

Report to / Rapport au:

**OTTAWA POLICE SERVICES BOARD
LA COMMISSION DE SERVICES POLICIERS D'OTTAWA**

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Submitted by / Soumis par:

Chief of Police, Ottawa Police Service / Chef de police, Service de police d'Ottawa

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**SUBJECT: PROPOSED CHANGES TO THE *HIGHWAY TRAFFIC ACT* - COLOUR
COATING OBSCURE INTERIOR DRIVER WINDOW**

**OBJET: MODIFICATIONS PROPOSÉES AU *CODE DE LA ROUTE* - ENDUIT DE
COULEUR OBSCURCISSANT L'INTÉRIEUR DE LA VITRE CÔTÉ
CONDUCTEUR**

REPORT RECOMMENDATIONS

That the Ottawa Police Services Board direct the Board Chair to:

- 1. Write to the Minister of Transportation to request an amendment to the Highway Traffic Act (HTA) to allow for the use of Photometric Meters by police and that drivers who record a tint reading of 70 percent or less of light being translated through the vehicle window be subject to a fine under the HTA, with an exemption for emergency service and police vehicles.**
- 2. Forward this recommendation to the Ontario Association of Police Services Boards for consideration at its Annual General Meeting.**

RECOMMANDATIONS DU RAPPORT

Que la Commission de services policiers d'Ottawa enjoigne son président :

- 1. d'écrire au ministre des Transports pour lui demander des modifications au Code de la route autorisant l'utilisation de photomètres par la police et**

imposant une amende en vertu du Code de la route aux conducteurs dont le véhicule, à l'exception des véhicules des services d'urgence et de police, a des vitres teintées laissant passer 70 % de la lumière ou moins.

- 2. de transmettre cette recommandation à l'Ontario Association of Police Services Boards aux fins d'examen à son assemblée générale annuelle du 13 mai.**

BACKGROUND

This report deals with a request for a change to the Highway Traffic Act related to the tinting of vehicle windows. The Ottawa Police is asking for a change that would mirror the current law in Quebec and allow for the use of standardized Photometric Meters by police services.

DISCUSSION

The tint on the vehicle windows of motorized vehicles is an important safety issue that police see every day. Manufacturers are authorized to put in place window tint at 30% (allowing 70% of light to enter the driver's compartment) but anything added by the vehicle owner further obstructs the view of the interior. Windows that have too much tint can obstruct the view of drivers and can make it difficult for pedestrians to make eye contact with drivers prior to stepping off the sidewalk to cross the road safely.

Other drivers are also unable to make eye contact.

Overly tinted windows also prevent police from viewing activity in vehicles.

They can conceal cell phone use while driving, and can represent a safety risk to officers approaching a blacked out driver's compartment.

The legislation in Ontario governing this issue has not been revised to keep up with tinting technology since 1990.

The current legislation governing the tinting of windows is very vague and problematic to enforce. Officers are required to describe whether the tinting of windows allows them to adequately view the occupant of the front seat.

The present wording is very open for interpretation and is based on the subjectivity of an officers' observations. This can lead to difficulties in getting convictions in Court.

Ottawa Police Service (OPS) Traffic Section Sgt. Mark Gatien has been working on this issue for the OPS to clarify the legislation and has raised it at a number of tables including with the Minister directly.

The OPS approach is to ask the Ontario government to make changes that reflect the Province of Quebec's legislation, which is very clear. In Quebec, any reading under 70% light transmission of light entering the driver's compartment would be subject to a fine thereby removing any question or subjectivity as to the level of tint a window may have.

The OPS proposal is to mirror Quebec in that the Highway Traffic Act should allow for the use of standardized Photometric Meters by police services through an addition to Section 73 of the Act to allow the use of these meters for enforcement efforts. The handheld Photometric Meters cost less than \$50. They are already in use in Quebec and several US states.

A request for support for this proposal has been forwarded to the Ontario Association of Chiefs of Police. That request will be considered at its Annual General meeting later this year.

For operational reasons, emergency service and police vehicles should be exempted from this amendment while in the execution of duties.

CONSULTATION

Not applicable.

FINANCIAL IMPLICATIONS

Not applicable.

CONCLUSION

The present wording of the HTA relating to the tinting of vehicle windows is very vague and has caused issues in terms of enforcement. With the proposed changes to the HTA and the allowance of the use of photometric meters, police will be better able to monitor and enforce this issue to the benefit of all road users.