



BILL NO. 1

Government Bill

*1st Session, 61st General Assembly
Nova Scotia
58 Elizabeth II, 2009*

**An Act to Amend Chapter 293
of the Revised Statutes, 1989,
the Motor Vehicle Act, to Increase Safety
for First Responders and Others**

CHAPTER 20
ACTS OF 2009

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 5, 2009**

The Honourable Bill Estabrooks, MB
Minister of Transportation and Infrastructure Renewal

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

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**An Act to Amend Chapter 293
of the Revised Statutes, 1989,
the Motor Vehicle Act, to Increase Safety
for First Responders and Others**

Be it enacted by the Governor and Assembly as follows:

1 (1) Subsection 106B(1) of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as enacted by Chapter 45 of the Acts of 2007, is amended by striking out “or in an area in proximity to an emergency vehicle exhibiting a flashing light” in the second and third lines.

(2) Subsection 106B(2) of Chapter 293, as enacted by Chapter 45 of the Acts of 2007, is amended by striking out “, the manner in which a temporary work area is to be designated and defining “emergency vehicle” and “in proximity to”” and substituting “or the manner in which a temporary work area is to be designated”.

2 Chapter 293 is further amended by adding immediately after Section 106C the following Sections:

106D (1) In Sections 106E and 106F, “emergency vehicle” means

- (a) an ambulance;
- (b) a police vehicle;
- (c) a fire department vehicle or fire patrol vehicle, including a fire suppression vehicle or fire vehicle operated by the Department of Natural Resources;
- (d) a vehicle being used by the chief or deputy chief of a volunteer fire department when acting in an emergency arising from a fire or an accident;
- (e) a vehicle being used by a conservation officer appointed under an enactment when the conservation officer is performing the officer’s duties as a conservation officer;
- (f) a vehicle being used by a motor vehicle inspector or a motor carrier inspector when the inspector is performing the inspector’s duties as an inspector;
- (g) any other vehicle designated by the regulations made pursuant to this Section.

(2) The Minister may make regulations designating a vehicle as an emergency vehicle.

(3) The exercise by the Minister of the authority contained in subsection (2) is regulations within the meaning of the *Regulations Act*.

106E (1) No person shall drive a vehicle on a highway past an emergency vehicle, that is stopped on the roadway or a shoulder adjacent to it and exhibiting a flashing light, at a speed in excess of

- (a) the speed limit but for this Section; or
- (b) sixty kilometres per hour,

whichever is less.

(2) A person commits an offence who contrary to subsection (1) exceeds the speed limit referred to in clause (1)(a) or (b) by

- (a) between one and fifteen kilometres per hour, inclusive;
- (b) between sixteen and thirty kilometres per hour, inclusive; or
- (c) thirty-one kilometres per hour or more.

(3) Where a highway is divided into separate roadways by a median, this Section only applies to a vehicle being driven on the same roadway as the emergency vehicle is stopped on or beside.

106F (1) The driver of a vehicle that is approaching an emergency vehicle, that is stopped and exhibiting a flashing light, shall not

(a) drive in a traffic lane occupied, or partly occupied, by the emergency vehicle; or

(b) drive in the traffic lane closest to the emergency vehicle and not occupied, or partly occupied, by the emergency vehicle,

if there is another traffic lane, for traffic moving in the same direction as the vehicle and further from the emergency vehicle, into which the vehicle can move safely.

(2) Where the traffic on a highway is divided into separate roadways by a median, this Section only applies to a vehicle being driven on the same roadway as the emergency vehicle is stopped on or beside.

3 (1) Subsection 300A(1) of Chapter 293, as enacted by Chapter 21 of the Acts of 2008, is amended by adding “, clause (a) of subsection (2) of Section 106E or Section 106F” immediately after “106B” in the second line.

(2) Subsection 300A(2) of Chapter 293, as enacted by Chapter 21 of the Acts of 2008, is amended by striking out “or clause (b) of subsection (1) of Section 106B” in the second and third lines and substituting “, clause (b) of subsection (1) of Section 106B or clause (b) of subsection (2) of Section 106E”.

(3) Subsection 300A(3) of Chapter 293, as enacted by Chapter 21 of the Acts of 2008, is amended by adding “or clause (c) of subsection (2) of Section 106E” immediately after “106B” in the second line.

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