

**Bill #134**  
**Motor Vehicle Act (amended)**

CHANGES RECOMMENDED TO THE  
COMMITTEE OF THE WHOLE HOUSE ON BILLS

**PAGE 1, Clause 1 -**

- (a) strike out “and” after paragraph (a);
- (b) strike out the period after paragraph (b) and substitute “; and”; and
- (c) add the following paragraphs immediately after paragraph (b):
  - (c) striking out the period at the end of clause (ca) and substituting a semi-colon; and
  - (d) adding the following clause immediately after clause (ca):
    - (caa) “vulnerable road user” means
      - (i) a pedestrian,
      - (ii) a person engaged in work on or adjacent to a highway or on utility facilities on or adjacent to a highway,
      - (iii) a person engaged in the provision of emergency services on or adjacent to a highway,
      - (iv) a peace officer engaged in the peace officer’s regular duties on or adjacent to a highway, or
      - (v) a person lawfully driving or being driven as a passenger in or on
        - (A) a farm tractor or other vehicle designed primarily for farm use,
        - (B) a motorcycle,
        - (C) a bicycle, or
        - (D) a conveyance other than a vehicle,
      - (vi) a person prescribed by the regulations.

**PAGE 3, add immediately after Clause 6 the following Clauses:**

7 Chapter 293 is further amended by adding immediately after Section 100D the following Sections:

100E (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.

100F (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.

100G 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.

100H (1) The Governor in Council may make regulations enhancing the safety of vulnerable road users.

(2) The exercise of the authority contained in subsection (1) is a regulation within the meaning the *Regulations Act*.

8 Section 104 of Chapter 293, as amended by Chapter 12 of the Acts of 1994-95 and Chapter 46 of the Acts of 2011, is further amended by adding immediately after subsection (1) the following subsection:

(2) Notwithstanding subsection (1), a traffic authority may reduce maximum rates of speed on a highway under that traffic authority's jurisdiction to less than fifty kilometres per hour without the approval of the Provincial Traffic Authority.

**PAGE 5, add immediately after Clause 14 the following Clause:**

15 Chapter 293 is further amended by adding immediately after Section 261 the following Section:

261A (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 otherwise applicable 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.

**RENUMBER CLAUSES ACCORDINGLY.**

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