



BILL NO. 168

Government Bill

*1st Session, 60th General Assembly
Nova Scotia
56 Elizabeth II, 2007*

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

CHAPTER 20
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
APRIL 13, 2007**

The Honourable Angus MacIsaac
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, Chapter 20 of the Acts of 2002, Chapter 42 of the Acts of 2004 and Chapter 35 of the Acts of 2006, is further amended by adding immediately after clause (o) the following clause:

(oa) “experienced driver” means a person

(i) who has a valid driver's license of class 1, 2, 3, 4 or 5 as set out in regulations made pursuant to Section 66 for at least three years or three years experience as a licensed driver in another province of Canada, state or country recognized by the Department as equivalent experience or a combination of experience as a licensed driver under this Act and as a licensed driver in another province of Canada, state or country,

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

(iii) whose status is not that of a newly licensed driver under this Act and has not had such a status at anytime in the preceding twelve months;

2 Subsection 66(1) of Chapter 293 is amended by striking out the period at the end of clause (d) and substituting a semicolon and adding the following clauses:

(e) defining the term “family member” for the purpose of subsection (5) of Section 70A;

(f) prescribing the competency evaluations that a driver must complete to make a successful application under subsection (6A) of Section 70 and subsection (3A) of Section 70A;

(g) prescribing restrictions on the license of any class or status of driver’s license;

(h) creating offences and penalties for breaches of any regulations made under this Section.

3 (1) Subsection 70(1) of Chapter 293 is repealed.

(2) Clause 70(2)(b) of Chapter 293 is repealed.

(3) Subsection 70(4) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994, is amended by striking out “licensed” in the fourth line and substituting “experienced”.

(4) Subsection 70(6) of Chapter 293 is repealed and the following subsections substituted:

(6) A licensed learner may, while the license is in force, apply to the Registrar for the status of newly licensed driver

(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 of Canada, state or country;

(b) at any time after the completion of three months as a licensed learner if the person has successfully completed a driver education or training program approved by the Department; or

(c) at any time after the completion of six months as a licensed learner.

(6A) Notwithstanding subsection (6), a licensed learner who has been issued a license at anytime after the coming into force of this subsection may only apply to the Registrar for the status of newly licensed driver

(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 of Canada, state or country; or

(b) at any time after the completion of

(i) twelve months as a licensed learner or nine months as a licensed learner if the person has successfully completed a driver education or training program approved by the Department, and

(ii) a competency evaluation where prescribed by the regulations.

(6B) The Registrar shall refuse an application pursuant to subsection (6A) if

(a) the applicant has accumulated four or more points on his or her driving record in the twelve months preceding the application;

(b) the applicant is a probationary driver and has accumulated three or more points on his or her driving record in the twelve months preceding the application;

(c) the Registrar, in the Registrar's sole discretion, is not satisfied that the applicant has demonstrated safe and prudent driving habits; or

(d) the applicant has been convicted of an offence within the twelve months preceding the application that results in a subsequent revocation under Section 278 or a suspension of the driver's license or privilege of obtaining a driver's license pursuant to Section 100A, 100B, 205, 227, 279, 279A or 279C, subsection (6) of Section 282, subsection (10) of Section 282, subsection (3) of Section 283 or subsection (6) of Section 283.

(6C) A licensed learner whose driver's license or privilege of obtaining a driver's license has been revoked or suspended pursuant to Section 100A, 100B, 205, 227, 278, 279, 279A or 279C, subsection (6) of Section 282, subsec-

tion (10) of Section 282, subsection (3) of Section 283 or subsection (6) of Section 283 shall, upon restoration of the driver's license, be required to complete the minimum requirements under this Section as a licensed learner from the date of restoration.

(5) Subsection 70(10) of Chapter 293 is repealed and the following subsection substituted:

(10) Where a person, other than the driver, occupying a front seating position of a motor vehicle being operated by a licensed learner directly or indirectly pretends to be an experienced driver within the meaning of this Act when the person is not an experienced driver within the meaning of this Act, such person is guilty of an offence.

4 (1) Section 70A of Chapter 293, as enacted by Chapter 24 of the Acts of 1994 and amended by Chapter 11 of the Acts of 1999, is amended by adding immediately after subsection (3) the following subsection:

(3A) Notwithstanding subsection (3), a person who has been granted the status of newly licensed driver under subsection (6A) of Section 70 may only apply to the Registrar to have that the status removed when the following conditions have been satisfied:

- (a) the person has
 - (i) completed two years experience as a licensed driver under this Act, other than as the holder of a class 7 or 8 driver's license, and
 - (ii) successfully passed a competency evaluation where prescribed by the regulations; or
- (b) the person has two years experience as a licensed driver in another province of Canada, state or country recognized by the Department as equivalent experience to the experience required under subclause (i) of clause (a) or a combination of experience as a licensed driver under this Act and as a licensed driver in another province of Canada, state or country.

(2) Subsection 70A(4) of Chapter 293 is repealed and the following subsections substituted:

(4) The Registrar shall refuse an application pursuant to subsection (3A) if

- (a) the applicant has accumulated six or more points on his or her driving record in the twelve months preceding the application;
- (b) the applicant is a probationary driver and has accumulated three or more points on his or her driving record in the twelve months preceding the application; or
- (c) the Registrar, in the Registrar's sole discretion, is not satisfied that the applicant has demonstrated safe and prudent driving habits.

