



BILL NO. 136

Government Bill

*2nd Session, 62nd General Assembly
Nova Scotia
64 Elizabeth II, 2015*

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

CHAPTER 46
ACTS OF 2015

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 18, 2015**

The Honourable Geoff MacLellan
Minister of Transportation and Infrastructure Renewal

*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, Chapter 35 of the Acts of 2006, Chapters 20 and 45 of the Acts of 2007, Chapter 21 of the Acts of 2008, Chapters 59 and 60 of the Acts of 2010, Chapter 35 of the Acts of 2011 and Chapters 20 and 53 of the Acts of 2014, is further amended by

(a) adding “and does not include a personal transporter” immediately after “power” in the last line of clause (ad); and

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

(aqa) “personal transporter” means a self-balancing electric vehicle with two side-by-side wheels and designed for the personal transportation of a single person and, for greater certainty, includes a Segway;

2 Section 50 of Chapter 293 is amended by adding “or a personal transporter” immediately after “bicycle” in the last line.

3 Section 69 of Chapter 293 is amended by adding immediately after subsection (3) the following subsection:

(4) No person who is under the age of sixteen years shall operate a personal transporter on a highway except

(a) a person at least fourteen years of age participating in a tour if the tour operator has the written consent of the person’s parent; or

(b) under such circumstances as are prescribed by the regulations.

4 Chapter 293 is further amended by adding immediately after Section 85 the following Section:

85A (1) For the purpose of this Act, where a personal transporter is operated on a roadway, the operator of the personal transporter is deemed to be a cyclist and, where a personal transporter is operated on a sidewalk, the operator is deemed to be a pedestrian.

(2) Every person shall at all times when operating a personal transporter exercise care and caution.

(3) Every person shall have identification in the person’s possession at all times when operating a personal transporter on a highway and shall

(a) display the same; and

(b) provide the person's address and date of birth,
at all reasonable times on the demand of a peace officer.

(4) Sections 97 and 98, except the requirement to exhibit a driver's license, apply to the operator of a personal transporter whether the personal transporter is being operated on a roadway or on a sidewalk.

(5) Sections 119 and 122 and subsection 171(4) do not apply to the operator of a personal transporter on a highway.

5 Subsection 100D(1) of Chapter 293, as enacted by Chapter 45 of the Acts of 2007, is amended by adding "or operating a personal transporter on a roadway or a sidewalk" immediately after "highway" in the last line.

6 Section 106 of Chapter 293, as amended by Chapter 34 of the Acts of 1996, is further amended by adding immediately after subsection (2) the following subsection:

(3) No person shall at any time operate a personal transporter at a speed in excess of

(a) twenty kilometres per hour on a roadway; or

(b) seven kilometres per hour on a sidewalk.

7 Section 137 of Chapter 293, as amended by Chapter 59 of the Acts of 2010, is further amended by

(a) adding "and a personal transporter" immediately after "bicycle" in the first and second lines; and

(b) adding "and the operator of a personal transporter" immediately after "cyclist" in the last line.

8 (1) Subsection 164(1) of Chapter 293 is amended by striking out "subsection (2)" in the first line and substituting "subsections (2) and (3)".

(2) Section 164 of Chapter 293 is further amended by adding immediately after subsection (2) the following subsection:

(3) When operating a personal transporter on a sidewalk, the operator shall yield to all pedestrians not riding on a personal transporter.

9 Subsection 170A(1) of Chapter 293, as enacted by Chapter 35 of the Acts of 1996, is amended by adding "and includes a personal transporter" immediately after "bicycle" in the last line.

10 Chapter 293 is further amended by adding immediately after Section 172 the following Sections:

172A (1) Only one person at a time may be on a personal transporter while it is being operated.

(2) A person operating a personal transporter shall stand when the personal transporter is in motion.

(3) A personal transporter shall not tow another person or vehicle or any device.

