

THE ONTARIO EXPERIENCE WITH GRADUATED LICENSING

Martin J. Walker
Ontario Ministry of Transportation

INTRODUCTION

Before discussing the development of graduated licensing in Ontario it may be helpful to have an overview of the evolution of driver licensing in Ontario. The primary focus will be on the process of new driver licensing at the time graduated licensing came under consideration.

HISTORY

The licensing of drivers in Ontario has a lengthy and varied history. It began in 1903 with the requirement that motor vehicles be registered. By 1905, the traffic safety situation was such that withdrawal of motor vehicle licenses from drivers with frequent traffic law violations was considered necessary.

As time passed and motor vehicle use became more and more popular, more stringent highway safety measures were needed. In 1927, a road examination for all driver's license applicants became mandatory.

Continued concerns over traffic safety led, in 1930, to the establishment of a demerit rating system, which linked the number of violations to driver improvement actions and insurance rates. That same year, the Department of Highways (as the Ministry of Transportation was then called) began keeping official collision records.

In 1956, written tests were introduced for new drivers and three years later, the demerit point system was introduced as a driver control measure. In 1960, the new Department of Transportation's Highway Safety Branch took over driver examination in Ontario from the private sector. In 1961, mandatory vision tests were introduced for new drivers.

Following the introduction of these measures, little was done in Ontario with respect to new driver licensing until 1977. That year the license classification system was introduced. This established the current system of driver licensing by size and type of vehicle being driven. Drivers under certain ages were now prohibited from operating certain types of vehicles.

Unfortunately, young drivers were significantly over-represented in traffic collisions and fatalities. Consequently, after considering alternatives, the ministry brought forward a new driver licensing system which was labelled probationary driver licensing.

PROBATIONARY DRIVER LICENSING

The driver control system known as the demerit point system, which was introduced in 1959 and is still in effect, originally treated all drivers equally.

Under this system, demerit points of varying levels are assigned to the driver convicted of certain motor vehicle driving offences. Points are assigned ranging from two to seven points, depending on the perceived severity of the offence.

The associated driver control and improvement system as introduced in 1959 provides for a warning letter to be sent upon accumulation of six demerit points. At nine demerit points, the driver may be required to attend an interview to demonstrate why the driver's license should not be suspended. Suspension of the driving privilege for 30 days is mandatory upon an accumulation of 15 or more demerit points.

While this system appears to work reasonably well for licensed drivers, it is a punitive system and one which reacts to driving behaviour only after, in most cases, at least two convictions have been recorded.

It was suggested that young drivers and new drivers should be subject to a more stringent system, one which would react earlier to poor driving behaviour. In theory, this would make them more aware of the need to obey the traffic laws and would encourage a commitment to safe and lawful driving.

After considering alternatives, including graduated licensing, Ontario introduced probationary driver licensing in 1981 for all new drivers in Ontario.

The principal goal of the probationary system was to identify and deal with new drivers who committed traffic law violations before their improper driving behaviour became ingrained.

Every probationary driver was required to complete two one-year periods of suspension-free driving in order to reach non-probationary status.

A probationary driver was sent a warning letter upon first accumulation of demerit points. Suspension of the driving privilege for 30 days is mandatory for any probationary driver who accumulates six or more demerit points. Points are reduced to zero upon reinstatement, and the driver must restart the suspension-free period.

Preliminary statistical analysis of the first year of the program found that there were nine per cent fewer

collisions and fourteen per cent fewer convictions for the probationary drivers. It also found the collision rate was down by seven per cent and the conviction rate was down by 11 per cent for male drivers under 20 years of age.

However, it must be noted that subsequent analysis did not replicate these findings. It appears the collision and conviction rate effects attributed to the introduction of the probationary system were not necessarily the result of the system. Similar effects on collision and conviction rates of other drivers were also found to have occurred at that time. The net result is that a statistically significant benefit of probationary licensing in Ontario cannot be demonstrated.

It was found some drivers remained at probationary status for several years due to repeat convictions and suspensions suggesting that the system was ineffective in altering driver behaviour or attitude.

