



BILL NO. 80

Government Bill

*2nd Session, 63rd General Assembly
Nova Scotia
67 Elizabeth II, 2018*

An Act Respecting Highways and Traffic Safety

CHAPTER 29
ACTS OF 2018

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
OCTOBER 11, 2018**

The Honourable Lloyd Hines
Minister of Transportation and Infrastructure Renewal

*Halifax, Nova Scotia
Printed by Authority of the Speaker of the House of Assembly*

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An Act Respecting Highways and Traffic Safety

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the *Traffic Safety Act*.

PART I

INTERPRETATION

2 In this Act,

“Appeal Board” means the Motor Vehicle Appeal Board continued under this Act or such other adjudicative body as may be designated by the regulations to act as the Motor Vehicle Appeal Board;

“approved container” means an approved container as defined in section 320.11 of the *Criminal Code* (Canada) or a container prescribed by the regulations;

“approved drug screening equipment” means approved drug screening equipment as defined in section 320.11 of the *Criminal Code* (Canada) or drug screening equipment prescribed by the regulations;

“approved instrument” means an approved instrument as defined in section 320.11 of the *Criminal Code* (Canada) or an instrument prescribed by the regulations;

“approved screening device” means an approved screening device as defined in section 320.11 of the *Criminal Code* (Canada) or a screening device prescribed by the regulations;

“authorization” means an official permission, authority or exemption granted under this Act and includes a licence, permit and registration;

“autonomous vehicle” means an autonomous vehicle prescribed by the regulations;

“autonomous mode” means the operation of an autonomous vehicle while using features or under conditions prescribed by regulation;

“bicycle” means a device that is prescribed by the regulations as being a bicycle;

“bicycle lane” means a marked traffic lane on a roadway designated by a traffic sign for exclusive use by bicycles;

“carrier” means a person who owns, leases or is otherwise responsible for the driving of a commercial vehicle that

- (a) has a gross vehicle weight exceeding 4,500 kilograms; or
- (b) is a bus with a designated seating capacity of more than 10 persons, not including the driver; or
- (c) is prescribed by the regulations;

“centre line” means

- (a) highway markings that designate separate sides of the roadway for traffic travelling in opposite directions; or
- (b) where not marked,
 - (i) on a highway that is not a one-way street or divided highway, the centre of the roadway measured from the curbs or edges of the roadway, or
 - (ii) on a divided highway, the median;

“certificate of competence” means a certificate signed by the holder of a fleet driver trainer licence to certify that an individual, who was a participant in a fleet driver training program authorized under this Act and examined by the licence holder, is competent to drive a motor vehicle and be issued a driver’s licence of the class specified on the certificate;

“class”, with respect to a driver’s licence, means a class of driver’s licence established under the regulations;

“collision” means an occurrence involving a vehicle or other conveyance that results in

- (a) damage to property;
- (b) bodily injury to an individual; or
- (c) the death of an individual;

“commercial vehicle” means a motor vehicle that satisfies the criteria prescribed by the regulations;

“conveyance” means any thing in, on or by which any person or property is or may be transported or drawn on a highway and includes

- (a) a vehicle;
- (b) a bicycle;
- (c) a personal transporter;
- (d) a pedicab;
- (e) a rickshaw;
- (f) an animal being ridden, herded, led or driven;
- (g) an off-highway vehicle;
- (h) a recreational apparatus; and
- (i) any other thing prescribed by the regulations,

but does not include a mobility aid;

“conviction” includes an admission of guilt, a finding of guilt, an in-absence conviction and the voluntary payment of a fine for an offence;

“court” means a judge, justice of the peace, prothonotary, clerk of the court or other person authorized to act in that capacity;

“crossing guard” means a person appointed by a municipality or traffic authority to direct the movement of children or other pedestrians along or across highways;

“crosswalk” means

(a) a marked lane across a roadway designated by a traffic sign for pedestrian crossing; or

(b) where not marked, that part of the roadway at an intersection that is included within the straight extension or connection across the roadway of

(i) the lateral lines of the edges of any sidewalk at the side of an intersecting highway, or

(ii) in the absence of a sidewalk, the lateral lines of the curb or edge of the roadway and the property boundary at the side of an intersecting highway;

“dealer” means a person who deals in motor vehicles or trailers;

“dealer’s licence” means a licence issued by the Registrar under this Act authorizing a person to carry on business as a dealer at a location specified by the licence;

“deal in”, with respect to motor vehicles or trailers, means to sell more than four motor vehicles or trailers combined in any period of 12 consecutive months, and includes selling directly, through a sub-dealer, agent or auctioneer, as a sub-dealer, agent or auctioneer, by mail or by electronic means;

“Department” means the Department of Transportation and Infrastructure Renewal or such other department as the Governor in Council directs, and includes its duly authorized officers, employees and agents when acting on its behalf;

“determined”, with respect to an appeal of a conviction, means a decision or order allowing or dismissing the appeal has been given, the appeal is abandoned or the right to proceed with the appeal is extinguished, whether or not a final order has been issued;

“device” means a device prescribed by the regulations;

“document” means a hard copy or electronic record and, with respect to a document issued under this Act or the laws of another jurisdiction pertaining to traffic safety, includes a driver’s licence card, an identification card, a sticker, a number plate and any other evidence of a licence or other authorization under this Act or the law of the other jurisdiction;

“drive”, with respect to a vehicle or other conveyance, includes

(a) putting the vehicle or other conveyance in motion;

(b) having actual physical control of the vehicle or other conveyance irrespective of whether the vehicle or other conveyance is in motion;

(c) being positioned at the controls of the vehicle or other conveyance; and

(d) operating the vehicle or other conveyance;

“driver”, with respect to a vehicle or other conveyance, means the individual driving the vehicle;

“driver’s licence” means a licence issued under this Act or the laws of another jurisdiction authorizing an individual to drive a vehicle;

“driver’s licence card” means the card issued to an individual as evidence of the individual’s driver’s licence and bearing a photograph of the individual;

“driving privilege” means an individual’s

- (a) driver’s licence issued under this Act;
- (b) privilege to apply for, be issued or hold a driver’s licence; and
- (c) privilege to drive a motor vehicle in the Province by reason of a driver’s licence issued under the laws of another jurisdiction;

“driving record” means a record of all of the information held by the Registrar that relates to an individual as a driver;

“driving school” means a vehicle business that provides or offers to provide, for a fee, driver training, but, for greater certainty, does not include a person who provides or offers to provide driver training under a fleet driver training program;

“driving school licence” means a licence issued by the Registrar under this Act to a person to authorize the operation of a driving school;

“electronic enforcement system” means an electronic system prescribed by the regulations;

“emergency” means a fire, a collision or another incident that requires, or may require, such immediate or prompt action as may be prescribed by the regulations;

“emergency vehicle” means a vehicle prescribed by the regulations;

“endorsement”, with respect to a driver’s licence of a particular class, means an authorization for the holder of the driver’s licence to drive a vehicle prescribed by the regulations that the licence holder would not otherwise be authorized to drive under the driver’s licence;

“equipment”, with respect to a vehicle or other conveyance, means

- (a) a system, part or component of a vehicle or conveyance; or
- (b) a thing that, not being a system, part or component of a vehicle or conveyance, is manufactured, sold, delivered or offered for sale for use in or on a vehicle or other conveyance;

“equipped” means fitted with equipment;

“evaluating officer” means an evaluating officer as defined in section 320.11 of the *Criminal Code* (Canada) or as prescribed by the regulations;

“evaluation”, with respect to an individual who may have consumed alcohol or a drug or a combination of alcohol and a drug, means an evaluation under the *Criminal Code* (Canada), this Act or the regulations conducted by an evaluating officer to determine whether the individual is fit to operate a motor vehicle;

“examiner” means an individual designated under this Act as an examiner;

“examination” includes a practical driving test, a vision test and a rules and signs test;

“excessive noise”, with respect to the exhaust system of a vehicle, means a noise that, when measured in the manner prescribed by the regulations, exceeds the level prescribed by

the regulations or a by-law of the municipality in which the sound is occurring, whichever is quieter;

“facial recognition software” means software that identifies the unique invariable characteristics of a person’s face;

“fleet driver trainer licence” means a licence issued by the Registrar under this Act to a person who is employed by the holder of a fleet driver training licence to provide fleet driver training, administer practical driving examinations and issue certificates of competence to the employees of the fleet driver training licence holder;

“fleet driver training” means driver training for a particular class of driver’s licence provided in-house by an employer to an employee;

“fleet driver training licence” means a licence issued by the Registrar under this Act to a person to provide fleet driver training and to hire licensed fleet driver trainers to administer practical driving examinations and issue certificates of competence for a particular class of driver’s licence to the person’s employees;

“former Act” means Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*;

“highway” means

(a) a public street, highway, sidewalk, lane, road or alley;

(b) a part of a public park, a beach or other public property that is accessible to the public for driving motor vehicles and not solely for driving off-highway vehicles; or

(c) privately owned property that is designed to be and is accessible to the public for driving motor vehicles and not solely for driving off-highway vehicles,

and, for greater certainty, includes

(d) any part of a highway;

(e) all the space between the property boundary lines of a highway; and

(f) any bridges and other structures that form part of a highway;

“homemade vehicle” means a motor vehicle assembled in Canada of new or used parts by a person who is not authorized to apply a national safety mark to the vehicle under the *Motor Vehicle Safety Act* (Canada) and includes a replica or *replikit* vehicle;

“identification card” means a card issued to an individual under this Act for identification purposes and bearing a photograph of the individual;

“ignition interlock program” means an ignition interlock program as prescribed by the regulations;

“immobilize”, with respect to a vehicle, means to detain using an immobilizing device;

“impairment-related suspension” means a driving privilege suspension or revocation as a result of

(a) an offence under section 253, 254 or 255 of the *Criminal Code* (Canada) committed before those provisions were repealed; or

(b) an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada);

“imported vehicle” means a motor vehicle assembled outside of Canada;

“inspection certificate” means a certificate issued as evidence of a vehicle inspection;

“inspection station” means a facility in which vehicle inspections or testing is conducted;

“inspection station licence” means a licence issued by the Registrar under this Act to a person to carry on the business of an inspection station;

“inspection sticker” means a sticker issued as evidence of a vehicle inspection;

“instructor licence” means a licence issued by the Registrar under this Act to an individual to provide driver training at a licensed driving school;

“insurer” means an insurance company authorized to carry on business in the Province;

“intersection” means that area within the straight extension or connection of the lateral lines of the curbs or edges of the roadways of two or more intersecting highways that join one another at an angle, regardless of whether one or more of the highways cross;

“law enforcement officer” means an individual prescribed by the regulations as being a law enforcement officer;

“learner” means an individual who holds a valid driver’s licence that is within a class prescribed by the regulations for a learner;

“main travelled way” means the part of a roadway that is improved and ordinarily used for vehicular travel and, for greater certainty, does not include any paved shoulder, paved area provided for parking or bicycle lane;

“medical condition” means an illness, disease, physical injury, infirmity or emotional, mental or physical disability, and includes a disease or disability in the form of alcoholism or drug addiction, an alcohol or drug-related problem and any medical issue prescribed by the regulations;

“Minister” means the Minister of Transportation and Infrastructure Renewal;

“mobility aid” means a wheelchair or other device, whether motorized or not, designed and being used to facilitate the transport, in a normal seated orientation, of an individual with a physical disability, including a physical limitation on the ability to walk or move;

“modified vehicle” means an alteration in the manner prescribed by the regulations to a motor vehicle from its original construction;

“motor vehicle” means a vehicle that is driven otherwise than by muscular power and includes a motor-driven cycle, regardless of whether the motor is engaged;

“motor vehicle inspector” means a person designated as a motor vehicle inspector under this Act;

“motorcycle” means a motor vehicle prescribed by the regulations as being a motorcycle;

“municipal highway” means a highway vested in a municipality;

“municipal traffic authority”, with respect to a municipality, means a person appointed under this Act as the municipal traffic authority for all or part of the municipality;

“municipality” means a municipality as defined in the *Municipal Government Act*;

“newly licensed driver” means an individual who holds a valid driver’s licence and to whom the status of “newly licensed” is assigned;

“novice driver” means an individual who holds a valid driver’s licence and to whom the status of “novice” is assigned;

“number plate”, with respect to a vehicle, means the number plate associated with a vehicle permit, if any, required to be attached to the vehicle;

“off-highway vehicle” means an off-highway vehicle as defined in the *Off-highway Vehicles Act*;

“official traffic sign” means a traffic sign placed on, near or above a highway that

- (a) conforms to a description or standard prescribed by the regulations; and
- (b) regulates traffic on the highway in accordance with instructions set out in this Act, in the regulations or on the sign;

“official traffic signal” means a traffic signal placed on, near or above a highway that

- (a) conforms to a description or standard prescribed by the regulations; and
- (b) regulates traffic on the highway in accordance with instructions set out in the regulations;

“owner”, with respect to a vehicle, means

- (a) where a permit is issued for the vehicle, the holder of the permit for the vehicle;
- (b) where no permit is issued for the vehicle, the registered owner of the vehicle; or
- (c) where no permit or registration certificate is issued for the vehicle, any person who alone or jointly with one or more other persons has the right to transfer property in the vehicle;

“park”, with respect to a vehicle or other conveyance, means to allow the vehicle or other conveyance to stand or remain stationary in one place, whether occupied or attended or not, but does not include allowing the vehicle or other conveyance to remain stationary

- (a) while actually in the process of loading or unloading goods or passengers;
- (b) where necessary to avoid conflict with other traffic; or
- (c) where following the direction of a peace officer, traffic control person or traffic control device;

“peace officer” means a person authorized to enforce this Act and includes a motor vehicle inspector, a police officer and a person prescribed by the regulations;

“pedestrian” means a person on foot, and includes a person

- (a) in or on a mobility aid; and

(b) riding on a motorized cart designed for and being used to transport golfers and golf equipment over a golf course while travelling from one part of a golf course to another in a marked crosswalk;

“pedicab” means a device that is prescribed by the regulations as being a pedicab;

“personal transporter” means a device that is prescribed by the regulations as being a personal transporter;

“physical coordination test” means a physical coordination test prescribed by the regulations or the regulations under the *Criminal Code* (Canada);

“police officer” means a member of the Provincial Police, the Royal Canadian Mounted Police, a municipal police department or another police department providing policing services in the Province;

“power-assisted bicycle” means a device that is prescribed by the regulations as being a power-assisted bicycle;

“proof of insurance” means a record issued by an insurer as proof that the owner of a vehicle or other conveyance has a valid contract of insurance for the insurance policy indicated in the record;

“provincial highway” means a public highway within the meaning of the *Public Highways Act*;

“Provincial Traffic Authority” means the person designated under this Act as the Provincial Traffic Authority;

“qualified technician” means a qualified technician as defined in section 320.11 of the *Criminal Code* (Canada) or as prescribed by the regulations;

“rebuilt vehicle” means a vehicle, formerly assigned the status of “salvage”, that has been repaired, restored and assigned the status of “rebuilt”;

“recreational apparatus” means a device capable of transporting an individual while being propelled by that individual’s muscular power and includes

(a) a kick scooter;

(b) a skate board;

(c) in-line skates;

(d) roller skates; and

(e) any other device prescribed by the regulations as being a recreational apparatus,

but does not include a bicycle or mobility aid;

“register”, with respect to a vehicle, means to register the vehicle in the register of vehicles maintained by the Registrar;

“Registrar” means the person designated as the Registrar of Motor Vehicles under this Act;

“registration certificate”, with respect to a vehicle, means a registration certificate issued under this Act or the laws of another jurisdiction certifying that the vehicle is duly registered under this Act or the law of the other jurisdiction, as the case may be;

“regulated health professional” means

- (a) a duly qualified medical practitioner;
- (b) a nurse practitioner as defined in the *Registered Nurses Act*;
- (c) a registered psychologist as defined in the *Psychologists Act*; or
- (d) a person who works in a health profession prescribed by the regulations;

“regulated vehicle activity” means all vehicle business undertakings and such other activity as may be prescribed by the regulations;

“regulated vehicle activity licence” means a licence issued by the Registrar to an individual to carry on a regulated vehicle activity;

“reinstate”, with respect to an individual’s driving privilege, a vehicle document or a person’s privilege to obtain a vehicle document, means the restoration of the privilege or document after a period of suspension following an application to the Registrar for reinstatement;

“reportable collision” means a collision that satisfies the criteria prescribed by the regulations;

“resident”, with respect to a place, means to ordinarily reside in the place or, in the case of a corporation, to be registered in good standing to carry on business under the laws of the place;

“restriction”, with respect to a driver’s licence of a particular class, means a restriction attached to the driver’s licence that prohibits the licence holder from

- (a) driving one or more classes of motor vehicle on a highway that would otherwise be authorized by that class of driver’s licence; or
- (b) driving a vehicle on a highway in specified circumstances;

“review”, with respect to a decision of the Registrar for which there is a right to a review under this Act, means a review by the Registrar of the decision;

“right of way” means the right of the immediate use of the highway;

“roadway” means

- (a) the part of a highway between the curbs or, in the absence of curbs, the part of a highway that is improved and ordinarily used by vehicles or bicycles, including any paved shoulder or paved area provided for parking and any bicycle lane; and
- (b) with respect to a highway that is a divided highway and includes two or more separate roadways, any one roadway separately and not all of the roadways collectively;

“safety fitness rating” means a rating issued by the Registrar to a carrier to indicate whether the carrier satisfies the safety standards required for the carrier’s fleet of vehicles;

“salvage vehicle” means a vehicle to which the status of “salvage” is assigned;

“sell”, with respect to any thing, includes

- (a) to sell as a consignee under a consignment agreement;
- (b) to trade;

(c) to otherwise transfer an ownership interest in the thing to another person;
and

(d) to engage in an activity prescribed by the regulations as selling;

“shoulder” means the paved or unpaved portion of a highway that is adjacent to but does not form part of the main travelled way;

“sidewalk” means the part of a highway between the curb line and the adjacent property line or any part of a highway especially set aside and improved for pedestrian travel;

“special event” includes a parade, sporting event, walkathon, race or procession, but does not include a funeral procession;

“special-purpose permit” means a permit that is prescribed by the regulations as being a special-purpose permit;

“speed limit” means the maximum speed at which a vehicle or other conveyance is permitted to travel;

“status” means

(a) with respect to an individual, the status assigned to the individual under Section 81; and

(b) with respect to a vehicle, the status assigned to the vehicle under Section 143;

“stop”, with respect to a vehicle or other conveyance, means

(a) where required, a complete cessation of movement; or

(b) where prohibited, any halting, even momentarily, of the vehicle or other conveyance, irrespective of whether is occupied, except if necessary to avoid conflict with other traffic or following the direction of a peace officer, traffic control person or traffic control device;

“sub-dealer” means a dealer who has written permission from a new vehicle dealer to deal in vehicles in the Province on behalf of that dealer;

“supervising driver” means an individual who is acting as the supervising driver for a learner or newly licensed driver;

“temporary work area” means the part of a temporary workplace that is designated as a temporary work area by traffic signs placed under subsection 32(1);

“temporary workplace” means the part of a highway directly affected by construction, maintenance or repair work or utility operations;

“temporary workplace signer” means a person who is certified under this Act to act as a temporary workplace signer;

“tester” means an individual licensed under this Act to conduct vehicle inspections and testing;

“tester licence” means a licence issued by the Registrar under this Act to an individual to conduct vehicle inspections and testing at a licensed inspection station;

“traffic” includes pedestrians and vehicles and other conveyances, either singly or together, while using a highway or other place regulated under this Act;

“traffic authority”, with respect to a highway, means a person designated or otherwise authorized under this or another enactment to be the traffic authority for the highway or to exercise the powers and perform the duties of the traffic authority for the highway;

“traffic control device” means a traffic sign, traffic signal, traffic signal light, highway markings or another device put in place under this Act on, near or above a highway to regulate, warn, guide or inform persons using the highway;

“traffic control person” means a person who is certified under this Act to act as a traffic control person;

“traffic sign” means a sign, that may or may not be illuminated, put in place under this Act as a traffic control device;

“traffic signal light” means a device put in place under this Act as a traffic control device to alternate the right of way between or among conflicting streams of traffic by way of signals indicated by the device;

“trailer” means a vehicle designed to carry or accommodate persons or property and to be drawn behind another vehicle, and includes a bus trailer, a pole trailer and a cable reel trailer, but does not include a mobile home, a trailer converter dolly or any earth-moving equipment, an implement of farm husbandry or a vehicle imported temporarily for a special purpose;

“used vehicle” means a vehicle that has previously been registered to an owner under this Act or the laws of another jurisdiction;

“valid”, with respect to a document issued to a person, means lawfully issued to the person under this or any other enactment and not expired, suspended or cancelled;

“validation sticker” means a sticker issued under this Act to affix to a number plate of a vehicle as proof of payment of the applicable permit fee, and includes any proof of payment issued by the Registrar in lieu of a validation sticker;

“vehicle” means any thing in, on or by which any person or property is or may be transported or drawn on a highway, but does not include

- (a) a tow dolly that fulfils the requirements prescribed by the regulations;
- (b) a motorized mobility aid;
- (c) a power-assisted bicycle, regardless of whether its motor is engaged;
- (d) a conveyance propelled by human power; or
- (e) a device used exclusively on stationary rails or tracks;

“vehicle business” means

- (a) the business of dealing in motor vehicles or trailers; or
- (b) the carrying on of business as
 - (i) an inspection station,
 - (ii) a driving school,
 - (iii) a fleet driver training program,
 - (iv) a carrier, or

(v) such other business as may be prescribed by the regulations;

“vehicle business licence” means a licence issued by the Registrar to a person to carry on a vehicle business;

“vehicle document” means

- (a) a registration certificate;
- (b) an inspection certificate;
- (c) an inspection sticker;
- (d) a vehicle permit;
- (e) a special-purpose permit;
- (f) an International Registration Plan Apportionment Cab Card;
- (g) a number plate;
- (h) a validation sticker; or
- (i) any other document prescribed by the regulations;

“vehicle identification number” means a unique identification number assigned to or placed on a vehicle by its manufacturer as a manufacturer’s number and vehicle number, and includes a number prescribed by the regulations as being a vehicle identification number that is assigned to a vehicle in accordance with the regulations;

“vehicle inspection” means an inspection of a vehicle for which an inspection certificate may be issued under the regulations;

“vehicle permit” means a vehicle permit issued under this Act in respect of a particular vehicle;

“vulnerable road user” means

- (a) a pedestrian;
- (b) a person engaged in work on or adjacent to a highway or on utility facilities on or adjacent to a highway;
- (c) a person engaged in the provision of emergency services on or adjacent to a highway;
- (d) a peace officer engaged in the peace officer’s regular duties on or adjacent to a highway; or
- (e) a person lawfully driving or being driven as a passenger in
 - (i) a farm tractor or other vehicle designed primarily for farm use,
 - (ii) a motorcycle,
 - (iii) a bicycle, or
 - (iv) a conveyance other than a vehicle;
- (f) a person prescribed by the regulations;

“yield” means to grant the immediate use of a highway to other users of the highway.

3 This Act binds Her Majesty in right of the Province and in right of Canada.

4 A reference to a form, document, record, information or other data that may be issued, submitted, filed or required by this Act or the regulations includes a form, document, record, information or other data contained in an electronic form if the issuance, submission, filing or acceptance in electronic form is permitted by

- (a) this Act or the regulations; or
- (b) where the form, document, record, information or other data is issued by, submitted to, filed with or required by the Registrar or a traffic authority, the Registrar or traffic authority.

5 The Governor in Council may make regulations respecting the definitions set out in Section 2 including, without limiting the generality of the foregoing,

- (a) prescribing what things are a device, vehicle or conveyance;
- (b) prescribing what or who is an approved container, approved drug screening equipment, approved instrument, evaluating officer or evaluation;
- (c) prescribing what is or is not an autonomous vehicle, bicycle, pedicab, personal transporter, power-assisted bicycle or recreational apparatus;
- (d) prescribing the features or conditions for an autonomous mode;
- (e) prescribing commercial vehicles in respect of which the person who owns, leases or is otherwise responsible for the driving of the commercial vehicle is a carrier;
- (f) prescribing the criteria that must be satisfied for a vehicle to be a commercial vehicle;
- (g) prescribing immediate or prompt actions for the purpose of the definition of emergency;
- (h) prescribing vehicles as being emergency vehicles;
- (i) prescribing the manner by which noise must be measured for the purpose of the definition of excessive noise;
- (j) prescribing systems as being electronic enforcement systems;
- (k) prescribing an ignition interlock program;
- (l) prescribing individuals as being law enforcement officers;
- (m) prescribing medical issues as being medical conditions;
- (n) prescribing the manner of alteration to be a modified vehicle;
- (o) prescribing motor vehicles as being motorcycles;
- (p) prescribing physical coordination tests for the purpose of the definition of physical coordination test;
- (q) prescribing regulated health professions for the purpose of the definition of regulated health profession;
- (r) prescribing activities as being regulated vehicle activities;

- (s) prescribing the criteria that must be satisfied for a collision to be a reportable collision;
- (t) prescribing activities as being selling;
- (u) prescribing a permit as being a special purpose permit;
- (v) prescribing the requirements that a tow dolly must fulfil to be excluded from the definition of vehicle;
- (w) prescribing businesses as being vehicle businesses;
- (x) prescribing documents as being vehicle documents;
- (y) prescribing numbers as being vehicle identification numbers and respecting the assignment of such numbers to a vehicle;
- (z) prescribing persons and classes of persons as vulnerable road users;
- (za) prescribing any other matter that is to be prescribed by the regulations.

PART II

ROLES AND RESPONSIBILITIES

6 The Minister is responsible for the general supervision and management of this Act and the regulations.

7 Unless otherwise provided in this Act, such persons as may be required for the administration of this Act and the regulations must be appointed in accordance with the *Civil Service Act*.

Registrar and Deputy Registrars

8 The Minister shall designate a person as the Registrar of Motor Vehicles.

9 (1) The Registrar may delegate in writing some or all of the Registrar's powers, duties or functions to one or more persons for the period specified by the Registrar.

(2) The Registrar may not authorize a person to whom the Registrar has delegated a power, duty or function to delegate the power, duty or function to another person.

10 (1) The Minister may designate one or more persons as a Deputy Registrar of Motor Vehicles.

(2) A Deputy Registrar has the power and shall perform the duties and functions of the Registrar under this Act if

- (a) the Registrar is absent or incapacitated; or
- (b) the office of the Registrar is vacant.

(3) A Deputy Registrar has the power and shall perform any duties and functions of the Registrar under this Act that are assigned in writing by the Registrar to the Deputy Registrar.

(4) Where a Deputy Registrar acts in place of the Registrar, the Deputy Registrar is presumed, in the absence of evidence to the contrary, to be acting under this Section.

Traffic Authorities

- 11** (1) The Minister shall designate a person as the Provincial Traffic Authority.
- (2) The Minister may exercise any power or perform any duty of the Provincial Traffic Authority.
- (3) The authority contained in subsection (2) may not be delegated.
- 12** The Provincial Traffic Authority has jurisdiction over all
- (a) provincial highways;
 - (b) intersections that include a provincial highway; and
 - (c) highways that have been designated by the Minister as main travelled or through highways under this Act, the former Act or the *Public Highways Act*.
- 13** (1) The Provincial Traffic Authority may designate one or more persons as a Deputy Provincial Traffic Authority.
- (2) A Deputy Provincial Traffic Authority has the power and shall perform the duties and functions of the Provincial Traffic Authority under this Act if
- (a) the Provincial Traffic Authority is absent or incapacitated; or
 - (b) the office of the Provincial Traffic Authority is vacant.
- (3) A Deputy Provincial Traffic Authority has the power and shall perform any duties and functions of the Provincial Traffic Authority under this Act that are assigned in writing by the Provincial Traffic Authority to the Deputy Provincial Traffic Authority.
- (4) Where a Deputy Provincial Traffic Authority acts in place of the Provincial Traffic Authority, the Deputy Provincial Traffic Authority is presumed, in the absence of evidence to the contrary, to be acting under this Section.
- 14** (1) The Provincial Traffic Authority may designate a person as a district traffic authority.
- (2) A district traffic authority has the power and shall perform any duties and functions of the Provincial Traffic Authority under this Act that are assigned in writing by the Provincial Traffic Authority to the district traffic authority.
- (3) Where a district traffic authority acts in place of the Provincial Traffic Authority, the district traffic authority is presumed, in the absence of evidence to the contrary, to be acting under this Section.

15 (1) The council of a municipality shall appoint one or more persons as the municipal traffic authority for the municipality.

(2) A municipal traffic authority has the power and shall perform the duties and functions of a traffic authority for all or part of the municipality, as specified by the council for the municipality.

(3) A municipal traffic authority has jurisdiction over all municipal highways in the municipality or part of the municipality specified by the council, excluding

(a) intersections that include a provincial highway; and

(b) highways that have been designated by the Minister as main travelled or through highways under this Act, the former Act or the *Public Highways Act*.

16 (1) The council of a municipality may appoint one or more persons as a deputy municipal traffic authority.

(2) A deputy municipal traffic authority has the power and shall perform the duties and functions of the municipal traffic authority under this Act if

(a) the municipal traffic authority is absent or incapacitated; or

(b) the office of the municipal traffic authority is vacant.

(3) A deputy municipal traffic authority has the power and shall perform any duties and functions of the municipal traffic authority under this Act that are assigned in writing by the municipal traffic authority to the deputy municipal traffic authority.

(4) Where a deputy municipal traffic authority acts in place of the municipal traffic authority, the deputy municipal traffic authority is presumed, in the absence of evidence to the contrary, to be acting under this Section.

(5) The *Civil Service Act* does not apply to the appointment or employment of a person appointed as a municipal traffic authority or deputy municipal traffic authority.

