

The Highway Traffic Act

Repealed

by chapter T-18.1 of the *Statutes of Saskatchewan, 2004*
(effective July 1, 2006).

Formerly

Chapter H-3.1 of the *Statutes of Saskatchewan, 1986* (effective July 1, 1986) as amended by the *Statutes of Saskatchewan, 1989-90, c.5, 10 and 15; 1990-91, c.P-15.01, S-63.1 and 17; 1992, c.54; 1993, c.17 and 45; 1996, c.4, 9 and 29; 1997, c.H-3.01; 1998, c.P-42.1 and 23; 2000, c.13; 2001, c.C-15.1, 49 and 51; 2002, c.C-11.1, c.44 and 48; 2003, c.15; 2004, c.L-16.1, 10 and 13; and 2005, c.M-36.1.*

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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**Editorial Appendix
(Amendments)**

CHAPTER H-3.1

An Act respecting the Regulation of Traffic on Saskatchewan Highways

PART I

Short Title, Interpretation and Application

Short title

1 This Act may be cited as *The Highway Traffic Act*.

Interpretation

2(1) In this Act:

- (a) “**administrator**” means the administrator within the meaning of *The Vehicle Administration Act*;
- (b) “**agricultural implement**” means a vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations;
- (c) “**animal**” means any horse, mule, ass, swine, sheep or goat and includes any animal of the bovine species, by whatever technical or familiar name known, but does not include a horse with a rider or driver;
- (d) “**board**” means the Highway Traffic Board continued pursuant to section 4;
- (e) “**certificate of registration**” means a valid and subsisting certificate of registration issued to a person pursuant to *The Vehicle Administration Act*;
- (f) “**dealer**” means a person that is the holder of a subsisting licence issued pursuant to *The Motor Dealers Act*;
- (g) “**driver’s licence**” means a valid and subsisting driver’s licence issued to a person pursuant to *The Vehicle Administration Act*;
- (h) “**goods**” includes livestock, liquids, wares, merchandise, gravel, sand and other material;
- (h.1) “**gross vehicle weight**” means:
 - (i) the combined weight of a vehicle, for which a certificate of registration or registration permit is required by this Act to be obtained, and the load carried on that vehicle; or
 - (ii) the combined weight of two or more vehicles coupled or joined together, for each of which a certificate of registration or registration permit is required by this Act to be obtained, and the combined weight of the loads carried on each of those vehicles;
- (i) “**highway**” means a road, parkway, driveway, square or place designed and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area;

- (i.1) **“immediate family”** of a person means the spouse or children of that person;
- (i.2) **“loading lamp”** means a fixed lamp that emits a white light and that provides illumination to the rear of a vehicle for the purpose of loading or unloading cargo or for coupling or uncoupling a trailer or semi-trailer;
- (j) **“minister”** means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (k) **“motorcycle”** means a vehicle that:
- (i) is propelled or driven by any means other than by muscular power;
 - (ii) has two or three wheels;
 - (iii) is designed for use on a highway; and
 - (iv) does not have a cab for the driver;
- but does not include:
- (v) industrial vehicles;
 - (vi) agricultural implements; or
 - (vii) all-terrain vehicles;
- (l) **“motor vehicle”** means a vehicle propelled or driven by any means other than by muscular power;
- (m) **“municipality”** includes a hamlet or organized hamlet established or continued pursuant to *The Municipalities Act*;
- (n) **“non-resident”** means:
- (i) a person who is not a resident of Saskatchewan;
 - (ii) a person who resides in Saskatchewan for any period not exceeding 90 days;
 - (iii) a person who becomes a resident of Saskatchewan with respect to the period of 90 days after he first becomes a resident; or
 - (iv) a corporation originally incorporated outside Saskatchewan;
- (n.1) **“official sign”** means a sign that is erected pursuant to a power or authority governed by this Act;
- (o) **“one-way highway”** means a highway designated as such by signs on or erected or posted along the highway directing traffic to proceed in only one direction;
- (p) **“operating authority certificate”** means a valid and subsisting operating authority certificate issued to a person pursuant to *The Motor Carrier Act*;
- (q) **“owner”** means an owner as defined in *The Vehicle Administration Act*;

- (r) **“parking”** means the standing of a vehicle, whether occupied or not, on a highway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to traffic regulations, signs or signals;
- (s) **“peace officer”** means:
- (i) a member of a police force in Saskatchewan;
 - (ii) a person or class of persons designated by the Lieutenant Governor in Council as traffic officers; or
 - (iii) any person appointed under *The Police Act, 1990* as a special constable or peace officer for the enforcement of this Act;
- (s.1) **“pedestrian”** includes a person in a wheelchair;
- (t) **“power unit”** means a motor vehicle designed and used primarily for pulling a semi-trailer;
- (u) **“prescribed”** means prescribed by the Lieutenant Governor in Council in the regulations;
- (v) **“provincial highway”** means a provincial highway as defined in *The Highways and Transportation Act, 1997*;
- (w) **“public service vehicle”** means a public service vehicle as defined in the regulations;
- (w.1) **“red light camera system”** means a device that is installed at an intersection with a traffic control signal and that is capable of photographing a vehicle or part of a vehicle and recording data related to the vehicle and the traffic control signal;
- (x) **“registration permit”** means a valid and subsisting registration permit issued pursuant to *The Vehicle Administration Act*;
- (x.1) **“resident”** means a resident as defined in the regulations;
- (y) **Repealed.** 2005, c.M-36.1, s.432.
- (y.1) **“safety certificate”** means a certificate of safety and fitness issued pursuant to section 81.8;
- (z) **“sale”** means a sale as defined in *The Vehicle Administration Act*;
- (aa) **“semi-trailer”** means a vehicle that is at any time drawn on a highway by a motor vehicle and that is designed for the conveyance of goods or as living quarters for persons and so that its weight and the weight of its load is carried partly on its own axles and partly on another vehicle, but does not include:
- (i) an agricultural implement;
 - (ii) timbers or metal beams with wheels attached used for the purpose of moving buildings;
 - (iii) an asphalt distributor used for the construction or maintenance of bituminous surfaced highways; or
 - (iv) an axle unit with a fifth wheel assembly used to convert a semi-trailer to a trailer;

- (bb) **“special mobile machine”** means a vehicle:
- (i) that is not designed or used for the transportation of passengers or goods and that only uses a highway incidentally to its basic purposes;
 - (ii) that is designed and used exclusively for moving earth or construction materials on locations off highways or for general construction or industrial purposes and that only uses a highway incidentally to its basic purposes; or
 - (iii) used for the purpose of highway construction and maintenance;
- but does not include a dumptruck or a truck mounted transit mixer or any other similar mounted machine;
- (cc) **“state”** means state as defined in *The Vehicle Administration Act*;
- (dd) **“stop”** means:
- (i) when required, a complete cessation from movement; and
 - (ii) when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic-control signal;
- (dd.01) **“student”** means a student as defined in the regulations;
- (dd.1) **“tow dolly”** means an apparatus that is designed exclusively to carry one axle of a motor vehicle for the purpose of towing that motor vehicle behind another motor vehicle;
- (dd.11) **“tow truck”** means a motor vehicle used primarily for towing or rendering assistance to other vehicles suffering from a defect or disability in their means of locomotion;
- (dd.2) **“towing vehicle”** means the lead motor vehicle in a combination of vehicles that draws, pulls or tows any other vehicle or vehicles in that combination of vehicles;
- (dd.3) **“traffic control device”** means a sign, signal, marking or device that is placed, marked or erected for the purpose of regulating, warning or guiding traffic;
- (dd.4) **“traffic control signal”** means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;
- (ee) **“traffic lane”** means a longitudinal division of a highway of sufficient width to accommodate the passage of a single line of vehicles;
- (ff) **“trailer”** means a vehicle, other than a semi-trailer, that is at any time drawn on a highway by a motor vehicle and that is designed for the conveyance of goods or as living quarters for persons, but does not include:
- (i) a motor vehicle towed for sale, storage or repair purposes;
 - (ii) an agricultural implement;
 - (iii) an axle unit with a fifth wheel assembly used to convert a semi-trailer to a trailer;

- (iv) **Repealed.** 2000, c.13, s.3.
- (v) timbers or metal beams with wheels attached used for moving buildings;
- (vi) an asphalt distributor used for the construction or maintenance of bituminous surfaced highways;
- (vii) a vehicle, other than a house trailer, camping trailer or boat trailer, that:
 - (A) has a combined weight composed of the weight of the vehicle and the load carried on it of less than 4 600 kilograms; and
 - (B) is drawn by a motor vehicle registered as a farm truck, if that motor vehicle is being used for a purpose for which a vehicle registered as a farm truck may be used; or
- (viii) a tow dolly;

and a trailer is deemed to be a separate vehicle and not part of the motor vehicle by which it is drawn;

(gg) **“truck”** means a motor vehicle that is:

- (i) designed for the conveyance of goods;
- (ii) equipped with a lifting device; or
- (iii) on which any machinery is permanently mounted;

(hh) **“vehicle”** means a device in, on or by which a person or thing is or may be transported or drawn on a highway and includes special mobile machines and agricultural implements but does not include vehicles running only on rails or solely on railway company property;

(hh.1) **“wheelchair”** means a device:

- (i) mounted on wheels;
- (ii) driven by muscular or any other kind of power; and
- (iii) used solely by a person who requires the device for mobility by reason of a physical disability;

(ii) **“wrecker”** means a person who in the course of his business buys or acquires motor vehicles and dismantles them for the purpose of selling or otherwise disposing of their parts, but a person who buys or acquires only tractors is deemed not to be wrecker.

(2) A reference in this Act to an Act of the Parliament of Canada is a reference to that Act as amended from time to time.

1986, c.H-3.1, s.2; 1989-90, c.10, s.3; 1990-91, c.17, s.3 and c.P-15.01, s.99; 1992, c.54, s.3; 1993, c.17, s.12; 1996, c.4, s.3; 2000, c.13, s.3; 2002, c.C-11.1, s.385; 2004, c.13, s.3; 2005, c.M-36.1, s.432.

Exemption and registration of non-resident owners

3 The Lieutenant Governor in Council may make regulations:

- (a) exempting non-resident owners of any class of vehicles from the application of all or any part of this Act or the regulations; and
- (b) prescribing the terms and conditions pursuant to which non-resident owners may register any class of vehicles for operation in Saskatchewan.

1989-90, c.10, s.4

PART II
Highway Traffic Board

Board continued

4(1) The Highway Traffic Board continued pursuant to *The Vehicles Act, 1983* is hereby continued and consists of at least five persons appointed by the Lieutenant Governor in Council.

(2) The board is responsible to the minister in the performance of the duties and exercise of the powers imposed or conferred on it.

(3) The board is a body corporate.

(4) Each member of the board holds office at the pleasure of the Lieutenant Governor in Council.

(5) The Lieutenant Governor in Council may appoint a person to act as a member of the board for a limited period of time or with respect to a particular matter.

(6) A majority of the members of the board constitutes a quorum.

1986, c.H-3.1, s.4; 1990-91, c.17, s.4.

Vacancy, absence

5(1) A vacancy in the membership of the board does not impair the power of the remaining members to act.

(2) Where, after a matter before the board has been heard and stands for decision, one of the members by whom the matter was heard resigns his office, dies or is absent through any cause, the remaining members constitute a quorum and may render a decision as if that member were present.

1986, c.H-3.1, s.5.

Chairman and vice-chairmen

6(1) The Lieutenant Governor in Council shall designate one member of the board as chairman and one or more other members as vice-chairmen of the board.

(2) The chairman is the chief executive officer of the board and shall direct and supervise all of its activities.

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(3) Where the chairman is absent or unable to act for any reason or where the position of chairman is vacant, a vice-chairman or other member of the board designated by the minister shall act as chairman and, while so acting, has all of the powers and shall perform all of the duties of the chairman.

(4) Whenever it appears that a member of the board other than the chairman has acted for and in place of the chairman, it is to be conclusively presumed that he has so acted in the absence or disability of the chairman.

1986, c.H-3.1, s.6.

Committees and members sitting alone

7(1) The board may designate any three or more of its members to sit as a committee of the board and may direct that committee to exercise or perform any powers or duties that the board itself could exercise or perform.

