# The Sensor: The lay of the land obtaining a licence for testing autonomous vehicles in Ontario

**August 28, 2019**

In January 2019, the province of Ontario introduced three changes to the autonomous vehicle ("AV") pilot program regulation (the "pilot program") to keep pace with new developments in AV technology. These changes are: allowing the testing of driverless AVs and cooperative truck platoons under specific safety conditions; and exclusion of conditionally automated vehicles classified under the Society of Automotive Engineers' ("SAE") Level 3 ("SAE Level 3").

In addition to the original conditions and requirements contained in the pilot program, which were discussed in a previous issue of our publication, applicants for testing driverless AVs (i.e. SAE Level 4 and 5 vehicles) are now subject to additional disclosure/declaration conditions, vehicle technology and equipment conditions, and notice requirements. Most interestingly, applicants for testing SAE Level 4 and 5 AVs will need to provide relevant authorities with "tangible evidence" of the AV's ability to interact with traffic (including the ability to come to a safe stop when in fully autonomous mode) as well as a "law enforcement and work zone interaction plan" prior to testing.

Applicants who wish to test cooperative truck platoons will also have to comply with a range of conditions, including conditions on experience (both for the company and for drivers) and the manner in which platoons are tested. Cooperative truck platoons are confined to a maximum of three vehicles per platoon, with minimum separation requirements between the vehicles, restrictions on cargo and a ban on testing during winter conditions.

These changes signal the province's increasing comfort with AV technology as well as a deliberate and graduated integration of this technology in the cities and highways of the province.

## Conditions

Applicants who wish to obtain a licence for testing SAE Level 4 and 5 vehicles must comply with the following conditions:

**Declarations:**

- the applicant must declare that the technology is safe and effective, based on results from prior testing, such as closed course testing;
- the applicant must declare the operational design parameters of the AV; and
- the applicant must provide tangible (e.g. video or in-person) evidence of the AV's ability to effectively and lawfully interact with traffic.

**AV technology and equipment:**

- AV must be equipped with direct oversight function that can bring the AV to a safe stop; and
- AV must be equipped with signage clearly identifying it as a driverless AV.

**Notice requirements:**

- the applicant must provide the MTO, municipalities and relevant authorities with a "law enforcement and work zone interaction plan" prior to testing;
- the applicant must advise the affected municipality prior to testing; and
- the applicant must obtain MTO approval prior to testing on a provincial highway.

With respect to cooperative truck platoons, applicants must comply with the following conditions:

- Applicants must have drivers **in each vehicle in a platoon**.
- Applicants' drivers must have a valid licence for the class of vehicle being tested (e.g. A, C, D with an air brake endorsement, as applicable), a minimum of five years truck driving experience and training from the technology provider.
- Applicants must have a carrier safety fitness rating that is better than the "conditional" minimum $5 million in liability insurance and a minimum of five years' trucking experience.
- Cooperative trucking platoons must be configured as follows: maximum of three vehicles; minimum 20 meter or 1.7 second following distance, whichever is greater; requirement to disengage platooning technology in certain situations.
- Platoons are required to: travel in rightmost lane wherever possible; be accompanied by well-signed escort vehicles; report to truck inspection stations as required; and must not operate in winter conditions.
- Applicants must provide the MTO with details of intended testing and receive MTO approval in advance of testing.
- Vehicles must not carry dangerous goods, livestock, or special loads and must have functional ADAs, V2Vs, and air brakes as well as an audible and visual alert for disengagement or other technological issues.
- Vehicles must bear a clear sign on the rear of each platooning vehicle.
- Applicants must generate a record of each trip, including location, date, time, and distance.
- Collisions must be reported within ten days; annual reports must be generated; and applicants must have touchpoint conversations with the MTO after six months.
- Drivers are exempt from HTA prohibitions on display screens and handheld devices, following too closely and careless driving **while platooning technology is engaged**.

By

Jeremy Ablaza, Martin Abadi

Expertise

Autonomous Vehicles, Transportation, Government & Public Sector

---

## BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

**blg.com**

## BLG Offices


**Calgary**

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

**Ottawa**

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

**Vancouver**

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

**Montréal**

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

**Toronto**

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749



The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.