17 The clerk of a municipality shall inform the Provincial Traffic Authority within 30 business days of the appointment of a person as a municipal traffic authority or deputy municipal traffic authority for the municipality.

18 (1) Where the council of a municipality has failed to appoint either a municipal traffic authority or deputy municipal traffic authority for all or part of a municipality, the Minister may appoint a person to be the municipal traffic authority for the municipality or that part of the municipality, as the case may be, until the council appoints a municipal traffic authority.

(2) Where, in the opinion of the Minister, a municipal traffic authority or deputy municipal traffic authority is not carrying out the duties or functions of a traffic authority, the Minister may cancel the person's appointment by notifying the council of the municipality in writing.

(3) The *Civil Service Act* does not apply to the appointment or employment of a person under subsection (1).

19 Where the Halifax-Dartmouth Bridge Commission is appointed as a traffic authority under the *Halifax-Dartmouth Bridge Commission Act*, the Halifax-Dartmouth Bridge Commission is the traffic authority with jurisdiction over all highways owned by the Halifax-Dartmouth Bridge Commission.

20 (1) A traffic authority may place official traffic signs or official traffic signals on, near or above a highway under the traffic authority's jurisdiction.

(2) The Minister may cause traffic control devices, other than official traffic signs or official traffic signal lights, to be placed on, near or above a highway under the jurisdiction of the Provincial Traffic Authority.

(3) A municipality may cause traffic control devices, other than official traffic signs or official traffic signal lights, to be placed on, near or above a highway in the municipality under the jurisdiction of the municipal traffic authority.

(4) The Halifax-Dartmouth Bridge Commission may cause traffic control devices, other than official traffic signs or official traffic signal lights, to be placed on, near or above a highway owned by the Commission.

(5) Notwithstanding anything in this Act, a traffic authority with jurisdiction over a public park or the owner of a public park may cause official traffic signs to be placed at the entrances to or in the public park to

- (a) prohibit a person who is driving a vehicle or class of vehicles from entering the public park; or
- (b) regulate the speed, driving or parking of vehicles in the public park.

(6) The traffic authority with jurisdiction over a highway or a person authorized to do so by this Section may cause a traffic control device to be placed on, near or above the highway if the traffic authority or person considers it appropriate or necessary for traffic control.

21 (1) The fact that a traffic control device has been placed is evidence, in the absence proof to the contrary, that the device has been placed in compliance with this Act and the regulations and the matter stated on or represented by the device complies with this Act and the regulations.

(2) A provision of this Act or the regulations for which a traffic sign is authorized or required may not be enforced against a person if, at the time and place of the alleged contravention, the sign is not discernible by an ordinarily observant person.

(3) Where a provision of this Act or the regulations does not state that a traffic sign is authorized or required, the provision is effective without a traffic sign being put in place.

22 (1) No person shall place a traffic control device on a public highway unless authorized to do so by this Act or the regulations.

(2) A traffic control device placed on a public highway must comply with this Act and the regulations.

(3) Where a traffic control device placed on a public highway is not authorized by or does not comply with this Act or the regulations, the Minister or the owner of the highway may

- (a) remove the traffic control device;
- (b) order the traffic control device to be removed; or
- (c) authorize a person to remove the traffic control device, and

recover the cost of the removal from the person who placed the device.

(4) No person shall place on a public highway or in view of persons using a public highway, without the approval of the traffic authority with jurisdiction over the public highway, anything that

- (a) falsely purports to be, is an imitation of or resembles a traffic control device;
- (b) attempts to give a warning to or direct traffic on the public highway; or
- (c) hides from view or interferes with the effectiveness of a traffic control device.

(5) Subject to subsection (3), no person shall

- (a) move, remove, alter, deface or otherwise damage, make illegible or destroy a traffic control device; or
- (b) unless authorized to do so under this Act or the regulations, place commercial advertising or other information on a traffic control device.

(6) Where anything is placed or done in contravention of subsection (4) or (5), a peace officer, the owner of the highway or, with respect to a provincial highway, the Minister may

- (a) order the person who placed or did the thing to remove or remedy it; or
- (b) remove or remedy the thing placed or done without providing notice or compensation to the person who placed or did it, and

recover the cost of the removal or remediation of the thing placed or done from the person who placed or did it.

23 (1) Subject to the regulations, a traffic authority may set a speed limit on a highway under the traffic authority's jurisdiction by placing an official traffic sign that displays the speed limit.

(2) The traffic authority may set different speed limits for different classes of vehicles.

(3) A traffic authority may not set a speed limit greater than 110 kilometres per hour.

(4) Subject to subsection (5), a traffic authority, other than the Provincial Traffic Authority, may not set a speed limit greater than 80 kilometres per hour or less than 50 kilometres per hour without the approval of the Provincial Traffic Authority.

(5) A municipal traffic authority may set the speed limit in a school area, park or beach area at less than 50 kilometres per hour without the approval of the Provincial Traffic Authority.

24 (1) A traffic authority may, on a highway under the traffic authority's jurisdiction, set a minimum speed at which vehicles and other conveyances on the highway must travel by placing an official traffic sign that displays the minimum rate of speed.

(2) The traffic authority may set different minimum rates of speed for different classes of motor vehicles.

25 Where an official traffic sign displays a speed limit or minimum speed, the speed limit or minimum speed applies to the part of the highway that lies between the point at which the sign is placed and the next point at which is placed another official traffic sign that

- (a) displays a different speed limit or minimum speed, as the case may be; or
- (b) in the case of a minimum speed, indicates that the requirement to drive at the minimum speed ends.

26 A traffic authority may, on a highway under the traffic authority's jurisdiction, prohibit the use of the highway by certain types of traffic, including pedestrians, individuals driving bicycles and individuals driving slow-moving vehicles or other conveyances, by placing an official traffic sign on the highway to prohibit those types of traffic.

27 A traffic authority may, on a highway under the traffic authority's jurisdiction, restrict or prohibit the parking of vehicles or other conveyances.

28 A traffic authority may approve the offering, selling or soliciting of goods or services on or from a highway, including

- (a) designating persons who may offer, sell or solicit goods or services on or from a highway;
- (b) establishing requirements that must be met for a person to offer, sell or solicit goods or services on or from a highway; and
- (c) limiting the offering, sale or solicitation of goods or services on or from a highway to particular places and particular times.

29 The exercise of the powers conferred under Sections 20 to 28 by a traffic authority is subject to the regulations.

30 (1) In this Section, "dangerous goods" means dangerous goods as defined in the *Dangerous Goods Transportation Act*.

(2) Subject to the regulations, the Provincial Traffic Authority or the Halifax-Dartmouth Bridge Commission, with the approval of the Minister, or a municipal traffic authority, with the approval of the municipal council, may place traffic signs on a highway under the traffic authority's jurisdiction to

- (a) designate a route on the highway on which vehicles transporting dangerous goods are permitted at all times or at such times as may be indicated on the sign; or
- (b) prohibit vehicles transporting dangerous goods on the highway at all times or at such times as may be indicated on the sign.

Traffic Control Persons and Crossing Guards

31 (1) The Provincial Traffic Authority may certify a person who fulfils the requirements established by the Provincial Traffic Authority to

- (a) train temporary workplace signers;
- (b) train traffic control persons;
- (c) act as a temporary workplace signer; or
- (d) act as a traffic control person.

(2) The Provincial Traffic Authority may cancel the certification issued to a person under subsection (1) if the Provincial Traffic Authority is satisfied that

- (a) the information provided to the Provincial Traffic Authority about the person or as proof that the person was entitled to be certified contained any false information;
- (b) an error was made in issuing the certification; or
- (c) the conduct of the person shows a disregard for safety or does not meet any requirements established by the Provincial Traffic Authority.

(3) The Provincial Traffic Authority shall establish the requirements for obtaining and continuing to hold a certification under this Section.

32 (1) A temporary workplace signer may, at a temporary workplace, place traffic signs, including official traffic signs, that are identified in and placed in accordance with the latest edition of the *Nova Scotia Temporary Workplace Traffic Control Manual* published by the Minister or a code of practice adopted and accepted under temporary workplace traffic control regulations made under the *Occupational Health and Safety Act*.

(2) Where a temporary workplace signer has placed traffic signs designating a temporary work area, the temporary workplace signer shall place a sign advising drivers approaching the temporary work area that fines for speeding in a temporary work area are doubled.

(3) Where it is reasonable and safe in the circumstances, the persons involved in the construction, maintenance or repair of a highway or in utility operations in a temporary workplace are not subject to the restrictions or prohibitions under this Act related to walking, driving, parking or stopping on a highway while in the temporary workplace.

(4) Notwithstanding any other provision of this Act, only a temporary workplace signer or a person directed to do so by a temporary workplace signer may place signs to designate a temporary workplace.

33 (1) A traffic control person may direct the movement of traffic at a temporary workplace.

(2) A traffic control person shall direct traffic at a temporary work area in a manner that is consistent with the latest edition of the *Temporary Workplace Traffic Control Manual* published by the Minister or a code of practice adopted and accepted under temporary workplace traffic control regulations made under the *Occupational Health and Safety Act*.

34 (1) Subject to the regulations, a crossing guard shall direct children across a roadway only at a marked crosswalk and as part of the crossing guard's duty.

(2) Before directing children across a roadway, a crossing guard shall

(a) display a stop paddle, that meets any prescribed requirements, in an upright position so that it is visible to all approaching vehicular traffic;

(b) enter into the midway of the crosswalk while continuing to display the stop paddle; and

(c) ensure that all approaching vehicles have stopped.

(3) A crossing guard shall not leave a curb or other place of safety and walk or run into the path of an approaching vehicle if the vehicle is so close that it is impractical for the driver to stop.

(4) Where a crossing guard displays a stop paddle in the manner required by subsection (2), the driver of any vehicle approaching the crosswalk shall stop no closer than five metres from the crosswalk and remain stopped as long as the paddle is displayed.

Motor Vehicle Inspectors

35 (1) The Minister may designate a person as a motor vehicle inspector to enforce this Act and the regulations.

(2) The Minister may delegate the authority to designate motor vehicle inspectors to a person employed in the public service of the Province.

(3) A motor vehicle inspector may not exercise any powers or perform any duties or functions under this Act as a peace officer until appointed as a special constable under Section 88 of the *Police Act*.

36 Where a motor vehicle inspector is performing the duties and functions of a motor vehicle inspector under this Act, no person shall

(a) fail to give the inspector all reasonable assistance to enable the inspector to enforce this Act and the regulations;

(b) fail to comply with any reasonable request of the inspector;

- (c) knowingly make false or misleading statements to the inspector; or
- (d) obstruct or hinder the inspector.

37 A motor vehicle inspector shall, on request, produce identification in the form prescribed by the Minister.

Examiners

38 (1) The Registrar may designate a person as an examiner.

(2) A person designated as an examiner may but need not be appointed in accordance with the *Civil Service Act*.

39 (1) Subject to subsection (2) and the regulations, only an examiner may administer examinations to an applicant for a driver's licence or to any other person who is eligible or required to be examined under this Act.

(2) An examination of an individual's visual acuity or a written examination of the individual's understanding of traffic rules and traffic signs may be administered by any person whom the Registrar directs to administer the examination.

40 An examiner, on concluding an examination, shall make a written report to the Registrar of the examiner's findings and recommendations in relation to the examination.

Municipalities

41 (1) A municipal council may, by resolution, prohibit the driving of vehicles or other conveyances on any of its municipal highways or impose limitations as to the weight of vehicles or other conveyances driven on any of its municipal highways, for a total period of not more than 90 days in a calendar year, when the highway, by reason of deterioration or of rain, snow or other climatic conditions, will be seriously damaged or destroyed unless the use of vehicles or other conveyances on the highway is prohibited or the permitted weight of the vehicles or other conveyances is reduced.

(2) Where a municipal council has made a resolution under subsection (1), the municipal traffic authority shall cause signs to be placed at each end of the portion of the highway affected by the resolution to designate the route as set out in the resolution, and the resolution is not effective unless the signs are in place.

42 (1) A municipal council may, by resolution, prohibit, limit or regulate the driving of commercial vehicles at all times or between such hours as the resolution may specify, or impose limitations as to the weight of commercial vehicles on any of its municipal highways.

(2) Where a municipal council has made a resolution under subsection (1), the municipal traffic authority shall cause signs to be placed on the highway affected by the resolution to indicate the prohibition, limitation or regulation, and the resolution is not effective unless the signs are in place.

43 (1) A municipal council may, by by-law, prohibit, limit or regulate, by class, weight or otherwise, the driving of commercial vehicles on, or limit the operation of commercial vehicles to, certain of its municipal highways specified in the by-law except for purposes specified in the by-law.

(2) A prohibition, limitation or regulation referred to in subsection (1) may apply at all times or between such hours as the by-law may specify.

(3) Where a municipal council has made a by-law under subsection (1), the municipal traffic authority shall cause signs to be placed on the highway affected by the by-law to indicate the prohibition, limitation or regulation.

44 (1) A resolution or by-law made under Section 41, 42 or 43 may not apply to a highway designated as a main travelled or through highway under the former Act or the *Public Highways Act* unless the municipal council, before making the resolution or by-law, has first obtained the written consent of the Minister.

(2) A resolution or by-law made under Section 41, 42 or 43 is subject to such restrictions as the Minister may prescribe by regulation.

45 (1) The council of a municipality may make by-laws

(a) regulating and licensing persons transporting for hire persons or goods, within the boundaries of the municipality, by means of any vehicle or other conveyance except where such persons are public utilities as defined in the *Public Utilities Act* or motor carriers who are required to be licensed under the *Motor Carrier Act*;

(b) regulating and licensing the vehicles and other conveyances referred to in clause (a);

(c) regulating bicycles within the boundaries of the municipality;

(d) licensing bicycles owned by residents of the municipality;

(e) regulating the use of bicycles, personal transporters and other traffic in bicycle lanes established by the municipality;

(f) regulating the use of bicycles, personal transporters, recreational apparatuses and other traffic on sidewalks or shared-use sidewalks owned or maintained by the municipality, on trails or in other public areas in the municipality that are not public highways;

(g) regulating the use of personal transporters and recreational apparatuses on municipal highways;

(h) permitting fund-raising activities to occur on a roadway within the boundaries of the municipality;

(i) respecting excessive noise related to the use of, or the driving of vehicles or other conveyances on, highways within the boundaries of the municipality, including defining excessive noise and deeming activities related to the use of, or the driving of vehicles or other conveyances on, highways as causing excessive noise;

- (j) respecting parking, stopping, standing or the loading of passengers or goods on a municipal highway or municipal property;
 - (k) respecting the use of parking meters;
 - (l) respecting the establishment of bus stops, taxi stands, fire lanes or other special-use zones;
 - (m) respecting the establishment of parking restrictions for highway maintenance and snow removal;
 - (n) respecting the use of electronic enforcement systems;
 - (o) respecting the establishment and use of accessible parking zones or other dedicated-use parking zones;
- (2) A by-law made under subsection (1) may
- (a) prescribe the fees for any licence provided for in the by-law;
 - (b) establish offences and penalties, not exceeding any limit prescribed by the regulations, for a contravention of the by-law;
 - (c) provide minimum and maximum fares or rates that may be charged by a person transporting passengers or goods for hire;
 - (d) establish different classes of vehicles and other conveyances transporting passengers or goods for hire and provide special restrictions on vehicles or other conveyances of a particular class;
 - (e) provide special restrictions on vehicles or other conveyances that exceed a specified weight per axle or a specified total weight;
 - (f) authorize the municipal traffic authority or another official to cancel any licence issued under the by-law and provide that an appeal from any cancellation so authorized may be taken to the council of the municipality or to the police commission or such other committee specified by the by-law;
 - (g) divide a municipality into zones for the purpose of regulating persons who, or vehicles or other conveyances that, transport passengers or goods for hire and change the boundaries of the zones;
 - (h) provide for the licensing of persons or vehicles or other conveyances to transport passengers or goods for hire within one or more zones;
 - (i) provide for the licensing of persons or vehicles or other conveyances to transport passengers or goods for hire between two or more zones, and regulate the transportation for hire of passengers or goods between zones;
 - (j) provide for exemptions from the application of the by-law;
 - (k) limit the number of persons or vehicles or other conveyances licensed to transport passengers or goods for hire or provide that only one person will be licensed to transport passengers or goods for hire for any class of vehicle or other conveyance;
 - (l) require that a person applying for or holding a licence to transport passengers or goods for hire obtain and maintain at all times while holding the licence public liability, property damage, cargo or passenger hazard insurance to the extent and in the amount specified by the by-law;

(m) require that a person licensed to transport passengers for hire install and maintain in all vehicles and other conveyances used by the person for such transportation the special safety equipment specified by the by-law; and

(n) require as a qualification for a taxi-driver licence the successful completion of a course of instruction, as prescribed by the by-law, in matters relevant to the taxi industry in the municipality.

(3) By-laws respecting vehicles or other conveyances transporting passengers or goods for hire may delegate to the municipal traffic authority or another official of the municipality such authority the council of the municipality considers expedient, and may require these vehicles and other conveyances to, when not actually hired,

(a) drive on certain highways only;

(b) move or remain off of certain highways;

(c) refrain from soliciting or taking passengers on certain highways or under certain conditions; and

(d) park at certain places and refrain from parking at any or certain other places.

(4) By-laws respecting vehicles transporting passengers or goods for hire may not

(a) except as otherwise provided by this Section, limit the number of persons so licensed;

(b) apply to persons transporting for hire passengers or goods brought into the municipality from outside the boundaries of the municipality or to persons transporting for hire passengers or goods taken on within the boundaries of the municipality to be discharged or unloaded outside the boundaries of the municipality; or

(c) with respect to accessible taxicabs, limit, either directly or indirectly, the number of vehicles or the number of drivers or restrict the types of passengers that may be carried in an accessible taxicab.

(5) A by-law made under clause (2)(k) may apply to one or more zones or to all zones established by a by-law made under this Section, and there may be different limits for different zones.

(6) Where two or more municipalities have been amalgamated as a regional municipality and the council of the regional municipality has not yet made a by-law dividing the regional municipality into zones under clause (2)(g), each former municipality is deemed to be one zone for the purpose of this Section and, for greater certainty, in each such zone the by-laws of the former municipality respecting the transport of passengers or goods for hire in effect when the municipality was amalgamated continue to apply as if the municipality had not been amalgamated.

46 Notwithstanding any other enactment, the council of a municipality does not, except as provided in this Act, have the power to make any by-laws, rules, regulations or ordinances in relation to

- (a) the regulation, registration, permitting, licensing or identification of vehicles or other conveyances;
- (b) the use of the highway by vehicles or other conveyances; or
- (c) any other matter governed by this Act.

47 (1) A traffic authority may establish an accessible-parking zone for use only by people with mobility impairments by placing the sign prescribed by the Minister.

(2) A person who owns private property or is authorized by the owner of private property may establish on the property an accessible-parking zone for use only by people with mobility impairments by placing the sign prescribed by the Minister.

(3) No driver shall stop or park in an accessible-parking zone unless there is displayed on the vehicle an identification permit or number plate that includes the international symbol of access and is issued or recognized pursuant to the regulations.

(4) For the purpose of this Section, an identification permit or number plate that includes the international symbol of access and is issued by another province of Canada or a state of the United States of America is deemed to be an identification permit or number plate issued pursuant to the regulations.

Medical Advisory Committee

48 (1) The Medical Advisory Committee established under the former Act is continued.

(2) The Medical Advisory Committee comprises such physicians, optometrists, psychologists and other licensed health-care professionals appointed by the Minister as the Minister considers necessary or advisable for the functions and duties assigned to the Committee under this Act.

(3) The Minister may set the terms of appointment for, and determine the remuneration payable to, members of the Medical Advisory Committee.

49 (1) The Medical Advisory Committee shall perform the duties and functions assigned to it under this Act.

(2) The Medical Advisory Committee may advise the Minister respecting road safety or any matter related to the administration or reform of this Act or the regulations.

(3) The Medical Advisory Committee or a member of the Committee shall, at the Registrar's request, provide any information, recommendations or opinions required by the Registrar for the purpose of this Act or respecting road safety.

50 (1) Subject to subsection (2), no person shall disclose

- (a) any information related to a request that is referred to the Medical Advisory Committee by the Registrar; or

(b) any information, recommendations or opinions provided to the Registrar by the Medical Advisory Committee or a member of the Committee.

(2) A person may disclose information referred to in subsection 49(3) if the disclosure is required to

(a) administer this Act or the regulations; or

(b) exercise a power conferred or perform a duty or function imposed under this Act.

51 The Registrar may request the opinion of the Medical Advisory Committee or a member of the Committee who is a duly qualified medical practitioner before issuing or reinstating a driver's licence.

52 (1) The Medical Advisory Committee or a member of the Committee may provide an opinion concerning information about a person that is referred to the Committee or member by the Registrar, even if the Committee or any member of the Committee has already provided an opinion with respect to any information about the same person.

(2) The Registrar or Appeal Board is not bound by any opinion of the Medical Advisory Committee or a member of the Committee when determining an appeal of the suspension or cancellation of an individual's driving privilege or a review under this Act.

(3) Any information or opinion provided to the Registrar or the Appeal Board by the Medical Advisory Committee or a member of the Committee for a review or appeal is for the exclusive use of the Registrar or the Appeal Board.

(4) Subsection (3) does not apply if a court of competent jurisdiction orders the Registrar or Appeal Board to disclose the information or opinion to the individual who is the subject of the information or opinion.

Motor Vehicle Appeal Board

53 (1) The Motor Vehicle Appeal Board established under the former Act is continued.

(2) The Appeal Board comprises three or more persons appointed by the Minister.

(3) The Minister may set the terms of appointment for, and determine the remuneration payable to, members of the Appeal Board.

54 The Minister may designate a member of the Appeal Board as the Chair of the Appeal Board.

55 The Appeal Board shall perform the duties and functions assigned to it under this Act and the regulations.

Peace Officers

56 (1) Notwithstanding any other provision of this Act,

(a) a peace officer may direct traffic on a highway, including at a temporary workplace, in such manner as the peace officer considers necessary to ensure the safety and efficient flow of traffic; and

(b) any person who is about to enter or is using a highway shall obey the peace officer's directions.

(2) A peace officer may delegate the peace officer's authority to direct traffic on a highway under this or any other provision of this Act to a person under the peace officer's supervision.

(3) A person to whom a peace officer delegates the peace officer's authority under subsection (2) is deemed to be a peace officer for the purpose of directing traffic on a highway for the period during which the authority is delegated.

(4) It is a defence to any charge under this Act that the person charged was acting in accordance with the directions of peace officer at the time and place of the alleged offence.

57 (1) A peace officer may stop a vehicle or other conveyance on a highway to determine whether the vehicle or other conveyance and its driver and any occupants are in compliance with this or any other enactment or by-law related to vehicles or other conveyances.

(2) A peace officer may stop an individual on a highway if the peace officer has a reasonable suspicion that the individual is in contravention of this or any other enactment related to vehicles or other conveyances.

(3) A peace officer may demand an individual stopped under this Section to produce a driver's licence card, identification card, vehicle document, proof of insurance or other document reasonably required to determine the identity of the individual or compliance with this or any other enactment related to vehicles or other conveyances.

(4) A peace officer may demand that an individual who is

(a) using the highway; and

(b) is required by this or any other enactment to comply with equipment or safety requirements in relation to the individual's use of a highway,

to allow the peace officer to examine any vehicle, conveyance or other thing being used on the highway by the individual.

58 (1) Subject to subsection (4) and the regulations, a peace officer may seize a driver's licence card, identification card, vehicle document or any other document issued by the Registrar or a traffic authority, or any facsimile of such a document, if

(a) the seizure is requested by the issuer of the document;

(b) the peace officer has reason to believe the document was misused or fraudulently obtained;

- (c) the document is suspended or cancelled; or
- (d) the seizure is required or authorized under this Act or the regulations.

(2) Subject to subsection (3), a driver's licence card, identification card, vehicle document or other document issued by the Registrar or a traffic authority, upon being seized by a peace officer, must be dealt with in accordance with the regulations.

(3) Where a driver's licence card, identification card, vehicle document or other document seized by a peace officer is required for a prosecution, a copy of the document must be provided to the issuer of the document and the original retained by the peace officer until the disposition of any prosecution or until a court otherwise orders.

(4) Subject to the regulations, a peace officer may not require a person to surrender a driver's licence card or vehicle document issued under the laws of another jurisdiction, but may require the driver's licence or vehicle document to be produced to the peace officer for the purpose of making a copy of it.

59 (1) Subject to the regulations, a peace officer shall notify the Registrar or a traffic authority if a person or vehicle lacks a driver's licence, driver's licence card, vehicle document, proof of insurance or any other authorization or document required under this Act.

(2) A peace officer shall provide any information or reports to the Registrar or the Provincial Traffic Authority pertaining to traffic safety matters, collisions or such other matters as may be prescribed by the regulations.

60 (1) A peace officer, for the purpose of compliance or determining compliance with this or any other enactment related to vehicles or other conveyances, may order the owner or driver of a vehicle or other conveyance that is or may be driven on a highway to do one or more of the following:

- (a) have the vehicle or other conveyance, or any of its equipment, subjected to a vehicle inspection by the peace officer, if the peace officer is a motor vehicle inspector, or otherwise inspected, examined or tested by the peace officer;
- (b) have the vehicle or other conveyance, or any of its equipment, subjected to a vehicle inspection or any other inspection, examination or test, at such place and by such person as the peace officer may specify;
- (c) have the vehicle or conveyance, or any of its equipment, or any specific part of the vehicle or conveyance or its equipment repaired;
- (d) remove the vehicle or other conveyance from the highway, not drive it on a highway or not use its equipment on it on a highway until the vehicle or other conveyance or its equipment is
 - (i) made safe to drive or use, as the case may be,
 - (ii) repaired, serviced, altered or otherwise dealt with so that it fulfils the requirements of this Act and the regulations, or
 - (iii) repaired in accordance with the order of the peace officer;

(e) have the vehicle or other conveyance, or any of its equipment, subjected to a vehicle inspection by a tester at an inspection station;

(f) drive the vehicle or other conveyance to the nearest stationary scales to be weighed, to facilitate the weighing of the vehicle or other conveyance and its load and, where so ordered, to immediately bring the weight of the vehicle or other conveyance and its load into compliance with this or any another enactment;

(g) secure any load on a vehicle or other conveyance;

(h) remove any thing obstructing the vision of the driver of a vehicle or other conveyance;

(i) produce such records or documents relating to the vehicle or other conveyance as may be prescribed by the regulations;

(j) have the vehicle or other conveyance, or any of its equipment, undergo such examination as the peace officer may order to determine if it is roadworthy and provide a report respecting the testing to the peace officer or the Registrar;

(k) comply with the order within a period specified by the peace officer;

(l) have the vehicle or other conveyance, or any of its equipment, re-inspected by a peace officer after the order given under this Section has been complied with, at such time and place as may be specified by the peace officer.

(2) Subject to subsection (3), an order made under subsection (1) must be in writing and provided to the person driving the vehicle and the owner if the owner is not the driver and can be identified by the permit or number plate.

(3) An order under subsection (1) to do any thing referred to in clause (1)(a), (b) or (k) may be given orally if a motor vehicle inspector provides the vehicle inspection or any other peace officer inspects, examines or tests the vehicle or conveyance, or any of its equipment, immediately after the order is given.

(4) A person to whom an order is given under subsection (1) shall comply with the order.

(5) Where a person to whom an order is given under subsection (1) fails to comply with the order within the time specified in the order, the Registrar may suspend the vehicle permit for the vehicle to which the order relates.

(6) Where a peace officer orders the production of records or documents under subsection (1), the peace officer may examine and make copies or extracts of the records or documents produced.

(7) A peace officer may remove any records or documents that the peace officer is entitled to examine or copy under but shall

(a) give a receipt to the person from whom they were taken; and

(b) promptly return them upon completing the examination or copying.

(8) A peace officer who issues an order under this Section shall provide a report to the Registrar or the Provincial Traffic Authority as required by regulations.

61 (1) A peace officer may arrest without a warrant a person found committing an offence contrary to this Act or the regulations or whom the peace officer has reason to believe recently committed an offence contrary to this Act or the regulations.

(2) A peace officer making an arrest without a warrant shall, with reasonable diligence, take the person arrested before a justice to be dealt with according to law.

62 Where a peace officer is satisfied that

(a) a vehicle or other conveyance is being driven in the course of committing an offence prescribed by the regulations;

(b) the vehicle identification number of a vehicle or other conveyance has been altered, defaced or removed;

(c) a vehicle or other conveyance is a stolen or abandoned vehicle or other conveyance; or

(d) such other circumstances as may be prescribed by the regulations exist in relation to a vehicle or other conveyance,

the peace officer may detain and seize the vehicle or other conveyance and arrange to have the vehicle or other conveyance be impounded or immobilized and to recover such costs incurred as are prescribed by the regulations.

63 (1) A peace officer authorized under this Act to seize and impound or immobilize a vehicle or other conveyance shall provide a report to the Registrar and an order of impoundment or immobilization to such persons as are prescribed by the regulations.

(2) Where a vehicle or other conveyance subject to being seized for impoundment or immobilization contains personal property, is pulling another vehicle or is carrying a load, the peace officer seizing the vehicle or other conveyance shall deal with the personal property, pulled vehicle or load in accordance with the regulations.

(3) Where a vehicle or other conveyance is subject to being seized for impoundment or immobilization and a peace officer directs the driver or any other person present who is in charge of the vehicle or other conveyance to surrender a document or to take any other action the peace officer is authorized to require, the person shall immediately comply with the directions of the peace officer.