(4A) A newly licensed driver 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, 279, 279A or 279C, subsection (6) of Section 282, subsection (10) of Section 282 or subsection (6) of Section 283 shall, upon restoration of the driver's license, be required to complete a minimum two-year period as a newly licensed driver from the date of restoration.

(3) Section 70A of Chapter 293, as enacted by Chapter 12 of the Acts of 1994 and amended by Chapter 11 of the Acts of 1999, is further amended by adding immediately after subsection (5) the following subsection:

(5A) In addition to the conditions in subsection (5), a person who has been granted the status of newly licensed driver under subsection (6A) of Section 70, shall not drive a motor vehicle upon the highway if there is more than one passenger in the motor vehicle, unless

- (a) the newly licensed driver is accompanied by an experienced driver who is occupying the front seat of the vehicle; or
- (b) each of the passengers in the motor vehicle is a family member of the driver.

(4) Section 70A of Chapter 293, as enacted by Chapter 12 of the Acts of 1994 and amended by Chapter 11 of the Acts of 1999, is further amended by adding, immediately after subsection (9) the following subsection:

(10) Where a person, other than the driver, occupying a front seating position of a motor vehicle being operated by a newly licensed driver directly or indirectly pretends to be an experienced driver within the meaning of this Act when the person is not an experienced driver within the meaning of this Act, such person is guilty of an offence.

5 Chapter 293 is further amended by adding immediately after Section 70A the following Sections:

70AA(1) Any person acting as an experienced driver pursuant to Section 70 or 70A having consumed alcohol in such a quantity that the person's blood exceeds fifty milligrams of alcohol in one hundred millilitres of blood is guilty of an offence.

(2) Where a peace officer believes on reasonable and probable grounds that a person acting as an experienced driver pursuant to Section 70 or 70A is committing, or at any time within the preceding two hours has committed, as a result of the consumption of alcohol, an offence, the peace officer may, by demand made to that person forthwith or as soon as practicable, require that person to provide then or as soon thereafter as is practicable

- (a) such samples of the person's breath as, in the opinion of a qualified technician, are required for analysis; or
- (b) where the peace officer has reasonable and probable grounds to believe that, by reason of any physical condition of the person,

(i) the person may be incapable of providing a sample of the person's breath, or

(ii) it would be impracticable to obtain a sample of the person's breath.

such samples of the person's blood, under the conditions referred to in subsection (2), as, in the opinion of the qualified medical practitioner or qualified technician taking the samples,

are necessary to enable proper analysis to be made in order to determine the concentration, if any, of alcohol in the person's blood, and to accompany the peace officer for the purpose of enabling such samples to be taken.

(3) Samples of blood may only be taken from a person pursuant to a demand made by a peace officer pursuant to subsection (2) if the samples are taken by or under the direction of a qualified medical practitioner and the qualified medical practitioner is satisfied that the taking of those samples would not endanger the life or health of the person.

(4) Every person commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made to that person by a peace officer pursuant to this Section.

70AB(1) A licensed learner, who has been issued his or her learner's license after the coming into force of this Section, while operating a motor vehicle on a highway, shall display, in a position clearly visible and prominent from the rear of the motor vehicle that he or she is driving, a "licensed learner" sign, as prescribed by the Registrar, for the purpose of indicating that a motor vehicle is being driven by a person who is licensed learner.

(2) A newly licensed driver, who has been issued such status under subsection (6A) of Section 70, while operating a motor vehicle on a highway, shall display in a position clearly visible and prominent from the rear of the motor vehicle that he or she is driving, a "newly licensed driver" sign, as prescribed by the Registrar, for the purpose of indicating that a motor vehicle is being driven by a person who is a newly licensed driver.

(3) A person who operates a motor vehicle on a highway contrary to this Section is guilty of an offence.

6 (1) Subsection 100A(1) of Chapter 293, as enacted by Chapter 24 of the Acts of 1994, is amended by

(a) striking out "or" at the end of clause (b); and

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

(ba) had the status of newly licensed driver removed from his or her driver's license pursuant to subsection (3A) of Section 70A in the preceding twenty-four months; or

(2) Section 100A 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 adding immediately after subsection (5) the following subsection:

(6) In addition to any other penalty under this Act or any other enactment, upon receipt of a conviction pursuant to this Section, the Registrar shall suspend the person's driver's license or privilege of obtaining a driver's license for a period of six months.

7 The POINT SYSTEM TABLE in subsection 282(2) of Chapter 293 is amended by striking out items 5A. and 5B.

8 Section 292 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, is further amended by adding “, 151” immediately after “149” in the fourth line.

9 Section 293 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, is further amended by striking out “151,” in the fifth line.

10 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, is further amended by adding “, 70AB” immediately after “70A” in the second line.

11 Section 295 of Chapter 293, as enacted by Chapter 10 of the Acts of 2002 and amended by Chapter 8 of the Acts of 2005, is further amended adding “, 70AA” immediately after “64” in the second line.

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