The alarming trends in the driving records of new drivers in Ontario provided further proof that probationary licensing had not proven to be as effective as was hoped. New drivers remained a significant road safety problem.

POSSIBLE SOLUTIONS

Recognizing in 1988 that there was a safety problem with new drivers in Ontario as well as a public concern over rising auto insurance rates for all drivers, the government of the day introduced a package of highway safety initiatives. One of the initiatives was a commitment to consider graduated licensing as well as other alternatives which had a potential to improve highway safety.

A large number of options were considered including: revising the demerit point system, maintaining the probationary system but adding restrictions to the learner level, increasing the minimum driver age, tougher driving tests, mandatory driver education, graduated licensing for those under 18, graduated licensing for all new drivers.

Following careful study and review by Ministry staff and the executive, staff were authorized to proceed with the development of a graduated licensing program applicable to all new drivers in Ontario.

CREATION OF THE ONTARIO GRADUATED LICENSING MODEL

A review was undertaken of existing and proposed graduated licensing systems from around the world with the goal of finding a system which would provide the

desired combination of safety and mobility. It was also decided that it would be necessary to develop a graduated licensing system for motorcyclists as well.

Among the existing and model systems considered were; a system suggested by the Traffic Injury Research Foundation, three systems from the National Highway Traffic Safety Administration, several from Ontario sources including the Insurance Bureau of Canada, two Australian models, and the programmes in existence in Maryland, California, New Zealand and Victoria, Australia.

For various reasons none of these systems was deemed completely appropriate for Ontario. Systems based on age had to be rejected because of legislative provisions, other systems were felt too stringent or had conditions which were felt unacceptable to the new drivers. Therefore a list of potential conditions was drawn up for consideration by stakeholders and the Ministry of Transportation from which the components of a graduated licensing system could be taken.

Optional Restrictions and Components

The list of restrictions and components which could possibly be included in a graduated licensing system is extensive and may include elements unique to the state or province. In Ontario a partial list of the conditions considered included:

- Adult Accompaniment,
- Curfews,
- Passenger Limits,
- Certification of Practice,
- Vicinity Driving,
- Highway Prohibition,
- Low or Zero Blood Alcohol,
- Driver Education: Mandatory or Credit(s),
- Credit for Non-Ontario Driving,
- Maximum Speed Limit,
- Driver/Vehicle Identifier,
- Type of Vehicle,
- Specialized Testing,
- Specialized Problem Driver Treatments,
- Number of Levels of License, and
- Duration of Each Licensing Level

ONTARIO GRADUATED LICENSING MODEL — APPROVAL PROCESS

The graduated licensing model recommended for implementation in Ontario was generally felt to offer a reasonable balance between safety and mobility for new

drivers of all ages in Ontario. However, before proceeding with enabling legislation it was necessary to consult with the people of Ontario on the model.

There was a high level of public awareness of the concept of graduated licensing. This was due to some extent to an advertising campaign conducted by the Insurance Bureau of Canada (IBC) while the Ministry proposal was under development using their preferred system. Posters and pamphlets were produced, mall and store displays set up, information booths staffed at fall fairs, auto shows and other events and a telephone poll established. The results of these activities were shared with the Ministry.

When the Ministry proposal was finalized it was first shared in discussions with interested stakeholders, such as law enforcement, highway safety groups and driver educators. Suggested revisions, (additions or deletions and adjustments to various conditions) were considered within the Ministry at all levels prior to a final version being sent to Cabinet for approval.

Following Cabinet approval, the Bill was put forward to the legislature for review. While none of the three political parties voiced objection to the concept the Bill was referred to Committee for public hearings on the model. Hearings were held in three locations around the province and were well attended. A number of groups and individuals appeared before the Committee to endorse the concept and comment on specific conditions. The hearings showed an extremely high level of acceptance by the general public for the concept and the model. An informal poll conducted by the Toronto Star, the highest circulation paper in the province, found 91 percent in favour of the model.

The Bill passed all levels of the legislative process and became law in December, 1994 with implementation beginning April 1, 1995.