(4) Where

(a) a peace officer seizing a vehicle or other conveyance for impoundment or immobilization is unable to find the driver, owner or other person in charge of the vehicle or other conveyance; or

(b) in any other circumstances prescribed by the regulations,

the peace officer may cause the vehicle or other conveyance, and any other vehicle or other conveyance being pulled or load being carried by the vehicle or other conveyance, to be moved, stored or otherwise disposed of and recover the costs incurred in accordance with the regulations.

64 Where a peace officer is satisfied that a vehicle or other conveyance has been left standing on private property for longer than one hour without the consent of an owner or tenant of the property, the peace officer may, on the request of an owner or tenant of the property, seize the vehicle or other conveyance and impound or immobilize it in accordance with the regulations.

65 A peace officer shall immediately report to the Registrar any information received by the peace officer that a vehicle or other conveyance

- (a) has been stolen or unlawfully taken; or
- (b) having earlier been stolen or unlawfully taken, has been recovered.

66 (1) Subject to subsection (3), for the purpose of administering this Act and the regulations, a peace officer may, at any reasonable time, enter and inspect

- (a) any place in which the peace officer reasonably believes a regulated vehicle activity is being undertaken to determine compliance with this Act and the regulations;
- (b) any place in which vehicles are stored for the purpose of inspecting motor vehicles that are expected to be driven on a highway; and
- (c) any place of business in which the peace officer has reasonable grounds to believe documents related to compliance with this Act and the regulations are located,

and require the production of any records or documents that are required to be kept or were issued under this Act or any other documents that are related to the purpose for which the peace officer is exercising the power to enter and inspect a place referred to in clause (a) or (b).

(2) A peace officer may remove any records or documents that the peace officer is entitled to examine or copy under subsection (1) but shall

- (a) give a receipt to the person from whom they were taken; and
- (b) promptly return them upon completing the examination or copying.

(3) A peace officer shall obtain an order for entry or the written consent of the owner or tenant of any private residential premises before entering or inspecting the premises.

67 (1) A peace officer may apply to a justice for an order for entry to any premises.

(2) Where a peace officer applies for an order under subsection (1), the justice shall grant the order for entry if satisfied on evidence under oath by a peace officer that

- (a) there are reasonable grounds to believe that it is appropriate for the administration of this Act or the regulations for the peace officer to do anything set out in Section 66; and

(b) the peace officer may not be able to carry out the peace officer's duties under this Act effectively without an order for entry because

(i) no person is present to grant access to premises that are locked or otherwise inaccessible,

(ii) a person has denied, or there are reasonable grounds to believe a person will deny, a peace officer access to the premises,

(iii) a person has prevented, or there are reasonable grounds to believe a person will prevent, a peace officer from doing anything set out in Section 66,

(iv) a person has denied, or there are reasonable grounds to believe a person will deny, a peace officer access to anything as a result of which the peace officer is or will be unable to do anything set out in Section 66,

(v) the premises comprise or include a dwelling and the peace officer has been unable to obtain written consent to enter and inspect, but has reasonable grounds to believe a regulated vehicle activity is being undertaken in the dwelling,

(vi) it is unpractical, because of the remoteness of the place to be inspected or because of any other reason, for the peace officer to obtain an order for entry without delay if access is denied, or

(vii) there are reasonable grounds to believe that an attempt by the peace officer to do anything set out in Section 66 without the order for entry might defeat the purpose of that Section or cause an adverse effect.

(3) An order for entry authorizes a peace officer to do anything set out in Section 66 that is specified in the order for the period specified by the order, which must not exceed 30 days from the date on which the order is made.

(4) An order for entry may be renewed for one or more periods each of which is not more than 30 days, and subsection (2) applies *mutatis mutandis* to the renewal of the order.

(5) An application to renew an order for entry may be made before or after the expiry of the period during which the order has effect.

(6) An order for entry may be issued or renewed on application without notice to any person.

Roadside Suspensions

68 (1) Where an individual's driving privilege is suspended by a peace officer under this Act, the peace officer shall

(a) provide the individual with a copy of the written order of suspension;

(b) report the suspension to the Registrar in the form and manner prescribed by the regulations; and

(c) take any other action prescribed by the regulations.

(2) The suspension of an individual's driving privilege by a peace officer under this Act is of no force or effect if the peace officer fails to comply with subsection (1) within seven days of the issuance of the written order of suspension.

(3) Subject to the regulations, where a peace officer issues an order suspending an individual's driving privilege under this Act, the peace officer shall request that the individual surrender the individual's driver's licence card and the individual shall immediately surrender the driver's licence card to the peace officer.

(4) The suspension of an individual's driving privilege by a peace officer has effect irrespective of whether the individual holds a driver's licence or surrenders the individual's driver's licence card to the peace officer.

(5) A suspension by a peace officer of an individual's driving privilege under this Act is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

(6) Unless otherwise indicated in this Act, where more than one suspension would arise under a Section of this Act from the same occurrence, only one suspension has effect.

(7) Unless otherwise indicated in this Act, a suspension or penalty imposed under this Act or the regulations applies in addition to any proceeding or penalty that may be imposed for a conviction under the *Criminal Code* (Canada) or any other enactment.

(8) Impairment-related suspensions under the former Act are to be included when determining how many previous impairment-related suspensions an individual has had within any period specified by this Act or the regulations.

69 (1) Subject to the regulations, where an analysis is made under this Act using an approved container, approved screening device, approved drug screening equipment or approved instrument, it is presumed, in the absence of proof to the contrary, that the approved container, approved screening device, approved drug screening equipment or approved instrument was calibrated and operated as required by the manufacturer and that the analysis was made in the manner that would be required under the *Criminal Code* (Canada) if the analysis had been made under that Act.

(2) Subject to the regulations, where an evaluation is made under this Act by a qualified technician, evaluating officer or a qualified medical professional, it is presumed, in the absence of proof to the contrary, that the individual is qualified in the manner that is required under this Act or the regulations and that would be required under the *Criminal Code* (Canada) if the evaluation had been performed under that Act.

(3) A blood sample may only be taken from an individual by or under the direction of a duly qualified medical practitioner and if the medical practitioner is satisfied that taking the sample would not endanger the individual's health.

70 (1) A peace officer shall issue an order suspending an individual's driving privilege if the peace officer has reasonable grounds to believe that the individual has breached a prohibition under subsection 320.14(1) or (4), or subsection 320.15(1) of the *Criminal Code* (Canada) or

as prescribed by the regulations while operating or in care or control of a motor vehicle as defined in the *Criminal Code* (Canada).

(2) Unless otherwise ordered in an appeal, the period of a suspension of an individual's driving privilege ordered under this Section ends at such time as is prescribed by the regulations or, where no such time is prescribed, 90 days from the time the peace officer issued the order of suspension.

(3) For greater certainty, this Section applies to the driver of a motor vehicle as defined in the *Criminal Code* (Canada), irrespective of whether the motor vehicle is eligible for or required by law to have a vehicle permit.

(4) Notwithstanding subsection 68(6), a suspension issued under this Section may be combined with a suspension issued under Section 76 or 77.

(5) The purpose of a suspension under this Section is to

- (a) ensure traffic safety for the public; and
- (b) safeguard the individual and the public.

71 (1) In this Section, "child" means an individual who is less than 16 years of age.

(2) Where a peace officer has reasonable grounds to believe that a person committed an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada) while operating or in care or control of a motor vehicle and that a child was present in the motor vehicle at the time of the alleged offence, the peace officer shall prepare a supplemental report and provide a copy to the accused and to the prosecutor.

(3) A supplemental report must include the driver's name and, where available, the child's name and date of birth.

72 (1) Subject to the regulations, where a peace officer has reason to believe that an individual's ability to drive a motor vehicle may be adversely affected by the consumption of alcohol or the introduction of drugs into the individual's body, or a combination of both while operating a motor vehicle as defined in the *Criminal Code* (Canada) and that the person has driven a motor vehicle within the preceding three hours, the peace officer shall demand that the individual do one or both of the following:

- (a) provide a sample of the individual's breath, blood or other bodily substance under section 320.27 or 320.28 of the *Criminal Code* (Canada) to determine the concentration of alcohol, drugs or both;
- (b) take a physical coordination test.

(2) A peace officer shall issue an order suspending an individual's driving privilege if the peace officer has a reasonable suspicion that the individual's ability to drive a motor vehicle may be adversely affected by the consumption of alcohol or the introduction of drugs into the individual's body, or a combination of both, based upon

(a) the individual providing a sample of the individual's breath, blood or other bodily substance that, upon analysis, indicates that the concentration of alcohol in the individual's blood exceeds 50 milligrams of alcohol in 100 millilitres of blood;

(b) the individual providing a breath, blood or other bodily substance sample that, upon analysis, indicates that the concentration of a drug in the individual's blood is greater than the blood concentration for that drug that is prescribed by the regulations;

(c) the individual providing a sample of the individual's breath, blood or other bodily substance that, upon analysis, indicates that the concentration of a combination of a drug and alcohol in the individual's blood exceeds the blood concentration for that drug and alcohol that is prescribed by the regulations;

(d) the individual's failure of a physical coordination test; or

(e) the inability of the individual to follow the instructions of the peace officer intended to determine the sobriety and physical ability of the individual.

(3) Where the analysis of an individual's breath used for the purpose of subsection (2) was by an approved screening device and the approved screening device registers that the concentration of alcohol in the individual's blood exceeds 50 milligrams of alcohol in 100 millilitres of blood,

(a) the individual may require a further analysis to be performed by an approved screening device in the manner required by the *Criminal Code* (Canada); and

(b) the peace officer who made the demand shall advise the person of the right to have a further analysis performed.

(4) Where a further analysis is required under subsection (3), the further analysis

(a) may, at the peace officer's discretion, be performed using the same approved screening device as the previous analysis; and

(b) is determinative of the concentration of alcohol in the individual's blood for the purpose of this Section.

(5) Except where otherwise prescribed by the regulations, the period of a suspension of an individual's driving privilege ordered under this Section ends

(a) seven days from the time the peace officer issued the order of suspension if the individual has had no previous impairment-related suspensions within the last 10 years;

(b) 15 days from the time the peace officer issued the order of suspension if the individual has had one previous impairment-related suspension within the last 10 years; or

(c) 30 days from the time the peace officer issued the order of suspension if the individual has had two or more impairment-related suspensions within the last 10 years.

(6) A decision by a peace officer to issue an order suspending an individual's driving privilege under this Section is final and binding.

- (7) The purpose of a suspension under this Section is to
- (a) ensure traffic safety for the public; and
 - (b) safeguard the individual and the public.

73 (1) Subject to the regulations, where a peace officer has reasonable grounds to suspect that an individual acting as the supervising driver for the learner or newly licensed driver has alcohol, drugs or a combination of both in the individual's body such that the individual would be unfit to operate the motor vehicle if necessary, the peace officer shall demand that the individual do one or both of the following:

- (a) provide a sample of the individual's breath that, in the peace officer's opinion, will enable an analysis to be made by means of an approved screening device or approved drug screening equipment;
- (b) take a physical coordination test.

(2) Where the peace officer believes, by reason of the physical condition of the individual, that the individual may be incapable of providing the breath sample or it would be impracticable to obtain the breath sample, the peace officer may demand that the individual provide a sample of the individual's blood.

(3) A peace officer shall issue an order suspending an individual's driving privilege if the individual

- (a) provides a sample of the individual's breath or blood that, upon analysis, indicates that the concentration of alcohol in the individual's blood exceeds 50 milligrams of alcohol in 100 millilitres of blood;
- (b) provides a sample of the individual's breath or blood that, upon analysis, indicates that the concentration of a drug in the individual's blood exceeds the blood concentration for that drug that is prescribed by the regulations;
- (c) provides a sample of the individual's breath or blood that, upon analysis, indicates that the concentration of a combination of a drug and alcohol in the individual's blood exceeds the blood concentration for that drug and alcohol that is prescribed by the regulations;
- (d) fails a physical coordination test;
- (e) is unable to follow instructions of the peace officer intended to determine the sobriety and physical ability of the individual; or
- (f) fails or refuses, in response to the demand, to provide a sample of the individual's breath or blood.

(4) Where the analysis of an individual's breath used for the purpose of subsection (3) was by an approved screening device and the approved screening device registers that the concentration of alcohol in the individual's blood exceeds 50 milligrams of alcohol in 100 millilitres of blood,

(a) the individual may require a further analysis to be performed by an approved screening device in the manner required by the *Criminal Code* (Canada); and

(b) the peace officer who made the demand shall advise the person of the right to have a further analysis performed.

(5) Where a further analysis is required under subsection (4), the further analysis

(a) may, at the peace officer's discretion, be performed using the same approved screening device as the previous analysis; and

(b) is determinative of the concentration of alcohol in the individual's blood for the purpose of this Section.

(6) Except where otherwise prescribed by the regulations, the period of a suspension of an individual's driving privilege ordered under this Section ends

(a) seven days from the time the peace officer issued the order of suspension if the individual has had no previous impairment-related suspensions within the last 10 years;

(b) 15 days from the time the peace officer issued the order of suspension if the individual has had one previous impairment-related suspension within the last 10 years; or

(c) 30 days from the time the peace officer issued the order of suspension if the individual has had two or more impairment-related suspensions within the last 10 years.

(7) A decision by a peace officer to issue an order suspending an individual's driving privilege under this Section is final and binding.

(8) The purpose of a suspension under this Section is to

(a) ensure traffic safety for the public;

(b) safeguard the individual and the public; and

(c) assist the learner or newly licensed driver to have a role model for developing safe driving practices.

74 (1) Subject to the regulations, where a peace officer has reasonable grounds to suspect that an individual who is a learner, newly licensed driver, novice driver or an individual whose driver's licence is subject to a restriction prohibiting the individual from driving a motor vehicle on a highway with any alcohol or drugs in the individual's body has alcohol in the individual's body and has driven a motor vehicle within the preceding three hours, the peace officer shall demand that the individual

(a) provide a sample of the individual's breath that, in the peace officer's opinion, will enable an analysis to be made by means of an approved screening device or approved instrument; and

(b) where necessary, accompany the peace officer for that purpose.

(2) Where the peace officer believes, by reason of the physical condition of the individual, that the individual may be incapable of providing the breath sample or it would be impracticable to obtain the breath sample, the peace officer may demand that the individual provide a sample of the individual's blood.

(3) Where a demand is made by a peace officer under section 320.27 or 320.28 of the *Criminal Code* (Canada) of an individual who is a learner, newly licensed driver, novice driver or an individual whose driver's licence is subject to a restriction prohibiting the individual from driving a motor vehicle on a highway with any alcohol or drugs in the individual's body, the results of an analysis of a sample of the individual's breath or blood provided by the person in response to the demand may be used as if the results were provided in response to a demand under subsection (1) or (2).

(4) A peace officer shall issue an order suspending the driving privilege of an individual who is a learner, newly licensed driver, novice driver or an individual whose driver's licence is subject to a restriction prohibiting the individual from driving a motor vehicle on a highway with any alcohol or drugs in the individual's body and to whom a demand was made under subsection 320.27(1) or (2) or section 320.28 of the *Criminal Code* (Canada) if the individual

(a) provides a breath sample that, upon analysis by an approved screening device or approved instrument, indicates that the concentration of alcohol in the individual's blood exceeds zero milligrams of alcohol in 100 millilitres of blood;

(b) provides a blood sample that, upon analysis by a qualified technician, indicates the presence of alcohol; or

(c) fails or refuses, in response to the demand, to provide a sample of the individual's breath or blood.

(5) Where the analysis of an individual's breath used for the purpose of subsection (4) was by an approved screening device and the approved screening device registers that the concentration of alcohol in the individual's blood exceeds zero milligrams of alcohol in 100 millilitres of blood,

(a) the individual may require a further analysis to be performed by an approved screening device in the manner required by the *Criminal Code* (Canada); and

(b) the peace officer who made the demand shall advise the person of the right to have a further analysis performed.

(6) Where a further analysis is required under subsection (5), the further analysis

(a) may, at the peace officer's discretion, be performed using the same approved screening device as the previous analysis; and

(b) is determinative of the concentration of alcohol in the individual's blood for the purpose of this Section.

(7) Except where otherwise prescribed by the regulations, the period of a suspension of an individual's driving privilege ordered under this Section ends

(a) seven days from the time the peace officer issued the order of suspension if the individual has had no previous impairment-related suspensions within the last 10 years;

(b) 15 days from the time the peace officer issued the order of suspension if the individual has had one previous impairment-related suspension within the last 10 years; or

(c) 30 days from the time the peace officer issued the order of suspension if the individual has had two or more impairment-related suspensions within the last 10 years.

(8) A decision by a peace officer to issue an order suspending an individual's driving privilege under this Section is final and binding.

(9) The purpose of a suspension under this Section is to

(a) to ensure traffic safety for the public;

(b) to safeguard the individual and the public; and

(c) to assist the individual to acquire experience and develop or improve the individual's safe driving skills in controlled conditions.

(10) Notwithstanding subsection 68(6), a suspension under this Section may be combined with a suspension under Section 77.

(11) Nothing in this Section affects the application of Section 70 or 72 to an individual who is a learner, newly licensed driver, novice driver or an individual whose driver's licence is subject to a restriction prohibiting the individual from driving a motor vehicle on a highway with any alcohol or drugs in the individual's body.

75 (1) Subject to the regulations, where a peace officer has reasonable grounds to suspect that an individual who is a learner, newly licensed driver, novice driver or an individual whose driver's licence is subject to a restriction prohibiting the individual from driving a motor vehicle on a highway with any alcohol or drugs in the individual's body has a drug in the individual's body and has driven a motor vehicle within the preceding three hours, the peace officer shall demand that the individual

(a) provide a sample of the individual's blood or other bodily substance that, in the peace officer's opinion, will enable an analysis to be made by means of approved drug screening equipment; and

(b) where necessary, accompany the peace officer for that purpose.

(2) A peace officer shall issue an order suspending the driving privilege of an individual who is a learner, newly licensed driver, novice driver or an individual whose driver's licence is subject to a restriction prohibiting the individual from driving a motor vehicle on a highway with any alcohol or drugs in the individual's body and to whom a demand was made under subsection (1) for a period of 24 hours if the individual provides a sample of blood or another bodily substance that, upon analysis by approved drug screening equipment, indicates the presence of a drug.

(3) Subsection (2) does not apply to an individual in respect of the presence of a drug that the individual is legally permitted to use for a medical purpose.

(4) Notwithstanding subsection 68(3), where a peace officer issues an order suspending an individual's driving privilege under this Section, the peace officer may not request that the individual surrender the individual's driver's licence card and the individual is not required to surrender the driver's licence card to the peace officer.

(5) A decision by a peace officer to issue an order suspending an individual's driving privilege under this Section is final and binding.

(6) The purpose of a suspension under this Section is to

(a) ensure traffic safety for the public;

(b) safeguard the individual and the public; and

(c) assist the individual to acquire experience and develop or improve the individual's safe driving skills in controlled conditions.

(7) Notwithstanding subsection 68(6), a suspension under this Section may be combined with a suspension under Section 77.

(8) Nothing in this Section affects the application of Section 70 or 72 to an individual who is a learner, newly licensed driver, novice driver or an individual whose driver's licence is subject to a restriction prohibiting the individual from driving a motor vehicle on a highway with any alcohol or drugs in the individual's body.

76 (1) A peace officer may issue an order suspending an individual's driving privilege for a period of 24 hours if there are reasonable grounds to believe that the individual is unfit to drive a motor vehicle for any reason, including a medical reason.

(2) Notwithstanding subsection 68(3), where a peace officer issues an order suspending an individual's driving privilege under this Section, the peace officer may not request that the individual surrender the individual's driver's licence card and the individual is not required to surrender the driver's licence card to the peace officer.

(3) Sections 112 and 113 do not apply in respect of a suspension issued under this Section.

(4) A decision by a peace officer to issue an order suspending an individual's driving privilege under this Section is final and binding.

(5) Notwithstanding subsection 68(6), a suspension under this Section may be combined with a suspension under Section 70 or 77.

77 (1) A peace officer may issue an order suspending an individual's driving privilege for a period of seven days if the peace officer is satisfied that the individual

(a) has driven a motor vehicle in contravention of Section 177;

(b) has failed to yield the right of way to a pedestrian while driving a motor vehicle on a highway as required under this Act or the regulations; or

(c) has failed to stop for a crossing guard as required by subsection 34(4).

(2) Notwithstanding subsection 68(6), a suspension under this Section may be combined with any other suspension in this Part.

Regulations

78 The Governor in Council may make regulations

(a) respecting traffic authorities;

(b) respecting peace officers and their authority in relation to traffic safety including, without limiting the generality of the foregoing,

(i) respecting the authority of a peace officer to seize a driver's licence card, identification card, vehicle document or any other document issued by the Registrar or a traffic authority, or any facsimile of such a document, and how such a document must be dealt with upon being seized,

(ii) prescribing matter in respect of which a peace officer may provide information or reports to the Registrar,

(iii) prescribing records and document relating to a vehicle or other conveyance that a peace officer may order the owner or driver of the vehicle or other conveyance to produce under Section 60,

(iv) respecting the report a peace officer must provide to the Registrar under Section 60 upon issuing an order under that Section,

(v) prescribing offences in respect of the commission of which and other circumstances in which a peace officer may exercise the peace officer's powers under Section 62,

(vi) prescribing the costs incurred under Section 62 that may be recovered by a peace officer,

(vii) prescribing the persons to whom a peace officer must provide notice of the seizure and impoundment or immobilization of a vehicle,

(viii) respecting how a peace officer must deal with the personal property contained in, vehicle pulled by or load carried on a vehicle subject to being seized for impoundment or immobilization,

(ix) prescribing circumstances in which a peace officer may cause a vehicle being seized for impoundment or immobilization, and any other vehicle being pulled or load being carried by the vehicle, to be moved, stored or otherwise disposed of and respecting the recovery of cost in relation thereto, and

(x) respecting the seizure and impoundment or immobilization of a vehicle left standing on private property for longer than one hour without the consent of an owner or tenant of the property;

(c) respecting roadside suspensions of an individual's driving privilege by peace officers including, without limiting the generality of the foregoing,

- (i) prescribing the form and manner in which a peace officer is to report a suspension of an individual's driving privilege,
- (ii) prescribing actions to be taken by a peace officer when suspending an individual's driving privilege,
- (iii) respecting the obligation of a peace officer to request that an individual surrender the individual's driver's licence card upon being suspended by the peace officer and the obligation of the suspended individual to surrender the individual's driver's licence to the peace officer,
- (iv) prescribing the blood concentration for a drug that, when exceeded by an individual, results in an order suspending the individual's driving privilege under Section 70,
- (v) prescribing the time when a period of suspension under Section 70 ends, calculated from the time when the order of suspension was issued,
- (vi) prescribing the blood concentration for a drug that, when exceeded by an individual, results in an order suspending the individual's driving privilege under Section 72 or 73,
- (vii) prescribing the blood concentration of a combination of a drug and alcohol that, when exceeded by an individual, results in an order suspending the individual's driving privilege under Section 72 or 73, and
- (viii) respecting the period of suspension under Section 72, 73 or 74.

79 The Minister may make regulations

- (a) respecting traffic control devices, including
 - (i) respecting the placement of traffic control devices on a public highway,
 - (ii) respecting the requirements with which a traffic control device must comply, and
 - (iii) respecting the placement of commercial advertising or other information on a traffic control device;
- (b) respecting temporary workplaces, including signs that must be posted to identify a temporary workplace;
- (c) respecting temporary work areas, including signs that must be posted to identify a temporary area;
- (d) prescribing places where a person is prohibited from stopping or parking a vehicle;
- (e) respecting the use of electronic enforcement systems;
- (f) authorizing the immobilization of vehicles by peace officers when enforcing this Part;
- (g) defining who is a person with a mobility impairment for the purpose of this Part;
- (h) respecting the issuance of an identification permit to a person with a mobility impairment;

- (i) respecting the recognition of an identification permit or number plate bearing an international symbol of accessibility issued by another province of Canada, a state of the United States of America or another jurisdiction;
- (j) respecting the manner in which an identification permit issued to a person with a mobility impairment is required to be displayed on a vehicle;
- (k) respecting the cancellation of an identification permit;
- (l) respecting the Appeal Board, including
 - (i) prescribing the form and manner of filing an appeal,
 - (ii) prescribing the manner or place for conducting an appeal,
 - (iii) respecting requirements for evidence provided for an appeal,
 - (iv) setting the quorum for the Appeal Board,
 - (v) respecting the form of appeal decisions, and
 - (vi) designating an adjudicative body to act as the Appeal Board for the purpose of this Act.

PART III

DRIVERS

Licensing

80 (1) A driver's licence of a particular class authorizes the licence holder to drive one or more classes of motor vehicle on a highway.

(2) The authority conferred by a driver's licence on the licence holder may be modified by one or more endorsements or restrictions on the driver's licence.

(3) An endorsement on a driver's licence of a particular class authorizes the licence holder to drive one or more classes of motor vehicle on a highway in addition to those classes of motor vehicle authorized by that class of driver's licence.

(4) A restriction on a driver's licence of a particular class prohibits the licence holder from

(a) driving one or more classes of motor vehicle on a highway that would otherwise be authorized by that class of driver's licence; or

(b) driving a vehicle on a highway in specified circumstances.

81 (1) The Registrar shall assign one of the following statuses to each individual for whom the Registrar maintains a driving record:

(a) unlicensed;

(b) newly licensed;

(c) novice;

- (d) regular;
- (e) expired;
- (f) suspended;
- (g) cancelled.

(2) The status assigned to an individual must be determined in accordance with the regulations and reflected on the individual's driving record and on any driver's licence card issued to the individual under this Act.

(3) Whenever an individual ceases to be eligible to be assigned a particular status, the Registrar shall change the status assigned to the individual to a different status determined in accordance with the regulations.

- (4) An individual to whom no status is assigned is deemed to be assigned
- (a) where the individual holds a valid driver's licence issued under the laws of another jurisdiction, a status determined in accordance with the regulations; and
 - (b) in every other case, the status of "unlicensed".

82 (1) Subject to this Section, an individual who is resident in the Province and is 16 years of age or older is eligible to apply for and hold a driver's licence.

(2) An individual who is 14 years of age or older but younger than 16 years of age is eligible to apply for and hold a driver's licence that does not authorize the licence holder to drive any motor vehicle on a highway other than a farm tractor.

(3) An individual who is younger than 18 years of age is not eligible to apply for or hold a driver's licence without the written consent of the individual's parent or guardian or a person prescribed by the regulations.

83 (1) An individual may, in the manner prescribed by the Registrar, apply to the Registrar for

- (a) the issuance of a driver's licence of a particular class;
- (b) the addition of an endorsement to the individual's driver's licence;
- (c) the removal of a restriction on the individual's driver's licence; or
- (d) a change to the status assigned to the individual.

(2) An applicant for a driver's licence shall provide proof satisfactory to the Registrar of the applicant's identity.

84 (1) The Registrar may grant an application made under Section 83 if

- (a) the applicant has obtained a satisfactory result in every examination required by the Registrar for the issuance of the driver's licence, addition of the endorsement, removal of the restriction or change to the status, as the case may be;

(b) the applicant has fulfilled the eligibility and medical requirements prescribed by this Act and the regulations for the issuance of the driver's licence, addition of the endorsement, removal of the restriction or change to the status, as the case may be;

(c) in the case of an application for the issuance of a driver's licence of a particular class, the applicant's privilege of obtaining a driver's licence of that class is not suspended;

(d) in the case of an application for

(i) the addition of an endorsement to the applicant's driver's licence,

(ii) the removal of a restriction on the applicant's driver's licence, or

(iii) a change to the status of the applicant,

the applicant's driver's licence is neither suspended nor cancelled;

(e) the applicant is not otherwise prohibited by law from holding the driver's licence or having the endorsement added, the restriction removed or the status changed, as the case may be;

(f) in the case of an application for the issuance of a driver's licence of a particular class, the applicant is not known to be ineligible under the laws of a reciprocating jurisdiction to hold a driver's licence of an equivalent class in the reciprocating jurisdiction; and

(g) the application does not contain any false information.

(2) Subject to subsection (4), the Registrar may grant an application made under Section 83 that does not satisfy the conditions enumerated by subsection (1) if the Registrar is satisfied that doing so is advisable in the circumstances and will not compromise the safety of road users.

(3) Upon the granting of an application made under Section 83, the Registrar shall issue to the applicant a driver's licence card displaying the class of licence held, any endorsements or restrictions on the driver's licence and the status assigned to the applicant.

(4) The Registrar shall refuse to grant an application made under Section 83 in the circumstances prescribed by the regulations.

85 Where the Registrar refuses to grant an application made under Section 83, the Registrar shall inform the applicant of the reason for the refusal.

86 (1) The Registrar may, at any time, reclassify a driver's licence or remove an endorsement from a driver's licence if the Registrar is satisfied that the licence holder

(a) is no longer qualified under this Act or the regulations to hold a driver's licence of the class held or bearing the endorsement, as the case may be; or

(b) should, on the basis of a medical opinion or medical information or the result of a driving examination, no longer hold a driver's licence of the class held or bearing the endorsement.

(2) The Registrar may, at any time, add any restriction to a driver's licence that the Registrar considers necessary or advisable for the purpose of ensuring the safety of road users, including a restriction

- (a) limiting the classes of motor vehicle that the licence holder may drive; or
- (b) prohibiting a vehicle being driven by the licence holder from being equipped or not equipped with specified equipment.

(3) The Registrar shall provide to the holder of a driver's licence written notice of the reclassification of the driver's licence, the removal of an endorsement from the driver's licence or the addition of a restriction to the driver's licence.

