



BILL NO. 79

Government Bill

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

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

CHAPTER 38
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
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**An Act to Amend Chapter 293
of the Revised Statutes, 1989,
the Motor Vehicle Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 2 of Chapter 293 of the Revised Statutes, 1989, the *Motor Vehicle Act*, as amended by Chapter 24 of the Acts of 1994, Chapter 12 of the Acts of 1994-95, Chapter 23 of the Acts of 1995-96, Chapter 12 of the Acts of 2001, Chapter 20 of the Acts of 2002, Chapter 42 of the Acts of 2004, Chapter 35 of the Acts of 2006, Chapters 20 and 45 of the Acts of 2007, Chapter 21 of the Acts of 2008, Chapters 59 and 60 of the Acts of 2010, Chapter 35 of the Acts of 2011, Chapters 20 and 53 of the Acts of 2014, Chapters 45 and 46 of the Acts of 2015 and Chapter 3 of the Acts of 2018, is further amended by adding immediately after clause (o) the following clause:

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

2 Subsection 66(1) of Chapter 293, as amended by Chapter 20 of the Acts of 2007 and Chapter 53 of the Acts of 2014, is further amended by

(a) striking out the period at the end of clause (d) and substituting a semicolon; and

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

(e) 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,

(v) prescribing reasonable administrative, technical and physical safeguards that the Registrar shall 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 of the persons whom the information is about, and

(vi) further defining “facial recognition software”.

3 Chapter 293 is further amended by adding immediately after Section 75 the following Section:

75A (1) Before issuing or renewing a driver's license, issuing a duplicate driver's license or issuing a similar 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 license.

(2) An image incorporated into a driver's license or a similar 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 license or similar identification card.

(4) The Registrar shall take the steps necessary to maintain the integrity of the driver's license or similar identification card systems, and to prevent the abuse of those systems.

4 Subsection 279J(1) of Chapter 293 is repealed and the following subsection substituted:

(1) Where a peace officer reasonably suspects that a person's ability to drive may be affected by the introduction of drugs into the person's body, the peace officer shall demand that the person take a physical coordination test and the person shall comply with that demand.

5 (1) Section 279K, as enacted by Chapter 3 of the Acts of 2018, is amended by adding immediately after subsection (3) the following subsection:

(3A) For greater certainty,

(a) a peace officer issuing an order of suspension under Section 279C or subsection (3) may only issue one suspension under either Section 279C or subsection (3) per occurrence;

(b) a peace officer shall not issue an order of suspension under either Section 279C or subsection (3) if an order of suspension under Section 279A or subsection (3) of Section 279I has been issued for the same occurrence; and

(c) subject to clauses (a) and (b) and subsection (9) of Section 279A, a peace officer may issue an order of suspension under Section 279A or subsection (3) of Section 279I in addition to any other suspension or sanction authorized by this Act or the *Criminal Code* (Canada).

(2) Clause 279K(4)(f) of Chapter 293 is repealed and the following clause substituted:

(f) any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32 of the *Criminal Code* (Canada), if applicable; and

6 Chapter 293 is further amended by adding immediately after Section 279K the following Section:

279KA(1) Where a peace officer believes on reasonable and probable grounds that any person who is a novice driver

(a) is operating or having care and control of a motor vehicle, whether it is in motion or not; or

(b) at any time within the preceding two hours, has operated or had care and control of a motor vehicle, whether it was in motion or not,

having consumed drugs such that there is the presence of a drug in the person's body, the peace officer may make a demand pursuant to subsection (2).

(2) Where a peace officer believes that subsection (1) applies with respect to a person, the peace officer may, by demand made to that person forthwith or as soon as practicable, require that person to provide then or as soon thereafter as is practicable

(a) such samples of bodily substances as in the opinion of a qualified technician are required for the use of an approved drug screening equipment; or

(b) where the peace officer has reasonable and probable grounds to believe that, by reason of any physical condition of the person,

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

(ii) it would be impracticable to obtain a sample from the person, under the conditions referred to in subsection (3),

such other samples of bodily substances as in the opinion of the qualified medical practitioner or qualified technician taking the samples, are necessary to enable proper analysis to be made in order to determine the presence of a drug in the person's body and the concentration of the drug,

and accompany the peace officer for the purpose of enabling such samples to be taken.

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

7 Sections 1 to 3 come into force on such day as the Governor in Council orders and declares by proclamation.
