

BILL NO. 111

(as passed, with amendments)



*2nd Session, 58th General Assembly
Nova Scotia
51 Elizabeth II, 2002*

Government Bill

Motor Vehicle Act (amended)

CHAPTER 20 OF THE ACTS OF 2002

The Honourable Angus MacIsaac
Minister of Service Nova Scotia and Municipal Relations

[First Reading](#): April 5, 2002 (LINK TO BILL AS INTRODUCED)

Second Reading: May 7, 2002

[Third Reading](#): May 28, 2002 (WITH COMMITTEE AMENDMENTS)

Royal Assent: May 30, 2002



An Act Amend Chapter 293

of the Revised Statutes, 1989, the Motor Vehicle Act

Be it enacted by the Governor and Assembly as follows:

1 Clause 2(c) of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, is repealed and the following clause substituted:

(c) "bicycle" means

(i) a vehicle propelled by human power upon which or in which a person may ride and that has two tandem wheels either of which is 350 millimetres or more in diameter or that has four wheels any two of which are 350 millimetres or more in diameter but does not include a wheelchair, or

(ii) a vehicle propelled by human and mechanical power that is fitted with pedals that are operable at all times to propel the bicycle, that has the same wheel requirements as set out in subclause (i) and that has an attached motor driven by electricity not producing more than 500 watts or with a piston displacement of not more than 50 cubic centimetres and is incapable of providing further assistance when the vehicle attains a speed of thirty kilometres per hour on level ground;

2 (1) Clause 67(5)(c) of Chapter 293 is repealed and the following clauses substituted:

(c) two years in the case of a first revocation and five years in the case of a subsequent revocation where the revocations was for a violation of subsection 249(1), 249.1(1) or 252(1.1) of the *Criminal Code* (Canada) and where the offence involved the operation of a motor vehicle;

(ca) five years in the case of a first revocation and indefinitely in the case of a subsequent revocation where the revocation was for a violation of section 220, 221 or 236 or subsection 249(3), 249(4), 249.1(3), 252(1.2), 252(1.3), 255(2) or 255(3) of the *Criminal Code* (Canada) and where the offence involves the operation of a motor vehicle;

(2) Subsection 67(11) of Chapter 293, as amended by Chapter 34 of the Acts of 1996 and Chapter 32 of the Acts of 1998, is further amended by adding "or privilege of obtaining a driver's license" immediately after "license" in the second line.

3 Chapter 293 is further amended by adding immediately after Section 170A the following Section:

170B (1) No person shall ride on or operate a scooter, skate board, in-line skates, roller skates or other device prescribed by the regulations on a public street, lane, road, alley or sidewalk unless the person is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin.

(2) No parent or guardian of a person under sixteen years of age shall authorize or knowingly permit that person to ride on or operate a scooter, a skate board, in-line skates, roller skates or other device prescribed by the regulations on a public street, lane, road, alley or sidewalk unless the person is wearing a helmet as required by subsection (1).

(3) For greater certainty, nothing in this Section authorizes any person to ride on or operate a scooter, a skate board, in-line skates, roller skates or other device prescribed by the regulations on a roadway if otherwise prohibited by this Act or another enactment.

(4) Every person who is sixteen years of age or older who violates a provision of this Section is guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars.

(5) A peace officer may seize and detain, for a period not to exceed thirty days, a scooter, a skate board, in-line

skates, roller skates or other device prescribed by the regulations that is being ridden on or operated by a person not wearing a helmet as required by subsection (1).

(6) The Governor in Council may make regulations

(a) prescribing standards and specifications for helmets;

(b) providing for and requiring the identification and marking of helmets;

(c) prescribing devices for the purpose of this Section;

(d) exempting any person or class of persons from the requirements of this Section and prescribing conditions for exemptions.

(7) The exercise by the Governor in Council of the authority contained in subsection (6) is regulations within the meaning of the *Regulations Act*.

4 (1) Subsection 172(1) of Chapter 293 is amended by striking out "roller skates or a skate board" in the second line and substituting "a scooter, a skate board, in-line skates, roller skates or a device prescribed by the regulations".

(2) Section 172 of Chapter 293 is further amended by adding immediately after subsection (2) the following subsections:

(3) The Governor in Council may make regulations prescribing devices for the purpose of this Section.

(4) The exercise by the Governor in Council of the authority in subsection (3) is regulations within the meaning of the *Regulations Act*.

5 Section 264 of Chapter 293, as amended by Chapter 23 of the Acts of 1995-96, is further amended by adding immediately after subsection (4) the following subsection:

(5) Any document referred to in subsection (1), (2) or (4) certified by, under the signature of or purporting to be signed by an official in another province performing duties similar to those of the Registrar and bearing the seal of a department in another province, or a facsimile of the document, shall be received in evidence in the same manner and has the same effect as a document received in evidence pursuant to subsection (1), (2) or (4) and Section 265 applies *mutatis mutandis*.

6 Clause 278(1)(b) of Chapter 293 is amended by adding ", 249.1" immediately after "249" in the second line.

7 Section 278B of Chapter 293, as enacted by Chapter 44 of the Acts of 2001, is amended by adding "or the privilege of obtaining a license" immediately after "license" in the second line.

8 Number 4. in the POINT SYSTEM TABLE in subsection 282(2) of Chapter 293 is repealed.

9 Section 286 of Chapter 293 is amended by adding "or a certificate under the signature of a minister or an official in another province performing duties similar to the Registrar and under the seal of a department in another province that a registration has been suspended or cancelled or that a permit or a license or the privilege of obtaining a license has been suspended or revoked in that province, or a facsimile of that document," immediately after "revoked" in the fifth line.

10 (1) Subsection 302(2) of Chapter 293 is amended by adding "provided in subsection (4) or as" immediately after "as" in the first line.

(2) Section 302 is further amended by adding immediately after subsection (3) the following subsection:

(4) The fees associated with conservation license plates, less the portion of those fees that the Registrar determines relates to administrative costs, shall be paid into a conservation fund administered by the Department

of Natural Resources and designated by the Governor in Council.

11 Clause 303G(b) of Chapter 293, as enacted by Chapter 12 of the Acts of 2001, is amended by adding ", at-fault collisions" immediately after "suspensions" in the third line.

12 (1) Subsection 1(2) of Chapter 44 of the Acts of 2001, *An Act to Amend Chapter 293 of the Revised Statutes, 1989, the Motor Vehicle Act, and Chapter 371 of the Revised Statutes, 1989, the Public Highways Act*, is amended by adding "21 and" immediately after "to" in the first line.

(2) Subsection (1) has effect on and after November 22, 2001.

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



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