(2) A committee may not sit concurrently with the board, but any number of committees may sit concurrently.

(3) Two members of a committee constitutes a quorum at any sitting of a committee.

(4) A decision or action of a committee in relation to the exercise or performance of any power or duty delegated to the committee is the decision or action of the board.

1986, c.H-3.1, s.7.

Decisions and orders

8(1) An order of the board need not show on its face that any proceeding or notice was had or taken or that any circumstances existed necessary to give it jurisdiction.

(2) Subject to subsection (2.1), the board may:

(a) rehear or review any application; and

(b) on a hearing or review pursuant to clause (a), confirm, amend or revoke any decision or order made by it.

(2.1) The board may rehear or review an application pursuant to subsection (2) only if it is satisfied that:

(a) there is new evidence that:

(i) was not available at the time of the initial decision or order; and

(ii) is important and relevant to the initial decision or order; and

(b) it is important and in the public interest to rehear or review the initial decision or order.

(3) A rehearing or review by the board does not operate to stay its original decision.

1986, c.H-3.1, s.8; 2004, c.13, s.4.

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Remuneration and travelling expenses

9(1) Subject to subsection (2), a member of the board is entitled to reimbursement for travelling expenses authorized by the board that are incurred while the member is absent from his or her ordinary place of residence in the course of exercising his or her responsibilities.

(2) The minister shall pay members of the board for travel and other expenses incurred by the member in connection with board business in accordance with the tariff of travel and sustenance expenses approved pursuant to *The Public Service Act, 1998* for employees in the public service.

1996, c.4, s.4; 1998, c.P-42.1, s.42.

GENERAL POWERS AND DUTIES OF BOARD

Conduct of business

10(1) The board shall sit at any times and places, either within or outside Saskatchewan, and shall conduct its proceedings in any manner that, in its opinion, is most convenient for the speedy and effective dispatch of its business.

(2) The board shall keep any records necessary for the proper conduct of its business.

1986, c.H-3.1, s.10.

Disclosure of information

11(1) Reports made to the board pursuant to this Act or any other Act are the property of Her Majesty in right of Saskatchewan and are not to be made public.

(2) Notwithstanding subsection (1), the board may, with the written consent of the person to whom a report relates, furnish the person named in the consent with the information contained in the report.

1986, c.H-3.1, s.11.

Powers related to other legislation

12(1) The board has the capacity to accept and exercise the powers conferred on it by the *Motor Vehicle Transport Act* (Canada).

(2) **Repealed.** 1989-90, c.5, s.5.

1986, c.H-3.1, s.12; 1989-90, c.5, s.5.

Powers pursuant to agreements

13 The board has the capacity to accept and exercise any powers conferred on it pursuant to any agreement that is:

- (a) entered into by the minister pursuant to this Act or any other Act; and
- (b) designated by the Lieutenant Governor in Council in the regulations.

1986, c.H-3.1, s.13.

c. H-3.1**HIGHWAY TRAFFIC****Powers in inquiries and investigations**

14(1) The board has the powers of commissioners under *The Public Inquiries Act*.

(2) In hearings and investigations before it, the board is not bound by the technical rules of legal evidence and may hear and determine all questions of law or of fact.

1986, c.H-3.1, s.14.

Reports to board

15(1) The board may authorize any person to report to the board on any question or matter arising in connection with the business of the board, and, when so authorized, that person has all the powers of the board for the purpose of taking evidence or acquiring the necessary information for the purpose of the report.

(2) When a report is made to the board pursuant to subsection (1), the board may adopt or otherwise deal with it in any manner that the board considers appropriate.

1986, c.H-3.1, s.15.

Delegation of board's powers

16(1) The board may authorize any person to perform any powers or duties of the board that the board may delegate to him.

(2) The board may, on its own motion or on the application of a person affected by a decision made or action taken by a person pursuant to subsection (1), review the decision or action and substitute any decision or action that the board considers appropriate.

(3) A decision or action of a person in relation to the exercise or performance of any power or duty delegated to that person pursuant to subsection (1) is deemed to be a decision or action of the board.

1986, c.H-3.1, s.16; 1989-90, c.10, s.5.

PART III
Driver's Licences

Driver's licence required

17(1) No person shall drive a motor vehicle on a highway unless he holds a driver's licence permitting him to drive that motor vehicle.

(2) Subsection (1) does not apply:

(a) to a person who:

(i) carries with him a licence to drive issued to him by the Government of Canada and is operating a motor vehicle in the service of and owned by the Government of Canada and produces the licence at the request of any peace officer;

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(i.1) is a non-resident who carries with him or her a valid driving permit that is:

(A) issued to him or her by a member state of the European Union; and

(B) recognized by all member states of the European Union;

(ii) subject to subsection 27(1) of *The Vehicle Administration Act*, is a non-resident if, while driving a motor vehicle in Saskatchewan, the non-resident:

(A) carries a valid licence that permits the non-resident to operate that motor vehicle on a highway in the jurisdiction in which the non-resident resides or formerly resided; and

(B) produces that licence or permit at the request of a peace officer;

and produces the licence or the licence and permit at the request of any peace officer;

(iii) is a non-resident temporarily in Saskatchewan for the purpose of attending an educational institution as a student, or of participating as a student in an exchange program or other educational program recognized by the board, and drives a motor vehicle for the period during which he is such a student, if he carries with him a licence that permits him to drive that motor vehicle on the highways in the jurisdiction in which he is a resident and produces the licence at the request of any peace officer;

(iii.1) is a non-resident and is the spouse or other immediate family member of a non-resident temporarily in Saskatchewan for the purpose of attending an educational institution as a student, or of participating as a student in an exchange program or other educational program recognized by the board, and drives a motor vehicle for the period during which his or her spouse or other immediate family member is such a student, if he or she carries with him or her a licence that permits him or her to drive that motor vehicle on the highways in the jurisdiction in which he or she is a resident and produces the licence at the request of any peace officer;

(iv) is 15 years of age or older, is driving a driver training vehicle and is taking instructions from and is accompanied by a person who holds a valid and subsisting instructor's certificate issued pursuant to *The Vehicle Administration Act*; or

(v) is an applicant for a driver's licence and accompanied by or under the direction of a person authorized pursuant to *The Vehicle Administration Act* to conduct an examination; or

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- (b) to the driver of:
 - (i) a fire engine or a fire department apparatus;
 - (ii) a self-propelled agricultural implement;
 - (iii) a wheelchair;
 - (iv) a vehicle towed for sale, storage or repair purposes;
 - (v) a vehicle that only crosses a highway, if:
 - (A) he stops the vehicle before entering on the highway;
 - (B) he yields the right of way to all other vehicles and persons on the highway; and
 - (C) the vehicle crosses the highway by the most direct route; or
 - (vi) a special mobile machine.
- (3) In a prosecution for a violation of subsection (1), the onus is on the accused to show that he holds an appropriate driver's licence.

1986, c.H-3.1, s.17; 1989-90, c.10, s.6; 2000, c.13, s.4; 2002, c.48, s.3.

Receipt deemed licence

18 A receipt issued pursuant to *The Vehicle Administration Act* in connection with the payment of a licence fee pending the issuance of a driver's licence is deemed to be the driver's licence applied for and expires on the expiry date shown on the receipt or, where no expiry date is shown, after 90 days from the date of its issue.

1986, c.H-3.1, s.18.

Prohibitions

- 19(1)** No person shall hold more than one driver's licence.
- (2) No person, other than the administrator, shall wilfully deface or alter:
- (a) a driver's licence; or
 - (b) a photo identification card issued by the administrator.
- (3) No person shall possess a driver's licence that is not signed in such a manner that the signature cannot be erased.

1986, c.H-3.1, s.19; 2004, c.13, s.6.

Driver's licences

- 20(1)** Every driver of a motor vehicle for which a driver's licence is required shall produce his driver's licence or receipt when requested to do so by a peace officer, either at the time of the request or within 48 hours after that time, at any time and place that may be designated by the peace officer making the request.
- (2) No person shall produce any driver's licence other than his own.
- (3) No holder of a driver's licence shall allow another person to use his driver's licence.

1986, c.H-3.1, s.20.

Endorsement or restriction of driver's licence

21 No person shall drive a motor vehicle in a manner other than that specified in any endorsement or restriction that has been placed on his driver's licence pursuant to *The Vehicle Administration Act*.

1986, c.H-3.1, s.21.

Prohibition re children

22 Subject to:

- (a) subsection 17(2);
- (b) *The All Terrain Vehicles Act*;
- (c) *The Snowmobile Act*; and
- (d) the regulations made pursuant to *The Vehicle Administration Act*;

no person under the age of 16 years shall drive a motor vehicle on a highway.

1989-90, c.10, s.7.

PART IV
Registration of Vehicles
 CERTIFICATES OF REGISTRATION

Registration required

23(1) No person by himself or by his agent or employee shall drive a motor vehicle, trailer or semi-trailer on a highway, unless a certificate of registration or registration permit is obtained pursuant to *The Vehicle Administration Act* with respect to the vehicle.

(2) Subsection (1) does not apply to:

- (a) a person operating a vehicle in Saskatchewan for which a permit has been issued by another jurisdiction for the purposes of moving the vehicle, if:
 - (i) the permit holder is the owner of the vehicle or has the owner's permission to operate the vehicle;
 - (ii) the vehicle is not being used primarily for the transportation of goods;
 - (iii) the permit holder can give proof of financial responsibility as required by *The Vehicle Administration Act*; and
 - (iv) the point of origin and the point of destination are stated on the permit and the permit holder is taking the most direct route between the two points;

unless the person is disqualified by law from applying for a certificate of registration or registration permit;

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- (b) a person who is:
 - (i) a non-resident; or
 - (ii) temporarily in Saskatchewan for the purpose of attending an educational institution as a student, or of participating as a student in an exchange program or other educational program recognized by the board, and drives a motor vehicle for the period during which he is such a student;
 if he:
 - (iii) has complied with the law of the jurisdiction in which he resides or formerly resided with respect to the registration of the vehicle;
 - (iv) carries with him the certificate of registration and displays licence plates on the vehicle as required by the law of that jurisdiction; and
 - (v) gives proof of financial responsibility as required by *The Vehicle Administration Act*;
- (c) subject to any reciprocity agreement, a person who:
 - (i) uses a trailer leased from a non-resident engaged in the business of trailer rentals and tows the trailer into Saskatchewan to the destination shown on the rental agreement or to the place of business within Saskatchewan of any of the lessor's agents where it is to be delivered, if:
 - (A) the lessor has complied with the law of the jurisdiction in which he resides with respect to the registration of the trailer; and
 - (B) the lessee carries with him the certificate of registration and displays licence plates on the trailer as required by the law of the jurisdiction where the trailer is registered; or
 - (ii) leases a trailer from a person, engaged in the business of trailer rentals for the purpose of returning it to the jurisdiction where it is registered;
- (d) the driver of:
 - (i) a fire engine or a fire department apparatus;
 - (ii) a self-propelled agricultural implement;
 - (iii) a wheelchair;
 - (iv) a motor vehicle towed for sale, storage or repair purposes;
 - (v) a vehicle that only crosses a highway, if:
 - (A) he stops the vehicle before entering on the highway;
 - (B) he yields the right of way to all other vehicles and persons on the highway; and
 - (C) the vehicle crosses the highway by the most direct route; or
 - (vi) a special mobile machine;

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- (e) a resident who is temporarily driving, for non-commercial purposes, a vehicle for which a permit has been issued by another jurisdiction;
 - (f) a resident who infrequently, on an occasional basis, drives a vehicle:
 - (i) for which a certificate has been issued in another jurisdiction; and
 - (ii) that is not owned, leased or rented by the resident.
- (3) The exceptions provided by clauses (2)(b) and (c) do not apply to a vehicle owned by a non-resident and used for commercial or public service purposes or in connection with the carrying on of farming operations.

1986, c.H-3.1, s.23; 1993, c.17, s.12; 1996, c.4, s.5; 2000, c.13, s.5; 2002, c.48, s.4.

