



BILL NO. 92

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
53 Elizabeth II, 2004*

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

CHAPTER 42
ACTS OF 2004

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 18, 2004**

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

*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 and Chapter 20 of the Acts of 2002, is further amended by adding immediately after clause (bu) the following clause:

(bua) “transit bus” means a motor vehicle operated by or subsidized by a municipality or a regional transit authority;

2 Subsection 13(2) of Chapter 293 is amended by adding “or ninety days where residency is determined pursuant to subclause (iv) of clause (bd) of Section 2” immediately after “Province” in the sixth and seventh lines.

3 (1) Section 67 of Chapter 293, as amended by Chapter 12 of the Acts of 1994-95, Chapter 34 of the Acts of 1996, Chapter 32 of the Acts of 1998, Chapter 11 of the Acts of 1999, Chapter 44 of the Acts of 2001 and Chapters 20 and 30 of the Acts of 2002, is further amended by adding immediately after subsection (2) the following subsection:

(2A) The Department shall not issue a license to a person if a decision has been made to suspend or revoke the person’s license in the person’s previous jurisdiction of residence and the suspension or revocation has not yet taken place.

(2) Clause 67(5)(e) of Chapter 293, as amended by Chapter 32 of the Acts of 1998, is further amended by adding “or subsection 259(4) of the *Criminal Code* (Canada) where the disqualification under that subsection was for a non-alcohol-related offence” immediately after “1985,” in the seventh line.

(3) Section 67 of Chapter 293 is further amended by adding immediately after subsection (7) the following subsection:

(7A) For the purpose of clause (ca) of subsection (5), a revocation is a second or subsequent revocation where the driver’s license or the privilege of obtaining a driver’s license of the applicant was revoked for the same or any other offence referred to in clause (ca) of subsection (5) within the previous ten years.

(4) Subsection 67(16) of Chapter 293 is amended by adding “220, 221, 249, 249.1, 252” immediately after “section” in the second and in the fourth lines.

(5) Subsection 67(21A) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by adding “or privilege of obtaining a driver’s license” immediately after “license” in the seventh line.

4 Clause 70(6)(a) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994, is amended by striking out “or state” in the fifth line and substituting “, state or country”.

5 Subsection 70A(4) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994 and amended by Chapter 11 of the Acts of 1999, is further amended by striking out “, 282 or 283” in the fifth and sixth lines and substituting “or 282”.

6 Subsection 90(5) of Chapter 293 is amended by striking out “with the approval of the Provincial Traffic Authority” in the first and second lines.

7 (1) Subsection 93(1) 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) transit priority signal with a vertical white bar.

(2) Clause 93(2)(e) of Chapter 293 is amended by

(a) striking out “or” at the end of subclause (i);

(b) adding “or” at the end of subclause (ii); and

(c) adding immediately after subclause (ii) the following subclause:

(iii) if a transit priority signal is also exhibited and if the vehicle is a transit bus, the vehicle is permitted to proceed and make turns through the intersection,

8 (1) Subsection 100B(5) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “revoked” in the seventh line and substituting “suspended”.

(2) Subsection 100B(9) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by

(a) striking out “revocation and” in the first and second and in the fifth lines of clause (a); and

(b) striking out clause (b) and substituting the following clause:

(b) provide the licensed learner or newly licensed driver with a written statement setting out the time at which the suspension takes effect, the length of the period during which the license is suspended and the place where the license may be recovered upon the termination of the suspension and acknowledging receipt of the license that is surrendered;

(3) Subsection 100B(10) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “revoked” in the third line and substituting “suspended”.

9 Section 100C of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “revocation” in the first line and substituting “suspension”.

10 Section 135 of Chapter 293 is repealed and the following Section substituted:

135 (1) The driver of a vehicle entering a roadway in or around a rotary or roundabout shall yield the right of way to traffic already on the roadway in the circle and approaching so closely to the entering highway as to constitute an immediate hazard.

(2) The driver of a vehicle passing around a rotary or roundabout shall drive the vehicle in a counter-clockwise direction around the island or the centre of the circle.

11 Subsection 199(3) of Chapter 293 is repealed and the following subsection substituted:

(3) The Governor in Council may make regulations

(a) respecting the securing of loads on vehicles;

(b) adopting by reference a document or incorporating by reference, as amended from time to time, any Act of the Parliament of Canada or regulations made pursuant to such an Act or any classification, standard, procedure or other specification.

12 Subsection 201(2B) of Chapter 293, as enacted by Chapter 12 of the Acts of 2001, is amended by adding “or a person designated by the Minister” immediately after “Minister” in the first and in the second lines.

13 (1) Subsection 279C(5) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by striking out “revocation of a license and” in the first line and substituting “suspension of a license or”.

(2) Subsection 279C(10) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by

(a) striking out “revoked and” in the first line and substituting “suspended or”;

(b) striking out “revocation and” in the second and in the fourth lines of clause (a); and

(c) striking out clause (b) and substituting the following clause:

(b) provide the person with a written statement of the time at which the suspension takes effect, the length of the period during which the person’s license or driving privilege is suspended, the place where the license may be recovered upon the termination of the suspension and acknowledging receipt of the license that is surrendered.

(3) Subsection 279C(11) of Chapter 293, as enacted by Chapter 32 of the Acts of 1998, is amended by

(a) striking out “revoked and” in the first line and substituting “suspended or”; and

(b) striking out “is revoked and” in the seventh line and substituting “or”.

14 Section 295A of Chapter 293, as enacted by Chapter 36 of the Acts of 1990 and 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 5 of the Acts of 1997, Chapter 12 of the Acts of 2001 and Chapter 10 of the Acts of 2002, is further amended by striking out “or Section 100A” in the second line and substituting “, Section 100A or Section 199”.

15 Section 297 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002, is amended by adding “, 199” immediately after “182A” in the fifth line.

16 Subsection 303D(1) of Chapter 293 is repealed and the following subsection substituted:

(1) A carrier shall keep records showing

(a) in respect of each driver employed by the carrier, an annual driver’s abstract issued by the Department that includes the name and date of birth, class of license held, warnings, convictions, collisions and suspensions imposed in the Province or a reciprocating jurisdiction;

(b) qualifications and courses undertaken relevant to the driver’s work; and

(c) particulars in respect of each commercial vehicle operated by the carrier, including number plates, vehicle identification numbers and trip inspection, safety inspection and maintenance reports.

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