



BILL NO. 51

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
63 Elizabeth II, 2014*

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

CHAPTER 53
ACTS OF 2014

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
NOVEMBER 20, 2014**

The Honourable Geoff MacLellan
Minister of Transportation and Infrastructural Renewal

*Halifax, Nova Scotia
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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 Section 2 of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as amended by Chapter 24 of the Acts of 1994, Chapter 12 of the Acts of 1994-95, Chapter 23 of the Acts of 1995-96, Chapter 12 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapter 42 of the Acts of 2004, Chapter 35 of the Acts of 2006, Chapters 20 and 45 of the Acts of 2007, Chapter 21 of the Acts of 2008, Chapters 59 and 60 of the Acts of 2010, Chapter 35 of the Acts of 2011 and Chapter 20 of the Acts of 2014, is further amended by

(a) adding immediately after clause (aaa) the following clauses:

(aab) “approved instrument” means an approved instrument as defined in section 254 of the *Criminal Code* (Canada);

(aac) “approved screening device” means an approved screening device as defined in section 254 of the *Criminal Code* (Canada);

(b) adding immediately after clause (ae) the following clause:

(aea) “novice driver” means a person who

- (i) is a licensed learner,
- (ii) is a newly licensed driver, or
- (iii) holds a driver’s license of class 1, 2, 3, 4, or 5 as set out in the regulations made pursuant to Section 66 and has been the holder of
 - (A) such a driver’s license for less than two years, or
 - (B) driver’s licenses of more than one such class for a combined period of less than two years;

(c) adding immediately after clause (bp) the following clause:

(bpa) “supervising driver” means a person who

- (i) meets the qualifications to act as a supervising driver set out in subsection (1) of Section 69A, and
- (ii) has agreed to supervise a licensed learner or a newly licensed driver who is driving a motor vehicle;

(d) relettering clause (ca) immediately after clause (c) as clause (cb); and

(e) relettering clause (cb) immediately before clause (d) as clause (cd).

2 Subsection 67(21A) of Chapter 293 is repealed.

3 Chapter 293 is further amended by adding immediately after Section 69 the following Section:

69A (1) A person is qualified to act as a supervising driver for the purpose of this Section and Sections 70 and 70A if the person

(a) holds a valid driver's license for the class of vehicle being driven; and

(b) is not a novice driver.

(2) No person occupying a front seating position of a motor vehicle being operated by a licensed learner or newly licensed driver shall directly or indirectly hold himself or herself out to a peace officer as being a supervising driver unless the person is qualified to act as a supervising driver.

4 (1) Subsection 70(1) of Chapter 293 is repealed.

(2) Subsection 70(2) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994 and amended by Chapter 20 of the Acts of 2007, is further amended by

(a) striking out "experienced" in the first line of clause (a) and substituting "supervising"; and

(b) striking out clause (b).

(3) Subsection 70(4) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994 and amended by Chapter 20 of the Acts of 2007, is further amended by striking out "licensed" in the fourth line and substituting "supervising".

(4) Subsection 70(6) of Chapter 293 is repealed and the following subsection substituted:

(6) A licensed learner may, while the license is in force, apply to an examiner for a certificate that the licensed learner has qualified for a driver's license

(a) at any time if the person held a class 1, 2, 3, 4 or 5 driver's license as set out in regulations made pursuant to Section 66 or an equivalent license in another province, state or country;

(b) where the person has successfully completed a driver education or training program approved by the Department

(i) at any time after the completion of nine months as a licensed learner, or

(ii) where the person is a licensed learner at the time this subsection comes into force, at any time after the completion of three months as a licensed learner;

(c) at any time after the completion of twelve months as a licensed learner or, where the person is a licensed learner at the time this subsection comes into force, at any time after the completion of six months as a licensed learner.

(5) Section 70 of Chapter 293 is further amended by adding immediately after subsection (6) the following subsection:

(6A) For the purpose of clause (b) or (c) of subsection (6), a licensed learner whose driver's license or privilege of obtaining a driver's license has been revoked pursuant to Section 278 or whose driver's license or privilege of obtaining a driver's license has been suspended pursuant to Section 100A, 100B, 205, 227, 278C, 279, 279A, 279C, 282 or 283 shall, upon restoration of the driver's license, be required to complete the total period as a licensed learner required pursuant to clause (b) or (c) of subsection (6), as the case may be, from the date of restoration.

(6) Subsection 70(10) of Chapter 293 is repealed.

5 Clause 70A(5)(c) of Chapter 293 is repealed and the following clause substituted:

(c) between midnight and five o'clock in the morning only when accompanied by a person who

(i) is a supervising driver,

(ii) holds a valid driver's license of class 1, 2, 3, 4 or 5 as set out in regulations made pursuant to Section 66 and of the class required for the class of vehicle being operated, and

(iii) is actually occupying a front seating position,

and when there is no other person in the vehicle.

6 Clause 70B(3)(c) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994, is amended by striking out "an experienced driver as defined in subsection 1 of Section 70" in the second and third lines and substituting "not a novice driver".

7 Chapter 293 is further amended by adding immediately after Section 70B the following Section:

70C (1) A person who holds a driver's license of class 1, 2, 3, 4 or 5 as set out in the regulations made pursuant to Section 66 and has been the holder of such a driver's license for less than two years, or of driver's licenses of more than one such class for a combined period of less than two years, has the status of a novice driver.

(2) A person who holds a driver's license referred to in subsection (1) and has the status of a novice driver may apply to have the status removed when the person has two years' experience as a licensed driver while holding a driver's license referred to in subsection (1), two years' experience as a licensed driver in another province or country recognized by the Department as equivalent experience or two years' combined experience as a licensed driver while holding a driver's license referred to in subsection (1) and as a licensed driver in such other province or country.

