

# BILL NO. 77

(as passed)



*2nd Session, 58th General Assembly  
Nova Scotia  
50 Elizabeth II, 2001*

Government Bill

## **Motor Vehicle Act (amended) and Public Highways Act (amended)**

CHAPTER 44 OF THE ACTS OF 2001

The Honourable Ronald S. Russell, C.D.  
Minister of Transportation and Public Works

[First Reading](#): November 2, 2001 (LINK TO BILL AS INTRODUCED)

Second Reading: November 6, 2001

[Third Reading](#): November 15, 2001

Royal Assent: November 22, 2001



**An Act Amend Chapter 293**

**of the Revised Statutes, 1989,  
the Motor Vehicle Act, and  
Chapter 371 of the Revised Statutes, 1989,  
the Public Highways Act**

Be it enacted by the Governor and Assembly as follows:

**1 (1)** Subsection 67(5) of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as amended by Chapter 32 of the Acts of 1998 and Chapter 11 of the Acts of 1999, is further amended by

- (a) adding ", 249.1(3)" immediately after "249" in the fourth line of clause (c); and
- (b) adding "249.1(1)" immediately after "section" in the fifth and sixth lines of clause (d).

**(2)** Subsections 67(19) to (22) of Chapter 293 are repealed.

**2** Subsection 93(2) of Chapter 293 is amended by striking out the period at the end of clause (i) and substituting a semicolon and by adding the following clause:

(j) in the event of signal failure where no traffic signal indication is given, the intersection shall be treated as a multi-way stop, all vehicles shall stop and the driver of a vehicle shall yield the right of way to a vehicle that has entered the intersection and, when two vehicles enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield to the driver on the right.

**3** Section 107A of Chapter 293 is repealed and the following Sections substituted:

107A Notwithstanding anything contained in this Act,

- (a) where a portion of a highway is designated as a temporary work area by the erection of signs, regulatory signs may be placed on temporary sign supports adjacent to the travelled portion of the highway; and
- (b) the driver of a vehicle shall stop the vehicle and remain stopped when approaching a Department vehicle exhibiting flashing red lights and an illuminated "STOP DO NOT PASS" sign.

107B (1) In this Section, "traffic control person" means a person qualified and accredited by the Provincial Traffic Authority to direct the movement of traffic along or across a highway within an area designated as a temporary work area for the purpose of construction, maintenance or utility operation.

(2) A traffic control person may direct traffic only at a temporary work area in a manner consistent with standards contained in the latest edition of the Nova Scotia Temporary Workplace Traffic Control Manual.

(3) It is an offence for the driver of a vehicle to fail to obey a traffic control person directing traffic within a temporary work area.

**4** Section 181A of Chapter 293, as enacted by Chapter 14 of the Acts of 2000, is amended by adding "(1)" immediately after the Section number and by adding the following subsection:

(2) Subsection (1) does not apply to fire department or other emergency vehicles.

**5** The POINT SYSTEM TABLE in subsection 282(2) of Chapter 293, as amended by Chapter 24 of the Acts of 1994 and Chapter 12 of the Acts of 2001, is further amended by adding immediately after 9D. the following:

9E. Failure to obey a traffic control person 107B 4

**6** Chapter 293 is further amended by adding immediately after Section 278A the following Section:

278B The Registrar or the Director of Highway Safety shall revoke the driver's license of a person who is sixteen, seventeen or eighteen years of age if the person is found guilty of any of the crimes or offences referred to in subsection (1) of Section 278 and that Section applies *mutatis mutandis* to the revocation.

**7 (1)** Subsection 279A(2) of Chapter 293, as enacted by Chapter 12 of the Acts of 1994-95 and amended by Chapter 11 of the Acts of 1999, is further amended by adding immediately after clause (c) the following clause:

(d) a report signed by the peace officer;

**(2)** Subsection 279A(3) of Chapter 293, as enacted by Chapter 12 of the Acts of 1994-95 and amended by Chapter 11 of the Acts of 1999, is further amended by adding ", the report of the peace officer referred to in this Section" immediately after "suspension" in the second line.

**8** Subsection 279B(6) of Chapter 293, as enacted by Chapter 12 of the Acts of 1994-95 and amended by Chapter 11 of the Acts of 1999, is further amended by adding immediately after clause (a) the following clause:

(b) the report of the peace officer;

**9** Section 282 of Chapter 293, as amended by Chapter 24 of the Acts of 1994 and Chapter 12 of the Acts of 2001, is further amended by adding immediately after subsection (7) the following subsections:

(7A) A person whose driver's license or privilege of obtaining a driver's license has been suspended pursuant to this Section shall, to have the driver's license or privilege of obtaining a driver's license reinstated, apply to the Registrar in the form and manner required by the Registrar.

(7B) The Registrar shall not reinstate a driver's license or the privilege of obtaining a driver's license pursuant to subsection (7A) until the Registrar is satisfied that all requirements pursuant to this Act have been completed by the applicant.

**10** Clause 303(1)(b) of Chapter 293 is amended by adding "carriers and" immediately after "commercial" in the first line.

**11** Section 20 of Chapter 371 of the Revised Statutes, 1989, the *Public Highways Act*, as amended by Chapter 44 of the Acts of 1990, Chapter 16 of the Acts of 1994-95 and Chapter 4 of the Acts of 1999, is further amended by adding immediately after subsection (1) the following subsection:

(1A) An order made under subsection (1) or terms or conditions prescribed under subsection (1) shall be published in a newspaper of general circulation in the area affected by the order or the terms or conditions and, notwithstanding the *Regulations Act*, the order or terms or conditions are effective upon such publication.

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

