



BILL NO. 152

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
54 Elizabeth II, 2005*

An Act to Amend Chapter 260 of the Revised Statutes, 1989, the Liquor Control Act

CHAPTER 21
ACTS OF 2005

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 19, 2005**

The Honourable Ernest L. Fage
Minister responsible for the Liquor Control Act

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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**An Act to Amend Chapter 260
of the Revised Statutes, 1989,
the Liquor Control Act**

Be it enacted by the Governor and Assembly as follows:

1 (1) Subsection 54(4) of Chapter 260 of the Revised Statutes, 1989, the *Liquor Control Act*, is amended by striking out “his residence or to any residence in which he” in the third and fourth last lines and substituting “any place in which the person is permitted to possess, have or consume the liquor or from that place to another place in which the person”.

(2) Subsection 54(5) of Chapter 260 is repealed and the following subsections substituted:

(5) In subsections (6) and (7), “motor vehicle” means a motor vehicle within the meaning of the *Motor Vehicle Act* or an off-highway vehicle within the meaning of the *Off-highway Vehicles Act*.

(6) No person shall drive or otherwise exercise care or control of a motor vehicle, whether or not it is in motion, while that person is in possession of liquor or there is liquor in the motor vehicle unless

(a) the liquor is being transported or used in accordance with a license or permit issued under this Act;

(b) the liquor is in a bottle, can or other vessel that has not been opened;

(c) the liquor is in the trunk or another part of the motor vehicle designed for the carriage of baggage or goods, or in any other location that is not readily accessible to any person in the vehicle; or

(d) the motor vehicle is

(i) a station wagon, passenger van, sport-utility vehicle, hatchback or another type of passenger vehicle that does not have a trunk and the liquor is behind the rearmost seat,

(ii) a pickup truck and the liquor is in an exterior compartment or in a space designed for the carriage of baggage or goods, or in any other location that is not readily accessible to any person in the truck,

(iii) a motorcycle within the meaning of the *Motor Vehicle Act* or an off-highway vehicle within the meaning of the *Off-highway Vehicles Act* and the liquor is in a baggage compartment, or is otherwise not readily accessible to the driver while the vehicle is being driven, or

(iv) a recreational vehicle within the meaning of the *Tourist Accommodations Act* and either

(A) the liquor is kept in a location that is not readily accessible to a person occupying the driver's seat, or

(B) the vehicle is being used as a temporary residence while parked on land maintained as grounds for camping or for overnight parking of recreational vehicles or other land that is not part of a public highway.

(7) No person shall, while in or on a motor vehicle other than a motor vehicle parked as provided in paragraph (B) of subclause (iv) of clause (d) of subsection (6), open any bottle, can or other vessel containing liquor or consume any liquor.

2 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