8 (1) Subsection 100A(1) of Chapter 293 is repealed and the following subsection substituted:

(1) Where a peace officer believes on reasonable and probable grounds that any person who is a novice driver

(a) is operating or having care and control of a motor vehicle, whether it is in motion or not; or

(b) at any time within the preceding two hours, has operated or had care and control of a motor vehicle, whether it was in motion or not,

having consumed alcohol in such a quantity that the concentration in the person's blood exceeds zero milligrams of alcohol in one hundred millilitres of blood, the peace officer may make a demand pursuant to subsection (2).

(2) Subsection 100A(2) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994, is amended by striking out “on reasonable and probable grounds that a person is committing, or any time within the preceding two hours has committed, as a result of the consumption of alcohol, an offence under subsection (1)” in the first, second, third, fourth and fifth lines and substituting “that subsection (1) applies with respect to a person”.

(3) Subsection 100A(4) of Chapter 293 is repealed.

(4) Subsection 100A(5), as enacted by Chapter 11 of the Acts of 1999, is amended by

(a) striking out “licensed learner or newly licensed” in the third and fourth lines and substituting “novice”;

(b) striking out “as defined in section 254 of the *Criminal Code* (Canada)” in the sixth and seventh and in the fifteenth and sixteenth lines; and

(c) striking out “determining compliance with subsection (1)” in the tenth line and substituting “subsection (2)”.

9 (1) Subsection 100B(2) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “licensed learner or a newly licensed” in the third line and substituting “novice”.

(2) Subsection 100B(3) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “licensed learner or a newly licensed” in the first and second and in the fourth and fifth lines and substituting in each case “novice”.

(3) Subsection 100B(4) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “licensed learner or a newly licensed” in the first and second lines and substituting “novice”.

(4) Subsection 100B(5) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998 and amended by Chapter 42 of the Acts of 2004, is further amended by

(a) striking out “licensed learner or a newly licensed” in the first line and substituting “novice”;

(b) striking out “licensed learner or newly licensed” in the fifth line and substituting “novice”; and

(c) striking out “licensed learner’s or newly licensed” in the seventh and eighth lines and substituting “novice”.

(5) Subsection 100B(6) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “licensed learner or newly licensed” in the second and in the fifth and sixth lines and substituting in each case “novice”.

(6) Subsection 100B(7) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “licensed learner or newly licensed” in the second and in the second last lines and substituting in each case “novice”.

(7) Subsection 100B(9) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998 and amended by Chapter 42 of the Acts of 2004, is further amended by striking out “licensed learner or newly licensed” wherever it appears in that subsection and substituting in each case “novice”.

(8) Subsection 100B(10) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998 and amended by Chapter 42 of the Acts of 2004, is further amended by striking out “licensed learner or a newly licensed” wherever it appears in that subsection and substituting in each case “novice”.

(9) Subsection 100B(12) of Chapter 293 is repealed.

(10) Subsection 100B(13) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998 and amended by Chapter 11 of the Acts of 1999, is further amended by

(a) striking out “licensed learner or a newly licensed” in the second line and substituting “novice”;

(b) striking out “licensed learner or newly licensed” in the ninth line and substituting “novice”; and

(c) striking out “and has committed an offence under subsection (1) of Section 100A” in the last three lines.

(11) Subsection 100B(14) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “licensed learner or newly licensed” in the third and fourth lines and substituting “novice”.

10 Clause 100C(a) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “licensed learner or newly licensed” in the first and second lines and substituting “novice”.

11 (1) Subsection 279C(1) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “as defined in section 254 of the *Criminal Code*” in the fourth and fifth lines.

(2) Subsection 279C(2) is repealed and the following subsection substituted:

(2) Where, upon demand of a peace officer made under subsection (3) of section 254 of the *Criminal Code* (Canada),

(a) a person who is a novice driver provides a sample of the person's breath that, on analysis by an approved instrument, indicates that the concentration of alcohol in the person's blood is more than zero milligrams of alcohol in one hundred millilitres of blood; or

(b) a person who is not novice driver provides a sample of the person's breath that, on analysis by an approved instrument, indicates that the concentration of alcohol in the person's blood is more than fifty milligrams and not exceeding eighty milligrams of alcohol in one hundred millilitres of blood,

a peace officer shall request the person to surrender the person's license.

12 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, Chapter 21 of the Acts of 2008, Chapter 61 of the Acts of 2010 and Chapter 46 of the Acts of 2011, is further amended by

- (a) striking out item 5.;
- (b) striking out items 5A. and 5B.; and
- (c) adding "69A," immediately before "70" in the second column of item 13.

13 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, Chapter 20 of the Acts of 2007, Chapter 61 of the Acts of 2010 and Chapter 20 of the Acts of 2014, is further amended by adding " , 69A," immediately after "65" in the second line.

14 Section 297 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 42 of the Acts of 2004, Chapter 8 of the Acts of 2005, Chapter 45 of the Acts of 2007 and Chapter 60 of the Acts of 2010, is further amended by striking out " , 100A, 100B" in the second line.

15 Section 1 of Chapter 60 of the Acts of 2010, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, is amended by

- (a) striking out "(cb)" in the second line of clause (a) and substituting "(cc)";
- and
- (b) striking out "(awa)" in the second line of clause (e) and substituting "(awc)".

16 Chapter 20 of the Acts of 2007, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act*, is repealed.

17 (1) This Act, except subsections 4(4) and (5), clause 12(a) and Section 15, has effect on and after April 1, 2015.

(2) Subsections 4(4) and (5) have effect on and after April 1, 2016.

(3) Clause 12(a) comes into force on such day as the Governor in Council orders and declares by proclamation.