Dealers

- 24(1)** Each vehicle controlled by the dealer is deemed to be registered when bearing a dealer plate issued pursuant to *The Vehicle Administration Act*.
- (2) No dealer shall permit a dealer plate to be displayed on a vehicle that is not controlled by him.
- (3) No dealer who sells a vehicle shall hold out or represent to the purchaser that a dealer plate will authorize the operation of the vehicle by the purchaser.

1986, c.H-3.1, s.24.

Police departments

- 25** Each motor vehicle owned and operated by a police department is deemed to be registered when bearing licence plates issued to the police department pursuant to *The Vehicle Administration Act*.

1986, c.H-3.1, s.25.

Certificates of registration

- 26(1)** No person shall use or permit the use of a certificate of registration with respect to any vehicle other than the vehicle with respect to which the certificate of registration was issued.
- (2) No person shall wilfully deface or alter any certificate of registration.
- (3) Every driver of a vehicle for which a certificate of registration is required shall produce the certificate of registration of the vehicle or receipt when requested to do so by a peace officer, either at the time of the request or within 48 hours after that time, at any time and place that may be designated by the peace officer making the request.

1986, c.H-3.1, s.26.

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Licence plates

27(1) No person shall drive on a highway, and no owner shall cause or allow to be driven on a highway, a motor vehicle, trailer, or semi-trailer, that is registered pursuant to *The Vehicle Administration Act*, unless the vehicle displays licence plates issued pursuant to *The Vehicle Administration Act* in the manner prescribed pursuant to that Act.

(2) No person shall drive a vehicle on a highway unless the licence plates are firmly secured to the vehicle so as to be distinctly visible and legible.

(3) No person shall use or permit the use of licence plates on any vehicle other than the vehicle for which the licence plates were issued.

(4) No person shall wilfully deface or alter any licence plate or drive a vehicle displaying any such licence plate.

(5) No person shall fail to display or exhibit on licence plates current and valid validation stickers issued to that person pursuant to *The Vehicle Administration Act* with respect to those licence plates.

(6) No person shall drive a vehicle on a highway if the licence plate or any portion of the licence plate is obstructed in any manner that prevents the licence plate, or any of the numbers or letters on the licence plate, from being accurately photographed by a red light camera system.

1986, c.H-3.1, s.27; 2000, c.13, s.6.

Representations re licence plates

28 No person shall sell, exchange or otherwise dispose of a motor vehicle, trailer or semi-trailer without removing the licence plates attached to the vehicle at the time of the sale, exchange or disposal.

1986, c.H-3.1, s.28.

Grace period – replacement vehicles

28.1(1) In this section, “**replacement vehicle**” means a vehicle that:

- (a) is acquired to replace a vehicle designated in a certificate of registration;
 - (b) is of a type and class similar to the vehicle designated in the certificate of registration; and
 - (c) has a gross vehicle weight that is equal to or less than the gross vehicle weight of the vehicle designated in the certificate of registration.
- (2) Notwithstanding subsections 26(1), 27(3), and 30(4), if a vehicle designated in a certificate of registration is sold and the holder of the certificate of registration acquires a replacement vehicle:
- (a) the certificate of registration is deemed to apply to the replacement vehicle and to continue in effect for a period ending on the earlier of:
 - (i) the expiry of seven days after the date of purchase of the replacement vehicle; and
 - (ii) the expiry date determined pursuant to section 30 that would otherwise apply; and

(b) the holder of the certificate of registration may, within the period mentioned in clause (a):

- (i) display on the replacement vehicle the licence plates issued for the vehicle that was sold; and
- (ii) operate, or permit another person to operate, the replacement vehicle on a highway if the operator carries in the replacement vehicle a bill of sale indicating when it was purchased.

2002, c.48, s.5.

Registration permits

29(1) The board may authorize the issue of a registration permit to operate a registered motor vehicle, trailer or semi-trailer for a purpose other than one authorized in the regulations made pursuant to this act for the class of vehicle to which the vehicle belongs.

(2) No person shall use or permit the use of a registration permit with respect to any vehicle other than the vehicle to which the registration permit relates.

(3) No person shall wilfully deface or alter any registration permit.

(4) Subject to subsection (5), every driver of a vehicle for which a registration permit is issued shall produce the registration permit or provide the permit number when requested to do so by a peace officer.

(5) Every driver of a vehicle for which a registration permit is issued to operate or move a vehicle from place to place, other than for the transportation of passengers, goods, wares, merchandise or commodities or for other commercial or business purposes, shall display the permit:

- (a) on the rear window of the vehicle;
- (b) if the vehicle is a trailer or semi-trailer that does not have a rear window, on the rear window of the vehicle by which it is towed; or
- (c) if neither the vehicle nor the towing vehicle has a rear window, on the passenger side of the front window of the vehicle or towing vehicle in a readily visible location.

(6) If no fee is prescribed for a registration permit, the board may set an appropriate fee.

1986, c.H-3.1, s.29.

Expiration

30(1) Except as otherwise provided in this section, every certificate of registration and registration permit expires on the date shown on the certificate of registration or registration permit.

(2) The certificate of registration of a vehicle, other than a public service vehicle, expires at the end of 60 days after the date of the death of the holder of the certificate.

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(3) The certificate of registration of a public service vehicle expires at the end of 90 days after the date of the death of the holder of the certificate or any further period that the board may allow.

(4) Except in the case of a transfer of licence plates pursuant to *The Vehicle Administration Act*, the certificate of registration of a vehicle expires on the sale, exchange or other disposal of the vehicle by the owner.

1986, c.H-3.1, s.30; 2000, c.13, s.8.

Leased vehicles

31(1) Every person engaged in the business of renting motor vehicles without drivers shall keep a record, signed by each person to whom a vehicle is rented, and containing particulars showing:

- (a) each vehicle rented;
- (b) the identity of the person to whom each vehicle is rented;
- (c) the number of the lessee's licence to drive and the jurisdiction of its issue;
- (d) the day on and time at which the vehicle is rented;
- (e) the time during which the vehicle is in possession of the person to whom it is rented; and
- (f) any further information that may be required by the board.

(1.1) Subsection (1) does not apply to a person who leases agricultural implements to another person.

(2) Every person engaged in the business of renting trailers or semi-trailers shall keep a record containing particulars showing:

- (a) each trailer or semi-trailer rented;
- (b) the number of the Saskatchewan certificate of registration issued with respect to the trailer or semi-trailer;
- (c) the day on and time at which the trailer or semi-trailer is rented; and
- (d) the name and address of the person to whom the trailer or semi-trailer is rented.

(3) A record kept pursuant to subsection (1) or (2) is to be made available to any peace officer who wishes to inspect it in order to ascertain whether this Act and the regulations are being complied with.

(4) A person who is an agent of a non-resident engaged in the business of renting motor vehicles or trailers in Saskatchewan is, for the purposes of section 93, deemed to be their owner.

1986, c.H-3.1, s.31; 1989-90, c.10, s.8; 1996, c.9, s.6.

32 Repealed. 1997, c.H-3.01, s.72.

PART V
Speed

Generally

33(1) Subject to the other provisions of this Act, no person shall drive a vehicle on a highway:

- (a) at a speed greater than 80 kilometres per hour; or
- (b) at a speed greater than the maximum speed indicated by any signs that are erected on the highway in accordance with section 35 or that are placed at the entrance to a park in accordance with section 36.

(1.1) Notwithstanding any provision of this Act, a person who drives a vehicle at a speed greater than 50 kilometres per hour over the applicable speed limit mentioned in subsection (1) is guilty of an offence.

(2) No person shall drive a vehicle on a highway at a speed greater than is reasonable and safe in the circumstances.

(3) No person shall drive a vehicle on a highway at a speed that impedes the normal and reasonable movement of traffic on the highway except when necessary for the safe operation of the vehicle.

1986, c.H-3.1, s.33; 2002, c.48, s.6.

Highways and Transportation Act

34 Where, under *The Highways and Transportation Act* or any former *Highways Act*, a speed zone is established by the erection of official signs indicating the maximum speed applicable to the speed zone, no person shall drive a vehicle on the portion of the highway within the speed zone at a greater speed than that indicated.

1986, c.H-3.1, s.34.

Speed zones and signs

35 The board may fix the maximum speed on a highway or a portion of a highway and shall cause to be erected and maintained, at each end of the highway and at reasonably suitable intervals along the highway, signs indicating that maximum speed but, where a part of a highway is situated within the boundaries of a municipality, other than the Northern Saskatchewan Administration District, and the maximum speed signs are erected at each end of the highway, no other signs need be posted.

1986, c.H-3.1, s.35.

Parks

36 Notwithstanding any other provision of this Act, the authority having jurisdiction over a park may fix the maximum speed of vehicles within the park and shall, by signs placed at each entrance to the park, indicate that maximum speed.

1986, c.H-3.1, s.36.

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36.1(1) In this section, “**school zone**” means the area between:

- (a) the traffic control device or official sign identifying an area as a school zone; and
 - (b) the traffic control device or official sign indicating a greater rate of speed or the end of the area as a school zone.
- (2) No person shall drive a vehicle in a school zone at a speed greater than the maximum speed indicated by any official sign.
- (3) If required in the regulations, a municipality shall enact a bylaw that complies with the regulations respecting:
- (a) the maximum speed at which vehicles may be driven in a school zone;
 - (b) the placing of traffic control devices and the posting of official signs to indicate school zones.
- (4) No person shall fail to comply with a bylaw enacted in accordance with subsection (3).
- (5) This Act and the regulations prevail in the case of any conflict between:
- (a) this Act and the regulations; and
 - (b) a bylaw enacted in accordance with subsection (3).

2004, c.13, s.8.

Highway workers

37(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing a highway worker or flagperson, or any highway equipment occupied by a highway worker, whose presence on the highway is marked in accordance with the regulations made by the board.

- (2) A flagperson or peace officer may direct traffic by voice, hand, signs or other signals while controlling traffic.
- (3) Every person driving a vehicle shall obey the directions given pursuant to subsection (2).

1986, c.H-3.1, s.37; 1996, c.29, s.3.

Passing emergency vehicles

37.1(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing an emergency vehicle that is stopped on the highway with its emergency lights in operation.

- (2) Subsection (1) does not apply where a vehicle is being driven on a highway that is divided into two roadways by a median and the vehicle is travelling on the opposite roadway from the emergency vehicle.

2000, c.13, s.9.

Animals

38 When approaching any animal visible on or beside a highway or so close to the highway as to constitute a hazard, every driver of a vehicle shall reduce his speed and pass the animal only if it is safe to do so.

1986, c.H-3.1, s.38.

PART VI
Rules of the Road
 STOPPING AND PARKING

Interpretation

39 In this Part:

- (a) **“crosswalk”** means:
 - (i) a clearly marked pedestrian crossing; or
 - (ii) if there is no clearly marked pedestrian crossing, the prolongation through the intersection of the lateral boundary lines of the adjacent or intersecting sidewalks at the end of a block;
- (b) **“intersection”** means the area contained within the straight production:
 - (i) of the lateral curb lines; or
 - (ii) in the absence of curb lines, of the lateral boundary lines;

of two or more highways that join one another at an angle, whether or not one such highway crosses the other.

1986, c.H-3.1, s.39.

Observance of rules of the road

39.1(1) Every person operating a motor vehicle shall, in so far as the rules of the road are applicable to the vehicle, obey the rules of the road set out in this Part, except:

- (a) when otherwise instructed by any traffic control device; or
 - (b) when otherwise directed by a peace officer.
- (2) Every person operating a motor vehicle shall obey the instructions of any traffic control device.
- (3) Notwithstanding any other provision of this Part, every person operating a motor vehicle shall obey the directions of a peace officer directing traffic.

1996, c.4, s.6.

Stopping

40(1) Except where a vehicle is stopped pursuant to section 43, no person shall stop a vehicle on a highway outside the boundaries of a municipality unless the vehicle is stopped:

- (a) at the right-hand edge of the highway as far as possible from its centre; and
- (b) more than 30 metres from any vehicle stopped on the opposite side of the highway.

