendations include community service, courses and education, vehicle impoundment and incarceration. Much of the discussion as a result of this survey and public engagement process has interest in seeing more accountability put on vulnerable users, and education requirements for those users to share the road responsibly and safely.

There is currently no territorial law requiring bicycle helmets in Yukon although municipalities may create bylaws requiring the use of bike helmets, as is the case in the City of Whitehorse. The results are closely divided, with **49%** in support of territorial legislation requiring people to wear government-certified helmets whenever they are on a bike, and **44%** against. Among those who support the legislation, **43%** agree that everyone should be required to wear a helmet while riding a bike and **6%** think it should be restricted to children under the age of 18 only.

Respondents recommend certain exceptions to this proposed legislation, including the omission of certain locations such as communities, trails, private properties, and rural areas. Other suggestions include making accommodations for religious and medical reasons as well as emergencies. Respondents would also like to see solutions for low-income households.

Another close division shows **44%** of respondents in favour of requiring helmets to be worn for other modes of transportation used on public roads, such as in-line skates, roller skates, scooters and skateboards, and **46%** against. Over 65 respondents suggest the application of this proposed law to be on children and youth only, with ages ranging from under 12 to under 19. Recommendations of other exceptions to this proposed law also included certain communities, trails, private properties, and rural areas; however, 50 comments from respondents indicate they do not support any exceptions.



Vehicle Condition and Safety

Some provinces in Canada only require a personal vehicle safety inspection when registering a vehicle from out-of-province. This option is supported by **43%** of respondents. Some respondents, **32%**, are opposed and **22%** remain neutral on the matter. Other provinces require inspections on a regular basis but **40%** of respondents are opposed to implementing in Yukon. Of the **51%** that support this change, **2%** see the value in yearly inspections, **7%** for inspections every two years, **20%** for every five years, and **18%** for every ten years. A common suggestion is to apply mandatory inspections that are dependent on the age of the vehicle, with several respondents recommending inspections for vehicles that are 10 years and older. The frequency of inspections would then be based on the age of the vehicle, increasing as the vehicle ages. Other suggestions include mandatory inspections to be based on kilometres driven, accident history, or when the vehicle is sold.

If windows are tinted with a film after a vehicle is manufactured, it can pose a safety risk in the event of a collision as the glass does not shatter properly. We see **59%** of respondents in support of regulating after-market tint. In addition, a number of respondents are opposed to tinted licence plate covers.

Raised vehicles have been modified after manufacture, and may include the installation of body-suspension lift-kits and/or over-sized replacement tires. Regarding if there should be a restriction on how high a vehicle can be raised, **55%** are in agreement, with **35%** opposed.

Some research suggests that right-hand vehicles may increase the risk of being involved in a crash. The majority do not think right-hand-vehicles should be prohibited from being registered in Yukon, at **57%**. Respondents suggest applying the same inspection requirements on these vehicles, as with any, and that should be enough to determine if they are safe for the road.

While headlights that have been installed after a vehicle has been manufactured (such as light bars, high intensity discharge lights, and LEDs) may help the driver see the road better, the glare

and brightness of these lights can blind other drivers if they are improperly installed and directed at drivers' eyes. Over 70 comments were made regarding modified lights with the majority of them supporting regulation. This is backed up by the **61%** of respondents who would like to see improperly installed headlights and light bars prohibited and **46%** who support prohibiting distracting modifications on vehicles. Closely split, **43%** of respondents are against prohibiting distracting modifications on vehicles.

Research shows winter tires perform better than other types of tires, including all-season tires, in winter driving conditions. **Fifty-five percent** of respondents agree that winter tires should be mandatory for certain times of year, such as September 1 to May 31. In addition, some respondents would like to see winter tires become mandatory to refrain from the need to use gravel and salt on the roads. **Sixty-one percent** of respondents would like to see studded tires limited to certain times of year, such as September 1 to May 31.

When asked how much they are bothered by noise from modified or faulty mufflers, **27%** say not at all, **16%** are slightly bothered, **17%** moderately, **16%** are very bothered, and **23%** are extremely bothered. Thirty comments were also made to further express their discontent with modified or faulty mufflers.

Regarding the noise disturbance surrounding commercial vehicle engine brakes, **43%** of respondents are not bothered at all, **20%** are slightly bothered, **20%** moderately, **6%** are very bothered, and another **6%** are extremely bothered. Respondents note that they understand commercial vehicle engine brakes are considered safety equipment for commercial vehicles and, due to this, are less bothered with the noise.

Off-road vehicles are identified by 60 respondents as a source of excessive vehicle noise, with another 80 mentioning motorcycles, and 150 noting loud music. Other sources of excessive vehicle noise that stand out are car alarms, sirens, horns, diesel vehicles, and stunting.



Enforcement Technology

Automated enforcement technology is a tool to help with the enforcement of traffic violations. Examples include photo radar which is used to enforce speeding infractions and red light and speed-on-green cameras which are used to improve traffic safety at intersections.

Forty-seven percent are opposed to the use of photo radar to enforce speeding offences in Yukon; **37%** are supportive, while **15%** are neutral. However, **49%** of respondents are supportive of red light cameras at intersections, while **38%** are opposed, and **12%** are neutral. Speed-on-green cameras see **32%** of support, with **46%** opposing the idea, and **17%** remaining neutral.

Respondents raised concern for increased accidents and dangerous driving from drivers knowing the location of photo radar, resulting in abrupt adjustments of speed to avoid penalties. Others note the lack of planning and infrastructure in place to accommodate the red light and speed-on-green cameras, which includes the absence of turning lights and lanes, passing lanes, and other infrastructure to allow for a smoother flow of traffic.

