

Think TWICE Before Pleading Guilty to a Highway Traffic Act Charge

An interesting recent case confirms the gut reaction of most readers, as to whether they should plead guilty to a HTA ([Highway Traffic Act](#)) charge if they feel, in fact, that they are not liable for the accident resulting in the charge.

What happens if you plead guilty, at the Highway Traffic Act trial, and accept a \$1000 fine? If the Highway Traffic Act charge relates to an accident caused by your ex-husband, driving your car?

What happens, if later, an insurance companies sues you personally in order to recover approximately \$30,000, that was paid out to a plaintiff (i.e. injured person) in the accident?

What happens if your plea, in the Highway Traffic Act trial, potentially leaves you without insurance coverage so that you are asked to pay for these damages personally?

These are all issues which arose in the recent case of **Andreadis v. Pinto** (2010 Ontario Superior Court of Justice). This has been reported in the Ontario Reports but does not yet appear to be widely available to the public on the internet.

In that case, a wife allowed her husband to drive her car and unfortunately, the husband got into a minor accident. As a result of the accident, the injured party received \$30,000 for their damages claim, all inclusive.

After the accident, it was discovered that the wife's vehicle did not have insurance at the time of the accident. As a result, she was charged under the Highway Traffic Act for same. At that same HTA Trial, she was represented by paralegal, she plead guilty to the offence and paid a \$1000 fine.

The insurance company which paid the injured party \$30,000 then sued the wife, seeking reimbursement from the wife personally because she did not have insurance coverage at the time.

The issue arose as to the effect of the wife's guilty plea, at the HTA trial (for which he paid \$1000 fine) in the context of this civil lawsuit.

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It is contrary to the [Compulsory Automobile Insurance Act](#) to allow your car to be driven without valid insurance coverage.

It was held that the wife's conviction, for allowing the vehicle to be driven without insurance, at the Highway Traffic Act Trial, was an omission of negligence on that issue. As a result, the wife was not allowed to introduce evidence, at the civil trial, rebutting the guilty plea in the HTA Trial.

This is an important reminder that, if you are charged under the Highway Traffic Act for an accident or infraction, to consider what your options are and the likely effect of any plea, prior to pleading guilty to that charge.

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