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(2) Every person in charge of a stationary vehicle or other obstruction on a highway outside the boundaries of a municipality shall mark its position as follows to warn other users of the highway of the stationary vehicle or obstruction:

- (a) in the case of a stationary vehicle that is equipped with hazard lights, activate the hazard lights;
- (b) in the case of a stationary vehicle that is 2 060 millimetres or wider:
 - (i) if the vehicle is equipped with hazard lights, activate the hazard lights and set out designated flares where required to do so pursuant to subsection (2.1); and
 - (ii) if the vehicle is not equipped with hazard lights, set out designated flares where required to do so pursuant to subsection (2.1); and
- (c) in the case of an obstruction other than a stationary vehicle, in any manner that will give due warning of the obstruction to other users of the highway.

(2.1) For the purposes of clause (2)(b), designated flares must be used where:

- (a) a vehicle intrudes on the travelled portion of the highway;
- (b) a vehicle is disabled; or
- (c) a vehicle is parked on the highway for more than four hours.

(2.2) In this section, “**designated flares**” means flares that are permitted pursuant to *The Vehicle Administration Act*.

(3) No person shall remove or tamper with hazard lights or flares or other warning devices that have been placed on a highway to mark the position of a stationary vehicle or obstruction.

(4) The driver of a vehicle shall bring the vehicle to a stop:

- (a) at every place where a stop sign is erected;
- (b) when approaching a railway crossing, and a signal person or automatic signal indicates the approach of a train; or
- (c) when directed to do so by a school crossing guard patrolling a crosswalk pursuant to subsection 188(4) of *The Education Act*.

(5) The driver of:

- (a) a bus transporting passengers; or
- (b) a vehicle that is transporting goods in an amount that requires the vehicle to be placarded pursuant to regulations made pursuant to *The Dangerous Goods Transportation Act*;
- (c) **Repealed.** 1989-90, c.10, s.9.

shall bring the vehicle to a stop before proceeding over a level railway crossing.

(6) No person who is required to stop pursuant to subsection (4) or (5) shall proceed until it is safe to do so.

(7) Subsection (5) does not apply if an automatic signal is erected at the railway crossing and the signal indicates that it is safe to proceed.

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(8) A peace officer who:

- (a) is readily identifiable as a peace officer; and
- (b) is in the lawful execution of his or her duties and responsibilities;

may require the person in charge of or operating a motor vehicle to stop that vehicle.

(9) A person in charge of or operating a motor vehicle shall, when signalled or requested to stop by a peace officer pursuant to subsection (8), immediately bring that vehicle to a safe stop.

1986, c.H-3.1, s.40; 1989-90, c.10, s.9; 1996, c.4, s.7 and, c.29, s.4; 2002, c.48, s.7.

Prohibited parking

41(1) The board may prohibit the parking of vehicles on any portion of a provincial highway or within areas adjacent to or bordering on buildings or property owned or used by Her Majesty in right of Saskatchewan.

(2) No person shall park a vehicle in any place where parking is prohibited under subsection (1).

1986, c.H-3.1, s.41.

SCHOOL BUSES

Operation and use

42 The Lieutenant Governor in Council may make regulations respecting the operation or use of school buses.

1986, c.H-3.1, s.42.

Safety lights

43(1) Subject to the approval of the board, the council of a municipality, other than a rural municipality, may make bylaws prohibiting the use of safety lights and stop arms on a highway located within its boundaries.

(2) The driver of a vehicle proceeding in the same direction on a highway as a school bus that has its safety lights in operation shall not pass the school bus.

(3) The driver of a vehicle proceeding in the same direction on a highway as a school bus that is stopped and that has its safety lights and stop arm in operation shall stop at least five metres from the rear of the school bus and shall not proceed until the operation of the safety lights and stop arm has been discontinued.

(4) When a school bus is stopped and has its safety lights and stop arm in operation, the driver of a vehicle that is approaching the school bus from the opposite direction on a highway, other than a divided highway, shall stop at least five metres from the front of the school bus and shall not proceed until the operation of the safety lights and stop arm has been discontinued.

(5) Any person who contravenes subsection (2), (3) or (4) is guilty of an offence and liable on summary conviction to a fine of not less than \$250 and not more than \$1,000.

1986, c.H-3.1, s.43.

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MANNER OF DRIVING

Driving with due care

44(1) No person shall drive a vehicle on a highway without due care and attention.

(2) No person shall drive a vehicle on a highway without reasonable consideration for other persons using the highway.

1986, c.H-3.1, s.44.

Speed contests and stunts

45(1) No person shall drive a motor vehicle on a highway in any contest of speed.

(2) No person, whether as a pedestrian, passenger or driver, shall, whether or not with the use or aid of any vehicle or other thing, perform or engage in any stunt or other activity on a highway that is likely to distract, startle or interfere with other users of the highway.

1986, c.H-3.1, s.45.

Excessive noise

46 No person shall create or cause the emission of any loud and unnecessary noise from a motor vehicle, a part of a motor vehicle or any thing or substance that the motor vehicle or a part of the motor vehicle comes into contact with.

1986, c.H-3.1, s.46.

Funeral processions

47(1) Except as provided in this section, every vehicle in a funeral procession must obey the rules of the road.

(2) A vehicle in a funeral procession may, during daylight hours, proceed through an uncontrolled intersection if it is safe for the vehicle to proceed and the other vehicles on the highway have yielded the right of way.

(3) No person shall drive through, interfere with or obstruct a funeral procession.

(4) For the purposes of subsection (3), a person will not be deemed to have driven through, interfered with, or obstructed a funeral procession if the person proceeds through an intersection when he or she has the right of way.

2000, c.13, s.10.

Passing and overtaking

48(1) The driver of a vehicle on a highway shall:

(a) when meeting, and until passed, a person or vehicle using the highway and proceeding in the opposite direction, keep to the right of the centre of the highway;

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(b) on overtaking a person or vehicle using the highway, pass to the left, unless:

(i) he is approaching an intersection of highways at which he intends to make a right turn or he is approaching an intersection of highways that he intends to cross without turning and the other person is making or has indicated that he is about to make a left turn, in which case he may pass to the right;

(ii) the highway is within the boundaries of a municipality or is a one-way highway, in which case he may pass to the right if:

(A) the highway is free from obstructions and of sufficient width for two or more lanes of moving vehicles; and

(B) the movement can be made safely;

but he shall not pass by driving off the pavement or travelled portion of the highway.

(2) No driver of a vehicle on a highway outside the boundaries of a municipality shall pass or attempt to pass any person or vehicle proceeding in the same direction at an intersection unless it is safe to do so.

(3) After having overtaken and passed another person or vehicle using the highway, no driver of a vehicle on a highway shall move in front of the other person or vehicle until it is safe to do so.

(4) When about to be overtaken on the left by another person or vehicle using the highway, a driver of a vehicle on a highway shall keep to the right and shall not increase his speed until the other person or vehicle has passed and reached the right-hand side of the highway, unless the highway is a one-way highway.

(5) No driver of a vehicle on a highway outside the boundaries of a municipality shall pass or attempt to pass any other person or vehicle proceeding in the same direction if he does not have a clear view of the highway for a distance of 320 metres in the direction of travel, but this subsection does not apply if the highway is divided into two or more traffic lanes in the same direction of travel.

1986, c.H-3.1, s.48.

Turning

49(1) When the driver of a vehicle intends to turn right at an intersection, he shall approach the intersection and make the turn as closely as possible to the right-hand curb or edge of the highway.

(2) When the driver of a vehicle intends to turn left at an intersection, he shall approach the intersection in the extreme left-hand lane that is lawfully available to traffic moving in the direction he is travelling and, after entering the intersection, shall make the left turn so as to leave the intersection, as nearly as possible, in the extreme left-hand lane that is lawfully available to traffic moving in the direction he is travelling on the highway that he is entering.

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(3) Where more than one lane of a highway has been designated, using signs or pavement markings, as a right or left turn lane, a driver intending to turn right or left into an intersecting highway shall:

- (a) approach the intersection in one of the designated lanes; and
- (b) leave the intersection in the lane of the intersecting highway that corresponds to the lane from which the turn was commenced.

1986, c.H-3.1, s.49; 1989-90, c.10, s.10.

Yielding right of way

50(1) If two vehicles arrive at an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the driver of the vehicle on the right.

(2) Subsection (1) does not apply to the operation of vehicles at an intersection where a peace officer is on duty, traffic lights are in operation or a stop sign is erected.

(3) When the driver of a vehicle intends to turn left across the path of any vehicle approaching from the opposite direction, he shall yield the right of way and shall not make the turn until he has afforded a reasonable opportunity to the driver of the approaching vehicle to avoid a collision.

(4) Before entering a provincial highway, the driver of a vehicle shall yield the right of way to vehicles on the provincial highway.

(5) At an intersection where a sign is erected conveying the message "yield" by words or symbols, the driver of a vehicle shall yield the right of way to other vehicles in or approaching the intersection.

(6) No driver of a vehicle shall enter or cross a highway or a sidewalk from a private road or driveway or a lane or alley unless he yields the right of way to pedestrians and vehicles approaching from the sidewalk or highway.

(7) Every driver of a vehicle on a highway shall yield the right of way to the operator of road maintenance and construction equipment that has its warning lights in operation.

(8) No driver who has yielded the right of way as required by this section shall proceed until it is safe to do so.

1986, c.H-3.1, s.50.

Driving on left prohibited

51 No person shall drive a vehicle or ride an animal to the left of the centre of the highway, other than a one-way highway, unless:

- (a) there is no traffic proceeding in the opposite direction; and
- (b) it is safe to do so.

1989-90, c.10, s.11.

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One-way highways

52 Where a highway is a one-way highway, no person shall drive a vehicle in a direction other than the direction indicated by the signs erected along the highway.

1986, c.H-3.1, s.52.

Backing up

53 No person shall cause a vehicle to move backward on or onto a highway unless the movement can be made safely.

1986, c.H-3.1, s.53.

Pedestrians

54(1) When the driver of a vehicle on a highway within the boundaries of a municipality approaches an intersection or clearly marked pedestrian crosswalk where a peace officer is not on duty and traffic lights are not in operation and a pedestrian is crossing the highway, he shall stop the vehicle and yield the right of way to the pedestrian if the pedestrian is on the half of the highway on which the vehicle is travelling or is approaching so closely from the other half of the highway that he is in danger.

(2) Where a vehicle is stopped in compliance with subsection (1), no person driving a vehicle proceeding in the same direction on the highway shall overtake or pass that vehicle.

(3) No pedestrian shall leave a curb or other place of safety and proceed into the path of a vehicle on a highway that is so close that it is impracticable for the driver to yield the right of way.

(4) Nothing in this section relieves the driver of a vehicle from the duty to exercise due care for the safety of pedestrians.

(5) No person, other than a pedestrian in charge of an animal, shall walk along that portion of a highway used for vehicular traffic, except close to the edge on his left.

1986, c.H-3.1, s.54.

Road maintenance or construction equipment

55(1) Every operator of equipment that has its warning lights in operation and is engaged in the maintenance or construction of highways may operate equipment on any portion of a highway that may be necessary for the discharge of his duties.

(2) No operator of equipment engaged in the maintenance or construction of highways shall activate its warning lights unless he is on a highway.

1986, c.H-3.1, s.55.

c. H-3.1**HIGHWAY TRAFFIC****Following vehicles**

56(1) No driver of a vehicle on a highway shall follow another vehicle more closely than is reasonable having regard to:

- (a) the speed of the other vehicle;
- (b) the amount and nature of traffic on the highway; and
- (c) the condition of the highway.

(2) A driver of a vehicle, other than in a funeral procession, on a highway outside the boundaries of a municipality and following another vehicle shall leave sufficient space between his vehicle and the other vehicle to enable an overtaking vehicle to enter and occupy the space without danger.

(3) Subsections (1) and (2) are not to be construed to prohibit the driver of a vehicle from overtaking and passing another vehicle.

1986, c.H-3.1, s.56.

Controlled access highways

57 No driver of a vehicle shall enter or leave a controlled access highway except at a place where signs indicate that vehicles may do so.

1986, c.H-3.1, s.57.

Crossing certain highways

58 No driver of a vehicle shall cross a highway within the boundaries of a municipality except:

- (a) at an intersection with another highway; or
- (b) if not prohibited by municipal bylaw, at an intersection with a lane or alley.

1986, c.H-3.1, s.58.