(4) The notice must set out the reason for the reclassification of the driver's licence, the removal of the endorsement from the driver's licence or the addition of the restriction to the driver's licence, as the case may be, and provide information about how the licence holder can request that the Registrar review decision to reclassify the driver's licence, remove the endorsement or add the restriction.

(5) The holder of a driver's licence that has been reclassified, had an endorsement removed from it or had a restriction added to it shall, at the Registrar's request, promptly return the driver's licence card to the Registrar and the Registrar shall issue a replacement driver's licence card that reflects the reclassification, removal of the endorsement or addition of the restriction, as the case may be.

(6) Subject to a review by the Registrar, a decision of the Registrar to reclassify a driver's licence, remove an endorsement from a driver's licence or add a restriction to a driver's licence under this Section is final and binding.

87 A decision by the Registrar as to which class of license or endorsement is required to drive a particular motor vehicle or class of motor vehicle is final and binding.

88 (1) Where an individual to whom the status of "unlicensed" is assigned is to be issued a driver's licence by the Registrar, the driver's licence issued must be of a class prescribed by the regulations as being for learners.

(2) A learner may not apply for a class of driver's licence other than a class prescribed by the regulations as being for newly licensed drivers and may only do so if the following period has elapsed since the learner was issued a driver's licence of a class prescribed by the regulations as being for learners:

- (a) in the case of a learner who completes a driver education course prescribed by the regulations, nine months; or
- (b) in any other case, 12 months.

89 (1) Where the Registrar grants an application by an individual who is a learner to be issued a driver's licence of a class prescribed by the regulations as being for newly licensed drivers, the Registrar shall change the status assigned to the individual to "newly licensed".

(2) An individual who is assigned the status of “newly licensed” may not apply for a class of driver’s licence other than a class prescribed by the regulations as being for newly licensed drivers and may not apply to be assigned the status of “novice” until

- (a) a period of two years has elapsed since the individual was assigned the status of “newly licensed”; and
- (b) the individual has fulfilled any other requirements prescribed by the regulations.

90 (1) Where, in respect of an individual who is a newly licensed driver, the period referred to in clause 89(2)(a) elapses and the Registrar is satisfied that the individual has fulfilled any other requirements referred to in clause 89(2)(b), the Registrar shall change the status assigned to the individual to “novice”.

(2) An individual who is assigned the status of “novice” may not apply to be assigned the status of “regular” until

- (a) a period of two years has elapsed since the individual was assigned the status of “novice”; and
- (b) the individual has fulfilled any other requirements prescribed by the regulations.

91 (1) Subject to subsections (2) and (3), the Registrar may assign the status of “regular” to an individual and issue to the individual a driver’s licence of a class prescribed by the regulations as being for an individual to whom the status of “regular” is assigned if the individual

- (a) is authorized to drive under the laws of another jurisdiction; and
- (b) fulfils the requirements prescribed by the regulations in respect of that jurisdiction.

(2) Where an individual satisfies the conditions prescribed by subsection (1) but

- (a) has been authorized to drive under the laws of the other jurisdiction for fewer than two years; or
- (b) is, in the opinion of the Registrar, subject under the laws of the other jurisdiction to conditions similar to those to which a newly licensed driver is subject,

the Registrar may assign the status of “newly licensed” to the individual and issue to the individual a driver’s licence of a class prescribed by the regulations as being for a newly licensed driver.

(3) Where an individual satisfies the conditions prescribed by subsection (1) but

- (a) has been authorized to drive under the laws of the other jurisdiction for at least two years but fewer than four years; or
- (b) is, in the opinion of the Registrar, subject under those laws to conditions similar to those to which a novice driver is subject,

the Registrar may assign the status of “novice” to the individual and issue to the individual a driver’s licence of a class prescribed by the regulations as being for a novice driver.

92 (1) On the driving record of every individual for whom the Registrar maintains a driving record, the Registrar shall record the number of demerit points assigned to the individual under Section 315.

(2) The Registrar shall remove demerit points from an individual's driving record as required by the regulations.

(3) When the total number of demerit points assigned to the driving record of an individual to whom a particular class and status is assigned exceeds the threshold prescribed by the regulations for someone assigned that class and status, the Registrar, as permitted under the regulations, may

- (a) require the individual to attend a meeting with the Registrar; or
- (b) require the individual to participate in a driver training program.

(4) When the total number of demerit points assigned to the driving record of an individual to whom a particular class and status is assigned exceeds the threshold prescribed by the regulations for someone assigned that class and status, the individual's driving privilege must be suspended under Section 105 for the period prescribed by the regulations.

93 (1) No person shall drive a motor vehicle on a highway unless

- (a) the person holds a valid driver's licence issued under this Act or, subject to the regulations, under the laws of another jurisdiction; or
- (b) is otherwise authorized to drive the motor vehicle on a highway under this Act.

(2) Where the regulations require a person to hold a licence to drive a vehicle or other conveyance, no person shall drive the vehicle or other conveyance on a highway unless the person holds a valid licence issued under the regulations or, subject to the regulations, under the laws of another jurisdiction.

94 No person shall drive a motor vehicle on a highway if the driver's licence authorizing the person to drive the motor vehicle on the highway is expired.

95 No person shall drive a motor vehicle on a highway if the class of driver's licence held by the person, as modified by any endorsements added to the driver's licence, does not authorize the motor vehicle to be driven on a highway.

96 (1) No person shall drive a motor vehicle on a highway if a restriction on the person's driver's licence prohibits the person from driving the motor vehicle on a highway.

(2) No person shall drive a motor vehicle on a highway in any circumstances in which a restriction on the person's driver's licence prohibits the person from driving the motor vehicle on a highway.

Reporting to Registrar

97 The Registrar may receive from any person a report alleging that an individual

- (a) is not competent to drive;
- (b) is not qualified to hold a driver's licence, a driver's licence of a particular class or a driver's licence bearing a particular endorsement, or to be assigned a particular status;
- (c) has driven a motor vehicle unsafely;
- (d) has a medical condition that may impair the individual's ability to drive a motor vehicle safely;
- (e) is the subject of an order by a court suspending the individual's driving privilege;
- (f) has contravened a restriction attached to the individual's driver's licence or a condition attached to a vehicle permit or special-purpose permit held by the individual; or
- (g) has driven a vehicle or driven in a manner not authorized by the driver's licence held by the individual, by an endorsement attached to such licence or by virtue of the status assigned to the individual.

98 (1) A regulated health professional may report to the Registrar the name, address and medical condition of a patient without the patient's consent if, in the opinion of the regulated health professional, the patient has a medical condition that may impair the patient's ability to drive a motor vehicle.

(2) A regulated health professional may make a report to the Registrar under subsection (1) notwithstanding that the information on which the opinion of the regulated health professional is based is confidential and its disclosure is restricted by any enactment.

99 A peace officer may report to the Registrar that the peace officer

- (a) has observed an individual driving a motor vehicle in an unsafe manner; or
- (b) is satisfied, based upon the peace officer's investigation, that an individual's driving is unsafe.

100 No action lies against a person for a report made in good faith under Section 97, 98 or 99.

101 The Registrar may not act on a report made under Section 97, 98 or 99 unless the report was made in writing and the person making the report has provided the Registrar with the person's contact information.

102 (1) Subject to subsection (2), the Registrar shall, upon request, provide a copy of a report made under Section 97, 98 or 99 to the individual who is the subject of the report.

(2) Where the person making a report under Section 97 or 98 so requests and the Registrar considers it necessary or advisable to do so to protect the safety or well-being of the person, the Registrar may redact the identity of the person and any information likely to identify the person from the copy of the report provided to the individual who is the subject of the report.

(3) Subsection (2) does not apply if a court of competent jurisdiction orders the Registrar to disclose a report made under Section 97 or 98 to the individual who is the subject of the report.

103 The Registrar may require the individual who is the subject of a report or other information to

- (a) provide to the Registrar such report, information or other documentation as the Registrar may specify;
- (b) submit to a driving examination;
- (c) attend and successfully complete a course or program prescribed by the regulations; or
- (d) participate in an ignition interlock program.

Suspension of Driving Privilege by Registrar

104 (1) The Registrar may immediately suspend the driving privilege of an individual, without a hearing, if the Registrar is satisfied that the individual is unable to safely drive a motor vehicle on a highway on the basis of

- (a) the result of a driving examination ordered by the Registrar;
- (b) a medical opinion or medical information received by the Registrar; or
- (c) the report of a peace officer who
 - (i) observed the individual driving a motor vehicle in an unsafe manner, or
 - (ii) is satisfied, based upon the peace officer's investigation, that the individual's driving is unsafe.

(2) The Registrar may rescind the suspension of an individual's driving privilege if the Registrar is satisfied that

- (a) where the suspension occurred as a result of a driving examination or the report of a peace officer that indicated that the individual's driving is unsafe, the individual's unsafe driving was caused by a medical condition or unsatisfactory driving skills; and
- (b) based on the results of an examination of the individual's driving ability, a medical examination or both, the individual can safely drive a motor vehicle on a highway.

(3) Before suspending the driving privilege of an individual on the basis of a medical opinion, medical information or the report of a peace officer, the Registrar may refer information concerning the individual's medical condition or the medical opinion or medical information to the Medical Advisory Committee or a member of the Committee for an opinion on the ability of the person to safely drive a motor vehicle.

(4) Where the driving privilege of an individual is suspended under this Section, the driving privilege may not be reinstated under Section 110 unless the Registrar is satisfied that the individual is able to safely drive a motor vehicle on a highway.

(5) Subject to the right to request a review by the Registrar, a decision of the Registrar to suspend the driving privilege of an individual under this Section is final and binding.

105 (1) The Registrar shall immediately suspend the driving privilege of an individual, without a hearing, if the Registrar is satisfied that

(a) the individual has been convicted of an offence for which the individual is subject to a mandatory suspension under the regulations;

(b) the individual has been convicted of an offence in another jurisdiction that, had the offence been committed in the Province, would have resulted in the individual being liable to conviction under this Act and subject to a mandatory suspension under the regulations;

(c) the individual is the subject of an order by a court that prohibits the individual from driving a motor vehicle on a highway;

(d) the total number of demerit points accumulated by the individual exceeds the threshold, prescribed by the regulations for someone of that class and status, for suspending the individual's driving privilege;

(e) the driving privilege of the individual has been suspended or cancelled under the laws of another province of Canada or a state of the United States of America;

(f) the Director of Maintenance Enforcement has provided to the Registrar a request under Section 30 of the *Maintenance Enforcement Act* to suspend the individual's driving privilege in respect of arrears under a maintenance order;

(g) the Registrar is required to do so under subsection 87(4) or 89(6) of the *Revenue Act*;

(h) the individual has failed to satisfy a final judgment rendered against the individual for damages related to the ownership, driving or use of a motor vehicle resulting in bodily injury or death to an individual or damage to property;

(i) in the case of an individual under the age of 18 years, the person who provided written consent under subsection 82(3) for the individual to apply for and hold a driver's licence has withdrawn the person's consent and, where so requested by the Registrar, provided reasons for or information in relation to the withdrawal of consent;

(j) the individual has, without reasonable excuse, failed to comply with

(i) a request by the Registrar for a meeting with the Registrar,

(ii) a request by the Registrar, or an obligation under this Act, to provide a report or other information to the Registrar, or

(iii) an order of, or a requirement imposed by, the Registrar under this Act; or

(k) the circumstances prescribed by the regulations exist.

(2) For the purpose of clause (1)(a), a conviction includes the granting of an absolute or conditional discharge and a determination by a court that a contravention of a provision referred to in that clause has occurred.

(3) Where the driving privilege of an individual is suspended on the grounds described in clause (1)(j), the driving privilege may not be reinstated under Section 110 unless the individual provides a reasonable excuse for the individual's non-compliance satisfactory to the Registrar or remedies the individual's non-compliance to the satisfaction of the Registrar.

106 (1) Where the Registrar suspends the driving privilege of an individual under Section 104 or 105, the Registrar shall give the individual written notice of

- (a) the suspension and the reason for the suspension; and
- (b) in the case of a suspension on the basis of a medical opinion or medical information, how the individual can request that the Registrar review the decision to suspend the driving privilege.

(2) Where the individual whose driving privilege is being suspended is the holder of a driver's licence, the notice provided under subsection (1) may state that the individual is required to return the individual's driver's licence card, in which case the individual shall promptly return the driver's licence card to the Registrar upon receiving the notice.

(3) Where a driver's licence card is required to be returned to the Registrar by an individual, the individual does not hold a valid driver's licence until a new driver's licence is issued to the individual by the Registrar, even if the individual did not return the driver's licence card and the driving privilege of the individual is reinstated.

107 No person shall drive a vehicle on a highway if the person's driving privilege is suspended.

108 Where the Registrar is satisfied that an individual's ability to safely drive a motor vehicle on a highway is permanently compromised, the Registrar shall give the individual 30 days' written notice of

- (a) the cancellation of the driving privilege of the individual and the reason for the cancellation; and
- (b) how the individual can appeal the decision to cancel the driving privilege.

Reinstatement of Driving Privilege

109 (1) Where the driving privilege of an individual is suspended, the individual may apply to the Registrar to have the driving privilege reinstated.

(2) The Registrar may, by notice in writing, require an applicant under subsection (1) to

- (a) provide to the Registrar such report or information as the Registrar may specify;
- (b) submit to a driving examination;

- (c) attend and successfully complete a course or program prescribed by the regulations; or
- (d) participate in an ignition interlock program.

(3) The Registrar may authorize an individual whose driving privilege is suspended to drive a motor vehicle on a highway for the purpose of undertaking a driving examination and, while doing so, the individual is deemed to not be suspended.

110 (1) The Registrar may reinstate the driving privilege of an applicant under Section 109 if

(a) in the case of a suspension for a period specified under this Act, the period of suspension has elapsed;

(b) the applicant is not in default of any fines or costs imposed upon a conviction for an offence under this Act, the former Act, the *Criminal Code* (Canada) or an enactment of a province of Canada for an offence involving the ownership, driving or use of a motor vehicle;

(c) in the case of a suspension resulting from the driving privilege of the applicant being suspended or cancelled under the laws of another province of Canada or a state of the United States of America, the driving privilege of the applicant has been reinstated under the laws of that province or state;

(d) in the case of a suspension requested by the Director of Maintenance Enforcement under the *Maintenance Enforcement Act* in respect of arrears under a maintenance order, the Director has advised the Registrar that the arrears have been paid or the applicant has made an arrangement satisfactory to the Director for complying with the maintenance order;

(e) in the case of a suspension required under subsection 87(4) or 89(6) of the *Revenue Act*, the period of suspension has elapsed;

(f) in the case of a suspension as a result of the failure of the applicant to satisfy a final judgment referred to in clause 105(1)(h), the applicant has satisfied the judgment or has made an arrangement acceptable to the judgment creditor to satisfy the judgment;

(g) in the case of an applicant for whom the person who provided written consent under subsection 82(3) has withdrawn the person's consent, the applicant

- (i) has attained the age of at least 18 years, or
- (ii) provides the written consent of a parent or guardian of the applicant or person prescribed by the regulations;

(h) the applicant has complied with all requirements imposed by the Registrar under subsection 109(2); and

(i) in the case of a suspension that continues until the satisfaction of one or more conditions, the applicant has satisfied the conditions for reinstatement.

(2) Upon reinstating the driving privilege of an applicant under Section 109, the Registrar shall issue a new driver's licence card to the applicant.

111 For greater certainty, where the driving privilege of an individual is suspended, the driving privilege remains suspended and the individual does not hold a valid driver's licence until the driving privilege is reinstated and a new driver's licence card is issued under Section 110.

112 (1) Subject to subsection (2), where the driving privilege of a learner is suspended and subsequently reinstated under this Act, the learner is deemed to have been issued a driver's licence of a class prescribed by the regulations as being for learners as of the date on which the driving privilege was reinstated for the purpose of determining when the period referred to in subsection 88(2) elapses.

(2) Where

(a) the Registrar rescinds a decision to suspend the driving privilege of a learner;

(b) the Registrar reinstates the driving privilege of a learner whose driving privilege was suspended under clause 105(1)(i); or

(c) the Appeal Board reinstates the driving privilege of a learner,

subsection (1) does not apply but the period referred to in subsection 88(2) is extended by an amount of time equal to the period during which the suspension was in effect.

113 (1) Subject to subsection (2), where the driving privilege of a newly licensed or novice driver is suspended and subsequently reinstated under this Act, the newly licensed or novice driver is deemed to have been assigned the status of "newly licensed" or "novice", as the case may be, as of the date on which the driving privilege was reinstated for the purpose of determining when the period referred to in clause 89(2)(a) or 90(2)(a) elapses.

(2) Where

(a) the Registrar rescinds a decision to suspend the driving privilege of a newly licensed or novice driver;

(b) the Registrar reinstates the driving privilege of a newly licensed or novice driver whose driving privilege was suspended under clause 105(1)(i); or

(c) the Appeal Board reinstates the driving privilege of a newly licensed or novice driver,

subsection (1) does not apply but the period referred to in clause 89(2)(a) or 90(2)(a), as the case may be, is extended by an amount of time equal to the period during which the suspension was in effect.

Regulations

114 The Governor in Council may make regulations respecting drivers and the authority to drive a vehicle or other conveyance including, without limiting the generality of the foregoing,

(a) respecting driver's licences and the classes of driver's licence and prescribing

(i) classes of driver's licence as being for learners,

(ii) classes of driver's licence as being for newly licensed drivers,

- (iii) classes of driver's licence as being for an individual to whom the status of "regular" is assigned, and
- (iv) conditions applicable to a licence holder;
- (b) respecting statuses assigned to individuals, including respecting the determination of the status to be assigned or deemed to be assigned to an individual and the eligibility of an individual to be assigned a status;
- (c) respecting exceptions to a requirement under this Act that must otherwise be fulfilled to apply for or hold a driver's licence;
- (d) respecting the driving of a motor vehicle on a highway in the Province by an individual who holds a driver's licence issued under the laws of another jurisdiction, including
 - (i) respecting the extent to which a driver's licence issued under the laws of another jurisdiction authorizes its holder to drive a motor vehicle on a highway in the Province, and
 - (ii) respecting the period during which a person may drive a motor vehicle on a highway in the Province under the authority of a driver's licence issued under the laws of another jurisdiction after the person becomes resident in the Province;
- (e) respecting the licensing, training and regulation of drivers of a vehicle or other conveyance, including
 - (i) requiring the driver of such a vehicle or other conveyance to obtain a licence to use the vehicle or other conveyance on the highway,
 - (ii) respecting the licensing of a driver of such a vehicle or other conveyance, and
 - (iii) respecting the driving of such a vehicle or other conveyance on a highway in the Province by an individual who holds a licence issued under the laws of another jurisdiction to drive the vehicle or other conveyance;
- (f) respecting demerit points and the consequences of accumulating demerit points, including
 - (i) respecting the removal of demerit points from an individual's driving record,
 - (ii) prescribing the thresholds for demerit points that may be accumulated by an individual with a particular status before
 - (A) the Registrar may require the individual to attend a meeting with the Registrar,
 - (B) the Registrar may require the individual to participate in a driver training program, or
 - (C) the driving privilege of the individual is required to be suspended,
 - (iii) respecting the requirements for an individual whose demerit points have exceeded the threshold prescribed by the regulations to attend a meeting with the Registrar and to participate in a driver training program if required to do so by the Registrar, and

(iv) respecting the period of a suspension imposed on an individual who demerit points have exceeded the threshold prescribed by the regulations;

(g) prescribing circumstances in which the Registrar is to suspend an individual's driving privilege and respecting conditions the individual is to satisfy before the driving privilege may be reinstated.

115 The Minister may make regulations

(a) prescribing persons who may provide written consent for an individual younger than 18 years of age to apply for or hold a driver's licence;

(b) respecting the application for, the granting of and the refusal to grant an application for a driver's licence of a particular class, the addition of an endorsement to an individual's driver's licence, the removal of a restriction on an individual's driver's licence or a change to the status assigned to an individual, including

(i) respecting the eligibility and medical requirements that must be fulfilled by an individual,

(ii) respecting examinations, and

(iii) respecting circumstances in which the Registrar is to refuse to grant an application under Section 83;

(c) respecting the qualifications for holding a driver's licence of a particular class or bearing an endorsement;

(d) respecting driver education courses;

(e) prescribing requirements that must be fulfilled by an individual to whom the status of "newly licensed" is assigned before the individual may be assigned the status of "novice";

(f) prescribing requirements that must be fulfilled by an individual to whom the status of "novice" is assigned before the individual may be assigned the status of "regular";

(g) respecting the requirements that must be fulfilled by an individual authorized to drive under the laws of another jurisdiction for the purpose of Section 91;

(h) respecting the making of reports to the Registrar under Section 97, 98 or 99, including respecting the mandatory reporting of specified medical conditions by a regulated health professional and specifying such medical conditions;

(i) respecting the driving of a motor vehicle on a highway by a person authorized to drive under the laws of another jurisdiction, including

(i) waiving a requirement to obtain a driver's licence or undergo an examination under this Act, and

(ii) prescribing conditions applicable to such a person;

(j) respecting driver's licence cards;

(k) prescribing programs and courses that the Registrar may require an individual whose driving privilege is suspended to attend and successfully complete for the purpose of an application for reinstatement of the driving privilege;

(l) respecting ignition interlock programs.

PART IV
VEHICLES

Registration and Vehicle Standards

116 The Registrar shall maintain a register of vehicles and other conveyances.

117 (1) Subject to subsection (2), no person shall drive a vehicle on a highway unless the vehicle is registered under this Act.

(2) Subject to the regulations, a vehicle registered in another jurisdiction under the laws of that jurisdiction is not required to be registered under this Act.

(3) Where the regulations require that a class or type of conveyance be registered under this Act, no person shall drive a conveyance of that class or type on a highway unless the conveyance is registered under this Act.

118 (1) A person may register a vehicle or other conveyance if the person is the owner of the vehicle or conveyance or is acting on behalf of the owner.

(2) A person registering a vehicle or other conveyance shall provide proof of ownership of the vehicle or other conveyance and, where acting on behalf of the owner of the vehicle or other conveyance, proof of the person's authority to act.

119 A vehicle may be registered if it conforms to the requirements of the *Motor Vehicle Safety Act* (Canada) and the regulations under that Act that are applicable to the vehicle.

120 A homemade vehicle or rebuilt vehicle may be registered if it conforms to the requirements prescribed by the regulations.

121 An imported vehicle may be registered if it

- (a) is approved for commercial importation to Canada under the *Motor Vehicle Safety Act* (Canada); or
- (b) conforms to the requirements prescribed by the regulations.

122 (1) Where a vehicle is modified in the circumstances prescribed by the regulations, the owner of a vehicle shall obtain a new registration certificate for the vehicle.

(2) A modified vehicle may be registered if the modification to the vehicle conforms to the requirements prescribed by the regulations.

123 (1) Where a vehicle is assigned the status of salvage vehicle, the owner of a vehicle shall obtain a new registration certificate for the vehicle.

(2) A salvage vehicle may be registered if the vehicle is rebuilt in conformity to the requirements prescribed by the regulations.

124 A conveyance of a class or type required by the regulations to be registered under this Act may be registered if it conforms to the requirements prescribed by the regulations.

125 A vehicle or other conveyance may not be registered unless it conforms to any requirements respecting weight and dimensions established by the regulations for a vehicle or other conveyance of its class or type.

126 A vehicle may not be registered unless a vehicle identification number is displayed on the vehicle as required under the *Motor Vehicle Safety Act* (Canada) or in a manner prescribed by the regulations.

127 (1) No person shall drive a vehicle on a highway unless it is equipped with the equipment required by the regulations.

(2) No person shall drive a vehicle on a highway if it is equipped with equipment prohibited by the regulations.

(3) No person shall drive a vehicle on a highway if it is equipped with equipment that does not conform to the standards prescribed by the regulations.

(4) No person shall drive a vehicle on a highway unless the equipment with which is it equipped is in good working order.

128 (1) No person shall drive a conveyance, other than a vehicle, on a highway unless it is equipped with the equipment required by the regulations.

(2) No person shall drive a conveyance, other than a vehicle, on a highway if it is equipped with equipment prohibited by the regulations.

(3) No person shall drive a conveyance, other than a vehicle, on a highway if it is equipped with equipment that does not conform to the standards prescribed by the regulations.

(4) No person shall drive a conveyance, other than a vehicle, on a highway unless the equipment with which it is equipped is in good working order.

129 No person shall sell any equipment, material or device prescribed by the regulations.

130 (1) Subject to the regulations, where a vehicle or conveyance is subject to inspection under the regulations, no person shall drive the vehicle or other conveyance on a highway unless it has passed the required inspection.

(2) Subject to the regulations, where a vehicle or conveyance is subject to inspection under the regulations, no person shall drive the vehicle or other conveyance on a highway unless a valid inspection sticker or other proof of its inspection is displayed on the vehicle or other conveyance in accordance with the regulations.

131 (1) The Registrar may from time to time order that any vehicle or class or classes of vehicles or all vehicles be tested at official testing stations at such time or times or within such

time or times as the Registrar indicates and may give notice of any such order by publishing a copy of the order on a website operated by the Registrar and in the Royal Gazette of Nova Scotia.

(2) Notwithstanding subsection (1), the Registrar may from time to time order that any vehicle or class of vehicle be tested by an inspector under the *Motor Carrier Act* at such time or times and within such time or times as the Registrar indicates.

Vehicle Documents

132 (1) No person shall drive a vehicle or other conveyance on a highway unless all the vehicle documents required for the vehicle or other conveyance have been issued and remain, at the time of the vehicle or other conveyance being driven on the highway, valid.

(2) No person shall drive a vehicle or other conveyance on a highway if a vehicle document required for the vehicle or other conveyance is expired.

133 No person shall drive a vehicle or other conveyance on a highway unless all the vehicle documents required under the regulations for the vehicle or other conveyance are present in the vehicle or other conveyance.

134 (1) The owner of a vehicle or other conveyance or a person acting on behalf of the owner may apply for a vehicle document in the manner prescribed by the regulations if, under the regulations, the vehicle or other conveyance is eligible to have the vehicle document issued in relation to it.

(2) A person applying for a vehicle document in relation to a vehicle or other conveyance shall provide proof of ownership of the vehicle or other conveyance and, where acting on behalf of the owner, proof of the person's authority to act.

135 (1) Subject to subsections (2) and (3), the Registrar may issue a vehicle document if

(a) the application for the vehicle document is made in accordance with this Act and the regulations;

(b) the application for the vehicle document does not contain false or misleading information;

(c) the applicant fulfils the eligibility requirements established under this Act to be issued or to hold the vehicle document;

(d) the applicant's privilege of obtaining the vehicle document is not suspended;

(e) the applicant is not otherwise prohibited by law from obtaining or holding the vehicle document; and

(f) the vehicle or other conveyance to which the application relates is eligible to have the vehicle document issued in relation to it.

(2) The Registrar may not issue a vehicle document in relation to a vehicle or other conveyance in the circumstances prescribed by the regulations.

(3) A tester or motor vehicle inspector may not issue an inspection certificate or inspection sticker in the circumstances prescribed by the regulations.

136 Where the Registrar, a tester or a motor vehicle inspector refuses to issue a vehicle document, the Registrar, tester or motor vehicle inspector shall inform the applicant of the reason for the refusal.

137 (1) Where a person finds a number plate that the person believes is lost, the person shall deliver the number plate to the Registrar or a peace officer.

(2) A peace officer to whom a number plate is delivered

(a) may, where able to identify and find the person to whom the number plate was issued, deliver the number plate to that person; or

(b) shall, where the person to whom the number plate was issued is not found, forward the number plate to the Registrar.

Cancellation, Suspension and Reinstatement

138 (1) The Registrar may cancel a vehicle document if the Registrar is satisfied that the document has been issued or is being used contrary to this Act, the regulations or any condition attached to the document.

(2) The Registrar shall provide written notice of the cancellation of a vehicle document under this Section to the person to whom the document was issued and, upon receiving the notice, the person shall promptly return the document to the Registrar.

(3) Where the Registrar is considering a request to cancel a registration certificate, the Registrar may require a person requesting the cancellation to first obtain a court order

(a) requiring that the Registrar not issue a registration certificate in the name of any other person until the eligibility to hold the current registration certificate is determined;

(b) declaring that the person who holds the registration certificate is not eligible to do so; or

(c) declaring which person is eligible to hold the registration certificate.

139 Where a vehicle document is cancelled, the privilege of the person to whom the document was issued to obtain the document is suspended until reinstated under subsection 142(1).

140 (1) The Registrar shall suspend the vehicle permit or special-purpose permit issued to a person for a vehicle, or the privilege of a person to obtain a vehicle permit or special-purpose permit for a vehicle, if the Registrar is satisfied that

(a) the vehicle is unsafe, unfit to be driven or not equipped as required by law;

(b) the vehicle has been used for an unlawful purpose;

(c) the owner has allowed the vehicle to be used on a highway by a person who does not hold a driver's licence that authorizes the person to drive the vehicle on a highway;

(d) the owner failed to comply with a request by the Registrar to provide a document, report or information in relation to the vehicle;

(e) the owner has allowed the vehicle to be driven on a highway while not insured;

(f) the Director of Maintenance Enforcement has provided to the Registrar under Section 30 of the *Maintenance Enforcement Act* a request to suspend the person's permit or privilege to obtain a permit in respect of arrears under a maintenance order;

(g) the Registrar is required to do so under subsection 87(4) or 89(6) of the *Revenue Act*;

(h) the Provincial Tax Commissioner has provided to the Registrar a report advising that tax payable in relation to the vehicle under the *Revenue Act* has not been paid;

(i) the owner has failed to satisfy a final judgment rendered against the owner for damages related to the ownership, driving or use of a vehicle resulting in bodily injury or death to an individual or damage to property;

(j) the owner is in default of a fine or cost imposed upon a conviction for an offence

(i) under this Act, the former Act, the *Criminal Code* (Canada) or another enactment of the Province, a federal enactment or an enactment of another province of Canada in relation to the ownership, driving or use of a vehicle, or

(ii) under a municipal by-law involving the unlawful parking, standing or stopping of a vehicle;

(k) the owner has contravened subsection 122(1);

(l) in the case of a vehicle for which a special-purpose permit was issued, the vehicle was driven in contravention of the permit; or

(m) the circumstances prescribed by the regulations exist.

