



BILL NO. 147

Government Bill

*1st Session, 59th General Assembly
Nova Scotia
54 Elizabeth II, 2005*

**An Act to Amend Chapter 38
of the Acts of 2001,
the Youth Justice Act, and Chapter 293
of the Revised Statutes, 1989,
the Motor Vehicle Act**

CHAPTER 32
ACTS OF 2005

**AS ASSENTED TO BY THE ADMINISTRATOR OF THE PROVINCE
MAY 19, 2005**

The Honourable Michael G. Baker, Q.C.
Minister of Justice

*Halifax, Nova Scotia
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**An Act to Amend Chapter 38
of the Acts of 2001,
the Youth Justice Act, and Chapter 293
of the Revised Statutes, 1989,
the Motor Vehicle Act**

Be it enacted by the Governor and Assembly as follows:

1 Chapter 38 of the Acts of 2001, the *Youth Justice Act*, is amended by adding immediately after Section 13 the following Section:

13A (1) Subject to subsection (2), this Act has no application where a young person who is sixteen or seventeen years of age is charged with an offence under the *Motor Vehicle Act* or any other motor vehicle related offence designated in the regulations.

(2) The Governor in Council may, by regulation, require that certain provisions of this Act apply to young persons charged with those offences described in subsection (1).

2 Subsection 37(1) of Chapter 38, as amended by Chapter 7 of the Acts of 2003, is further amended by adding immediately after clause (aa) the following clause:

(ab) designating offences and provisions of this Act for the purpose of Section 13A;

3 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, Chapter 11 of the Acts of 1999, Chapter 44 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapter 30 of the Acts of 2002 and Chapter 42 of the Acts of 2004, is further amended by

(a) striking out “revocations” in the third line of clause (c) and substituting “revocation”;

(b) striking out “252(1.1)” in the fourth line of clause (c) and substituting “252(1)”;

(c) striking out “one year” in the first line of clause (d) and substituting “two years”;

(d) striking out “two” in the second line of clause (d) and substituting “five”;

(e) striking out “or subsection (1) of Section 287 of this Act” in the fifth and sixth lines of clause (d); and

(f) adding immediately after clause (d) the following clause:

(da) one year in the case of a first revocation or two years in the case of a subsequent revocation where the revocation was for a violation of subsection (1) of Section 287;

4 Chapter 293 is further amended by adding immediately after Section 273 the following Section:

273A (1) Where a peace officer is satisfied that a motor vehicle is being operated in the course of committing an offence under Section 163, the peace officer shall

- (a) notify the Registrar or cause the Registrar to be notified of the fact; and
- (b) seize and impound the motor vehicle.

(2) Any personal property present in the motor vehicle that is seized and impounded pursuant to subsection (1), other than personal property attached to or used in connection with the operation of the motor vehicle, shall be released to the owner of the personal property upon request, unless it is required as evidence in a prosecution or in connection with an investigation of an offence under this Act.

(3) Except as otherwise provided by this Section, no person shall remove or release, or permit the removal or release of, a motor vehicle impounded under subsection (1) where

- (a) the driver of the motor vehicle is charged with a first offence, for a period of twenty-four hours; or
- (b) the driver of the motor vehicle is charged with a second or subsequent offence, for a period of thirty days.

(4) Where a motor vehicle is seized and impounded, a peace officer may authorize the removal or release of the motor vehicle if the peace officer is satisfied that

- (a) the vehicle is stolen;
- (b) at the time the motor vehicle was detained, the driver was in possession of it without the knowledge and consent of the owner; or
- (c) the owner could not reasonably have known that the vehicle would be operated in the course of committing an offence under Section 163.

(5) The owner of a motor vehicle impounded under subsection (1) may, where the owner is not charged with the offence in respect of which the vehicle was detained, apply to the Registrar for the release of the vehicle by

- (a) making an application in the form and manner required by the Registrar; and
- (b) paying the prescribed application fee.

(6) Where the Registrar receives an application and payment of the application fee described in subsection (5) and is satisfied that

- (a) at the time the motor vehicle was impounded, the driver was in possession of it without the knowledge and consent of the owner; or
- (b) the owner could not reasonably have known that the vehicle was being operated in the course of committing an offence under Section 163,

the Registrar shall authorize the release or removal of the motor vehicle to the owner.

(7) Section 275 applies to motor vehicles seized and impounded under subsection (1) except that no lien attaches to a stolen vehicle.

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

(9) The exercise by the Governor in Council of the authority contained in subsection (8) is regulations within the meaning of the *Regulations Act*.

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