



BILL NO. 97

Government Bill

*2nd Session, 61st General Assembly
Nova Scotia
59 Elizabeth II, 2010*

An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act

CHAPTER 61
ACTS OF 2010

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 10, 2010**

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**

Be it enacted by the Governor and Assembly as follows:

1 Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, is amended by adding the following immediately after Section 67A the following Section:

67B (1) Where a driver's license or privilege of obtaining a driver's license has been revoked under clause (db) of subsection (1) of Section 278, no application for the restoration of a driver's license or the privilege of obtaining a driver's license shall be made until there has expired from the date of revocation a period of

- (a) one year in the case of a first revocation;
- (b) three years in the case of a second revocation; or
- (c) ten years in the case of a third or subsequent revocation.

(2) For the purpose of subsection (1),

(a) a revocation is a second revocation if the person's driver's license or privilege of obtaining a driver's license has been revoked under the authority of clause (db) of subsection (1) of Section 278 at any time within five years of the date of the conviction for the most recent offence under Section 163; or

(b) a revocation is a third or subsequent revocation if the person's driver's license or privilege of obtaining a driver's license has been revoked under the authority of clause (db) of subsection (1) of Section 278 two or more times at any time within five years of the date of the conviction for the most recent offence under Section 163.

(3) A person applying for restoration of a driver's license or privilege of obtaining a driver's license shall pay a restoration fee as set out in the regulations.

2 Subsection 163A(2) of Chapter 293, as enacted by Chapter 45 of the Acts of 2007, is amended by

(a) striking out "revoked" in the fifth line and substituting "suspended"; and

(b) striking out "seven days from the time the request is made" in the sixth and seventh lines and substituting the following clauses:

(a) seven days from the time the request is made, if the driver has not had a revocation under clause 278(1)(db) at any time within the last five years;

(b) fifteen days from the time the request is made, if the driver has had one revocation under clause 278(1)(db) at any time within the last five years; or

(c) thirty days from the time the request is made if the driver has had two or more revocations under clause 278(1)(db) at any time within the last five years.

3 Subsection 278(1) of Chapter 293, as amended by Chapter 20 of the Acts of 2002, Chapter 38 of the Acts of 2005 and Chapter 45 of the Acts of 2007, is further amended by adding immediately after clause (da) the following clause:

(db) a violation of Section 163;

4 The POINT SYSTEM TABLE in subsection 282(2) of Chapter 293, as amended by Chapter 24 of the Acts of 1994, Chapters 12 and 44 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapters 20 and 45 of the Acts of 2007 and Chapter 21 of the Acts of 2008, is further amended by adding immediately after item 14. the following item:

15.	Using hand-held cellular telephone or engaging in text messaging on communication device while operating vehicle on highway	100D	4
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5 Subsection 285(1) of Chapter 293, as amended by Chapter 12 of the Acts of 2001, is further amended by

- (a) striking out the third comma in the fourth line and substituting “or”; and
- (b) striking out "or Section 163" in the fourth line.

6 Section 293 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, Chapters 20 and 45 of the Acts of 2007 and Chapter 62 of the Acts of 2008, is further amended by striking out "or 93, subsection (1) of Section 100D, Section" in the third line and substituting “, 93”.

7 Section 294 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, is further amended adding ", subsection (1) of Section 100D" immediately after "96" in the third line.

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