(2) The Registrar may suspend the vehicle permit or special-purpose permit issued to a person for a vehicle, or the privilege of a person to obtain a vehicle permit or special-purpose permit for a vehicle, if the Registrar is satisfied that

(a) the owner's driver's licence or privilege of obtaining a driver's licence is suspended or, in the case of the owner's driver's licence, has been cancelled and no new driver's licence has been issued to the owner; or

(b) the circumstances prescribed by the regulations exist.

(3) Subject to subsection (4), where the Registrar suspends a person's vehicle permit or special-purpose permit under subsection (1) or (2), the Registrar may also suspend any

other vehicle permit or special-purpose permit issued to the person and the person's privilege of obtaining a vehicle permit or special-purpose permit for any other vehicle.

(4) The Registrar may only exercise the Registrar's authority under subsection (3) in respect of a vehicle permit or special-purpose permit for a commercial vehicle, or the privilege to obtain a vehicle permit or special-purpose permit for a commercial vehicle, if the Registrar has reasonable grounds to believe the suspension is necessary for the protection of the public.

(5) The Registrar shall give written notice of a suspension under this Section to the person whose permit or privilege of obtaining a permit is being suspended.

(6) The notice provided under subsection (5) may state that the person is required to return any permit suspended under this Section, in which case the person shall promptly return the permit to the Registrar upon receiving the notice.

(7) Where a person is required to return a suspended permit to the Registrar, there is no valid permit until a new permit is issued by the Registrar, even if the person did not return the permit and the person's privilege of obtaining a permit is reinstated.

(8) A suspension under this Section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

141 (1) The Registrar shall refuse to issue or transfer the registration certificate for a person's vehicle or the privilege of a person to obtain a registration certificate for a vehicle if

(a) the Registrar has received a request from the Director of Maintenance Enforcement under Section 30 of the *Maintenance Enforcement Act* to refuse to issue or transfer the registration certificate or the person's privilege of obtaining a registration certificate in respect of arrears under a maintenance order;

(b) the Registrar is required to do so under subsection 87(4) or 89(6) of the *Revenue Act*; or

(c) the circumstances prescribed by the regulations exist.

(2) The Registrar shall give written notice of a refusal to issue or transfer under this Section to the person whose registration certificate or privilege of obtaining a registration certificate is being refused.

(3) A refusal to issue or transfer under this Section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

142 Where a vehicle document or a person's privilege to obtain a vehicle document is suspended under Section 139, 140 or 141, the Registrar may, on application, reinstate the document or privilege if the Registrar is satisfied that

(a) the circumstances that resulted in the document being issued or used contrary to this Act, the regulations or any condition attached to the document have, if possible, been remedied; and

(b) all applicable conditions for reinstatement prescribed under the regulations or any other enactment have been satisfied.

Statuses

143 (1) A vehicle may, in accordance with subsection (2), be assigned one or more of the following statuses:

- (a) lemon;
- (b) non-repairable;
- (c) rebuilt;
- (d) salvage;
- (e) stolen; or
- (f) a status established by the regulations.

(2) The Registrar may assign a status to a vehicle registered under this Act if the Registrar is satisfied that the vehicle

- (a) had an equivalent status assigned to it under the laws of another jurisdiction while it was registered in the other jurisdiction; or
- (b) is eligible under the regulations to be assigned the status.

144 Where the Registrar is satisfied that a vehicle to which a status is assigned is not eligible to be assigned the status, the Registrar shall remove or replace the status.

Insurance

145 (1) No person shall drive a motor vehicle on a highway unless it is insured.

(2) The owner or other person in charge of a motor vehicle shall neither drive the motor vehicle nor allow it to be driven on a highway unless it is insured.

(3) A motor vehicle is insured if it is the subject of a valid motor vehicle liability policy within the meaning of the *Insurance Act* that complies with that Act and any requirements prescribed by the regulations.

146 (1) Where the regulations require a vehicle or other conveyance to be insured, no person shall drive the vehicle or other conveyance on a highway unless it is insured as required by the regulations.

(2) Where the regulations require a vehicle or other conveyance to be insured, the owner or other person in charge of the vehicle or other conveyance shall neither drive the vehicle or other conveyance nor allow it to be driven on a highway unless it is insured as required by the regulations.

147 No person shall drive on a highway a vehicle or other conveyance required to be insured under this Act without proof of insurance in the form prescribed under the regulations being present in the vehicle or other conveyance.

148 (1) The Registrar may require an owner of a vehicle to produce proof of insurance for the vehicle at any time.

(2) The Registrar may require any insurer of vehicles to produce records relating to vehicles insured in the Province at any time.

(3) The Registrar may require any insurer of vehicles to provide a report as prescribed by the regulations.

Regulations

149 The Governor in Council may make regulations respecting vehicles or other conveyances including, without limiting the generality of the foregoing,

- (a) requiring the registration of a class or type of conveyance, other than a vehicle, being driven on a highway;
- (b) respecting the registration of a conveyance of such class or type; and
- (c) respecting requirements to which a conveyance of such class or type must conform to be eligible to be registered.

150 The Minister may make regulations

- (a) respecting classes or types of vehicles and other conveyances for the purpose of this Act, including
 - (i) defining classes or types of vehicles and other conveyances,
 - (ii) providing for the determination of the class or type of a vehicle or other conveyance, and
 - (iii) providing for the use of vehicles and other conveyances of different classes or types;
- (b) respecting autonomous vehicles;
- (c) respecting the qualifications and reporting requirements for vehicle appraisers;
- (d) respecting the requirements for insurers, including the provision of reports and records to the Registrar;
- (e) respecting the registration of vehicles, including
 - (i) respecting when a vehicle registered in another jurisdiction must be registered under this Act,
 - (ii) respecting the registration of homemade or rebuilt vehicles, including prescribing the requirements to which a homemade or rebuilt vehicle must conform to be eligible for registration,
 - (iii) respecting the registration of imported vehicles, including prescribing the requirements to which an imported vehicle must conform to be eligible for registration,
 - (iv) respecting the registration of modified vehicles, including prescribing the requirements to which a modified vehicle must conform to be eligible for registration

and the circumstances under which the owner of a vehicle must obtain a new registration certificate for the vehicle upon it being modified, and

- (v) respecting the registration of salvage vehicles, including prescribing the requirements in conformity to which a salvaged vehicle must be rebuilt to be eligible for registration;
- (f) respecting the determination of the model year to be used for registration of a vehicle;
- (g) respecting the transfer of a certificate of registration for a vehicle, including deemed transfers, exemptions, and ability to refuse to transfer;
- (h) respecting the weight and dimensions of vehicles and other conveyances, including prescribing requirements for the weight and dimensions to which vehicles or other conveyances of a particular class or type must conform;
- (i) respecting the load carried by vehicles or other conveyances, including prescribing requirements for loads to which vehicles or other conveyances of a particular class or type must conform;
- (j) respecting the visibility and obstruction prevention requirements for vehicles or other conveyances, including prescribing requirements for visibility or obstruction prevention to which vehicles or other conveyances of a particular class or type must conform;
- (k) prescribing the manner by which a vehicle identification number may be displayed on a vehicle;
- (l) respecting the assignment, restoration or replacement of a vehicle identification number for a vehicle;
- (m) respecting equipment, including
 - (i) establishing requirements and prohibitions in relation to equipment and the equipping of vehicles or other conveyances,
 - (ii) establishing requirements, mandated use and prohibitions in relation to equipment and the equipping of vehicles or other conveyances,
 - (iii) prescribing equipment, materials and devices relating to vehicles and other conveyances that are subject to the prohibition set out in Section 129;
- (n) respecting the inspection of vehicles, including
 - (i) prescribing types of inspections,
 - (ii) respecting exemptions from the prohibitions set out in Section 130,
 - (iii) prescribing the circumstances under which a vehicle or other conveyance must be inspected, and
 - (iv) respecting the display on a vehicle or other conveyance of a valid inspection sticker or other proof of inspection;
- (o) respecting vehicle documents, including
 - (i) prescribing the manner by which an application for a vehicle document is to be made,

- (ii) prescribing the eligibility of a vehicle or other conveyance to have a vehicle document issued in relation to it,
- (iii) prescribing the eligibility of a person to obtain or hold a vehicle document,
- (iv) prescribing the circumstances in which the Registrar is not to issue a vehicle document,
- (v) prescribing the circumstances under which a tester or motor vehicle inspector is not authorized to issue an inspection certificate or inspection sticker,
- (vi) respecting when a vehicle document must be issued in relation to a vehicle or other conveyance before the vehicle or other conveyance may be driven on a highway,
- (vii) respecting the making of an application for a vehicle document,
- (viii) respecting the eligibility of a vehicle or other conveyance to have a vehicle document issued in relation to it,
- (ix) respecting the suspension and reinstatement of vehicle documents and the privilege of obtaining a vehicle document, prescribing circumstances in which the Registrar is to suspend a person's permit or registration certificate or privilege to obtain a permit or registration certificate and respecting conditions that are to be satisfied before a vehicle document may be reinstated, and
- (x) respecting the cancellation of vehicle documents;
- (p) respecting statuses of vehicles, including
 - (i) establishing statuses, and
 - (ii) respecting eligibility of a vehicle to be assigned a particular status;
- (q) respecting the insuring of vehicles and other conveyances, including
 - (i) prescribing requirements in relation to motor vehicle liability policies,
 - (ii) requiring any class or type of vehicle to be insured and respecting the required insurance for a vehicle of that class or type,
 - (iii) respecting the insurance required for a commercial vehicle,
 - (iv) respecting proof of insurance for a vehicle or other conveyance required under this Act to be insured, and
 - (v) prescribing requirements in relation to the use of vehicles or conveyances;
- (r) respecting reports provided by insurers to the Registrar.

PART V

USE OF THE ROAD

Rules of the Road

151 Every driver of a vehicle or other conveyance, and every pedestrian, travelling on or otherwise using a highway shall comply with Sections 152 to 207 and the regulations, except when directed to do otherwise by a traffic control device, traffic control person or peace officer.

152 (1) Every driver of a vehicle or other conveyance, and every pedestrian, travelling on or otherwise using a highway shall comply with a direction indicated by a traffic control device, except when directed to do otherwise by a traffic control person or peace officer.

(2) Every driver of a vehicle or other conveyance, and every pedestrian, travelling on or otherwise using a highway shall comply with a direction indicated by a traffic control person or peace officer.

153 A person who is authorized under this Act to drive the vehicle must be positioned at the controls of the vehicle and, at all times while a vehicle is being driven on a highway, the person must be able to personally drive the vehicle, irrespective of whether the vehicle is capable of operating autonomously or in an autonomous mode.

154 No person shall drive or use a vehicle or other conveyance on a highway or on a portion or part of the highway contrary to the regulations or the direction of a traffic control device, a traffic control person or a peace officer.

155 No pedestrian shall walk on or use a highway or a portion or part of the highway contrary to the regulations or the direction of a traffic control device, a traffic control person or a peace officer.

156 No person driving a vehicle or other conveyance on a highway shall overtake another vehicle or other conveyance on the highway contrary to the regulations or the direction of a traffic control device.

157 No person shall drive a vehicle or other conveyance on a highway to the left of the centre line except as permitted by the regulations or as directed by a traffic control device, traffic control person or peace officer.

158 (1) No person driving a vehicle or other conveyance on a highway shall make a turn contrary to the regulations or the direction of a traffic control device, traffic control person or peace officer.

(2) No person driving a vehicle or other conveyance on a highway shall make a U-turn contrary to the regulations or the direction of a traffic control device, traffic control person or peace officer.

159 No person driving a vehicle or other conveyance on a highway shall drive the vehicle or other conveyance in reverse contrary to the regulations or the direction of a traffic control device, traffic control person or peace officer.

160 No person driving a vehicle or other conveyance shall fail to yield to traffic on a highway when required to do so under the regulations or directed to do so by a traffic control device, traffic control person or peace officer.

161 No pedestrian shall fail to yield to traffic on a highway when required to do so under the regulations or directed to do so by a traffic control device, traffic control person or peace officer.

162 (1) No person driving a vehicle or other conveyance on a highway shall fail to stop the vehicle or other conveyance when required to do so under the regulations or directed to do so by a traffic control device, traffic control person or peace officer.

(2) No person driving a vehicle or other conveyance on a highway shall stop the vehicle or other conveyance contrary to the regulations or the direction of a traffic control device, traffic control person or peace officer.

163 No person shall drive a vehicle or other conveyance across a highway contrary to the regulations or the direction of a traffic control device, traffic control person or peace officer.

164 No person driving a vehicle or other conveyance on a highway shall change lanes contrary to the regulations or the direction of a traffic control device, traffic control person or peace officer.

165 No person driving a vehicle or other conveyance entering a highway shall merge with traffic on the highway contrary to the regulations or the direction of a traffic control device, traffic control person or peace officer.

166 No person driving a vehicle or other conveyance on a highway shall contravene the direction of a traffic control device, traffic control person or peace officer.

167 (1) No person shall drive a vehicle or other conveyance on a highway while displaying the vehicle's headlights or any other lamp on the vehicle contrary to the regulations.

(2) No person shall drive a vehicle or other conveyance on a highway while displaying any flashing, revolving or coloured lights on the vehicle or other conveyance unless permitted to do so under the regulations.

168 No person shall drive a vehicle or other conveyance on a highway while using a siren on the vehicle or other conveyance unless permitted to do so under the regulations.

169 (1) No person shall park a vehicle or other conveyance on a highway in a place where parking is not authorized or prohibited under the regulations or a by-law.

(2) No person shall park a vehicle or other conveyance on a highway in a place where parking is restricted under the regulations or a by-law except in compliance with the restrictions.

(3) No person shall park a vehicle or other conveyance in a manner contrary to the regulations.

170 No person shall leave a vehicle standing on property of which the person is not the owner or tenant without the consent of an owner or tenant of the property.

171 (1) No person shall leave a vehicle or parts of a vehicle on a highway or on property other than the person's property without the consent of the owner or tenant of the property.

(2) A vehicle or parts of a vehicle left on a highway or the property of a person other than the owner of the vehicle without the property owner's consent is deemed to be abandoned if so left for a period of longer than 24 hours.

Speeding and Unsafe Driving

172 The speed limit or minimum speed applicable to a portion of a highway is

(a) the speed limit or minimum speed indicated on a traffic sign posted at the beginning of the portion of the highway; or

(b) where there is no traffic sign indicating the speed limit or minimum speed, the speed limit or minimum speed applicable to the portion of the highway under the regulations.

173 (1) No person shall drive a vehicle or other conveyance on a highway in excess of the speed limit.

(2) No person shall drive a vehicle or other conveyance on a highway in excess of the speed limit by more than 15 kilometres per hour.

(3) No person shall drive a vehicle or other conveyance on a highway in excess of the speed limit by more than 30 kilometres per hour.

(4) Subsections (1) to (3) do not apply in the circumstances prescribed by the regulations.

174 (1) No person shall drive a vehicle or other conveyance in a temporary work area in excess of the speed limit.

(2) No person shall drive a vehicle or other conveyance in a temporary work area in excess of the speed limit by more than 15 kilometres per hour.

(3) No person shall drive a vehicle or other conveyance in a temporary work area in excess of the speed limit by more than 30 kilometres per hour.

(4) Subsections (1) to (3) do not apply in the circumstances prescribed by the regulations.

175 (1) No person shall drive a vehicle or other conveyance in a school area in excess of the speed limit.

(2) No person shall drive a vehicle or other conveyance in a school area in excess of the speed limit by more than 15 kilometres per hour.

(3) No person shall drive a vehicle or other conveyance in a school area in excess of the speed limit by more than 30 kilometres per hour.

(4) Subsections (1) to (3) do not apply in the circumstances prescribed by the regulations.

176 (1) Except where it is impracticable to do so, a person driving a vehicle or other conveyance on a highway shall exceed any minimum speed applicable to the portion of the highway on which the person is driving.

(2) Subsection (1) does not apply in the circumstances prescribed by the regulations.

177 (1) No person shall drive a vehicle or other conveyance on a highway

(a) in excess of, by 50 kilometres per hour or more,

(i) the speed limit indicated on a traffic sign, or

(ii) where there is no traffic sign indicating the speed limit, the speed limit applicable to the highway under the regulations;

(b) in a race;

(c) recklessly;

(d) while performing a stunt;

(e) on a bet or wager;

(f) in a manner prescribed by the regulations.

(2) Subsection (1) does not apply in the circumstances prescribed by the regulations.

178 A person driving a vehicle or other conveyance on a highway or at any place ordinarily accessible to the public shall drive in a careful and prudent manner considering all the circumstances.

179 A person driving a vehicle or other conveyance on a highway shall drive at a careful and prudent speed considering all the circumstances and conditions existing at the time, including

(a) the surface, width, type, condition and use of the highway;

- (b) the time of day and atmospheric, weather or other conditions that might affect the person's ability to see or maintain control of the vehicle;
- (c) the volume and nature of traffic that is or that might reasonably be expected to be on the highway;
- (d) any vehicle being towed by the vehicle or conveyance being driven;
- (e) the condition of the vehicle or conveyance being driven and any vehicle being towed thereby; and
- (f) the condition of any equipment on the vehicle or conveyance being driven or on any vehicle being towed thereby.

180 No person shall drive a vehicle or other conveyance on a highway at a speed that endangers any person's safety or property.

181 It is not a defence to a charge under Section 178, 179 or 180 that the alleged offender was not exceeding the speed limit.

Distracted Driving

182 (1) A person driving a vehicle or other conveyance shall drive with due care and attention and with reasonable consideration for other traffic on the highway.

(2) For greater certainty, this Section applies irrespective of whether the vehicle being driven is capable of or is in fact being driven in an autonomous mode.

183 (1) No person shall drive a vehicle or other conveyance on a highway while the vehicle or other conveyance is in motion and the person is using, holding or manipulating

- (a) a hand-held communication device;
- (b) a hand-held entertainment device; or
- (c) any other prescribed electronic device.

(2) Subsection (1) does not apply to a person

- (a) using a hand-held communication device in hands-free mode without holding it;
- (b) using a hand-held communication device to contact ambulance, law enforcement or fire department emergency services in relation to an immediate emergency;
- (c) using a hand-held communication device in the course of performing the person's duties as the driver of an emergency vehicle; or
- (d) prescribed by the regulations.

184 (1) No person shall drive a vehicle or other conveyance on a highway while the vehicle or other conveyance is in motion and the person is using a global positioning system navigation device unless the device is being used in a hands-free mode.

- (2) Subsection (1) does not apply to a person prescribed by the regulations.

185 (1) No person shall drive a vehicle or other conveyance on a highway while the vehicle or other conveyance is in motion and the person is using a logistical transportation tracking system device, dispatch system device or other device prescribed by the regulations unless the device is being used in a hands-free mode.

- (2) Subsection (1) does not apply to a person prescribed by the regulations.

186 No person shall drive a vehicle or other conveyance on a highway while the vehicle or other conveyance is in motion and the person is inputting breath into an ignition interlock device.

187 (1) No person shall drive a vehicle or other conveyance on a highway while the vehicle or other conveyance is in motion and the vehicle or other conveyance is equipped with a television, computer or other device that has a display screen unless

- (a) the device is securely and safely mounted in the vehicle or other conveyance;
- (b) the device is located so that it does not obstruct the view of the driver; and
- (c) the display screen of the device is not visible to the driver.

- (2) Clause (1)(c) does not apply in respect of

- (a) the display screen of
 - (i) a global positioning system navigation device being used to obtain navigation information,
 - (ii) a logistical transportation tracking system device being used to track vehicle location, driver status or the delivery of packages or other goods,
 - (iii) a collision avoidance system device being used to provide collision avoidance information,
 - (iv) a dispatch system device being used for coordinating the transportation of passengers,
 - (v) an instrument, gauge or system being used to provide information to the driver regarding the status of equipment or systems of the vehicle,
 - (vi) an ignition interlock device, or
 - (vii) a hand-held communication device that is being used by a person to whom, by virtue of subsection 183(2), subsection 183(1) does not apply;
- (b) a person in the course of performing the person's duties as the driver of an emergency vehicle; or
- (c) a device, person or vehicle prescribed by the regulations.

188 No person shall drive a vehicle or other conveyance on a highway if the control or view of the driver is obstructed or interfered with.

Special Events and Funeral Processions

189 (1) A permit to authorize the holding of a special event on a highway may be issued in accordance with the regulations.

(2) A permit issued under subsection (1) may govern the use of the highway on which the special event is being held and, in the event of a conflict between the permit and this or any other enactment governing the use of the highway, the permit prevails.

(3) This Act governs the use of a highway on which a special event is being held, except to the extent that the permit authorizing the special event provides otherwise.

(4) The traffic authority with jurisdiction over a highway may temporarily close the highway for a special event.

190 (1) No person shall hold a public event on a highway unless authorized to do so by a permit issued under subsection 189(1).

(2) The organizers of and participants in a special event on a highway shall comply with the permit authorizing the special event.

191 No person shall drive a vehicle or other conveyance through or into a special event or funeral procession on a highway except

- (a)** in the case of a special event, as authorized by the permit authorizing the special event; or
- (b)** as directed by a traffic control device, traffic control person or peace officer.

Regulation of Other Conveyances and Other Highway Users

192 A person riding, herding, leading or driving an animal on a highway is subject to the provisions of this Act applicable to a driver of a vehicle, except those provisions that by their very nature can have no application.

193 (1) No owner or other person in charge of a domestic animal, other than a cat or dog, shall allow the animal to be unattended on a highway.

(2) No owner or other person in charge of a beast of burden shall allow the animal to be unattended and unsecured on a highway.

(3) In the prosecution of a contravention of this Section, evidence that an animal is unattended on a highway is, in the absence of proof to the contrary, proof that its owner allowed it to be unattended on the highway.

194 Except where it is impracticable to do so, no person who is riding, herding, leading or driving an animal on a highway shall contravene, or allow the animal to contravene, the direction of a traffic control device.

195 (1) An animal being ridden, herded, led or driven on a highway must yield to other traffic on the highway in the same circumstances as a vehicle would be required to yield under this Act.

(2) No person who is riding, herding, leading or driving an animal on a highway shall allow the animal to contravene subsection (1).

(3) Every driver of a vehicle or other conveyance, and every pedestrian, shall yield to an animal being ridden, herded, led or driven on a highway in the same circumstances as the driver or pedestrian would be required to yield to a vehicle under this Act and in any circumstances prescribed by the regulations.

196 The owner or any other person in charge of an animal on a highway shall comply with the regulations respecting the use or presence of animals on a highway.

197 No person shall drive an off-highway vehicle on a highway except as permitted under the *Off-Highway Vehicles Act*, this Act and the regulations.

198 No person shall drive a personal transporter on a highway in contravention of the regulations.

199 (1) A pedestrian on a highway shall use the highway in a careful and prudent manner considering all the circumstances.

(2) A pedestrian at an intersection where traffic is controlled by a traffic signal light shall obey the signal indicated by the traffic signal light.

(3) Where practical, a pedestrian on a highway shall travel

(a) where a sidewalk is present, on the sidewalk;

(b) where no sidewalk is present, on the outside edge of the shoulder on the left side of the highway facing oncoming traffic; and

(c) where no sidewalk is present and there is no shoulder on the left side of the highway, on the outside edge of the left side of the roadway facing oncoming traffic.

(4) Where practicable, a pedestrian in a marked crosswalk shall travel on the right side of the crosswalk.

(5) No pedestrian shall travel in a bicycle lane unless it is unpractical to do otherwise.

(6) Where a pedestrian is travelling in a bicycle lane, the pedestrian shall yield the right of way to any bicycle lawfully in the bicycle lane.

200 No person shall drive a recreational apparatus on a roadway unless

(a) the person is crossing the roadway in a crosswalk; or

- (b) the driving of the recreational apparatus on the roadway is authorized by
 - (i) in the case of a provincial highway, the regulations,
 - (ii) in the case of a municipal highway, a by-law of the municipality, or
 - (iii) in the case of a highway other than a public highway, the owner of the highway.

201 (1) No person shall throw anything that may cause injury or damage at any of the following on a highway:

- (a) a vehicle or other conveyance;
- (b) a person in or on a vehicle or other conveyance;
- (c) a pedestrian;
- (d) an animal.

(2) No person shall throw, deposit or knowingly leave litter, garbage or other matter on a highway.

(3) No person shall throw, deposit or knowingly leave anything on a highway that is liable to injure the tires of a motor vehicle.

(4) Subsection (3) does not apply to a police officer using a spike belt to stop a motor vehicle when other reasonable methods of pursuit and apprehension have failed.

(5) In addition to any other penalty imposed by this Act, a person who contravenes this Section is liable to any person who removes the thing thrown, deposited or left on the highway for the expense of the removal.

202 (1) No person shall stop, attempt to stop or approach a motor vehicle on a roadway for the purpose of offering, selling or providing any commodity or service to, or soliciting a person in, the motor vehicle.

(2) Subsection (1) does not apply to

- (a) the offer, sale or provision of towing, vehicle removal or repair services or another commodity or service in an emergency situation; or
- (b) a fund-raising activity that is
 - (i) permitted by a by-law of the municipality in which the activity is being conducted, and
 - (ii) approved by the traffic authority.

(3) No person shall stand on a main travelled way for the purpose of soliciting a ride.

203 No person shall place an artificial light such that it projects a glaring or dazzling light to persons driving a vehicle or other conveyance on a public highway.

Safety of Drivers and Passengers

204 (1) Except where exempted by the regulations, no person shall drive a vehicle on a highway without wearing a seatbelt.

(2) No person shall drive a vehicle or other conveyance on a highway in contravention of a driver safety requirement prescribed by the regulations.

205 (1) Except where exempted by the regulations, no person shall ride as a passenger in a vehicle on a highway without wearing a seatbelt.

(2) No person driving a vehicle on a highway shall allow or knowingly permit a passenger to contravene subsection (1).

206 (1) No person shall ride as a passenger in a vehicle or other conveyance on a highway in contravention of a passenger safety requirement prescribed by the regulations.

(2) No person driving a vehicle or other conveyance on a highway shall allow or knowingly permit a passenger to contravene subsection (1).

207 (1) Subject to the regulations, no person shall drive on a highway a motorcycle, bicycle, off-highway vehicle, personal transporter, recreational apparatus or other conveyance prescribed by the regulations unless the person is wearing an approved helmet in the manner prescribed by the regulations.

(2) No parent or guardian of a person under 16 years of age shall allow or knowingly permit the person to contravene subsection (1).

Commercial Carriers and Drivers

208 (1) A commercial driver shall, in accordance with the regulations, complete the inspections and provide the reports prescribed by the regulations.

(2) A commercial driver shall comply with the hours of driving and record keeping requirements prescribed by the regulations.

(3) A commercial driver shall comply with any weight and dimension requirements prescribed by the regulations.

(4) A commercial driver shall comply with the safety certification requirements prescribed by the regulations for the commercial driver and the driver's commercial vehicle.

209 (1) A commercial carrier shall

(a) ensure that its commercial vehicles are inspected as required by the regulations; and

(b) provide inspection reports as required by the regulations.

(2) A commercial carrier shall ensure that its commercial drivers comply with Section 208.

210 (1) No carrier and no individual employed by a carrier shall drive a commercial vehicle on a highway unless authorized to do so under every enactment that requires the carrier or individual employed by the carrier to hold a licence, permit or other authorization to drive the commercial vehicle.

(2) A person authorized to drive a commercial vehicle shall not drive the commercial vehicle on a highway except in accordance with the regulations and the terms of the licence, permit or other authorization.

211 (1) No carrier shall drive or permit the driving on the highway of a commercial vehicle from the carrier's vehicle fleet unless the carrier's vehicle fleet has obtained a satisfactory safety fitness rating as provided for under the regulations.

(2) No individual shall drive a commercial vehicle from a carrier's vehicle fleet on a highway unless the carrier's vehicle fleet has obtained a satisfactory safety fitness rating as provided for under the regulations.

Collision and Accident Reporting

212 Where a vehicle or other conveyance prescribed by the regulations has suffered serious damage and is determined by an adjuster to be a total loss, the insurer or owner of the vehicle or other conveyance shall report the particulars of the damage to the Registrar as required by the regulations.

213 (1) Where a vehicle or other conveyance prescribed by the regulations is involved in a collision on a highway, whether directly or indirectly, the driver of the vehicle or other conveyance shall

(a) immediately stop the vehicle or other conveyance and remain at the scene of the collision unless otherwise directed by a peace officer or until any assistance or information required to be provided by the driver under the regulations is provided;

(b) render all reasonable assistance to anyone involved in the collision;

(c) produce and show the following documents to any person sustaining loss or injury in the collision, and to any peace officer, who so requests:

(i) the driver's licence card of the driver,

(ii) the vehicle documents and proof of insurance for the vehicle or other conveyance if, to be lawfully driven on the highway, the vehicle or other conveyance is required to have a vehicle document issued in respect of it or to be insured, and

(iii) any documents prescribed by the regulations; and

(d) provide any information or record prescribed by the regulations to any person sustaining loss or injury in the collision, and to any peace officer, who so requests, and allow the person or peace officer to copy the information or record.