172B (1) A personal transporter shall not be operated on

(a) a roadway with a posted speed limit greater than sixty kilometres per hour;

(b) a controlled-access highway;

(c) a highway on which bicycles or on which personal transporters are prohibited by this Act or the regulations;

(d) on a specified sidewalk or roadway within a municipality if not part of a highway to which the *Public Highways Act* applies and prohibited by a municipal by-law; or

(e) private property if it is prohibited.

(2) Where a sidewalk or roadway within a municipality is not part of a highway to which the *Public Highways Act* applies, the municipality may make a by-law prohibiting the operation of a personal transporter on that sidewalk or roadway.

(3) A personal transporter shall be operated

(a) where a highway includes a sidewalk, on the sidewalk unless it is impracticable to do so;

(b) where the highway does not include a sidewalk or where it is impracticable to operate the personal transporter on the sidewalk, on the roadway in a bicycle lane travelling in the same direction that the operator of the personal transporter is travelling; or

(c) where the highway does not include a sidewalk or there is no bicycle lane for travelling in the same direction that the operator of the personal transporter is travelling or where it is impracticable to operate the personal transporter on the sidewalk or in the bicycle lane, on the far right side of the roadway.

(4) Subsections (2) and (3) of Section 127 and subsection (1) of Section 164 do not apply to personal transporters.

(5) Except when passing a cyclist or another personal transporter, the operator of a personal transporter on a highway shall operate the personal transporter in a single file with bicycles and other personal transporters.

(6) The operator of a personal transporter shall not make a left turn on a roadway except by crossing the roadway in a crosswalk and, for greater certainty, Section 125 applies to the operator as a pedestrian.

11 Subsection 174(6) of Chapter 293 is amended by

(a) adding “and personal transporter” immediately after “bicycle” in the first line; and

(b) adding “or personal transporter” immediately after “bicycle” in the fourth and in the last lines.

12 Section 183 of Chapter 293, as amended by Chapter 31 of the Acts of 1993, Chapter 25 of the Acts of 1994 and Chapter 20 of the Acts of 2014, is further amended by adding immediately after subsection (5) the following subsection:

(5A) Every personal transporter shall be equipped with a bell or horn in good working order and the operator of a personal transporter shall use it to give notice of its approach, including overtaking, on a roadway or a sidewalk.

13 Chapter 293 is further amended by adding immediately after Section 188 the following Section:

189 No person shall operate a personal transporter that

(a) is not in good working order;

(b) is missing a component, equipment or other feature that was part of the personal transporter when it was manufactured or that is required by this Act or has such feature rendered wholly or partly inoperable; or

(c) has been modified after it is manufactured except to attach a basket, bag or similar accessory or to add equipment required by this Act.

14 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, Chapter 20 of the Acts of 2007 and Chapter 53 of the Acts of 2014, is further amended by

(a) adding “, subsection (4) of Section 69” immediately after “58” in the second line; and

(b) striking out “or 183” in the sixth line and substituting “, 183 or 189”.

15 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, Chapters 20 and 45 of the Acts of 2007, Chapter 62 of the Acts of 2008, Chapters 61 and 63 of the Acts of 2010 and Chapter 53 of the Acts of 2014, is further amended by

(a) striking out “, 62 or” in the second line and substituting “or 62, subsection (1) or (2) of Section”;

(b) adding “, subsections (2) and (3) of Section 85A” immediately after “83” in the third line; and

(c) striking out “or 165” in the fifth and sixth lines and substituting “, 165, 172A or 172B”.

16 Chapter 293 is further amended by adding immediately after Section 303J the following Section:

303K The Governor in Council may make regulations respecting personal transporters and, without limiting the generality of the foregoing, defining “tour” for the purpose of subsection 69(4).

17 Subsection 307(2) of Chapter 293, as enacted by Chapter 4 of the Acts of 2013, is amended by striking out “two” in the second line and substituting “five”.

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