ONTARIO GRADUATED LICENSING SYSTEM

Level One Class G

The new driver in Ontario must first obtain a Class G Level One (G1) license by successfully completing a knowledge test and passing a vision screening test. The driver is then issued a photo driver's license valid for five years and the driver record is created online at the time of application.

The G1 license period lasts a minimum of 12 months, however that period can be reduced by as much as 4 months through completion of an approved driver education course. While the holder of a G1 license the driver is subject to the following conditions:

- May operate a Class G vehicle only (car, minivan, small truck);
- May only drive when accompanied by a fully licensed driver with at least 4 years experience. The accompanying driver must have a blood alcohol content of less than .05;
- May carry only one front seat passenger, that being the accompanying driver;
- May carry only as many passengers as there are seat belts;
- Must maintain zero blood alcohol;
- May not drive between the hours of midnight and 5:00 a.m.;
- May not drive on '400' series highways and urban expressways unless accompanied by a licensed driver instructor (In Ontario all freeways and expressways under provincial jurisdiction are identified by a number ranging from 400 to 499); and
- Subject to early improvement interventions.

Upon completion of the minimum time period the G1 driver becomes eligible to graduate to Class G Level Two. In order to do this the applicant must successfully complete a basic on-road examination of operating skill. This test is essentially the same as the previous Ontario road test. A new driver sign is provided to all G1 drivers but use of the sign is optional.

Level Two Class G

Upon entering this level the driver is issued a Class G Level Two license (G2). Class G2 lasts for a minimum of 12 months.

Because the driver has already demonstrated competency to the level of the previously licensed Class G driver there are fewer restrictions at this level. The driver will be able to experience situations of higher risk but will remain aware of the conditional status of the license.

While the holder of a G2 license the driver is subject to the following conditions:

- May operate a Class G vehicle only;
- May carry only as many passengers as there are seat belts;
- Must maintain zero blood alcohol; and
- Subject to early improvement interventions.

Upon completion of the time period the G2 driver is eligible to attempt the G2 exit test, which is an advanced level road test. It is twice as long as the G1 exit test and requires a much higher level of driving competency to complete successfully.

GRADUATED LICENSING FOR CLASS M

Ontario implemented a graduated licensing system for motorcyclists in recognition that new motorcyclists were also a high risk group. A graduated licensing system for motorcyclists was created along with the possibility of a driver being a "hybrid" new driver, i.e. full license in one class while subject to graduated in another. Consultation with motorcycle clubs and organizations was conducted at the same time as the discussions on the Class G model.

Level One Class M

Ontario faces a dilemma similar to other jurisdictions. It is virtually impossible to require a motorcyclist to have an accompanying licensed driver to provide assistance and advice while learning to operate the vehicle. It is also very difficult for an applicant motorcyclist to have driving experience before licensing.

In Ontario a driver could obtain a learner motorcycle license by completing a knowledge test and a vision test, no skills test was required. A temporary permit valid for 60 days was issued. The permit restricted driving to daylight hours and roads with a maximum posted speed limit of 80km (50 miles per hour) or less. Unfortunately these provisions were poorly enforced and some motorcyclists avoided full licensing, content to drive seasonally on the temporary license. Also the temporary license holder was not recorded on the driver computer system.

The graduated licensing system devised for motorcyclists included administrative changes which address this concern and expanded on the restrictions previously faced by new motorcyclists. The restrictions faced by M1 drivers include:

- May not carry passengers;
- Must have zero blood alcohol content;
- May only drive motorcycle one-half hour before sunrise to one-half hour after sunset.
- May only drive on highways with speed limit of 80 km/hr or less;
- May only drive on designated sections of Highway's 11, 17, 61, 69, 71, 101, 102, 144 and 655. (The speed limit on these highways exceeds 80km/hr but there are no alternative routes available to residents residing along these highways); and
- Subject to early improvement interventions.

Applicants must spend a minimum of 60 days in Class M1 and a maximum of 90 days. If the applicant does not successfully complete the road test within that time period the license can be extended to be in effect for one additional day, the day of the test. Failure to complete the road test requires the applicant to reapply. However, unlike in the past, the applicant is now on the driver license system from the first application.