(2) Where a vehicle or other conveyance prescribed by the regulations is involved in a collision and the driver of the vehicle or other conveyance is physically incapable of producing or providing a document, information or record referred to in clause (1)(c) or (d), another occupant or the owner of the vehicle or other conveyance shall produce or provide the document, information or record.

(3) Where a vehicle or other conveyance prescribed by the regulations is involved in a collision with an unattended vehicle or property on or adjacent to a highway, the driver of the vehicle or other conveyance shall take reasonable steps to locate and notify the owner or person in charge of the unattended vehicle or damaged property as soon as is practicable.

(4) Where a driver is unable to locate the owner or person in charge of the unattended vehicle or damaged property as required by subsection (3), the driver shall leave in a conspicuous place in or on the unattended vehicle or damaged property a written notice advising how the documents, information and records referred to in clauses (1)(c) and (d) may be obtained by the owner or person in charge, unless it is not practicable to do so.

214 Where a vehicle or other conveyance prescribed by the regulations is brought to a garage, repair shop or salvage yard and the vehicle or other conveyance shows evidence of having been involved in a serious collision or struck by a bullet, the person in charge of the garage, repair shop or salvage yard shall, within 24 hours after the vehicle is received, report that fact and any information prescribed by the regulations to the police department having jurisdiction in the area where the garage, repair shop or salvage yard is located or to a peace officer.

215 (1) Where a vehicle or other conveyance prescribed by the regulations is involved in a reportable collision, the driver of the vehicle or other conveyance shall report the collision

- (a) to a police officer who attends the scene of the collision; or
- (b) within 24 hours, to the police department having jurisdiction in the area where the collision occurred, if no police officer attends the scene of the collision.

(2) Where a driver is physically incapable of making the report required by subsection (1), another occupant or the owner of the vehicle or other conveyance shall report the collision as required by that subsection.

(3) A person making a report under this Section shall provide to the police officer or police department employee to whom the person is reporting any information requested by the police officer or police department employee and the information prescribed by the regulations.

216 At the request of the Registrar, a person

- (a) involved in a reportable collision; or
- (b) having knowledge of
 - (i) a reportable collision,
 - (ii) a person involved in a reportable collision, or
 - (iii) any personal injuries or property damage resulting from a reportable collision,

shall provide to a police officer or employee of a police department any additional information and supplementary reports about the collision that the Registrar considers necessary or advisable to establish, as far as possible, the cause of the collision, the persons responsible and the extent of the personal injuries and property damage, if any, resulting from the collision.

- 217 (1)** The Governor in Council may make regulations governing
- (a) traffic on highways;
 - (b) the use of highways by
 - (i) vehicles and other conveyances, and
 - (ii) pedestrians; and
 - (c) the use and driving of vehicles and other conveyances on highways.
- (2)** Without limiting the generality of subsection (1), the regulations may include rules respecting
- (a) the use of a highway or a part or portion of a highway by traffic;
 - (b) the overtaking of traffic on the highway;
 - (c) the crossing of the centre line by a vehicle or other conveyance;
 - (d) the turning of traffic on a highway;
 - (e) the making of U-turns on a highway;
 - (f) the changing of lanes of vehicles and other conveyances on a highway;
 - (g) the driving in reverse of vehicles and other conveyances on a highway;
 - (h) the yielding of and to traffic;
 - (i) the stopping of vehicles and other conveyances on a highway;
 - (j) the failure to stop of vehicles and other conveyances on a highway;
 - (k) the parking of vehicles and other conveyances on a highway;
 - (l) the crossing of a highway;
 - (m) the merging of and with traffic;
 - (n) the operation of traffic control devices;
 - (o) the movement of traffic on a highway as directed by a traffic control device;
 - (p) the use of vehicle equipment and other devices located in or on a vehicle or other conveyance on a highway;
 - (q) the movement and response of traffic on the highway in relation to
 - (i) an emergency vehicle,
 - (ii) a school bus,
 - (iii) a maintenance vehicle,
 - (iv) a public transit bus,

- (v) a slow-moving vehicle,
- (vi) a recreational vehicle,
- (vii) a vulnerable road user, or
- (viii) any other user of the highway;
- (r) the speed at which a vehicle or other conveyance may be driven on a highway;
- (s) the driving of slow-moving vehicles on a highway;
- (t) the securing of loads of vehicles and other conveyances on a highway;
- (u) the obligations of drivers with respect to the driving or use of a vehicle or other conveyance on a highway;
- (v) the wearing of helmets by the drivers or passengers of vehicles and other conveyances on a highway;
- (w) the actions of persons in relation to the driving or use of a vehicle or other conveyance on a highway;
- (x) the use of the highway by traffic in relation to other traffic participating in a special event or funeral procession;
- (y) the walking on or use of highways by a pedestrian or person;
- (z) the riding, herding, leading and driving of animals on a highway;
- (za) respecting the authorization for a carrier or an individual employed by a carrier to drive a commercial vehicle on a highway, the driving of such a commercial vehicle on a highway by a carrier or individual so authorized and the terms of such an authorization;
- (zb) respecting safety fitness ratings for the vehicle fleet of a carrier.

218 The Minister may make regulations respecting the use of the road, including

- (a) respecting special events and funeral processions and the issuance of a permit for a special event;
- (b) respecting the completion of inspections and provision of reports by a commercial driver;
- (c) respecting the hours of driving and record keeping requirements applicable to a commercial driver;
- (d) respecting safety certification requirements applicable to a commercial driver and the driver's commercial vehicle;
- (e) respecting the inspection of a commercial carrier's commercial vehicles and the provision of inspection reports;
- (f) respecting the reporting of the particulars of damage to the Registrar under Section 212, including prescribing conveyances in respect of which that Section applies;
- (g) respecting the obligations of a person under Section 213 in relation to a collision, including

- (i) prescribing conveyances in respect of which that Section applies, and
- (ii) prescribing documents that must be produced and shown, and information and records that must be provided, by the driver of a vehicle involved in a collision on a highway;
- (h) respecting the obligations of a person in charge of a garage, repair shop or salvage yard under Section 214, including
 - (i) prescribing conveyances in respect of which that Section applies, and
 - (ii) prescribing information the person must report when reporting that a vehicle or other conveyance brought to the garage, repair shop or salvage yard shows evidence of having been involved in a serious collision or struck by a bullet;
- (i) respecting the obligations of a person under Section 215 in respect of a reportable collision, including
 - (i) prescribing conveyances in respect of which that Section applies, and
 - (ii) prescribing information that a person making a report under that Section must report.

PART VI

LICENSING OF REGULATED VEHICLE ACTIVITIES

219 (1) Except as permitted by this Act or the regulations, no person shall carry on a vehicle business without a valid vehicle business licence authorizing the person to do so.

(2) The holder of a valid vehicle business licence shall not carry on the vehicle business authorized by the licence except in accordance with this Act, the regulations and the terms of the licence.

220 (1) Except as permitted by this Act or the regulations, no person shall undertake a regulated vehicle activity without a valid regulated vehicle activity licence authorizing the person to do so.

(2) The holder of a valid regulated vehicle activity licence shall not undertake a regulated vehicle activity authorized by the licence except in accordance with this Act, the regulations and the terms of the licence.

221 (1) Sections 219 and 220 do not apply to the undertaking of a vehicle business within 30 days of the expiry of the regulated vehicle business licence that authorizes the undertaking of the activity if

- (a) notwithstanding the expiry of the licence, the activity is otherwise undertaken in accordance with this Act, the regulations and the terms of the licence; and
- (b) the Registrar receives an application to renew the licence within the 30-day period.

(2) Where the Registrar receives an application to renew a vehicle business licence before the end of the 30-day period referred to in subsection (1), no action by any person within that period is or may be construed to be invalid solely because of the expiry of the licence.

222 (1) A person who wishes to undertake or is undertaking a regulated vehicle activity, or the agent of the person, may apply for a regulated vehicle activity licence in the manner prescribed by the regulations if, under the regulations, the person would be or is eligible to be issued and hold the licence in relation to the activity.

(2) Where the agent of a person who wishes to undertake or is undertaking a regulated vehicle activity applies for a regulated vehicle activity licence on the person's behalf, the agent shall provide proof of the agent's authority to act.

223 (1) The Registrar may issue a regulated vehicle activity licence if

(a) the application for the licence is made in accordance with this Act and the regulations;

(b) the application for the licence does not contain false or misleading information;

(c) the applicant fulfils the eligibility requirements established under this Act to be issued or to hold the licence in relation to the regulated vehicle activity;

(d) the applicant's privilege of obtaining the licence is not suspended;

(e) the applicant has never been convicted of an offence, whether under the laws of the Province, a federal enactment or the laws of any other jurisdiction, in respect of conduct that, in the opinion of the Registrar, shows the applicant to be unfit to hold the licence; and

(f) the applicant is not otherwise prohibited by law from obtaining or holding the licence.

(2) A regulated vehicle activity licence is subject to any terms prescribed under the regulations.

224 Where the Registrar refuses to issue a regulated vehicle activity licence to an applicant, the Registrar shall notify the applicant of the Registrar's decision to refuse to issue the licence and advise the applicant of the right to have the decision reviewed.

225 (1) It is a condition of every regulated vehicle activity licence that the person who holds the licence shall immediately on request allow a peace officer to carry out inspections authorized under this Act of any place of business to which the licence relates.

(2) The owner or occupier of a place of business in respect of which a peace officer is exercising powers or carrying out duties under this Act or any person the peace officer reasonably believes is related to or associated with any activity at the place of business shall

(a) give the peace officer all reasonable assistance to enable the peace officer to exercise those powers and carry out those duties; and

(b) furnish all information relating to the exercising of those powers and the carrying out of those duties that the peace officer may reasonably require.

226 (1) The Registrar may at any time attach a condition to a regulated vehicle activity licence.

(2) Where the Registrar attaches a condition to a regulated vehicle activity licence, the Registrar shall notify the licence holder of the Registrar's decision to attach the condition and the right to have the decision reviewed.

227 (1) No person shall undertake a regulated vehicle activity in a manner that contravenes this Act, the regulations or the terms of, or any conditions attached to, the regulated vehicle activity licence that relates to the activity.

(2) In the case of a vehicle business authorized by a vehicle business licence, the prohibition set out in subsection (1) applies to the owner, operator, employees and agents of the vehicle business.

228 (1) Subject to subsection (2), the holder of a vehicle business licence shall not permit an individual to be involved in the management or control of the vehicle business if

(a) the individual holds a suspended vehicle business licence or was the holder of a vehicle business licence that has been cancelled and not reinstated;

(b) the individual's privilege of obtaining a vehicle business licence is suspended;

(c) the individual is a director, officer or partner of a corporation or other entity

(i) that holds a suspended vehicle business licence or was the holder of a vehicle business licence that has been cancelled and not reinstated, or

(ii) for which the privilege of obtaining a vehicle business licence is suspended; or

(d) the individual was a director, officer or partner of a corporation or other entity that held a vehicle business licence that

(i) was suspended or cancelled as a result of an event that occurred while the individual was a director, officer or partner, and

(ii) was not reinstated before the individual ceased to be a director, officer or partner;

(e) the individual was a director, officer or partner of a corporation or other entity for which the privilege of obtaining a vehicle business licence

(i) was suspended as a result of an event that occurred while the individual was a director, officer or partner, and

(ii) was not reinstated before the individual ceased to be a director, officer or partner; or

(f) the individual is otherwise ineligible under this Act or the regulations to be issued or hold a vehicle business licence.

(2) The Registrar may authorize an individual referred to in subsection (1) to be involved in the management or control of a vehicle business, subject to any restrictions on the individual's involvement that the Registrar considers necessary or advisable to protect the public.

(3) A restriction referred to in subsection (2) must be imposed under Section 226 as a condition on the applicable vehicle business licence.

229 The holder of a regulated vehicle activity licence shall apply for an amendment to the licence if required to do so by the regulations.

230 A person who is authorized under the *Probate Act*, the *Bankruptcy and Insolvency Act* (Canada) or any other enactment to act as the trustee or receiver for the holder of a vehicle business licence shall advise the Registrar within 10 days after becoming responsible for the vehicle business.

231 (1) A vehicle business licence may not be transferred except as authorized by the regulations.

(2) Where a licence holder purports to transfer a vehicle business licence and the transfer is not authorized by the regulations, the licence becomes void.

(3) A regulated vehicle activity licence other than a vehicle business licence may not be transferred.

232 (1) The Registrar may suspend a regulated vehicle activity licence, or the privilege of a person to obtain a regulated vehicle activity licence, if the Registrar is satisfied that

(a) the licence holder has contravened Section 227 or, in the case of the holder of a vehicle business licence, has permitted another person to do so;

(b) the regulated vehicle activity has been carried on for an unlawful purpose;

(c) the licence holder has allowed a regulated vehicle activity to be carried on by an individual who does not hold a licence that authorizes the person to do so;

(d) the licence holder has failed to comply with a request by the Registrar to provide a document, report or information in relation to the licence;

(e) the licence holder has failed to pay an administrative penalty owed under this Act, the former Act or another enactment of the Province in relation to a regulated vehicle activity;

(f) in the case of the holder of a vehicle business licence, the licence holder has used a vehicle document issued in relation to the vehicle business for a purpose not related to the vehicle business or contrary to this Act or the regulations;

(g) the licence holder has outstanding fines or costs imposed upon a conviction for an offence under this Act, the former Act or another enactment of a province of Canada for an offence involving the undertaking of a regulated vehicle activity; or

(h) the licence holder has had a licence issued under the laws of another province of Canada in relation to a regulated vehicle activity, or the privilege of obtaining such a licence, suspended or cancelled in that province.

(2) Where the Registrar suspends a person's regulated vehicle activity licence or privilege of obtaining such a licence,

(a) the Registrar shall notify the person in writing of the Registrar's decision to suspend the licence or privilege and the right to have the decision reviewed; and

(b) in the case of a person who holds a regulated vehicle activity licence, the person shall within 10 days of receiving the notice return to the Registrar the licence and any vehicle documents and other materials issued by the Registrar in relation to the licence.

(3) Where a person is required to return a suspended regulated vehicle activity licence to the Registrar, there is no valid licence until a new regulated vehicle activity licence is issued by the Registrar, even if the person did not return the licence and the person's privilege of obtaining such a licence is reinstated.

(4) A suspension under this Section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

233 (1) The Registrar may cancel a regulated vehicle activity licence if the Registrar is satisfied that

(a) the licence has been issued or is being used contrary to this Act, the regulations or the terms of, or any conditions attached to, the licence;

(b) there are reasonable grounds to believe that it is in the public interest to cancel the licence; or

(c) such other grounds as may be prescribed by the regulations are established.

(2) The Registrar may cancel a vehicle business licence if the licence holder changes the licence holder's principal address without applying for an amendment to the licence or permanently closes a business location without notifying the Registrar and, where the licence holder permanently closes a business location that is the licence holder's principal address, the Registrar shall cancel all regulated vehicle activity licences issued to the licence holder.

(3) The Registrar may cancel a regulated vehicle activity licence if a person pays the fee for the licence by cheque or another method of payment that is subsequently dishonoured or refused and the person fails to reimburse the Registrar for the fee within 30 days after being requested to do so in writing.

(4) Where the Registrar cancels a person's regulated vehicle activity licence,

(a) the Registrar shall notify the person in writing of the Registrar's decision to cancel the licence and the right to have the decision reviewed; and

(b) the person, upon receiving the notice, shall promptly return to the Registrar the licence and any vehicle documents and other materials issued by the Registrar in relation to the licence.

234 Where a regulated vehicle activity licence is cancelled, the privilege of the person to whom the licence was issued to obtain a licence of the same class is suspended until reinstated under Section 238.

235 (1) Where the Registrar attaches a condition to, suspends or cancels a vehicle business licence issued to a person who has one or more additional licences for the same class of vehicle business, the Registrar may attach a condition to, suspend or cancel any or all of the additional licences.

(2) The Registrar may only exercise the Registrar's authority under subsection (1) in relation to a vehicle business licence if the Registrar has reasonable grounds to believe the attachment of a condition to, or the suspension or cancellation of, the licence is necessary for the protection of the public.

236 (1) A person may request a review of a decision by the Registrar to

- (a) refuse to issue a regulated vehicle activity licence to the person;
- (b) attach a condition to a regulated vehicle activity licence held by the person;
- (c) suspend the person's regulated vehicle activity licence or privilege of obtaining a regulated vehicle activity licence; or
- (d) cancel a regulated vehicle activity licence held by the person.

(2) A request made under subsection (1) must be made and dealt with in accordance with the regulations.

237 (1) Where a regulated vehicle activity licence held by a person or the person's privilege to obtain a regulated vehicle activity licence is suspended, the individual may apply to the Registrar to have the licence or privilege reinstated.

(2) The Registrar may, by notice in writing, require an applicant under subsection (1) to

- (a) provide to the Registrar such report or information as the Registrar may specify;
- (b) submit to an examination or evaluation prescribed by regulations;
- (c) return to the Registrar such vehicle documents or other materials issued by the Registrar as the Registrar may specify; and
- (d) attend and successfully complete a course or program prescribed by the regulations.

238 (1) The Registrar may reinstate the regulated vehicle activity licence or privilege of obtaining a licence of an applicant under Section 237 if

(a) in the case of a suspension for a period specified under this Act, the period of suspension has elapsed;

(b) the applicant

(i) has paid all outstanding fines or costs imposed upon a conviction for an offence under this Act, the former Act, the *Criminal Code* (Canada) or another enactment of a province of Canada for an offence involving a regulated vehicle activity or, with the approval of a judge of the court in which the conviction was entered, has made an arrangement to pay such fines or costs, and

(ii) has paid all outstanding administrative penalties imposed under this Act, the former Act or another enactment of a province of Canada in relation to a regulated vehicle activity;

(c) in the case of a suspension resulting from a licence, or the privilege of obtaining a licence, issued under the laws of another province of Canada being suspended or cancelled under the laws of that province, the licence or privilege has been reinstated under the laws of that province;

(d) the applicant has complied with all requirements imposed by the Registrar under subsection 237(2);

(e) in the case of a suspension that continues until the satisfaction of one or more conditions, the applicant has satisfied the conditions for reinstatement; and

(f) the Registrar is satisfied that the circumstances that resulted in the suspension have, if possible, been remedied and the circumstances are not likely to arise again.

(2) Upon reinstating a regulated vehicle activity licence under subsection (1), the Registrar shall issue a new licence to the applicant.

Dealers

239 (1) Subject to Section 240 and the regulations, no person shall deal in motor vehicles or trailers without a valid dealer's licence.

(2) The holder of a valid dealer's licence shall not deal in motor vehicles or trailers except in accordance with this Act, the regulations and the terms of the licence.

240 (1) The Registrar may exempt an auctioneer or other person who is dealing in motor vehicles or trailers from the requirement to obtain a dealer's licence if the Registrar is of the opinion that selling motor vehicles or trailers at vehicle auctions or otherwise is not the primary business of the auctioneer or other person.

(2) The Registrar may permit a person to deal in certain classes or types of motor vehicles or trailers without obtaining a dealer's licence subject to any conditions that the Registrar may impose.

(3) A person who is permitted to deal in vehicles without obtaining a dealer's licence under subsection (2) shall obey the conditions imposed by the Registrar.

241 (1) A person must obtain a separate dealer's licence for each business location from which the person is to deal in motor vehicles or trailers.

(2) No person holding a dealer's licence shall deal in motor vehicles or trailers from a location other than the business location specified in the licence.

242 (1) No dealer shall sell or offer to sell a new vehicle that is not eligible for registration under this Act.

(2) No dealer shall sell or offer to sell a used vehicle except as authorized by the regulations.

Inspection Stations and Testers

243 (1) No person shall carry on the business of an inspection station without a valid inspection station licence authorizing the person to do so.

(2) The holder of a valid inspection station licence shall not carry on the business of an inspection station except in accordance with the regulations and the terms of the licence.

244 (1) No person shall conduct vehicle inspections or testing without a valid tester licence authorizing the person to do so.

(2) The holder of a valid tester licence shall not conduct vehicle inspections or testing except in accordance with the regulations and the terms of the licence.

Driving Schools and Instructors

245 (1) No person shall carry on the business of a driving school without a valid driving school licence authorizing the person to do so.

(2) The holder of a valid driving school licence shall not carry on the business of a driving school except in accordance with the regulations and the terms of the licence.

246 (1) Subject to the regulations, no person shall engage in the business of driver training without a valid instructor licence authorizing the person to do so.

(2) The holder of a valid instructor licence shall not engage in driver training except in accordance with the regulations and the terms of the licence.

Fleet Driver Training and Fleet Driver Trainers

247 (1) No person carrying on a business shall provide a fleet driver training program to the individuals employed by the person without a valid fleet driver training licence authorizing the person to do so.

(2) The holder of a valid fleet driver training licence shall not provide a fleet driver training program except in accordance with the regulations and the terms of the licence.

248 (1) No person shall test drivers under a fleet driver training program without a valid fleet driver trainer licence authorizing the person to do so.

(2) The holder of a valid fleet driver trainer licence shall not test drivers under a fleet driver training program except in accordance with the regulations and the terms of the licence.

249 (1) The holder of a fleet driver trainer licence may issue a certificate of competence for a class of driver's licence specified in the certificate to an individual who meets the eligibility criteria prescribed by the regulations.

(2) The individual to whom a certificate of competence is issued may submit the certificate to the Registrar in an application for the class of driver's licence specified in the certificate in lieu of being required to obtain a satisfactory result in the driving examinations otherwise required to be completed by an applicant for a driver's licence of that class.

Carriers and Drivers of Commercial Vehicles

250 No person shall carry on business as a carrier unless authorized to do so under every enactment that requires a person to hold a licence, permit or other authorization to carry on business as a carrier.

251 A person authorized to carry on business as a carrier shall not do so except in accordance with the regulations and the terms of the licence, permit or other authorization.

252 The Governor in Council may make regulations respecting regulated vehicle activities and the licensing of such activities, including

- (a) respecting when a person may carry on a vehicle business without a valid vehicle business licence;
- (b) respecting the carrying on of a vehicle business by the holder of a vehicle business licence;
- (c) respecting when a person may undertake a regulated vehicle activity without a valid regulated vehicle activity licence;
- (d) respecting the undertaking of a regulated vehicle activity by the holder of a regulated vehicle activity licence;
- (e) respecting the eligibility of a person to be issued and hold a regulated vehicle activity licence;
- (f) respecting the terms of a regulated vehicle activity licence;
- (g) prescribing grounds which, where established, authorize the Registrar to cancel a regulated vehicle activity licence;
- (h) respecting the review under Section 236 of a decision of the Registrar;

- (i) exempting a person who deals in vehicles from the prohibition on dealing in motor vehicles or trailers without a valid dealer's licence;
- (j) respecting the dealing in motor vehicles and trailers by the holder of dealer's licence;
- (k) respecting the sale and offering for sale of a used vehicle by the holder of a dealer's licence;
- (l) respecting the carrying on of the business of an inspection station by the holder of an inspection station licence;
- (m) respecting the conduct of vehicle inspections or testing by the holder of a tester licence;
- (n) respecting the carrying on of the business of a driving school by the holder of a driving school licence;
- (o) exempting a person who engages in driver training from the prohibition on engaging in driver training without a valid instructor licence;
- (p) respecting the engaging in of driver training by the holder of an instructor licence;
- (q) respecting the provision of a fleet driver training program by the holder of a fleet driver training licence;
- (r) respecting the testing of drivers under a fleet driver training program by the holder of a fleet driver trainer licence;
- (s) respecting the authorization to carry on business as a carrier, the carrying on of business as a carrier by a person so authorized and the terms of such an authorization;
- (t) respecting the undertaking of a regulated vehicle activity by a person not required under this Act or the regulations to hold a regulated vehicle activity licence;
- (u) respecting a process for persons to submit complaints about the holder of a regulated vehicle activity licence, the resolution of such complaints;
- (v) respecting the inspection of a vehicle business and the premises on which a vehicle business is located or on which a vehicle business or other regulated vehicle activity is otherwise being carried on or undertaken.

253 The Minister may make regulations

- (a) prescribing the manner by which a person may apply for a regulated vehicle activity licence;
- (b) respecting when the holder of a regulated vehicle activity licence must apply for an amendment to the licence;
- (c) respecting the transfer of a vehicle business licence;
- (d) respecting safety requirements that must be complied with by the holder of a vehicle business licence;
- (e) respecting insurance requirements that must be complied with by the holder of a vehicle business licence;

- (f) respecting records that the holder of a vehicle business licence must maintain;
- (g) prescribing examinations and evaluations to which a person applying for the reinstatement of the person's regulated vehicle activity licence or privilege of obtaining a regulated vehicle activity licence must submit;
- (h) prescribing courses and programs that a person applying for the reinstatement of the person's regulated vehicle activity licence or privilege of obtaining a regulated vehicle activity licence must attend and successfully complete;
- (i) respecting fees that may be charged by the holder of a tester licence;
- (j) respecting fees that may be charged by a vehicle business;
- (k) respecting the setting of an hourly rate for audits or other vehicle business services;
- (l) respecting the sharing of information with reciprocating jurisdictions;
- (m) prescribing a performance rating system for regulated vehicle activities, including reciprocation with other jurisdictions and the assessment of penalties against individuals with an unsatisfactory rating;
- (n) requiring the attendance of a carrier before the Registrar to show cause why the carrier's vehicle registration should not be suspended or cancelled;
- (o) respecting the issuance of a certificate of competence for a class of driver's licence specified in the certificate and the eligibility criteria to be issued a certificate of competence.

PART VII

ADMINISTRATION

Impoundment and Immobilization

254 (1) A vehicle or other conveyance that is subject to an order of impoundment or immobilization must be released to its owner when

- (a) any impoundment period provided for under the order has elapsed; and
- (b) the owner has satisfied any condition for release of the vehicle or other conveyance specified in the order.

(2) Notwithstanding subsection (1) or an order under subsection 274(4), a person who operates the impound facility at which a vehicle or other conveyance is impounded or who has immobilized a vehicle or other conveyance is not required to release the vehicle or other conveyance to the owner until the owner pays the removal and impoundment or immobilization costs related to the impoundment or immobilization of the vehicle or other conveyance.

(3) A person who provides services in connection with vehicle or other conveyance removal or immobilization or load removal or who operates an impound facility, and every subcontractor of the person, is an independent contractor and not an agent of Her Majesty in right of the Province.

(4) The owner of an impounded vehicle or other conveyance may bring an action to recover from the person who was the driver of the vehicle or other conveyance at the time the vehicle was seized for impoundment any costs or other losses incurred by the owner in connection with the seizure and impoundment.

(5) No person who provides services in connection with vehicle or other conveyance removal or immobilization or load removal or who operates an impound facility shall charge fees for services provided in connection with the impoundment or immobilization of a vehicle or other conveyance except as permitted by the regulations.

(6) Whenever any vehicle or other conveyance is seized, taken into custody or possession, impounded or immobilized under this Act, all charges necessarily incurred in relation to that action are a lien upon the vehicle or other conveyance.

(7) A person who is chosen by an official or peace officer acting under this Act to tow, remove, store or perform other services in connection with the seizure, impoundment or immobilization of a vehicle or other conveyance has a lien on the vehicle or other conveyance for the charges related to the provision of those services.

(8) Where

(a) a vehicle or other conveyance has been impounded or immobilized under this Section for a period of 30 days or longer;

(b) the costs incurred in impounding or immobilizing a vehicle or other conveyance exceed the replacement value of the vehicle or other conveyance; or

(c) such other circumstances as may be prescribed by the regulations exist,

the official or peace officer who seized, took into custody or possession, impounded or immobilized the vehicle or other conveyance or ordered the seizure or impoundment of the vehicle or other conveyance may order the sale or transfer of ownership of the vehicle or other conveyance.

Identification Cards and Driver's Licence Cards

255 (1) An individual who is resident in the Province and fulfils any other eligibility criteria prescribed by the regulations is eligible to apply for and hold an identification card.

(2) An individual may, in the manner prescribed by the Registrar, apply to the Registrar for an identification card.

256 (1) The Registrar may grant an application for an identification card if the applicant is eligible to apply for and hold the card.

(2) Upon the granting of an application, the Registrar shall issue to the applicant an identification card.

257 Where the Registrar refuses to issue an identification card, the Registrar shall inform the applicant of the reason for the refusal.

258 (1) Before issuing or renewing a driver's licence card or issuing an identification card, the Registrar shall

- (a) verify the identity of the applicant; and
- (b) require an image of the applicant's face, for incorporation in the licence or identification card.

(2) An image incorporated into a driver's licence or an identification card must be an image taken by equipment approved by the Registrar.

(3) The Registrar may, without limiting the use of other means of identity verification, use facial recognition software to identify or verify the identity of a person who has applied for a driver's licence or identification card.

(4) The Registrar shall take the steps necessary to maintain the integrity of the driver's licence and identification card systems, and to prevent the abuse of those systems.

259 No person shall hold more than one identification card and one driver's licence card at a time.

260 Except as permitted under the regulations, no person shall at the same time hold a valid driver's licence card issued under this Act and a valid driver's licence card issued under the laws of another jurisdiction.

261 The Registrar may cancel an identification card by providing written notice of the cancellation of an identification card to the person to whom the card was issued if the Registrar is satisfied that the card has been issued or is being held or used contrary to this Act or the regulations.

262 No person who holds an identification card or driver's licence card shall fail to produce the card if requested to do so by the Registrar, an examiner, a judge or a peace officer.