Traffic Lanes

59(1) Where a highway is divided into traffic lanes the following rules apply:

- (a) every driver of a vehicle shall drive as nearly as is practicable entirely within one lane and shall not drive from that lane to another unless it is safe to do so;
- (b) no driver of a vehicle shall drive from one traffic lane to another where a solid line exists between lanes except:
 - (i) where solid and broken lines exist together, in which case he may cross the solid line from a lane in which the broken line exists; or
 - (ii) where the lane is designated by signs as a two-way left turn lane;
- (c) no driver of a vehicle shall drive to the left of the centre of the highway where a solid line exists in the right-hand lane near the centre of the highway;

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- (d) a driver of a vehicle may drive from one traffic lane to another where broken lines exist between lanes;
 - (e) no driver of a motorcycle shall drive so that more than two motorcycles move abreast in a traffic lane at any time;
 - (f) no driver of a motorcycle shall drive beside any other vehicle in the same traffic lane, unless that other vehicle is a motorcycle.
- (2) No driver of a vehicle shall drive in a lane designated by signs as a two-way left turn lane except to make a left turn from the two-way left turn lane at an intersection or curb crossing.

1998, c.23, s.3.

Medians

- 60(1)** Where a highway is divided into two roadways by a median, a driver of a vehicle shall drive only on the right-hand roadway.
- (2) No driver of a vehicle shall drive or attempt to drive over the median, except at a crossover or intersection established by the public authority having jurisdiction over the highway.

1986, c.H-3.1, s.60.

Parking vehicles

- 61** No person shall, in or on a place that is not a highway and that the public is ordinarily permitted to use for the parking of vehicles, do anything that, if done on a highway, would be a violation of:
- (a) subsection 33(2);
 - (b) clause 40(4)(a);
 - (c) sections 44 to 46;
 - (d) clause 48(1)(a);
 - (e) subsection 49(1) or (2);
 - (f) subsection 50(1), (3) or (5);
 - (g) section 52 or 53;
 - (h) subsection 54(1);
 - (i) subsection 56(1); or
 - (j) section 64 or 65.

1989-90, c.10, s.12

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Headlights

62(1) No person shall drive a vehicle during the period from one half hour after sunset to one half hour before sunrise or at any other time when conditions of poor visibility exist, unless lights as prescribed in the regulations made pursuant to *The Vehicle Administration Act* are in operation.

(2) Every driver of a vehicle with headlights in use shall change the headlights from high beam to low beam:

(a) when he is at a distance of not less than 200 metres from a vehicle approaching from the opposite direction, and shall keep the headlights on low beam until the other vehicle has passed;

(b) when he is at a distance of not less than 100 metres from a vehicle that he is following, and shall keep the headlights on low beam while he is following the other vehicle;

(c) when he is at a distance of not less than 100 metres from a vehicle proceeding in the same direction that he intends to pass, and shall keep the headlights on low beam until he is abreast of the other vehicle; and

(d) on being overtaken by another vehicle proceeding in the same direction, and shall keep the headlights on low beam until the other vehicle has proceeded a distance of not less than 100 metres ahead of his vehicle.

(3) Clause (2)(a) does not apply where the vehicle is being driven on a highway that is divided into roadways and the distance between the roadways at the place where the vehicle is being driven is 22 metres or more.

(4) When a vehicle is stopped on a highway and the headlights are in use, the person having care and control of the vehicle shall maintain the headlights on low beam.

1986, c.H-3.1, s.62; 1996 c.29, s.5.

Spot lights

63 Every driver of a vehicle with a spot light in use shall extinguish it:

(a) when he is at a distance of not less than 500 metres from a vehicle approaching from the opposite direction, and shall keep it extinguished until the other vehicle has passed;

(b) when he is at a distance of not less than 100 metres from a vehicle that he is following, and shall keep it extinguished while he is following the other vehicle;

(c) when he is at a distance of not less than 100 metres from a vehicle proceeding in the same direction that he intends to pass, and shall keep it extinguished until he has overtaken the other vehicle; and

(d) on being overtaken by another vehicle proceeding in the same direction, and shall keep it extinguished until the other vehicle has proceeded a distance of not less than 100 metres ahead of his vehicle.

1986, c.H-3.1, s.63.

Loading lamps

63.1 Every driver of a vehicle equipped with a loading lamp shall extinguish the loading lamp before driving the vehicle on a highway.

2000, c.13, s.11.

Beacons and flashing lights

63.2 Where a vehicle is fitted with an amber beacon or flashing light, the driver shall not light the amber beacon or put the flashing light into operation unless:

- (a) the vehicle is coming to a stop or is standing on a highway;
- (b) it is necessary to do so for the safe operation of the vehicle; or
- (c) the vehicle presents a hazard to other vehicles on the highway.

2000, c.13, s.11; 2002, c.48, s.8.

Signalling

64(1) If a vehicle is equipped with a signalling device, the driver of the vehicle on a highway shall use the signalling device to give a warning for a sufficient distance to warn other traffic of his intention to stop, abruptly reduce speed, turn or change lanes.

(2) Where a vehicle is not required to be equipped with a prescribed signalling device or where the signalling device malfunctions, the driver shall give a warning for a sufficient distance to warn other traffic of his intention:

- (a) to turn left, to turn out to the left from a stationary position at the side of the highway or to drive to the left from one traffic lane to another, by extending his left arm horizontally;
- (b) to turn right, to turn out to the right from a stationary position at the side of the highway or to drive to the right from one traffic lane to another, by extending his left arm from the shoulder to the elbow horizontally and from the elbow to the hand vertically upwards;
- (c) to stop or to abruptly reduce speed, by extending his left arm diagonally downwards.

1986, c.H-3.1, s.64.

Traffic lights

65(1) Whenever traffic is controlled by traffic lights, the lights indicate and apply to the drivers of vehicles and to pedestrians in accordance with the other provisions of this section.

(2) If a traffic light at an intersection displays only a green light:

- (a) the driver of a vehicle facing the light may proceed through the intersection or turn right or left, unless a sign at the intersection directs otherwise;
- (b) pedestrians facing the light may proceed across the intersection within the crosswalk.

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- (3) If a traffic light at an intersection displays only an amber light:
 - (a) the driver of a vehicle facing the light shall stop at the crosswalk, but, if the vehicle cannot be brought to a stop with safety, he may drive cautiously through the intersection;
 - (b) pedestrians facing the light shall not enter the intersection.
- (4) If a traffic light at a place other than an intersection displays only an amber light, the driver of a vehicle facing the light shall yield the right of way to pedestrians in the crosswalk or pedestrian corridor.
- (5) Subject to subsection (5.1), if a traffic light at an intersection displays only a red light:
 - (a) the driver of a vehicle facing the light shall stop at the intersection;
 - (b) the driver of a vehicle facing the light may enter the intersection and turn to the right, after stopping and yielding the right of way as may be required, unless there is a sign prohibiting a right turn on a red light;
 - (c) subject to section 66, pedestrians facing the light shall not enter the intersection.
- (5.1) If a traffic light at an intersection of two one-way streets displays only a red light:
 - (a) the driver of a vehicle facing the red light shall stop at the intersection;
 - (b) the driver of the vehicle facing the red light may enter the intersection and turn to the left, after stopping and yielding the right of way as may be required, unless there is a sign prohibiting a left turn on a red light;
 - (c) subject to section 66, pedestrians facing the red light shall not enter the intersection.
- (6) If a traffic light at a place other than an intersection displays only a red light, the driver of a vehicle facing the light shall stop at the light.
- (7) If a traffic light at an intersection displays one or more green arrows, the driver of a vehicle facing the light may enter the intersection and may only make a movement in the direction indicated by a green arrow.
- (8) If a traffic light at an intersection displays one or more green arrows in conjunction with one or more red lights, the driver of a vehicle facing the light may enter the intersection and may only make the movement indicated by a green arrow, after yielding the right of way to pedestrians and other vehicles lawfully within the intersection.
- (8.1) If a traffic light at a place other than an intersection displays one or more green arrows in conjunction with one or more red lights, the driver of a vehicle facing the light may make only the movement indicated by a green arrow, after yielding the right of way to pedestrians and other vehicles lawfully using the public highway.
- (9) If a traffic light displays a green arrow directly over or controlling a traffic lane, the driver of a vehicle facing the light may proceed only in the direction indicated by the arrow.

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(10) If a traffic light displays a flashing green arrow in conjunction with red or green lights controlling a traffic lane, the driver of a vehicle facing the light may make a left turn while the green arrow is flashing.

(11) If a traffic light displays a flashing red light, the driver of a vehicle facing the light shall stop at the crosswalk or at the light or sign, and shall not proceed until it is safe to do so.

(12) If a traffic light displays a flashing amber light, the driver of a vehicle facing the light may proceed with caution through the intersection.

(13) At an intersection of highways where a traffic light is in operation, no driver of a vehicle shall turn the vehicle so as to proceed in the opposite direction.

1986, c.H-3.1, s.65; 1990-91, c.17, s.5; 1996, c.29, s.6; 1998, c.23, s.4; 2000, c.13, s.12.

Tampering prohibited

65.1 No person other than a peace officer acting in the course of his or her duty or any other person acting in the course of his or her duty shall move, tamper with, obstruct, interfere with or wilfully deface or destroy a red light camera system.

2000, c.13, s.13.

Pedestrian signals

66(1) Whenever special pedestrian control signals exhibiting the words or symbols which signify “walk”, “wait” or “don’t walk” are used, the words or symbols indicate and apply to pedestrians and to drivers of vehicles in accordance with this section.

(2) If a signal exhibits words or symbols signifying “walk”, pedestrians facing the signal may proceed across the highway in the direction of the signal or, where the signal or a sign indicates that pedestrians may do so, in any direction, and drivers of vehicles shall yield the right of way to pedestrians.

(3) If a signal exhibits words or symbols signifying “wait” or “don’t walk”, pedestrians facing the signal shall not start to cross the highway in the direction of the signal, and a pedestrian who has partially crossed the highway shall proceed to a sidewalk or safety island while the words or the symbols which signify “wait” or “don’t walk” are showing.

1986, c.H-3.1, s.66.

Emergency vehicles

67(1) The driver of an emergency vehicle that is:

- (a) used for the transportation of a peace officer in the performance of his duties;
- (b) used for the transportation of a member of a fire department in response to an emergency;
- (c) an ambulance used in response to an emergency; or
- (d) a vehicle or class of vehicle designated by the board as an emergency vehicle which is used in response to an emergency;

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may, while an emergency exists and only while the emergency device and emergency light are in operation, drive contrary to this Act, the regulations or a traffic bylaw where it is necessary in the circumstances to do so.

(2) The driver of an emergency vehicle being operated in accordance with subsection (1) has the right of way over all other vehicles on the highway.

(3) If required to do so for the purpose of carrying out his or her duties, a peace officer may do all or any of the following:

- (a) drive a vehicle on a highway or a place described in section 61 through red traffic lights, or past stop or yield signs without stopping or yielding;
- (b) drive a vehicle in excess of the maximum speed permitted, as long as that speed is reasonable having regard to the traffic that is or might reasonably be expected to be on the highway or a place described in section 61;
- (c) contravene a traffic bylaw prohibiting drivers from turning the vehicle at an intersection so as to proceed in the opposite direction;
- (d) contravene section 60 or subsection 65(13);
- (e) park a vehicle contrary to this Act, the regulations or a traffic bylaw, if it is necessary in the interests of law enforcement and safe to do so in the circumstances;
- (f) disconnect any of the lighting equipment or lamps required in regulations made pursuant to *The Vehicle Administration Act*.

(4) The driver of an emergency vehicle exercising any of the privileges granted by this Act shall drive and park with due regard for safety, having regard to all the circumstances including:

- (a) the nature, condition and use of the highway;
- (b) the amount of traffic that is, or might reasonably be expected to be, on the highway; and
- (c) the nature of and the use of the vehicle at the time.

(5) A vehicle to which right of way is given under this section has priority of right of way over other vehicles to which the same right is given, in the following order of priority:

- (a) fire engines;
- (b) fire department apparatus;
- (c) ambulances;
- (d) police vehicles; and
- (e) vehicles approved as emergency vehicles by the board.

(6) No person shall equip a vehicle other than an emergency vehicle with an emergency device or an emergency light.