Feedback from the communities indicate there is a need for additional signage and lights before installing other means of enforcement technology.

Yukon currently only requires a licence plate to be displayed on the back of personal vehicles, unlike other jurisdictions, and **67%** of respondents would prefer to keep it as it is.



Off-Road Vehicles (ORVs) and Snowmobiles

Currently, traffic safety laws for ORVs under the Motor Vehicles Act may or may not apply, depending on where an ORV or snowmobile is being operated. Territorial traffic safety laws apply when on the maintained portion of a roadway, but do not apply in off-road areas around communities, in the backcountry, and on roads in the following exempted communities: Keno City, Pelly Crossing, Old Crow, Carcross, Burwash, Destruction Bay, Beaver Creek, Ross River and Upper Liard. **Forty-five percent** of respondents think traffic safety laws, such as territorial impaired driving legislation, should apply to ORVs and snowmobiles in Yukon on all public lands, including all roads and the backcountry. **Twenty-three percent** think territorial safety laws should apply to roads only, and **26%** do not think changes are needed.

The Canadian Paediatric Society recommends mandatory use of government-certified helmets for all ORV and snowmobile users. Currently, only ORV and snowmobile users driving on maintained roadways and those under the age of 16 are required to wear a helmet. **Forty-one percent** of respondents think government-certified helmets should actually be required for ORV and snowmobile users aged 16 and over on all public lands, including roads and backcountry, while **21%** think they should be required on all Yukon roads only, and **32%** would not like to see changes implemented. Some exceptions provided include operating on private property, for religious and medical reasons, or for emergencies. A large amount of feedback includes exceptions requested for hunting and trapping, in particular in the communities and rural areas where this is considered a way of life and not deemed necessary to regulate, regardless of the age of the user. Other suggestions promote that an ORV or snowmobile user's age should dictate if a government-regulated helmet is required, specifically noting it should not be a requirement for adults.

Currently, there is no territorial requirement to register or have insurance for ORVs or snowmobiles used exclusively off-road. The results are evenly divided on whether registration should be required for ORVs and snowmobiles. In total, **34%** are in support of registration on all public lands including all roads and backcountry, while **30%** think for roads only, and another **31%** opting for no changes. Similarly, an even split of **32%** for on roads only, **31%** for on all public lands, and **30%** against any change to insurance requirements regarding where vehicle insurance should be required for ORVs and snowmobiles in Yukon.

At this time, there is no minimum age for operating an ORV or snowmobile off-road. The Canadian Paediatric Society recommends a minimum ORV and snowmobile operating age of 16 years due to the significant risk of serious injury or death. **Fifty-two percent** of respondents do not think there should be a minimum age to operate an ORV vehicle or snowmobile in off-road areas. Of the **40%** in support, the minimum age suggestions range from eight to 21 years old. The majority of respondents, at **47%**, are in favour of the minimum age being 16 years old. For children under the age of 16, **55%** of respondents agree that adult supervision should be required. Furthermore, the minimum age recommended to operate an ORV or snowmobile in an off-road area without adult supervision ranges from 12 to 20 and older, with the majority again choosing 16 as the optimal age with **53%** support.

All vehicles come with manufacturers' suggested operator age and size guidelines. However, in Yukon, there are no legal restrictions on operator age and vehicle size, which means children of any age in Yukon can operate any ORV or snowmobile regardless of size, as long as they do not operate the machine on a road which **40%** of respondents are in agreement with. Meanwhile, **47%** of respondents do think there should be an age restriction on ORVs and snowmobiles based on the size of the machine.

There is a lot of discussion around ORVs and snowmobiles from respondents of the survey. This feedback also came up during community open houses, especially on age minimums and responsibility. While some respondents support the need for supervision and minimum age requirements, many suggest more education, courses and proper instruction for children is needed to enable them to operate the vehicles safely. When asked if ORV and snowmobile safety training should be mandatory, **27%** of respondents are in support, but only for children and youth under the age of 16, while **29%** agree it should be mandatory for everyone, and **37%** do not agree it should be mandatory.

A common theme includes ORVs and snowmobiles being a part of recreation and tradition in the family, not exclusive to the comments relating to hunting and trapping. This feedback suggests more accountability on the caregivers and adults, instead of applying additional regulations. Concern is also identified regarding the ability to enforce new and existing regulations.

Recurring Feedback

A common theme throughout all questions in the survey and throughout public engagement is the appearance of limited law enforcement. Many respondents would prefer to see increased law enforcement territory-wide to enforce the laws currently in effect, as opposed to creating or changing laws. The general consensus among these comments is anticipating the difficulty of enforcing new and detailed laws, when there appears to already be a lack of resources.



What's Next?

The feedback received in the survey, community open houses, and meetings with stakeholders and First Nations governments will be used to help develop options and inform the decision-making process.

New issues identified in the public engagement will be reviewed and brought forward for consideration if there is evidence to support them.

Once ready, we will share our proposed changes with those directly impacted by the new legislation (such as municipal governments, First Nations governments and the RCMP) for feedback. We anticipate that the new *Motor Vehicles Act* will be ready in spring 2021, with work on the regulations to be completed sometime in 2023. This means that the new laws won't be in effect until 2023, once the regulations are complete.

If you have any questions, comments or concerns about the *Motor Vehicles Act* rewrite, please contact Tharian Botting at the Department of Highways and Public Works at (867) 633-7937 or email: tharian.botting@gov.yk.ca.