Documents, Records and Information

263 Except where another method of service or delivery is permitted or required under this Act, any notice, request, order, direction or other document is required to be given in writing or served under this Act is deemed to be delivered or served

- (a) upon a copy being personally delivered to or served on the person to whom it is directed, or a legally authorized agent or trustee for the person;
- (b) seven days after a copy is sent by courier or ordinary mail addressed to the person at the last known address for the person, the legally authorized agent or trustee, or the address for the recognized agent of the person; or
- (c) upon a copy being sent electronically or by facsimile, if that type of delivery is requested by the person to whom it is sent, and the notice is directed to the electronic address or facsimile number provided by the person.

264 (1) A vehicle document, driver's licence card, identification card or other document issued by the Registrar is the property of the Her Majesty in right of the Province and the person to whom the document is issued shall return it if requested to do so by the Registrar, within the period specified by the Registrar.

(2) A document issued by a traffic authority is the property of

(a) in the case of the Provincial Traffic Authority, Her Majesty in right of the Province; and

(b) in the case of a municipal traffic authority, the municipality,

and the person to whom the document is issued shall return it if requested to do so by the traffic authority, within the period specified by the traffic authority.

(3) Where the Registrar or a traffic authority determines that a document issued by the Registrar or traffic authority, as the case may be, should be revised, the Registrar or traffic authority may

(a) require that the document be returned to the Registrar or traffic authority; and

(b) issue a revised document.

265 (1) Where a person to whom a document has been issued under this Act becomes aware of an error in the document, the person shall return the document to the issuer within one business day of discovering the error.

(2) A person to whom a document is issued under this Act is responsible for the custody of the document and shall notify the issuer within one business day if the person discovers that

(a) the document is lost or stolen; or

(b) in the case of a vehicle document, the vehicle to which the vehicle document relates is stolen and the vehicle document was attached to or in the vehicle at the time the vehicle was stolen.

(3) Where a document issued under this Act is lost or stolen, is damaged or has become illegible,

(a) the person to whom it is issued shall promptly apply for a replacement document; and

(b) the issuer may issue a replacement document if the issuer is satisfied that a replacement is necessary.

266 (1) Subject to any requirements prescribed by the regulations and to subsection (2), all documents issued under this Act must be in the form approved by the Registrar.

(2) Where a traffic authority is authorized to issue a document, the document must be in the form approved by the traffic authority.

(3) A person to whom a document is issued under this Act is responsible for the correctness of the information on the document and shall advise the issuer within 15 business days of any change in

- (a) the person's name;
- (b) the person's address; or
- (c) any other information included on the document.

(4) A person to whom a document is issued under this Act shall hold, carry, affix, post or produce the document as required by the regulations.

267 (1) The Registrar shall create a record for each person

- (a) to whom a document has been issued under this Act; or
- (b) in respect of whom the Registrar has reason to believe the person has done any thing in contravention of this Act.

(2) The Registrar shall create a driving record for each individual which may include the information prescribed by the regulations.

(3) The Registrar shall create a record for each vehicle for which a registration certificate or permit is issued, which may include the information prescribed by the regulations.

- (4)** The Registrar shall create a record for each vehicle business and for each person
- (a) who applies for a regulated vehicle activity licence;
 - (b) who undertakes a regulated vehicle activity; or
 - (c) to whom a regulated vehicle activity licence is issued,

which may include the information prescribed by the regulations.

(5) The Registrar shall create a record for each carrier operating in the Province, which may include the type of information prescribed by the regulations.

(6) The Registrar's records must be created and maintained in the manner and form specified by the Registrar and must include any information prescribed by the regulations.

268 (1) The Registrar may disclose some or all of the information in the Registrar's records as permitted under an information sharing agreement to

- (a) an entity responsible for similar records in another jurisdiction;
- (b) a law enforcement officer or peace officer; or
- (c) where the information is being disclosed for a purpose prescribed by the regulations, a person prescribed by the regulations.

(2) The Registrar may, on request, provide a certified abstract of the driving record of an individual to

- (a) the individual;

- (b) with the consent of the individual, any person other than the individual; or
- (c) where the abstract is being provided for a purpose prescribed by the regulations, a person prescribed by the regulations.

(3) A certified abstract of the driving record of an individual must contain the information prescribed by the regulations.

(4) Notwithstanding the *Freedom of Information and Protection of Privacy Act* and Part XX of the *Municipal Government Act*, the Registrar may only provide a copy of a report, or other record respecting a collision or identification of the ownership of vehicles involved in a collision, on request to

- (a) a person who was involved in the collision in respect of which the record was made;
- (b) a person or insurer, or an agent for a person or insurer, if the person or insurer has with relation to the collision
 - (i) paid or may be liable for damages, or
 - (ii) recovered or may be entitled to recover damages;
- (c) officers or employees of the Department;
- (d) the traffic authority having jurisdiction;
- (e) the property owner, if the collision occurred on private property; or
- (f) as prescribed by regulation.

(5) A report disclosed pursuant to subsection (4) is not admissible in evidence for any purpose in a legal proceeding arising out of the collision except as evidence

- (a) that a report of the collision was made;
- (b) in connection with a prosecution for making a false statement in reporting a collision in contravention of this Act; or
- (c) of the identity of a person who was involved in the collision.

Reviews and Appeals

269 (1) A person who has the right to request a review of or appeal a decision under this Act may do so in the manner prescribed by the regulations.

(2) Where a review of a decision is requested under subsection (1), the Registrar shall conduct the review in the manner prescribed by the regulations, which may include no formal hearing or the consideration of paper submissions alone.

(3) Where a decision is appealed under subsection (1), the Appeal Board shall conduct the hearing of the appeal in the manner prescribed by the regulations.

(4) Where a decision of the Registrar is appealed to the Appeal Board, the Registrar becomes a party to the appeal.

(5) Subject to the regulations, a request for a review or appeal does not stay the decision that is the subject of the review or appeal.

(6) Except where otherwise provided in this Act, the decision of the Appeal Board on an appeal is final and binding.

270 (1) A person may apply to the Registrar for a review of

(a) a question about the ownership of a vehicle that relates to a vehicle document held or sought by the person or the person's privilege to obtain a vehicle document;

(b) a decision by the Registrar to

(i) suspend the person's privilege of obtaining a regulated vehicle activity licence, or

(ii) suspend, cancel or attach a condition to a regulated vehicle activity licence held by the person;

(c) a decision by the Registrar to

(i) suspend the driving privilege of the person under Section 104(1),

(ii) attach a restriction to the person's driver's licence, or

(iii) remove an endorsement from the person's driver's licence;

(d) a decision of the Registrar to assign an unsatisfactory safety fitness rating status to the person as a carrier; or

(e) any other decision prescribed by the regulations as being subject to review by the Registrar.

(2) Unless the regulations provide otherwise, a person seeking the review of a decision referred to in clause (1)(b), (d) or (e) must file a request for the review within 60 days of being notified of the decision.

(3) Where the Registrar receives an application under subsection (1), the Registrar may

(a) in relation to a question referred to in clause (1)(a), decide the question;

(b) in relation to a decision under clause (1)(b) or (c), sustain or rescind the decision if the Registrar is satisfied that the circumstances that resulted in the decision being made have, if possible, been remedied and are not likely to arise again;

(c) in relation to a decision under clause (1)(d), sustain the decision or assign a different safety fitness rating status to the carrier; or

(d) in relation to a decision under clause (1)(e), take any action in relation to the decision that is authorized to be taken under the regulations.

(4) Upon concluding a review, the Registrar shall give written notice of the result of the review to the applicant.

(5) Subject to Section 271, the decision of the Registrar on a Review is final and binding.

271 Where the Registrar sustains a decision on Review, the Registrar may permit the individual a further review if the Registrar is satisfied that

- (a) there has been a change in a medical condition that affected the ability of the individual to safely drive a motor vehicle or a class of motor vehicle; or
- (b) the individual has undergone a driving examination requested by the Registrar and obtained a satisfactory result.

272 (1) Subject to subsection 104(5), an individual who receives a notice of intent to cancel the individual's driving privilege may appeal the decision to cancel the driving privilege to the Appeal Board on the grounds that

- (a) the individual is not the same individual in respect of whom
 - (i) a medical report or driving examination result that is the basis of the cancellation was provided, or
 - (ii) a report of or evaluation by a peace officer that is the basis of the cancellation was made;
- (b) there is additional or new medical evidence that addresses the Registrar's concerns that were the basis of the cancellation; or
- (c) there is a new driving examination or an evaluation that addresses the Registrar's concerns that were the basis of the cancellation.

(2) When hearing an appeal under this Section, the Appeal Board shall consider

- (a) any relevant sworn or solemnly affirmed statements and any other relevant information;
- (b) any relevant medical or other reports provided to the Appeal Board;
- (c) any relevant driving examination report;
- (d) the sworn or solemnly affirmed statement of the peace officer who made a report or evaluation that is the basis of the cancellation; and
- (e) in the case of an oral hearing, any relevant sworn or solemnly affirmed evidence adduced at the hearing.

(3) On an appeal under this Section, the appellant has the onus of providing sufficient evidence to satisfy the Appeal Board that the decision of the Registrar is unreasonable.

(4) Upon holding a hearing, the Appeal Board may

- (a) confirm the notice of cancellation of the appellant's driving privilege;
- (b) rescind the notice of cancellation; or
- (c) rescind the notice of cancellation and substitute a suspension of the appellant's driving privilege until the appellant fulfils such conditions as may be specified by the Registrar.

(5) Where a decision to issue a notice of cancellation of the driving privilege of an individual is appealed under this Section, the driving privilege of the appellant is suspended pending the determination of the appeal.

(6) An appeal under this Section must be commenced within 10 days of the appellant being notified of the intention to cancel the appellant's driving privilege.

273 (1) Subject to the regulations, a person may appeal an order of suspension issued pursuant to Section 70 by

- (a) filing an application for review with the Appeal Board;
- (b) paying the prescribed fee and, where an oral hearing is requested, the prescribed oral hearing fee;
- (c) obtaining a date and time for a hearing; and
- (d) surrendering the person's driver's licence if it has not previously been surrendered, unless the person certifies to the Appeal Board that the driver's licence has been lost or destroyed.

(2) The appeal shall be in the form, contain the information and be completed in the manner required by the Appeal Board.

(3) The appeal may be accompanied by sworn statements or other evidence that the person wishes the Appeal Board to consider.

(4) An appeal does not stay the suspension.

(5) The Appeal Board is not required to hold an oral hearing unless the applicant requests an oral hearing at the time of filing the application and pays the prescribed fees.

(6) In an appeal pursuant to this Section, the Appeal Board shall consider

- (a) any relevant sworn or solemnly affirmed statements and any other relevant information;
- (b) the report of the peace officer;
- (c) a copy of any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection 320.32(1) of the *Criminal Code* (Canada) without proof of the identity and official character of the person appearing to have signed the certificate or that the copy is a true copy; and
- (d) where an oral hearing is held, in addition to the matters referred to in clauses (a), (b) and (c), any relevant evidence and information given or representations made at the hearing.

(7) In an appeal pursuant to this Section, the Motor Vehicle Appeal Board may consider the status of any criminal charges laid in relation to the occurrence that resulted in the order of suspension.

(8) Subject to the regulations, the sole issue before the Appeal Board in an appeal pursuant to this Section is whether it is established to the Appeal Board's satisfaction that the

peace officer who issued the order to the individual had reasonable grounds to believe that the individual had breached a prohibition under subsection 320.14(1) or (4) or subsection 320.15(1) of the *Criminal Code* (Canada) while operating or in care or control of a motor vehicle as defined in the *Criminal Code* (Canada).

(9) The Appeal Board shall

(a) where no oral hearing is requested, consider the appeal within 10 days of compliance with clauses (1)(a), (b) and (d); and

(b) where an oral hearing is requested, hold the hearing within 20 days of compliance with subsection (1),

but failure of the Appeal Board to consider the appeal or hold the hearing within the required times does not affect the jurisdiction of the Appeal Board to consider or hear the appeal or to make a decision with respect to it.

(10) Where the evidence before the Appeal Board supports an affirmative determination on the issue referred to in subsection (8), the Appeal Board shall sustain the order of suspension.

(11) Where the evidence supports a negative determination on the issue referred to in subsection (8), the Appeal Board shall

(a) rescind the order of suspension;

(b) return any driver's licence surrendered to the Appeal Board; and

(c) direct that the fees paid for the application for review be refunded.

(12) Where the appellant who requests an oral hearing fails to appear without prior notice to the Appeal Board, the right to a hearing is deemed to have been waived by the appellant.

(13) The decision of the Appeal Board must in writing and a copy of the decision sent within seven days of the date the application was considered or the hearing was held by the Appeal Board by registered mail to the person at the person's most recent address shown in the records maintained by the Registrar and to the address shown in the application, if that address is different.

Appeals of Vehicle or Other Conveyance Impoundment or Immobilization

274 (1) A person who owns a vehicle or other conveyance that is subject to an order of impoundment or immobilization may appeal the order to the Appeal Board on the grounds that

(a) the vehicle or other conveyance had been taken without the knowledge and consent of the owner at the time when the order was made;

(b) the driving privilege of the individual driving the vehicle or other conveyance at the time when the order was made was not, at that time, suspended;

(c) the owner exercised due diligence in attempting to determine that the driving privilege of the individual driving the vehicle or other conveyance at the time when the order was made was not, at that time, suspended; or

(d) the order will result in undue hardship to the owner.

(2) Clause (1)(d) is not available as a ground of appeal if an order of impoundment or immobilization has previously been made in respect of any vehicle or other conveyance while that vehicle or other conveyance was owned by the same person.

(3) Upon holding a hearing, the Appeal Board shall

- (a) confirm the order if the grounds of appeal are not proven; or
- (b) rescind the order if the grounds of appeal are proven.

(4) Where the Appeal Board rescinds an order under clause (3)(b)

- (a) it shall issue an order to release the vehicle or other conveyance from impoundment or immobilization; and
- (b) the order must be disregarded for the purpose of calculating an impoundment period under this Act.

Proceedings in Court

275 (1) Where a defendant is convicted of a second or subsequent offence, the penalty for that offence may be the penalty specified for a first offence if it has not been shown that the defendant received sufficient notice that an increased penalty for a second, third or subsequent offence may be imposed.

(2) Where it is disclosed during a trial that the defendant has previously been convicted of the same offence or it has been shown that the defendant received sufficient notice that an increased penalty for a second, third or subsequent offence may be imposed, the justice shall impose the penalty prescribed for a second, third or subsequent offence, as the case may be, if the person is found guilty, regardless of whether the fact that it is a second, third or subsequent offence is stated in the charge.

276 (1) Where an individual is convicted of an offence under this Act, the former Act or any provision of the *Criminal Code* (Canada) relating to a vehicle or other conveyance, and the conviction results in the individual's driving privilege being suspended, the suspension remains in force, irrespective of whether an appeal or application for an in-absence conviction to be set aside is filed.

(2) Where, in respect of a conviction that resulted in a individual's driving privilege being suspended, an appeal of the conviction or an application for the in-absence conviction to be set aside is granted, the Registrar shall, upon notice from the court,

- (a) terminate the suspension;
- (b) remove any demerit points entered on the individual's record as a result of the conviction; and
- (c) record the results of the appeal or application on the individual's driving record.

277 (1) Where a court enters a conviction, sets aside an in-absence conviction or determines an appeal in relation to a charge under this Act, the former Act or a provision of the *Criminal Code* (Canada) relating to a vehicle or other conveyance, the court shall certify the fact to the Registrar in the form or manner prescribed by the Registrar.

(2) Where the Registrar receives a record that a non-resident driver has been convicted of an offence under this Act or the former Act, the Registrar may forward a copy of the record to the motor vehicle administrator or driving records administrator in the jurisdiction in which the non-resident driver is resident.

(3) Where, on appeal, a court directs that an order made under section 320.24 of the *Criminal Code* (Canada) be stayed pending the final disposition of the appeal or until further ordered by that court, the court shall certify the fact to the Registrar in the form or manner prescribed by the Registrar.

(4) Where a person is convicted of an offence under this Act, the former Act or a provision of the *Criminal Code* (Canada) relating to a vehicle or other conveyance and the person appeals from the decision or applies to have the in-absence conviction set aside, the person may obtain from the court a notice of the determination if the decision is reversed on appeal or the in-absence conviction is set aside.

(5) Upon receipt of a notice from the court that an appeal of a conviction or a hearing on an application to set aside an in-absence conviction is determined, the Registrar shall add the information to the Registrar's records and, where the conviction was overturned on appeal or the in-absence conviction set aside,

- (a) deduct from the person's driving record any demerit points related to the conviction;
- (b) cancel any suspension that resulted from the conviction; and
- (c) re-issue any driver's licence card that was required to be returned to the Registrar as a result of the conviction, without fee.

278 Where a person is convicted of an offence under the *Criminal Code* (Canada) and an order directing that the person be discharged is made under that Act, this Act and the regulations continue to apply in the same manner as if the person had not been discharged.

279 A suspension under this Act or a prohibition period under section 320.24 of the *Criminal Code* (Canada) runs concurrently with any other suspension, period of revocation or prohibition period in effect under this Act, the former Act or the *Criminal Code* (Canada) at the time the suspension or prohibition period takes effect.

280 (1) A copy or extract, appearing to be certified by the Registrar, of any book, record, document or register in the possession of the Registrar, or a certificate appearing to be signed by the Registrar certifying certain facts appearing in the records of the Registrar, is admissible in evidence in a proceeding and is proof of the contents of the original without proof of the signature or appointment of the Registrar.

- (2) A certificate appearing to be signed by the Registrar certifying that
- (a) a licence or other authorization has or has not been issued to a certain person;
 - (b) a certain person is or is not the registered owner, permit holder or owner of a certain vehicle; or
 - (c) a number plate or other vehicle document has or has not been issued to a certain person,

is admissible in evidence and is proof of the matters in the certificate without proof of the signature or appointment of the Registrar.

(3) A certificate appearing to be signed by the Registrar certifying that the Registrar has not received a report of a collision is admissible in evidence, without proof of the signature or the appointment of the Registrar, and is proof, in the absence of evidence to the contrary, that the driver of the vehicle involved in the collision did not report the collision as required by this Act.

(4) An abstract of the driving record of a driver appearing to be signed by the Registrar is admissible in evidence, without proof of the signature or the appointment of the Registrar, and is proof of its contents in the absence of evidence to the contrary.

281 (1) A document appearing to be signed or certified by an official in another province of Canada performing duties similar to those of the Registrar, or a facsimile of the document, is admissible in evidence, without proof of the signature or the appointment of the person who signed it, and is proof of its contents in the absence of evidence to the contrary.

(2) A document appearing to be signed or certified by the Minister or an officer appointed or given authority under this Act is admissible in evidence, without proof of the signature, appointment or authority of the person who signed it, and is proof of its contents in the absence of evidence to the contrary.

282 Where markings for the purpose of indicating distances are painted on a highway, a certificate appearing to be signed by an engineer employed by the Department certifying the measured distance between such markings is admissible in evidence, without proof of the signature or the position of the person who signed it, and is proof of its contents in the absence of evidence to the contrary.

283 A written confirmation of a time of sunrise or sunset for a location and date appearing to be certified by the National Research Council of Canada Herzberg Institute of Astrophysics is admissible as evidence, without proof of the signature or the position of the person who certified it, and is proof of the time of sunrise or sunset, as the case may be, for that location and date in the absence of evidence to the contrary.

284 (1) A certificate appearing to be signed by the Registrar certifying that a vehicle document, licence or other document issued under this Act has been suspended or cancelled or has expired, or that a privilege has been suspended or cancelled, is admissible in evidence, without proof of the signature or the appointment of the Registrar, and is conclusive proof, in the

absence of evidence to the contrary, that the vehicle document, licence, other document or privilege has been duly and lawfully suspended or cancelled or has expired, as stated in the certificate.

(2) A certificate appearing to be signed by a minister or an official in another province of Canada performing duties similar to the Minister or the Registrar certifying that a vehicle document, licence or other document has been suspended or cancelled or has expired or that a privilege has been suspended or cancelled in that province, or a facsimile of such a document, is admissible in evidence, without proof of the signature, office, authority or appointment of the person who signed the certificate, and is conclusive proof, in the absence of evidence to the contrary, that the vehicle document, licence, other document or privilege has been duly and lawfully suspended or cancelled or has expired, as stated in the certificate.

285 (1) Where the Minister, the Registrar or any employee or officer of the Department or a municipality is required or authorized under this Act to sign a document, the document is deemed to be signed if the signature is affixed digitally or by means of an engraving, lithograph, stamp or other facsimile.

(2) Subsection (1) applies *mutatis mutandis* to documents issued under the laws of another province of Canada or a state of the United States of America in relation to the subject matter of this Act.

286 In a prosecution, proof of the reading of any scale or weighing device is proof in the absence of evidence to the contrary of the accuracy of the scale or weighing device and of the reading.

287 (1) Where a person is subject to any requirement in this Act to deliver a document to a peace officer, where a vehicle document, driver's licence, identification card or any other permit or licence issued to a person is suspended, revoked or cancelled, the person shall immediately return the document, licence, card or permit to the Registrar.

(2) A person shall return a vehicle document, driver's licence, identification card or any other permit or licence issued pursuant to this Act if required to do so in writing by the Registrar and, where the person fails to do so, the Registrar may direct a peace officer to take possession of the item and return it to the Registrar.

(3) A person who holds a vehicle document, driver's licence, identification card or any other permit or licence shall provide the item to any peace officer who is directed to take possession of it pursuant to this Section.

(4) Where a person is convicted of failing to return a vehicle document, driver's licence, permit or licence or provide it to a peace officer as required by this Section, the convicting court shall, in addition to any other penalty that may be imposed, order the person to return the vehicle document, licence, card or permit to the Registrar within a specified time.

288 For greater certainty, it is not a defence to a charge of speeding contrary to a specific provision of this Act that the person was in fact speeding by more kilometres per hour than set out in the provision under which the charge was laid.

289 For greater certainty, where a person is charged with speeding contrary to a provision of this Act and the evidence does not prove the offence but proves speeding contrary to another provision of this Act, the defendant may be convicted of the other offence.

290 Where a person is requested to surrender a driver's licence card, the person shall immediately surrender the person's driver's licence card to the peace officer.

Recovery of Fines and Costs

291 (1) Subject to subsection (2), a fine and costs imposed under this Act is payable to Her Majesty in right of the Province and must be deposited in the General Revenue Fund.

(2) A fine and costs imposed under this Act are payable to a municipality if they were imposed for a conviction for an offence under this Act in which the informant was a police officer, special constable or other officer of the municipality.

292 Where the fine revenue of Her Majesty in right of the Province or a municipality from convictions based on evidence from electronic enforcement systems exceeds the costs of acquiring and using the systems, Her Majesty or the municipality, as the case may be, shall use the surplus fine revenue for the purpose of enhancing road safety.

293 (1) Where a person is in default of payment of all or part of a fine and costs imposed upon conviction for an offence prescribed by the regulations, the court that imposed the fine and costs shall forward to the Registrar a notice of the default, in the form and manner required by the Registrar.

(2) The court may amend or discontinue a notice of default as provided for in the regulations.

(3) Where a person is in default of payment of all or part of a fine and costs imposed upon conviction for an offence involving the driving of a vehicle or other conveyance under an enactment of another province of Canada, the court that imposed the fine and costs may forward to the Registrar a notice of the default, in the form and manner required by the Registrar.

294 There shall be paid to the Department such fees as the Governor in Council may determine for any registration, permit, licence, certificate or other document issued under this Act or for any service performed or rendered by the Registrar or the Department and the payment of the fee so determined is a condition precedent to the issue of any such permit, licence, certificate or other document and to the performing or rendering of any such service.

295 (1) Her Majesty in right of the Province has a first lien on a vehicle or other conveyance for the amount of any fine and costs payable to Her Majesty under this Act by the owner or driver of the vehicle or other conveyance in relation to a contravention of this Act or the regulations involving the vehicle or other conveyance.

(2) Subject to any first lien of Her Majesty in right of the Province under subsection (1), a municipality has a first lien on a vehicle or other conveyance for the amount of any fine and costs payable to the municipality, as the case may be, under this Act by the owner or driver of

the vehicle or other conveyance in relation to a contravention of this Act, the regulations or a by-law made under this Act involving the vehicle or other conveyance.

(3) Where any fine and costs is not paid within 30 days after being imposed, or such longer time as may be allowed by a court, the holder of a first lien on a vehicle or other conveyance under this Section may seize the vehicle or other conveyance.

(4) A vehicle or other conveyance seized under subsection (3) may be sold and the proceeds of sale distributed in accordance with the regulations.

296 Her Majesty in right of the Province or a municipality may recover a fine and costs payable to Her Majesty or the municipality under this Act, with costs, in a civil action in any court having competent jurisdiction to hear a claim for the amount of the fine and costs.

General

297 (1) The Minister, with the approval of the Governor in Council, may enter into an agreement with an entity in another jurisdiction respecting the sharing of records maintained under this Act or similar legislation in the other jurisdiction.

(2) The Minister, with the approval of the Governor in Council, may enter into an agreement with an entity in another jurisdiction respecting reciprocity in relation to any matter to which this Act relates for the purpose of supporting the enforcement and administration of this Act.

(3) The Minister may enter into an agreement with any person in the Province in relation to any matter to which this Act relates for any purpose consistent with the purpose of this Act.

298 (1) Where the Minister considers it expedient, the Minister may cancel any driver's licence, vehicle document, regulated vehicle activity licence or other document issued under this Act.

(2) The authority contained in subsection (1) may not be delegated.

299 (1) Notwithstanding anything in this Act or any other enactment, the Registrar may, by order, extend, for a specific period, the term of some or all driver's licences, vehicle documents, regulated vehicle activity licences or other documents issued under this Act.

(2) Notwithstanding the *Regulations Act*, an order made under subsection (1) takes effect on the day it is made.

(3) Where the term of a vehicle permit or dealer permit is extended under subsection (1), the validity of any number plate or validation sticker that relates to the permit is extended for the same period.

(4) For the purpose of determining any fee payable under this Act, the licensing or permit period immediately following a term extended under subsection (1) is deemed to have

begun on the day following the day on which the extended licensing or permit period would have expired had there been no extension.

(5) The exercise by the Registrar of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

300 (1) There shall be paid to the Province such fees as prescribed by regulation for any registration, permit, licence, certificate or other document issued under this Act or for any service performed or rendered by the Registrar or a traffic authority and the payment of the fee so determined shall be a condition precedent to the issue of any such permit, licence, certificate or other document and to the performing or rendering of any such service.

(2) Except as provided in Section 302 or as otherwise provided all fees paid under this Act shall be paid into the General Revenue Fund of the Province.

301 Where a person pays a fee prescribed by the regulations to the Registrar or a traffic authority for a document issued under the Act, the fee is paid by cheque or other method that is subsequently dishonoured or refused and the person fails to reimburse the Registrar or traffic authority for the fee within 30 days after being requested to do so in writing, the Registrar or traffic authority may cancel the document.

302 The fees associated with a specialty number plate, less the portion of the fees that relate to administrative costs, as determined by the Registrar, must be paid into a special fund in accordance with the regulations.

303 (1) Where a document is issued under this Act by a person authorized to issue it, the document is deemed to have been validly issued notwithstanding any irregularity in relation to its issuance unless the document is cancelled by the person authorized to issue it.

(2) Unless expressly provided for by this Act or the regulations,

(a) a document issued to a person under this Act is not transferable to another person;

(b) a document issued in relation to a vehicle is not transferable to another vehicle; and

(c) a document issued in relation to a vehicle business is not transferable to another vehicle business.

304 No action for damages lies against Her Majesty in right of the Province, the Minister, the Registrar or any other person appointed or given authority to act under this Act, including a peace officer, a municipal council, a municipality or any agent or employee of any of them, if the action arises out of an act or omission of that person that occurs while that person was acting under the authority of this Act in good faith, including, without restricting the generality of the foregoing, anything done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by that person under or in the exercise or supposed exercise of any power conferred under this Act or in the carrying out or supposed carrying out of any duty under this Act.

305 A decision made by the Minister, the Registrar or a person appointed or given authority to act under this Act, including a peace officer, a municipal council, a municipality or any agent or employee of any of them, in the exercise of a discretionary power given under this Act to do or not to do a thing does not constitute negligence.

Offences and Penalties

306 A person who contravenes a provision of this Act, the regulations or a by-law made under this Act is guilty of an offence and liable on summary conviction to the penalties prescribed for that offence by the regulations.

307 Where an offence under this Act, the regulations or a by-law is committed or continued on more than one day, the person who committed the offence is liable to be convicted for a separate offence for each day on which the offence is committed or continued.

308 Where a corporation commits an offence under this Act, the regulations or a by-law made under this Act, a director or officer of the corporation who authorized, permitted or acquiesced in the offence is also guilty of an offence and is liable on summary conviction to the penalties set out for the offence, whether or not the corporation has been prosecuted or convicted.

309 (1) The owner of a vehicle or other conveyance that was allegedly operated in contravention of this Act, the regulations or a by-law made under this Act shall, on the request of the Registrar or a peace officer, within 48 hours of the request, provide the name and address of the person in charge of the vehicle or other conveyance at the time of the alleged contravention and any information that the Registrar or peace officer considers likely to assist in determining the identity of the driver of the vehicle or other conveyance at the time of the alleged contravention.

(2) An owner who refuses, fails or is unable to comply with subsection (1) is liable on summary conviction to the fine provided for the alleged offence of the driver of the vehicle or other conveyance unless the owner satisfies the court that the vehicle or other conveyance was being driven at the time of the alleged offence without the owner's express or implied knowledge or consent.

(3) A person who had the vehicle or other conveyance with the consent of the owner shall, on the request of the Registrar or a peace officer, within 48 hours of the request, provide the name and address of the person in charge of the vehicle or other conveyance at the time of the alleged contravention and any information that the Registrar or peace officer considers likely to assist in determining the identity of the driver at the time of the alleged contravention.