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(7) No person shall drive a vehicle that is equipped with an emergency device or an emergency light on a highway, unless the vehicle is an emergency vehicle.

(8) Unless otherwise directed by a peace officer, the driver of a vehicle on a highway shall, when approached by an emergency vehicle sounding an emergency device or operating an emergency light, immediately drive as close as possible to the right-hand edge of the highway and shall not enter the next intersection until the emergency vehicle has passed.

1986, c.H-3.1, s.67; 1990-91, c.17, s.6; 1996, c.29, c.7.

VEHICLES

Tampering with or damaging vehicles

68(1) No person, other than a peace officer acting in the performance of his duty, shall, without the consent of the owner or driver:

- (a) tamper with a vehicle; or
- (b) climb on or into a vehicle, whether it is in motion or at rest.

(2) No person shall throw anything at a vehicle or a person in or on a vehicle.

(3) On conviction for a violation of this section, the court may order that restitution be made to the person suffering damage, including all or any of the costs sustained as a result of the damage.

1986, c.H-3.1, s.68.

Attaching to vehicles

69(1) No person on a highway shall directly or by any attachment hold onto a moving vehicle other than the one on which he is riding.

(2) No driver of a vehicle shall permit any person to take hold of the vehicle or permit any device to be attached to the vehicle in violation of subsection (1).

1986, c.H-3.1, s.69.

70 Repealed. 1997, c.H-3.01, s.72.

Restrictions on radar warning devices

70.1(1) In this section:

- (a) **“commercial vehicle”** means a prescribed vehicle or class of vehicles;
- (b) **“radar warning device”** means any device designed or intended for use in a motor vehicle to warn the driver of the presence of radar or laser speed measuring equipment in the vicinity, and includes any device designed or intended for use in a motor vehicle to interfere with the effective operation of radar or laser speed measuring equipment.

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- (2) No person shall:
- (a) drive a commercial vehicle on a highway if that vehicle is equipped with, contains or is carrying a radar warning device, whether the device is operational or not; or
 - (b) permit a commercial vehicle of which he or she is the registered owner to become or remain equipped with a radar warning device.
- (3) If a peace officer has reasonable grounds to believe that a commercial vehicle is equipped with a radar warning device contrary to subsection (2), the peace officer may:
- (a) request or signal to the person in charge of or operating the commercial vehicle to stop the vehicle;
 - (b) search the commercial vehicle for evidence of a radar warning device; and
 - (c) seize any radar warning device that is in or on the commercial vehicle.
- (4) The person in charge of or operating a commercial vehicle, when requested or signalled to stop by a peace officer pursuant to subsection (3), shall:
- (a) immediately bring the commercial vehicle to a safe stop; and
 - (b) permit the peace officer to search the commercial vehicle.
- (5) Subsection (2) does not apply to a person who is transporting a radar warning device:
- (a) in a compartment of the commercial vehicle out of the reach of the driver; or
 - (b) in a sealed package in a commercial vehicle from a manufacturer to a consignee.

2004, c.13, s.10.

Televisions, computers, etc.

- 71(1)** No person shall operate or cause to be operated on a highway a vehicle equipped with a television set, video screen or computer screen unless:
- (a) the equipment is securely and safely mounted in the vehicle;
 - (b) the equipment is located so that it does not obstruct the view of the driver; and
 - (c) except as provided in subsection (2), any image that is displayed by the equipment is not visible to the driver.

(2) An image displayed on a television set, video screen or computer screen may be located so that it is visible to the driver if the image only displays information that is solely designed to assist the driver:

- (a) in the safe operation of the vehicle, or in ensuring the safety and security of its load or its passengers;
- (b) to navigate;
- (c) by displaying the time;
- (d) if that driver is a peace officer, to carry out his or her duties as a peace officer; or
- (e) to assess fees or charges payable by passengers or users of the vehicle.

2002, c.48, s.9.

Riding on exterior

72(1) No person shall ride and no driver shall permit any person to ride on any exterior part of a motor vehicle on a highway, except in a box or space designed for the accommodation of passengers.

(2) No person shall occupy a trailer or semi-trailer while it is being pulled on a highway.

(3) Notwithstanding subsections (1) and (2), a person may ride on the exterior of a motor vehicle, or occupy a trailer or semi-trailer when engaged in:

- (a) fire fighting;
- (b) policing;
- (c) an emergency service;
- (d) constructing or maintaining a highway;
- (e) a parade approved by a municipal or provincial government; or
- (f) any maintenance or service work if the vehicle is equipped with a special seat or stand provided for the safety of the passengers.

1986, c.H-3.1, s.72.

73 Repealed. 1998, c.23, s.5.

Crowding driver

74(1) While a vehicle is moving on a highway, no person shall sit on the front seat:

- (a) to the left of the driver if the vehicle is a left-hand drive vehicle; or
- (b) to the right of the driver, if the vehicle is a right-hand drive vehicle;

and the driver shall not allow any person to do so.

(2) No driver of a motor vehicle shall allow the compartment containing the steering wheel to be over-crowded while the vehicle is in operation on a highway.

1986, c.H-3.1, s.74.

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Obstructing driver's view

75(1) No person shall drive a vehicle on a highway unless he has a clear view of the highway to the front and to both sides of the vehicle.

(2) No person shall drive a vehicle on a highway unless he has, without need of facing to the rear, a clear view of the highway to the rear and any vehicle approaching from the rear.

(3) No person shall drive a vehicle on a highway with any object placed on or near the windshield or on or near any window of the vehicle in a manner that obstructs his view.

1986, c.H-3.1, s.75.

Motorcycles

76(1) No person shall drive or ride on a motorcycle on a highway unless the person is protected by a helmet that:

- (a) is securely held in position on the person's head by the straps and fasteners supplied by the manufacturer; and
- (b) meets the specifications prescribed in the regulations made pursuant to *The Vehicle Administration Act*.

(1.1) Where a motorcycle is not equipped with a windshield, no person shall drive or ride on the motorcycle on a highway unless the person is protected by a face shield, safety glasses or goggles that meet the specifications prescribed in the regulations made pursuant to *The Vehicle Administration Act* and that are worn in the manner prescribed in those regulations.

(2) No person shall drive a motorcycle on a highway in the position commonly known as side saddle.

(3) No driver of a motorcycle shall allow:

- (a) a passenger who is under the age of 16 years to ride on the motorcycle unless the passenger complies with subsections (1) and (1.1);
- (b) more than one passenger to ride on the motorcycle;
- (c) any person to ride in front of him;
- (d) any passenger to ride in the position commonly known as side saddle;
- (e) a passenger to ride on the motorcycle unless:
 - (i) the saddle is designed for two persons; or
 - (ii) a pillion seat is provided and the passenger is capable of reaching and using a separate set of standard footrests; or
- (f) more than one person to ride in a side car.

1986, c.H-3.1, s.76; 2000, c.13, s.14.

Seat-belts

77(1) Where a motor vehicle being driven on a highway is equipped with a seat-belt assembly in a seating position that is occupied by the driver, the driver shall wear the complete seat-belt assembly properly adjusted and securely fastened.

(1.1) **Repealed.** 2004, c.13, s.11.

(2) Where a motor vehicle being driven on a highway is equipped with a seat-belt assembly in a seating position that is occupied by a passenger, the passenger shall wear the complete seat-belt assembly properly adjusted and securely fastened.

(3) Subsection (2) does not apply to a person who is a passenger under the age of 16.

(4) Where a motor vehicle has a seating position equipped with a seat-belt assembly available for a passenger, no person shall drive that vehicle on a highway with a passenger under the age of 16 years unless:

(a) the passenger occupies the seating position equipped with a seat-belt assembly and wears the complete seat-belt assembly properly adjusted and securely fastened; or

(b) if the passenger weighs less than 18 kilograms:

(i) the passenger occupies a child restraint system or infant restraint system, as defined in the regulations made pursuant to *The Vehicle Administration Act*, so that it is properly adjusted and securely fastened in the manner recommended by the manufacturer; and

(ii) the child restraint system or infant restraint system:

(A) is appropriate for the passenger's weight and height; and

(B) is secured to the vehicle in the manner recommended by the manufacturer.

(5) For the purposes of this section, where the torso restraint portion of a seat-belt assembly is worn under the arm or behind the back, the seat-belt assembly is conclusively deemed to be not worn in a properly adjusted and securely fastened manner unless:

(a) the passenger wearing the seat-belt assembly occupies a booster seat, as defined in the regulations made pursuant to *The Vehicle Administration Act*, so that it is properly adjusted and securely fastened in the manner recommended by the manufacturer; and

(b) the booster seat:

(i) is appropriate for the passenger's weight and height; and

(ii) is secured to the vehicle in the manner recommended by the manufacturer.

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- (6) Where a motor vehicle was equipped with a seat-belt assembly at the time of manufacture as required by the regulations made pursuant to *The Vehicle Administration Act*, no person shall remove the seat-belt assembly, render the assembly partly or wholly inoperative or modify the assembly so as to reduce its effectiveness.
- (7) The Lieutenant Governor in Council may make regulations:
- (a) exempting any categories of vehicles, drivers of vehicles or passengers of vehicles from the application of any provision of this section;
 - (b) prescribing conditions with respect to any exemption pursuant to clause (a);
 - (c) governing the transportation of passengers occupying child restraint systems, infant restraint systems and booster seats.
- (8) The administrator may exempt any person from the application of this section where the administrator is satisfied that the person is unable to wear a seat-belt assembly.

2000, c.13, s.15; 2002, c.48, s.10; 2004, c.13, s.11.

Litter

- 78(1) No person shall put on a highway any nails, tacks, glass or other material that might destroy or cause damage to the tires of a vehicle.
- (2) No person shall throw or drop from a vehicle on a highway a burning match, burning ashes of a pipe, a lighted cigar or cigarette or any other burning substance.

1986, c.H-3.1, s.78.

Operation and use of certain vehicles

- 79(1) In this section, “**compensation**” means remuneration in specie or otherwise or any other recompense whatever obtained for transporting passengers or goods but does not include compensation received for the transportation of children to and from school.
- (2) The Lieutenant Governor in Council may make regulations:
- (a) prohibiting the operation of particular combinations of vehicles unfit or unsafe for transportation;
 - (b) respecting the operation of any vehicle not registered under this Act.
- (3) Every public service vehicle is to be maintained in a safe and sanitary condition and is at all times subject to the inspection of the board or of a peace officer.
- (4) **Repealed.** 1992, c.54, s.5.

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(4.1) No person shall operate personally or cause to be operated by agent or employee, a motor vehicle or combination of vehicles with a gross vehicle weight that exceeds:

(a) the gross vehicle weight stated on the certificate of registration or registration permit for:

- (i) the motor vehicle; or
- (ii) the towing vehicle; or

(b) 5 000 kilograms, where gross vehicle weight is not stated on the certificate of registration or registration permit for the motor vehicle or for the towing vehicle.

(4.2) No person shall operate personally or cause to be operated by agent or employee, a motor vehicle or combination of vehicles in contravention of:

- (a) any regulation made pursuant to subsection (2); or
- (b) any term or condition of operation on which:
 - (i) the motor vehicle;
 - (ii) the towing vehicle; or
 - (iii) any vehicle in a combination of vehicles;

is registered that is provided by any regulation made pursuant to section 108.

(5) Subject to section 34 of *The Vehicle Administration Act*, no person shall operate or cause to be operated for compensation a motor vehicle, trailer or semi-trailer that does not belong to a class of vehicles that may, pursuant to regulations made by the Lieutenant Governor in Council, be operated for compensation, and no person shall pay compensation for such operation.

(6) Subject to section 34 of *The Vehicle Administration Act*, no person shall operate or cause to be operated a motor vehicle, trailer or semi-trailer for any purpose other than or in addition to one or more of the purposes authorized pursuant to regulations made by the Lieutenant Governor in Council for the class of vehicles to which the vehicle operated or caused to be operated belongs, and no person shall pay compensation for such operation.

1986, c.H-3.1, s.79; 1992, c.54, s.5.

80 Repealed. 1997, c.H-3.01, s.72.

81 Repealed. 1997, c.H-3.01, s.72.

Equipment standards

81.1 No person shall operate or cause to be operated on a highway a vehicle that is not equipped in accordance with this Act and the regulations and *The Vehicle Administration Act* and the regulations made pursuant to that Act.