The road test required to exit Class M1 is essentially the same as the previous basic skills test used for motorcycle licensing.

Level Two Class M

Upon completion of Class M1 the new motorcyclist becomes a Class M2 license holder. As the graduated system for G lasts a total of two years or more so does the M. While the two levels in G each last 12 months, it was felt unwise to allow an untested motorcyclist to drive 12 months before driving skills are assessed. It was also felt that motorcyclists should be able to obtain some credit for completing motorcycle driver education so a 4 month credit is granted to motorcyclists but at the second level due to the brevity of level one. This 4 month credit reduces M2 to a minimum of 18 months.

Class M2 includes only one restriction - the Class M2 driver must have a zero blood alcohol level when driving.

DRIVER IMPROVEMENT INTERVENTIONS

The probationary system has been discontinued with the implementation of graduated licensing. Because of this an opportunity became available to revise the driver improvement actions taken for new drivers.

The amendments may seem minor however, closer inspection shows the changes to have been significant. As with probationary licensing, an advisory/warning letter is sent to the driver upon first accumulation of demerit points.

Upon an accumulation of six or more demerit points a probationary driver would be suspended for thirty days. Upon reinstatement the demerit points were reduced to zero and the driver was required to restart the probationary credit period. Under graduated, upon accumulating six to eight demerit points the new driver is required to attend a group interview to discuss proper driving behaviour. Should the new driver accumulate

nine or more demerit points the driver is suspended for sixty days. Upon reinstatement the graduated licensing period is extended by the length of the suspension.

ENFORCEMENT

Passing legislation to address a safety problem is only the first step in effecting change. The legislation must be seen as practical, non-intrusive, justified and enforceable. Legislation which cannot be enforced must be expected to have little likelihood of being obeyed.

Frequent consultations were held with the Ministry of the Solicitor General which has overall responsibility for police actions in Ontario, and direct jurisdiction over the Ontario Provincial Police. This resulted in the police being provided with the authority and the new equipment necessary to enforce the blood/alcohol provisions. Also together with the Ontario Police College new procedures were written and distributed to the police officers. As well a one-page information sheet explaining graduated licensing was developed to assist officers in dealing with the public.

CURRENT STATUS

Graduated licensing was implemented in two stages in Ontario.

In the first stage, which began April 1, 1994 any person applying for a new driver's license in Ontario was required to enter the graduated licensing system. In recognition that new drivers in Ontario may have driving experience elsewhere, Ontario established a policy on granting partial or full exemptions from the system depending on the nature of the experience.

In the second stage, which began June 6, 1994 any driver holding a learner license under the probationary system and who had not passed the required road test, became subject to the graduated licensing system with credit given for their time as a learner. The exemption policy has continued.

Implementation process and problems and resource concerns will be unique to any jurisdiction and therefore are not described here. However, one cannot emphasize too much the need to ensure enforcement support from the beginning of the process. It is also important to identify affected stakeholders as early as possible in the process. In particular the support of public and community safety groups can be a great benefit. A "champion" both within government and from the public, someone or organization committed to the concept, can keep the public aware of the new driver issue and lobby for the implementation.

From an operational/administrative perspective it is vitally important to identify as much of the changes needed as early as possible in the process. There may be some initial reluctance to commit resources to support a proposal which may not be implemented. Therefore, implementation may be delayed. However, obtaining a driver's license is a "rite of passage" for many young people, and highway safety and driving are subjects on which every driver feels an expert. The introduction of a graduated licensing system will be high profile public process, one which will generate interest and expectations, including expectations of immediate implementation. The jurisdiction should be prepared to take advantage of the increased public awareness of highway safety and introduce the program as soon as possible after approval.

The graduated licensing program in Ontario is intended to be a dynamic living evolving thing, one which will mature with time and one which may be expected to change and adjust as the provincial driving environment changes.

Because of the recent introduction of the program no evaluation has as yet been completed. The evaluation will be complicated, in part due to the way records were previously kept, and further by the introduction of other safety promotions and programmes during the time period. The results of the evaluation are eagerly anticipated and will be shared as soon as available.