(4) A person who refuses, fails or is unable to comply with subsection (3) is liable on summary conviction to the fine provided for the alleged offence of the driver of the vehicle or other conveyance unless the person satisfies the court that the vehicle or other conveyance was being driven at the time of the alleged offence without the person's express or implied knowledge or consent.

(5) The owner or person who had the vehicle or other conveyance with the consent of the owner is not subject under this Section to

- (a) the addition of demerit points for the offence; or

(b) the suspension of a driving privilege for the offence, unless the owner or the person who had the vehicle or other conveyance with the consent of the owner was the driver at the time of the offence.

Liability of Owner

310 (1) Where an offence involving a vehicle or other conveyance is committed under this Act, the regulations or a by-law made under this Act, the owner of the vehicle or conveyance is liable on summary conviction to the fine provided for the offence.

(2) Subsection (1) does not apply if the owner satisfies the court that, at the time of the offence, the vehicle or other conveyance was in the possession of some person other than the owner without the owner's express or implied consent.

(3) Where, pursuant to this Act, the regulations or a by-law made under this Act, an offence involving a vehicle or other conveyance is committed, the driver is liable on summary conviction to all of the penalties and other consequences provided for the offence.

(4) Subject to subsection (5), the owner of the vehicle or other conveyance is not subject under this Section to

- (a) the addition of demerit points; or
- (b) the suspension of any driving privilege for the offence,

unless the owner was the driver at the time of the offence.

(5) Where the owner of a vehicle or conveyance is present at the time of any contravention of this Act, the regulations or a by-law made under this Act by another person who is driving, both the owner and the driver are guilty of the offence and liable to all of the penalties and other consequences provided for the offence.

Electronic Enforcement Systems

311 (1) Where a vehicle or other conveyance is involved in an offence for which an electronic enforcement system is authorized to be used for enforcement pursuant to this Act and the regulations or by-law, and the number plate is captured by an electronic enforcement system, the owner of the vehicle or other conveyance to which the number plate is assigned is liable on summary conviction to the fine provided for the offence.

(2) Subsection (1) does not apply if the owner satisfies the court that, at the time that the vehicle or other conveyance was involved in the offence, the vehicle or other conveyance was in the possession of some person other than the owner without the owner's express or implied consent.

- (3) A person who is guilty of an offence pursuant to this Section is not subject to
- (a) the addition of demerit points; or
 - (b) the suspension of a driving privilege for the offence.

312 (1) An image obtained through the use of an electronic enforcement system is admissible in evidence in a proceeding commenced pursuant to the *Summary Proceedings Act* respecting an alleged offence if the image

- (a) shows a vehicle or conveyance and the number plate displayed on it; and
- (b) displays, or has appended to it, the prescribed information in relation to the provision.

(2) In the absence of evidence to the contrary, an image as described in subsection (1) is proof of the number plate displayed on the vehicle or other conveyance and of the information displayed on the image or appended to the image.

(3) In any prosecution based on evidence obtained through the use of an electronic enforcement system, a certificate

- (a) stating the result of the test of the electronic enforcement system identified in the certificate;
- (b) stating that the test was conducted at a specified time that is within the time prescribed in the regulations or the by-law before or after the date of the offence charged; and
- (c) purporting to be signed by an electronic enforcement system tester who is authorized by the regulations or a by-law to test electronic enforcement systems of the type identified in the certificate,

is, in the absence of evidence to the contrary, admissible in evidence as proof of the facts stated in the certificate without proof of the signature or designation as a vehicle tester of the person signing the certificate.

Aggravating Factors

313 (1) Where a person is guilty of an offence under this Act, the regulations or a by-law, it is an aggravating factor for sentencing if any victim of the offence is a vulnerable road user.

(2) Where subsection (1) applies in respect of a person who is guilty of an offence under this Act, the regulations or a by-law,

- (a) the person is liable to an increased penalty of up to twice the usual fine for the offence;
- (b) where the regulations provide for an automatic suspension of the driving privilege of a person who is guilty of the offence, the duration of the automatic suspension is twice that of the suspension otherwise provided for by the regulations; and
- (c) where the regulations do not provide for an automatic suspension of the driving privilege of a person who is guilty of the offence, the driving privilege of the person is automatically suspended for a period prescribed by the regulations upon the person pleading or being found guilty.

314 Where a court provides notice to the Registrar of an individual's conviction of an offence under section 253, 254 or 255 of the *Criminal Code* (Canada) with a child present follow-

ing a report under Section 71, in addition to any other penalties associated with that offence, the Registrar shall also

- (a) increase the period for the suspension of driving privileges by an additional 12 months from the end of the time period that would otherwise be required; and
- (b) where alcohol use was involved, require participation in an ignition interlock program established under this Act or regulation for an additional 12 months from the end of the time period in the program that would otherwise be required.

Demerits and Suspensions

315 Where the regulations provide for the assignment of a number of demerit points to an individual who is guilty of an offence under this Act or the regulations, the Registrar shall assign the demerit points to the individual upon being notified that the individual is guilty of the offence.

316 Where the regulations provide for an automatic suspension of the driving privilege of an individual who is guilty of an offence under this Act or the regulations, the driving privilege of the individual is automatically suspended for the term prescribed by the regulations upon the individual pleading or being found guilty of the offence.

317 (1) The Registrar shall add to the driving record, assign demerit points or suspend the driving privilege of an individual who is 16 years of age or older but under 19 years of age if the individual is found guilty of any of the offences prescribed by the regulations for which there are demerit points under Section 315 or an automatic suspension under Section 316, or otherwise required by an enactment.

- (2) A court may share records with the Registrar for the purpose of subsection (1).

318 The Governor in Council may make regulations

- (a) respecting the impoundment and immobilization of vehicles or other conveyances, including
 - (i) prescribing the fees permitted to be charged in connection with the impoundment or immobilization of a vehicle or other conveyance by a person who provides services in connection with vehicle or other conveyance removal or immobilization or load removal or who operates an impound facility,
 - (ii) prescribing circumstances in which an official or peace officer who has seized, taken into custody or possession, impounded or immobilized a vehicle or other conveyance or ordered the seizure or impoundment of a vehicle or other conveyance may order the sale of the vehicle or other conveyance, and
 - (iii) respecting the sale, transfer of ownership and the distribution of the proceeds of sale of an impounded or immobilized vehicle or other conveyance;
- (b) respecting the recovery of fines and costs imposed under this Act, including
 - (i) respecting the amendment and discontinuance of a notice of default forwarded to the Registrar by a court, and

- (ii) respecting the sale, transfer of ownership and the distribution of the proceeds of sale of a vehicle or other conveyance seized under subsection 295(3);
- (c) permitting the issuance, submission, filing or acceptance under this Act of a form, document, record, information or other data in electronic form.

319 The Minister may make regulations

- (a) respecting autonomous vehicles, including prescribing insurance requirements related to autonomous vehicles;
 - (b) respecting reviews and appeals under this Act, including
 - (i) prescribing the manner in which a review of a decision may be requested or an appeal of a decision may be made,
 - (ii) respecting the manner in which the Registrar is to conduct a review of a decision,
 - (iii) respecting the manner in which the Appeal Board is to conduct the hearing of an appeal of a decision,
 - (iv) prescribing classes of decision for which a person may apply to the Registrar for a review,
 - (v) varying the period within which a person seeking the review of a decision referred to in clause 270(1)(b), (d) or (e) must file a request for the review, and
 - (vi) authorizing the Registrar to take particular actions in relation to a decision under clause 270(1)(e) when the Registrar receives an application for a review of the decision;
- (c) respecting identification cards and driver's licence cards, including
 - (i) prescribing the criteria for being eligible to apply for and hold an identification card,
 - (ii) respecting the obligation of an individual to whom an identification card is issued to return to the Registrar any driver's licence card held by the applicant and issued under this Act, and
 - (iii) prescribing when an individual is permitted to hold at the same time a valid driver's licence card issued under this Act and a valid driver's licence card issued under the laws of another jurisdiction;
- (d) respecting facial recognition software and identity verification, including
 - (i) prescribing other technological means of identity verification,
 - (ii) authorizing the Registrar to disclose to specified persons or classes of persons information, including personal information, obtained by facial recognition software and other technological means of identity verification,
 - (iii) governing the way the Registrar may use facial recognition software and other technological means of identity verification,
 - (iv) respecting the requirements for an image to be used with facial recognition software and other technological means of identity verification, and

- (v) prescribing reasonable administrative, technical and physical safeguards that the Registrar must adopt to protect the confidentiality, security, accuracy and integrity of information about persons obtained by facial recognition software and other technological means of identity verification and to protect the privacy the persons whom the information is about;
- (e) respecting documents issued under this Act, including
 - (i) prescribing requirements applicable to the form of particular classes of document, and
 - (ii) respecting the holding, carrying, affixing, posting or producing of particular classes of document;
- (f) respecting records of the Registrar, including
 - (i) prescribing information that may be included in the driving record of an individual,
 - (ii) prescribing information that may be included in the record of a vehicle for which a registration certificate or permit is issued,
 - (iii) prescribing information that may be included in the record of a vehicle business or in the record of each person
 - (A) who applies for a regulated vehicle activity licence,
 - (B) who undertakes a regulated vehicle activity, or
 - (C) to whom a regulated vehicle activity licence is issued,
 - (iv) prescribing information that may be included in the record of a carrier,
 - (v) prescribing information that must be included in a particular class of record,
 - (vi) prescribing the purposes for which and the persons to whom the Registrar may disclose some or all of the information in the Registrar's records as permitted under an information sharing agreement,
 - (vii) prescribing the purposes for which and the persons to whom the Registrar may provide a certified abstract of the driving record of an individual, and
 - (viii) prescribing the information that must be contained in a certified abstract of the driving record of an individual;
- (g) prescribing offences under this Act, the regulations or a by-law made under this Act for which a court that has imposed a fine and costs upon a conviction of a person shall forward to the Registrar a notice of default upon the person defaulting on the payment of the fine and costs;
- (h) respecting the payment of the fees associated with a specialty number plate, less the portion of the fees that relate to administrative costs, into a special fund;
- (i) providing for the transferability of documents issued under this Act.

320 The Governor in Council may make regulations respecting offences and penalties, including

- (a) establishing offences and penalties in relation to contraventions of this Act or the regulations, including establishing different penalties for the owner or carrier, by class of licence or vehicle, or other circumstances of the offence;
- (b) respecting the assignment of demerit points to an individual who is convicted of a particular offence;
- (c) respecting the automatic suspension, for a particular period, of the driving privilege of an individual who is convicted of an offence.

321 (1) The Governor in Council may make regulations authorizing, for the period of time during which the regulations are in force, a project for research into or the testing or evaluation of any matter that is governed by this Act and relates to the use of highways, including regulations

- (a) in relation to such a project,
 - (i) authorizing any person or class of person to
 - (A) do or use a thing that relates to traffic and is prohibited or regulated under this Act, or
 - (B) not do or not use a thing that is required or permitted under this Act,
 - (ii) authorizing or requiring the Minister or any other person authorized or required to do anything under this Act to do anything that
 - (A) is not authorized or required to be done under this Act, or
 - (B) is authorized or required to be done under this Act in a manner that is different from the way it is authorized or required to be done under the regulations,
 - (iii) limiting an authorization or requirement in the regulations to any
 - (A) person or class of person,
 - (B) class or type of vehicle or other conveyance, equipment or highway,
 - (C) part of the Province,
 - (D) time of year or day, or
 - (E) activity, matter or other thing,
 - (iv) regulating or prohibiting the doing or use of any thing, and
 - (v) requiring any person or class of person to carry insurance of a particular kind and in a specified amount;
- (b) prescribing penalties for the contravention of these regulations;
- (c) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Section.

(2) A regulation made under this Section expires two years after the date on which it comes into force or such earlier date as the regulation may specify.

(3) In the event of a conflict between a regulation made under this Section and this Act or any other regulation made under this Act, other than a regulation made under Section 329, the regulation made under this Section prevails.

322 The Governor in Council may make regulations

- (a) exempting any person, matter or thing from the application of any provision of this Act or the regulations;
- (b) defining any word or expression used but not defined in this Act;
- (c) further defining any word or expression defined in this Act;
- (d) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

323 The Minister may make regulations respecting fees payable in relation to anything done under this Act and the regulations.

324 A regulation made by the Governor in Council or Minister under this Act may be of general application or may apply to such persons or such classes of persons, places, matters or things as the Minister or the Governor in Council, as the case may be, determines and there may be different regulations with respect to different persons or different classes of persons, places, matters or things.

325 (1) A regulation made by the Governor in Council or Minister under this Act may adopt or incorporate by reference, in whole or in part or with modifications, a written standard, rule, regulation, guideline, designation, code or document relating to any matter in respect of which a regulation may be made under this Act.

(2) A written standard, rule, regulation, guideline, designation, code or document that is adopted or incorporated by reference under subsection (1) may be adopted or incorporated as it reads on a particular day or as it is amended from time to time.

(3) Where a written standard, rule, regulation, guideline, designation, code or document is adopted or incorporated by reference under subsection (1), the Governor in Council or Minister shall cause a copy of the standard, rule, regulation, guideline, designation, code or document to be made publicly available and to remain so for the duration of the adoption or incorporation by reference.

326 The exercise of the authority contained in Sections 5, 78, 79, 114, 115, 149, 150, 217, 218, 252, 253, 318 to 325 and 329 is a regulation within the meaning of the *Regulations Act*.

PART VIII

TRANSITIONAL

327 (1) Every licence, permit, registration certificate, approval or other document and every board, committee, appointment, condition, suspension, revocation or demerit point issued, given, made, established or assigned under the former Act and in effect immediately before the coming into force of this Section is deemed to have been issued, given, made, established or

assigned, as the case may be, under this Act and continues in force until it expires or is rescinded, cancelled, suspended or revoked under this Act.

- (2) Where, before the coming into force of this Act,
- (a) a right to a hearing, review or appeal existed under the former Act;
 - (b) the hearing, review or appeal period had not expired; and
 - (c) the hearing, review or appeal had not been initiated under the former Act,

the review or appeal provisions of this Act apply and the time for the filing of a request for review or appeal, if any, must be measured from the date on which the right of review or appeal arose under the former Act to the end of the period permitted to request the review or appeal under the former Act or under this Act, whichever period is longer.

(3) Where a review or appeal has been initiated under the former Act and has not been completed before the coming into force of this Act, the review or appeal must be determined in accordance with the former Act.

328 The regulations, by-laws and orders in force under the former Act immediately before the coming into force of this Section that are not repealed under this Act continue in force to the extent that they are authorized by this Act, until amended or repealed.

329 (1) The Governor in Council may make regulations respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out or remove any difficulty arising out of the transition from the former Act to this Act.

(2) In the event of a conflict between a regulation made under this Section and this Act or any other regulation made under this Act, the regulation made under this Section prevails.

PART IX

CONSEQUENTIAL AMENDMENTS

330 Clause 3(d) of Chapter 32 of the Revised Statutes, 1989, the *Beaches Act*, is amended by striking out “*Motor Vehicle*” in the last two lines and substituting “*Traffic Safety*”.

331 Section 6 of Chapter 56 of the Revised Statutes, 1989, the *Canso Causeway Act*, is amended by striking out “*Motor Vehicle*” in the second line and substituting “*Traffic Safety*”.

332 Clause 3(s) of Chapter 114 of the Revised Statutes, 1989, the *Crown Lands Act*, is amended by striking out “*Motor Vehicle*” in the last two lines and substituting “*Traffic Safety*”.

333 Clause 2(d) of Chapter 119 of the Revised Statutes, 1989, the *Dangerous Goods Transportation Act*, is amended by striking out “*Motor Vehicle*” in the last line and substituting “*Traffic Safety*”.

334 Section 2 of Chapter 40 of the Acts of 2005, the *Enforcement of Court Orders Act*, is amended by

- (a) striking out “*Motor Vehicle*” in the last line of clause (b) and substituting “*Traffic Safety*”; and
- (b) striking out clauses (c), (d) and (e) and substituting the following clauses:
 - (c) “Registrar” means the Registrar as defined in the *Traffic Safety Act*;
 - (d) “vehicle” means a vehicle as defined in the *Traffic Safety Act*;
 - (e) “vehicle permit” means a vehicle permit as defined in the *Traffic Safety Act*;

335 (1) Subsection 3(2) of Chapter 40, as amended by Chapter 15 of the Acts of 2006, is further amended by

- (a) striking out “*Motor Vehicle*” in the second line and substituting “*Traffic Safety*”; and
- (b) striking out “owner’s” in the third line and substituting “vehicle”.

(2) Subsection 3(4) of Chapter 40, as amended by Chapter 15 of the Acts of 2006, is further amended by striking out “*Motor Vehicle*” in the second line and substituting “*Traffic Safety*”.

(3) Subsection 3(6) of Chapter 40 is amended by striking out “*Motor Vehicle*” in the third line and substituting “*Traffic Safety*”.

336 Clause 2(d) of Chapter 3 of the Acts of 2003, the *Farm Machinery Dealers and Vendors Act*, is amended by striking out “*Motor Vehicle*” in the fourth line and substituting “*Traffic Safety*”.

337 Clause 79(b) of Chapter 2 of the Acts of 2010, the *Finance Act*, is amended by adding “or *Traffic Safety Act*” immediately after “*Motor Vehicle Act*” in the first line.

338 Clause 4A(1)(l) of Chapter 5 of the Acts of 1993, the *Freedom of Information and Protection of Privacy Act*, is repealed.

339 Subsection 7(4) of Chapter 7 of the Acts of 2005, the *Halifax-Dartmouth Bridge Commission Act*, is amended by

- (a) striking out “*Motor Vehicle*” in the first and in the third lines and substituting in each case “*Traffic Safety*”; and
- (b) striking out “Public Works” in the second line and substituting “Infrastructure Renewal”.

340 Section 191 of Chapter 39 of the Acts of 2008, the *Halifax Regional Municipality Charter*, is amended by striking out “*Motor Vehicle*” in the second line and substituting “*Traffic Safety*”.

341 Subsection 319(2) and Section 321 of Chapter 39 are repealed.

342 Section 334 of Chapter 39 is amended by striking out “*Motor Vehicle*” in the first and last lines and substituting “*Traffic Safety*”.

343 (1) Subsection 385(1) of Chapter 39 is amended by striking out “*Motor Vehicle*” in the first line and substituting “*Traffic Safety*”.

(2) Subsection 385(2) of Chapter 39 is amended by

(a) striking out “194(2) of the *Motor Vehicle*” in the first and in the last lines and substituting “41(2) or 42(2) of the *Traffic Safety*”; and

(b) striking out “the local authority of” in the third line.

344 Clause 18(a) of Chapter 4 of the Acts of 1995, the *Highway 104 Western Alignment Act*, is amended by striking out “*Motor Vehicle*” in the last line and substituting “*Traffic Safety*”.

345 Subsection 105(3) of Chapter 231 of the Revised Statutes, 1989, the *Insurance Act*, is amended by striking out “*Motor Vehicle*” in the third line and substituting “*Traffic Safety*”.

346 Subsection 54(5) of Chapter 260 of the Revised Statutes, 1989, the *Liquor Control Act*, as enacted by Chapter 21 of the Acts of 2005, is amended by striking out “*Motor Vehicle*” in the second and third lines and substituting “*Traffic Safety*”.

347 Subclause 54(6)(d)(iii) of Chapter 260, as enacted by Chapter 21 of the Acts of 2005, is amended by striking out “*Motor Vehicle*” in the second line and substituting “*Traffic Safety*”.

348 Section 30 of Chapter 6 of the Acts of 1994-95, the *Maintenance Enforcement Act*, is repealed and the following Section substituted:

30 (1) Where a payor is in arrears under a maintenance order being enforced by the Director, the Director may request the Registrar of Motor Vehicles to do one or more of the following:

- (a) suspend the payor’s driver’s licence;
- (b) suspend the vehicle permit, special-purpose permit or registration certificate for a vehicle owned by the payor;
- (c) suspend the payor’s privilege of obtaining a driver’s licence;
- (d) suspend the payor’s privilege of obtaining a vehicle permit, special-purpose permit or registration certificate for a vehicle.

(2) Before making a request under clause 30(1)(a) or (b), the Director shall send a notice to the payor by mail informing the payor that, where payor does not, within the time prescribed by the regulations, pay the arrears or make an arrangement satisfactory to the Director for complying with the maintenance order, the

Director may request the Registrar of Motor Vehicles to suspend the payor's driver's licence and the vehicle permit or special-purpose permit and registration certificate for any vehicle owned by the payor.

(3) Where a payor fails to comply with any term of an arrangement made with the Director for complying with the maintenance order following receipt of a notice under subsection (2) or a suspension referred to in subsection (1), the Director may

- (a) make a new request under subsection (1); or
- (b) request the Registrar of Motor Vehicles to refuse to issue a document or provide any other service to the payor under the *Traffic Safety Act*.

(4) The Director shall advise the Registrar of Motor Vehicles immediately upon a payor, who is subject to a suspension or refusal of service in respect of arrears under a maintenance order, paying the arrears or making an arrangement satisfactory to the Director for complying with the maintenance order.

349 Clause 2(c) of Chapter 292 of the Revised Statutes, 1989, the *Motor Carrier Act*, is amended by striking out "*Motor Vehicle*" in the last line and substituting "*Traffic Safety*".

350 Section 4 of Chapter 292 is amended by striking out "*Motor Vehicle*" in the second line and substituting "*Traffic Safety*".

351 Subsection 5(2) of Chapter 292 is amended by striking out "*Motor Vehicle*" in the first and second lines and substituting "*Traffic Safety*".

352 Subsection 5(3) of Chapter 292, as amended by Chapter 23 of the Acts of 1994, is further amended by

- (a) striking out "made and issued under the *Motor Vehicle*" in the last line of clause (b) and substituting "or permit made and issued under the *Traffic Safety*"; and
- (b) striking out "*Motor Vehicle Act* respecting the cancellation or suspension" in the second and third lines of clause (c) and substituting "*Traffic Safety Act* respecting the cancellation, suspension or revocation".

353 Section 20 of Chapter 292, as amended by Chapter 23 of the Acts of 1992, Chapter 23 of the Acts of 1994 and Chapter 45 of the Acts of 2012, is further amended by striking out "*Motor Vehicle*" in the sixth line and substituting "*Traffic Safety*".

354 Subsection 33(1) of Chapter 292 is amended by

- (a) striking out "license or the owner's" in the fifth line and substituting "driver's licence or the vehicle"; and
- (b) striking out "license would have if made under the *Motor Vehicle*" in the ninth and last lines and substituting "licence would have if made under the *Traffic Safety*".

355 Subsection 33(2) of Chapter 292 is amended by

- (a) striking out “license” in the seventh line and substituting “licence”; and
- (b) striking out “license would have if made under the *Motor Vehicle*” in the eleventh and last lines and substituting “licence would have if made under the *Traffic Safety*”.

356 Subsection 33(3) of Chapter 292, as amended by Chapter 8 of the Acts of 2011, is further amended by striking out “license” in the fifth and in the eleventh lines and substituting in each case “licence”.

357 Subsection 33(4) of Chapter 292, as amended by Chapter 8 of the Acts of 2011, is further amended by striking out “license” in the second line and substituting “licence”.

358 Section 173 of Chapter 18 of the Acts of 1998, the *Municipal Government Act*, is amended by striking out “*Motor Vehicle*” in the second line and substituting “*Traffic Safety*”.

359 Subsection 309(2) and Section 311 of Chapter 18 are repealed.

360 Section 324 of Chapter 18 is amended by striking out “*Motor Vehicle*” in the last line and substituting “*Traffic Safety*”.

361 Subsection 464A(2) of Chapter 18, as enacted by Chapter 9 of the Acts of 2003 and amended by Chapter 4 of the Acts of 2004, is further amended by

- (a) striking out clause (k); and
- (b) adding immediately after clause (r) the following clause:
 - (ra) subsection 268(4) of the *Traffic Safety Act*;

362 Section 2 of Chapter 323 of the Revised Statutes, 1989, the *Off-highway Vehicles Act*, as amended by Chapter 56 of the Acts of 2005, is further amended by

- (a) striking out “*Motor Vehicle*” in the last line of subclause (d)(viii) and substituting “*Traffic Safety*”;
- (b) striking out “*Motor Vehicle*” in the fifth line of clause (e) and substituting “*Traffic Safety*”; and
- (c) striking out “of Motor Vehicles” in the first and second lines of clause (i) and substituting “as defined in the *Traffic Safety Act*”.

363 Subsection 12(6) of Chapter 323 is amended by striking out “license issued pursuant to the *Motor Vehicle*” in the last line and substituting “licence issued pursuant to the *Traffic Safety*”.

364 Subsection 12(7) of Chapter 323 is amended by striking out “*Motor Vehicle*” in the first line and substituting “*Traffic Safety*”.

365 Section 13 of Chapter 323 is amended by striking out “*Motor Vehicle*” in the third line and substituting “*Traffic Safety*”.

366 Subsection 68(1) of Chapter 43 of the Acts of 2005, the *Optometry Act*, is amended by striking out “*Motor Vehicle*” in the last line and substituting “*Traffic Safety*”.

367 Clause 9(2)(i) of Chapter 3 of the Acts of 2006, the *Personal Information International Disclosure Protection Act*, is amended by

(a) adding immediately after “licensing” in the first line of subclause (i) “, permitting”; and

(b) striking out “drivers” in the second line of subclause (ii) and substituting “driver’s”.

368 Clause 2(a) of Chapter 363 of the Revised Statutes, 1989, the *Protection of Property Act*, is amended by striking out “*Motor Vehicle*” in the third line and substituting “*Traffic Safety*”.

369 Clause 3(m) of Chapter 367 of the Revised Statutes, 1989, the *Provincial Parks Act*, is amended by striking out “*Motor Vehicle*” in the last two lines and substituting “*Traffic Safety*”.

370 Clause 9(2)(b) of Chapter 371 of the Revised Statutes, 1989, the *Public Highways Act*, is amended by striking out “*Motor Vehicle*” in the last line and substituting “*Traffic Safety*”.

371 Section 27 of Chapter 371 is amended by adding immediately after subsection (3) the following subsections:

(4) The Minister may designate a highway constructed and maintained pursuant to subsection (1) as a main travelled or through highway by issuing an order or by including a statement to that effect in an agreement entered into pursuant to subsection (2).

(5) The exercise of the authority contained in subsection (4) is not a regulation within the meaning of the *Regulations Act*.

372 (1) Subsection 87(3) of Chapter 17 of the Acts of 1995-96, the *Revenue Act*, is amended by striking out “drivers licence, vehicle permit or certificate of registration issued pursuant to the *Motor Vehicle*” in the last three lines and substituting “driver’s licence, vehicle permit or registration certificate issued pursuant to the *Traffic Safety*”.

(2) Subsection 87(4) of Chapter 17 is amended by striking out “certificate of registration issued pursuant to the *Motor Vehicle*” in the second and third lines and substituting “registration certificate issued pursuant to the *Traffic Safety*”.

373 Subsection 89(5) of Chapter 17, as enacted by Chapter 25 of the Acts of 2010, is amended by striking out “certificate of registration issued pursuant to the *Motor Vehicle*” in the last two lines and substituting “registration certificate issued pursuant to the *Traffic Safety*”.

374 Subsection 89(6) of Chapter 17, as enacted by Chapter 25 of the Acts of 2010, is amended by striking out “certificate of registration issued pursuant to the *Motor Vehicle*” in the second and third lines and substituting “registration certificate issued pursuant to the *Traffic Safety*”.

375 Section 5 of Chapter 450 of the Revised Statutes, 1989, the *Summary Proceedings Act*, is amended by adding “, the *Traffic Safety Act*” immediately after “*Act*” in the third line.

376 Subsection 8(14) of Chapter 450 is amended by striking out “266 of the *Motor Vehicle*” in the last line and substituting “277 of the *Traffic Safety*”.

377 Section 10 of Chapter 450 is repealed.

378 Schedule B of Chapter 450, as enacted by Chapter 30 of the Acts of 2002 and amended by Chapter 4 of the Acts of 2004, Chapter 32 of the Acts of 2007, Chapter 9 of the Acts of 2010 and Chapters 2, 44 and 45 of the Acts of 2011, is further amended by adding the following in alphabetical order:

Traffic Safety Act

379 Subsection 13(2) of Chapter 9 of the Acts of 1994-95, the *Tourist Accommodations Act*, is amended by striking out “*Motor Vehicle*” in the last line and substituting “*Traffic Safety*”.

380 Clause 3(j) of Chapter 476 of the Revised Statutes, 1989, the *Trails Act*, is amended by striking out “*Motor Vehicle*” in the third and last lines and substituting “*Traffic Safety*”.

381 Clause 3(l) of Chapter 27 of the Acts of 1998, the *Wilderness Areas Protection Act*, is amended by striking out “*Motor Vehicle*” in the second line and substituting “*Traffic Safety*”.

382 Clause 3(1)(ax) of Chapter 504 of the Revised Statutes, 1989, the *Wildlife Act*, is amended by striking out “*Motor Vehicle*” in the fourth line and substituting “*Traffic Safety*”.

383 Subsection 28(2) of Chapter 10 of the Acts of 1994-95, the *Workers’ Compensation Act*, is amended by striking out “*Motor Vehicle*” in the third and last lines and substituting “*Traffic Safety*”.

384 Subsection 13A(1) of Chapter 38 of the Acts of 2001, the *Youth Justice Act*, as enacted by Chapter 32 of the Acts of 2005, is amended by adding “or *Traffic Safety Act*” immediately after “*Act*” in the third line.

385 Subsection 14(7) of Chapter 38 is amended by adding “or *Traffic Safety Act*” immediately after “*Act*” in the third line.

EFFECTIVE DATE

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