1986, c.H-3.1, s.81.1.

81.2 Repealed. 1997, c.H-3.01, s.72.

c. H-3.1

HIGHWAY TRAFFIC

Insurance requirements

81.3 The Lieutenant Governor in Council may make regulations:

- (a) prescribing:
 - (i) the holders or categories of holders of a certificate of registration; and
 - (ii) the operators or categories of operators;

who are required to hold insurance policies or bonds and certificates of insurance of the type, in the amounts and containing the coverage prescribed pursuant to clause (b);

(b) prescribing the type, amount and coverage of insurance and bonding coverage required to be held by the persons prescribed pursuant to clause (a);

(c) classifying vehicles according to the use, passenger capacity, design or any other characteristic of the vehicle for the purpose of setting the type, amount and coverage of insurance and bonding coverage pursuant to clause (b);

(d) requiring the persons prescribed pursuant to clause (a) to supply evidence that they hold insurance policies or bonds and certificates of insurance of the type and amount and containing the coverage prescribed pursuant to clause (b);

(e) prescribing the methods by which the persons prescribed pursuant to clause (a) are required to supply the evidence of insurance mentioned in clause (d).

1990-91, c.17, s.8.

PART VI.1
Commercial vehicles

Interpretation of Part

81.4 In this Part:

- (a) **“commercial vehicle”** means a vehicle prescribed in the regulations;
- (b) **“driver”** means the driver of a commercial vehicle;
- (c) **“safety fitness certificate”** means a safety fitness certificate issued pursuant to section 81.6.

2004, c.13, s.12.

Administrator may compile profiles of drivers and operators

81.41(1) For the purposes of monitoring the safety and fitness compliance of drivers and operators of commercial vehicles, the administrator may compile information and maintain profiles on individual drivers and operators with respect to compliance with:

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- (a) this Act or the regulations;
 - (b) *The Alcohol and Gaming Regulation Act, 1997*;
 - (c) *The Animal Products Act*;
 - (d) the *Criminal Code*;
 - (e) *The Dangerous Goods Transportation Act*;
 - (f) the *Dangerous Goods Act* (Canada);
 - (g) *The Highways and Transportation Act, 1997*;
 - (h) *The Motor Carrier Act*;
 - (i) the *Motor Vehicle Transport Act, 1987* (Canada);
 - (j) *The Vehicle Administration Act*;
 - (k) any regulations made pursuant to any of the Acts mentioned in clauses (a) to (j); or
 - (l) any similar enactment in other jurisdictions in Canada or elsewhere respecting motor vehicle or road safety.
- (2) The administrator shall provide the board with a copy of all information and profiles compiled pursuant to subsection (1).
- (3) The administrator or the board may release any information compiled pursuant to subsection (1) to:
- (a) the driver to whom the profile relates;
 - (b) the operator to whom the profile relates; or
 - (c) any agency of any other jurisdiction, either in Canada or the United States, charged with the responsibility of registering motor vehicles or maintaining road safety.

2004, c.13, s.12.

Safety fitness certificate required to operate commercial vehicles

81.5(1) Except as otherwise permitted pursuant to this Act, no person shall operate a commercial vehicle on a highway unless the operator of that commercial vehicle has a valid safety fitness certificate.

(2) Every person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction:

- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not more than \$500; and
 - (ii) in the case of a corporation, to a fine of not more than \$1,000; and

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- (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not more than \$1,000; and
 - (ii) in the case of a corporation, to a fine of not more than \$2,000.

2004, c.13, s.12.

Obtaining or renewing safety fitness certificate

81.6(1) An operator who wishes to obtain or renew a safety fitness certificate shall:

- (a) apply in writing to the board on a form approved by the board; and
 - (b) pay any prescribed fee.
- (2) If, in the opinion of the board, an operator meets the safety and fitness standards approved by the board for the operation of a commercial vehicle and has complied with this Act and the regulations, the board may issue a safety fitness certificate to the operator with one of the following ratings noted on the certificate:
- (a) satisfactory audited;
 - (b) satisfactory unaudited;
 - (c) conditional.
- (3) A certificate issued pursuant to subsection (2):
- (a) expires on the date set out in the safety fitness certificate; and
 - (b) may be renewed by the board for another period if the operator meets the standards mentioned in subsection (2).
- (4) In accordance with section 81.8, the board may revoke an operator's safety fitness certificate and assign an unsatisfactory safety rating.
- (5) If a certificate is revoked pursuant to subsection (4) or expires and is not renewed, the operator shall return the certificate to the board.

2004, c.13, s.12.

Safety directives

81.7(1) In this section and in section 81.8, "**designated**" means designated in a board direction issued pursuant to this section or a board order issued pursuant to section 81.8.

- (2) The board, or any individual specified by the board, may:
- (a) direct the operator or any designated class of operators to do anything the board considers necessary to ensure the safe and proper operation of the operator's or class of operators' commercial vehicles; and
 - (b) determine the period within which the operator or designated class of operators must comply with the direction mentioned in clause (a).
- (3) If an operator or designated class of operators fails to comply with any direction pursuant to subsection (2), the board may require the operator or class of operators to attend for a show cause hearing pursuant to section 81.8.

2004, c.13, s.12.

Orders re operating commercial vehicles and show cause hearing

81.8(1) If, in the opinion of the board, an operator or any designated class of operators has, without reasonable excuse, failed to comply with a direction of the board issued pursuant to section 81.7, the board may make an order:

- (a) prohibiting the operator or designated class of operators from operating a commercial vehicle; or
 - (b) imposing a fine of not more than \$100,000 on the operator or on each operator within a designated class of operators if the board is of the opinion that:
 - (i) a prohibition pursuant to clause (a) is warranted; and
 - (ii) it is not in the public interest to prohibit the operator or class of operators from operating commercial vehicles.
- (2) Before making an order pursuant to subsection (1), the board shall:
- (a) hold a hearing to determine whether or not to make an order pursuant to this section; and
 - (b) serve the operator or designated class of operators, as the case may be, with written notice indicating the date and time of a hearing.
- (3) The notice required pursuant to subsection (2):
- (a) may be served on the operator or operators, as the case may be, at the address provided by each operator in his or her application for a safety fitness certificate; and
 - (b) must be served at least 21 days before the date of the hearing.
- (4) If written notice of the time, date and place of the hearing has been given to the operator or designated class of operators and the operator or class of operators fails to attend the hearing, the board may:
- (a) hear and decide the matter in the absence of the operator or class of operators and make any order that it considers reasonable; or
 - (b) grant an adjournment and assign a new time, date and place for the hearing.
- (5) If the board assigns a new time, date and place for the hearing, the board shall give the operator or designated class of operators written notice of that time, date and place.
- (6) At a hearing held pursuant to this section, the board must give the operator or designated class of operators an opportunity to be heard.
- (7) Section 14 applies to a hearing held pursuant to this section.
- (8) No operator who has been served with a notice pursuant to subsection (3) shall transfer, sell, lease, rent or otherwise dispose of any commercial vehicle without the written consent of the board until the board:
- (a) has made an order pursuant to this section and that order is in effect; or
 - (b) has made a decision not to make an order pursuant to this section.

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- (9) If the board makes an order pursuant to clause (1)(a):
- (a) the board shall revoke the safety fitness certificate of the operator or of each operator within a designated class of operators; and
 - (b) each operator mentioned in clause (a) to whom a safety fitness certificate was issued shall return it to the board.
- (10) An operator against whom an order has been made pursuant to this section may appeal that order on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of the order.
- (11) An appeal pursuant to subsection (10) does not stay the operation of the order unless a judge of the Court of Queen's Bench orders otherwise.
- (12) If no appeal of an order is made within the time prescribed in subsection (10), the board may file a certified copy of the order in the office of the local registrar of the Court of Queen's Bench at the judicial centre where the operator or an operator within a designated class of operators resides.
- (13) A certified copy filed pursuant to subsection (12) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench.

2004, c.13, s.12.

PART VII Accidents

Interpretation of Part

82 In this Part, "**accident report**" means a report in the form required by the administrator providing any particulars of an accident that, in the opinion of the administrator are necessary to establish, as far as is possible, the causes of the accident, the persons responsible and the extent of any bodily injuries and property damage resulting from the accident.

2002, c.48, s.11.

Reports of accidents

- 83(1)** In this section, "**unidentified motor vehicle**" means a motor vehicle:
- (a) that causes:
 - (i) bodily injury to or the death of a person arising out of physical contact of the motor vehicle with the person or with the motor vehicle of which the person is an occupant; or
 - (ii) property damage arising out of physical contact of the motor vehicle;
 - (b) with respect to which:
 - (i) the names of both the owner and the person in charge of the motor vehicle are not ascertainable;

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- (ii) the name of the owner is not ascertainable and the motor vehicle has no person who was in charge of it; or
 - (iii) the name of the person in charge of the motor vehicle is not ascertainable and the owner is not liable for the actions of that person.
- (2) Every person in charge of a motor vehicle that is involved in an accident shall:
 - (a) notify the following persons as soon as is practicable after the accident:
 - (i) the person in charge of any other motor vehicle that is involved in the accident;
 - (ii) if any property in addition to a motor vehicle has been damaged as a result of the accident, the person in charge of that property; and
 - (b) provide the person mentioned in clause (a) with the following information:
 - (i) his or her name and address;
 - (ii) his or her driver's licence number;
 - (iii) the number of the certificate of registration of the vehicle; and
 - (iv) particulars of any insurance affecting the vehicle.
- (3) In the circumstances mentioned in subsection (4), the person in charge of a motor vehicle that is involved in an accident shall:
 - (a) report the accident to the nearest peace officer as soon as is practicable after the accident; and
 - (b) provide the peace officer mentioned in clause (a) with any information or written statement concerning the accident that the peace officer may reasonably require to complete an accident report.
- (4) The duty to report an accident to a peace officer pursuant to subsection (3) applies if the accident:
 - (a) involves bodily injuries or death;
 - (b) involves an unidentified motor vehicle;
 - (b.1) involves a motor vehicle for which no certificate of registration has been issued pursuant to this Act;
 - (c) involves a motor vehicle that was towed from the scene of the accident as a result of the accident; or
 - (d) involves a person in charge of a motor vehicle who was apparently under the influence of alcohol or drugs as to be incapable for the time being of having proper control of the motor vehicle.
- (5) If the person in charge of a motor vehicle involved in an accident is physically incapable of making a report required pursuant to subsection (3), another occupant of that motor vehicle shall make that report.

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- (6) Every person who sustained a bodily injury as a result of a motor vehicle accident and who is physically capable of making a report shall make a report in the same manner as that required by the person in charge of a motor vehicle pursuant to subsection (3).
- (7) A peace officer who receives a report of an accident shall:
- (a) secure from the person making the report, or by other inquiries if necessary, any particulars of the accident necessary to complete an accident report;
 - (b) prepare an accident report; and
 - (c) immediately transmit the accident report to the administrator.
- (8) The administrator may require:
- (a) any person involved in an accident or having knowledge of an accident or of any bodily injuries or property damage resulting from an accident to furnish any information that is necessary to complete an accident report; or
 - (b) a peace officer to secure any information that is necessary to complete an accident report.
- (9) In a prosecution for a contravention of this section, a certificate of the chief, deputy chief or person in charge of the police force or unit responsible for providing police services in the municipality where an accident mentioned in this section occurred that a report has not been filed is admissible as proof in the absence of evidence to the contrary of the facts stated in the certificate and of the authority of the person issuing the certificate, without proof of the appointment or signature of the person who completed the certificate.

2002, c.48, s.12; 2004, c.13, s.13; 2005, c.M-36.1, s.432.

Limits on public inspection re reports and statements

- 84(1)** A written report or statement made or furnished pursuant to section 83 is deemed to be made without prejudice and for the information of the administrator.
- (2) The administrator shall keep any written report or statement mentioned in subsection (1) confidential and is not required to make any written report or statement available for public inspection.
- (3) The fact that any report or statement has been made or furnished pursuant to section 83 is admissible in evidence solely to prove compliance with that section, but the written report or statement is not admissible in evidence for any other purpose in any trial arising out of a motor vehicle accident.
- (4) Notwithstanding subsections (1) and (2), the administrator may make available to persons engaged in road safety research any information contained in any report received by it pursuant to section 83.
- (5) Subject to section 9 of *The Vehicle Administration Act*, no person who receives any information pursuant to subsection (4) shall make that information public in a form that would enable any particulars to be identified as being related to any specific person or business.

