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Personal Injury

Stiffer penalties for careless drivers in Ontario



By Jasmine Daya

Careless driving is a serious problem on Ontario roadways. Unfortunately, not all motorists drive with caution. Some drive recklessly and this may lead to motor vehicle accidents, and possibly severe injuries for innocent victims.

Beginning Sept. 1, 2018, the Ontario government began enforcing **tougher penalties for careless** drivers and motorists. The government is optimistic that increasing punishments for those who drive carelessly

will help prevent reckless accidents that lead to serious personal injuries and sometimes death.

Drivers that are convicted under new careless driving charges could face fines between \$2,000 and \$50,000, and up to two years in jail. Those convicted can also receive six demerit points and a driver's licence suspension for up to five years. Previous penalties were fines set at a maximum of \$2,000 and up to six months in jail.

Of special significance are the new changes to **penalties for those endangering pedestrians**. Drivers caught failing to yield to pedestrians at crosswalks, school crossings, and crossovers could receive four demerit points and be fined up to \$1,000. Previously, drivers were reprimanded with three demerit points and a \$500 fine.

Careless driving in Ontario

Section 130 of Ontario's *Highway Traffic Act* defines careless driving as operating an automobile or street vehicle without providing due care, attention or reasonable consideration for others using the road or highway.

A few examples of careless driving, include the following:

- Texting while driving;
- Driving at an unsafe speed or street racing;

- Risky or unsafe passing;
- Driving the wrong way down a one-way street;
- Failing to maintain a safe distance behind other automobiles;
- Causing an accident involving another vehicle, pedestrian or cyclist;
- Failing to stop at a stop sign or red light;
- Failing to check mirrors when changing lanes to driving in reverse; and
- The general failure to provide proper care.

Damages in a personal injury case

Injuries resulting from careless driving accidents may be quite serious. Common careless driving accident injuries may include:

- Traumatic brain injuries;
- Head injuries;
- Neck and spinal cord injuries;
- Amputation;
- Crush injuries;
- Broken bones; and
- Wrongful death.

These types of injuries typically require extensive medical attention and may include long-term rehabilitation. These injuries may also impact your ability to work, now and in the future.

If someone's careless driving caused a motor vehicle accident and subsequent injuries to you, you may have grounds for a personal injury legal claim. Filing a personal injury claim allows you to seek compensation for your injuries, as well as other losses associated with the accident.

Compensatory damages, those damages that are designed to reimburse the plaintiff (person who brings a case against another in a court of law) for losses caused by the accident, include compensation for financial, physical, and emotional losses. These may include:

- Medical treatment;
- Lost wages;
- Loss of enjoyment of life;
- Pain and suffering; and
- Wrongful death.

What to do if you are the victim of a careless driver:

If you have been injured in a motor vehicle accident and are the victim of a careless driver, **Jasmine Daya & Co.** recommends that you take the following steps:

1. Stop your vehicle and keep your seatbelt fastened until it is safe to get out and assess the situation.
2. If you are able to get out of your car, move your vehicle out of traffic and make arrangements to have it towed, if necessary.
3. Call 911 if the accident is serious and wait for help to arrive.
4. If the accident has resulted in an injury or damages estimated to be more than \$2,000, you must report the accident to the police or report to a **Collision Reporting Centre** (in the city where the accident occurred) if a police officer does not attend the scene of the accident.
5. If you are physically capable, obtain as much information from all individuals at the accident scene, especially any witnesses to the accident. Be sure to keep a record of the licence plates, make and model of the vehicles involved in the accident and the names, addresses and phone numbers of the drivers of the vehicles.
6. Take photographs of the damage to your vehicle and any other vehicles involved in the accident.
7. Seek prompt medical attention, even if you think your injuries are minor.

8. Report the accident to your insurance provider as quickly as possible in order to start the accident benefits claim process.

If a driver who caused your accident was not charged with careless driving, he/she may still be held liable for the accident and the resulting damages and losses. Drivers who operate their vehicles in an unsafe or careless manner can be held liable for the damages caused in a careless driving accident.

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