2002, c.48, s.12.

Confirmation of report

85(1) If a peace officer receives a report of an accident pursuant to section 83, the peace officer shall do one of the following:

- (a) attach to the motor vehicle that was involved in the accident a written notice, in a form provided by the administrator, confirming that the accident has been reported;
- (b) provide the owner of the motor vehicle mentioned in clause (a) with a confirmation, in any form and in any manner that the administrator considers appropriate in the circumstances, that the accident has been reported.

(2) If the administrator receives a report of an accident, the administrator shall do one of the following:

- (a) attach to the motor vehicle that was involved in the accident a written notice, in a form that the administrator considers appropriate, confirming that the accident has been reported;
- (b) provide the owner of the motor vehicle mentioned in clause (a) with a confirmation, in any form and in any manner that the administrator considers appropriate in the circumstances, that the accident has been reported.

(3) Every owner of a garage or an automobile repair or wrecker's business and every dealer that receives a motor vehicle that to his or her knowledge or in his or her belief has been in an accident involving bodily injuries, death or damage to property exceeding the prescribed amount shall immediately report the matter to the nearest peace officer and furnish any information that may be required if:

- (a) the motor vehicle does not have attached to it a written notice described in clause (1)(a) or (2)(a); or
- (b) the owner of the motor vehicle does not provide the confirmation mentioned in clause (1)(b) or (2)(b) to him or her.

2002, c.48, s.12.

86 Repealed. 2004, c.13, s.14.

Onus of proof

87(1) Where loss, damage or injury is sustained by a person by reason of a motor vehicle on a highway, the onus of proof that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is on the owner or driver.

(2) This section does not apply to a collision between motor vehicles on a highway.

1986, c.H-3.1, s.87.

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Limitation of actions

88(1) Subject to subsection (2), for the purposes of applying *The Limitations Act* to an action against a person for the recovery of damages occasioned by a motor vehicle, the day on which the act or omission on which the claim is based takes place is:

- (a) the day on which the damages were sustained; or
- (b) in a case where death is caused, the date of death of the deceased person.

(2) For the purposes of applying *The Limitations Act* to an action for non-economic loss brought against an operator of a motor vehicle involved in an accident who is convicted of an offence that involves the motor vehicle and that is mentioned in clause 41(2)(c) or 104(2)(a) of *The Automobile Accident Insurance Act*, the day on which the act or omission on which the claim is based takes place is the day on which the operator is convicted of that offence.

2004, c.L-16.1, s.51.

Driving while disqualified

89(1) Any person who drives a motor vehicle as defined in Part VIII of *The Vehicle Administration Act* on a highway while he is disqualified from driving such a motor vehicle on a highway as described in section 78 of *The Vehicle Administration Act* is guilty of an offence and liable on summary conviction:

- (a) in the case of a first conviction for an offence pursuant to this section, to a fine of not less than \$500 and not more than \$2,000;
- (b) in the case of a second, third or subsequent conviction for an offence pursuant to this section, to a fine of not less than \$500 and not more than \$2,000, to imprisonment for a term of not more than two years or to both such fine and imprisonment.

(2) Any person who drives a motor vehicle on a highway while his driver's licence is suspended or while he is prohibited from driving by a peace officer pursuant to section 91 is guilty of an offence and liable on summary conviction to a fine of not less than \$250 and not more than \$1,000.

(3) Any person who drives a motor vehicle on a highway while:

- (a) a refusal by the administrator to issue the person a driver's licence is still in effect; or
- (b) the person's driver's licence is suspended or revoked;

pursuant to any provision of *The Vehicle Administration Act* other than the one described in section 78 of that Act is guilty of an offence and liable on summary conviction:

- (c) to a fine of not more than \$1,000;
- (d) in the case of a second, third or subsequent conviction for an offence pursuant to this section, to a fine of not more than \$2,000, to imprisonment for a term of not more than two years or to both that fine and imprisonment.

(4) In a proceeding pursuant to subsection (1), (2) or (3), a certificate setting out with reasonable particularity that:

- (a) a person's driver's licence is suspended or revoked;
- (b) a refusal by the administrator to issue a licence to a person is still in effect; or
- (c) that a person is disqualified from driving a motor vehicle:
 - (i) in Saskatchewan; or
 - (ii) in any other province of Canada by reason of the legal suspension, cancellation or revocation of his permit or licence, or of his ability to secure a permit or licence;

and purporting to be signed:

- (d) where the person is disqualified from driving a motor vehicle in Saskatchewan:
 - (i) pursuant to *The Vehicle Administration Act* by the administrator;
 - (ii) pursuant to the *Criminal Code* by the registrar of motor vehicles appointed pursuant to section 7 of *The Vehicle Administration Act*;
- (e) where the person is disqualified from driving a motor vehicle in any other province of Canada, by the person, by whatever name or title he may be designated, who from time to time performs the duties of superintending the registration of motor vehicles in that province;

is admissible in evidence as prima facie proof of the facts alleged in the certificate, without proof of the signature or official character of the person by whom it purports to be signed.

(5) Subsection (4) does not apply in any proceeding unless reasonable notice in writing is given to the accused that it is intended to tender the certificate in evidence.

(6) In the absence of evidence to the contrary, a person charged with a violation of subsection (1), (2) or (3) is deemed to have known of:

- (a) his disqualification from driving in Saskatchewan; and
- (b) the suspension, cancellation or revocation of his licence or permit to drive or of his ability to secure a licence or permit to drive.

1986, c.H-3.1, s.89; 1989-90, c.10, s.17; 1990-91, c.S-63.1, s.64.

PART VII.1

Seizure, Impoundment and Immobilization – Unauthorized Drivers**Interpretation**

89.1 In this Part and in section 119:

- (a) **“driving”** includes operating or having the care or control of a motor vehicle, whether it is in motion or not;
- (b) **“garage keeper”** means a person who provides services on a motor vehicle, including the storage and towing of motor vehicles, for consideration and includes any persons or class of persons designated by the administrator as garage keepers pursuant to section 89.6;
- (c) **“hearing officer”** means a hearing officer as defined in the regulations;
- (d) **“justice”** means:
 - (i) a justice of the peace appointed pursuant to *The Justices of the Peace Act, 1988*; or
 - (ii) a judge of the Provincial Court of Saskatchewan;
- (e) **“owner”** means the owner as defined in the regulations;
- (f) **“unauthorized driver”** means a person:
 - (i) who is prohibited from driving a motor vehicle by order of a court pursuant to section 259 of the *Criminal Code*;
 - (i.1) who is entitled to operate a motor vehicle with an ignition interlock device, if that driver is operating a motor vehicle without an ignition interlock device;
 - (ii) who is disqualified or prohibited from driving a motor vehicle pursuant to sections 74 or 76 of *The Vehicle Administration Act*;
 - (iii) whose driver’s licence is suspended or cancelled or who is disqualified or prohibited from applying for or obtaining a driver’s licence pursuant to section 91 of this Act or section 21, clause 22(c), 23(1)(c), 23(1.1)(e) or (f), subsection 23(4) or (5) or section 23.01, 23.02, 71.1, 71.2, 75 or 78.2 of *The Vehicle Administration Act*;
 - (iv) whose period of disqualification, prohibition or suspension mentioned in subclause (i), (ii) or (iii) has expired and who has not lawfully obtained a driver’s licence pursuant to *The Vehicle Administration Act*; or
 - (v) who does not hold a driver’s licence permitting him or her to drive a motor vehicle, and who has within the previous five years been convicted of contravening section 17 of this Act.

1996, c.29, s.8; 2001, c.49, s.4; 2001, c.C-15.1, s.29; 2002, c.48, s.13; 2004, c.13, s.15.

Immobilization or impoundment of motor vehicle

89.11(1) In this section and section 89.21:

- (a) **“notice of seizure and direction”** means a notice of seizure and direction issued pursuant to clause (2)(b);
 - (b) **“notice of seizure and impoundment or immobilization”** means a notice of seizure and impoundment or immobilization issued pursuant to clause (2)(a).
- (2) A peace officer who has reasonable grounds to believe that an unauthorized driver has driven a motor vehicle for which a driver’s licence is required to drive the motor vehicle on a highway shall seize the motor vehicle and either:
- (a) cause the motor vehicle to be impounded or immobilized and issue a copy of a notice of seizure and impoundment or immobilization to the unauthorized driver and the owner of the motor vehicle; or
 - (b) if the peace officer is satisfied that immobilizing or impounding a motor vehicle would jeopardize the safety of, or cause undue hardship to, any person, issue a copy of a notice of seizure and direction to the unauthorized driver and the owner of the motor vehicle.
- (3) A motor vehicle that has been immobilized pursuant to this section may be impounded.
- (4) No person to whom a notice of seizure and direction is issued shall fail to comply with the notice of seizure and direction.
- (5) If the motor vehicle is not made available for immobilization or impoundment at the time and place specified in the notice of seizure and direction, a peace officer may apply to a justice pursuant to section 89.7 for an order authorizing the impoundment or immobilization of the motor vehicle.
- (6) A notice of seizure and impoundment or immobilization and a notice of seizure and direction must be in a prescribed form and must state any of the following information that the peace officer is able to ascertain:
- (a) the name of the unauthorized driver;
 - (b) a description of the seized motor vehicle;
 - (c) the licence plate of the seized motor vehicle;
 - (d) the date and time of seizure;
 - (e) the place where the motor vehicle is to be immobilized or impounded;
 - (f) in the case of a notice of seizure and direction, the time when and the place where the unauthorized driver or the owner, as the case may be, shall make the motor vehicle available for immobilization or impoundment.

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- (7) A peace officer shall:
- (a) serve a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction:
 - (i) immediately on the unauthorized driver; and
 - (ii) as soon as is practicable on the owner of the motor vehicle;
 - (b) provide a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to the garage keeper who, pursuant to section 89.2, is to immobilize or impound the motor vehicle;
 - (c) provide a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to the administrator; and
 - (d) retain a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction.

1996, c.29, s.8.

Immobilization or impoundment of motor vehicle by garage keeper

89.2(1) A garage keeper shall immobilize or impound the motor vehicle at the place specified by the peace officer pursuant to clause 89.11(6)(e) or (f).

(2) Subject to subsections (4) and (5) and sections 89.31 and 89.5, a garage keeper who immobilizes or impounds a motor vehicle pursuant to this section is deemed to have a lien on the motor vehicle pursuant to section 3 of *The Commercial Liens Act* with respect to the motor vehicle for all unpaid amounts of prescribed fees and charges relating to the seizure, immobilization and impoundment of a motor vehicle, and that Act applies, with any necessary modification, to the enforcement and realization of that lien.

(3) Subject to sections 89.21, 89.31 and 89.5, a motor vehicle is to remain immobilized or impounded until the earliest of the following events:

- (a) the amounts mentioned in subsection (2) are paid;
- (b) the garage keeper sells the motor vehicle pursuant to subsection (4);
- (c) the administrator acts pursuant to subsection (6).

(4) Subject to subsection (4.1), if 15 or more days have passed since the period of immobilization or impoundment ended, a garage keeper may sell the motor vehicle or any part of it at a public auction and apply the proceeds of the sale in the manner prescribed in the regulations.

(4.1) Before the sale, the garage keeper shall:

- (a) deliver to the administrator:
 - (i) notice of the intended sale;
 - (ii) a statutory declaration in a form provided by the administrator declaring the amount secured by the lien mentioned in subsection (2); and

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- (iii) a search result respecting the motor vehicle from the registry, within the meaning of *The Personal Property Security Act, 1993*, with a currency date of not more than 15 days before the date of the delivery to the administrator of the notice, statutory declaration and search result; and
- (b) insert in the Gazette and in a newspaper circulating in the locality in which the vehicle was impounded two weeks before the sale a notice of the intended sale stating:
 - (i) the name, if known, of the owner of the motor vehicle to be sold;
 - (ii) a general description of the vehicle, including the serial number;
 - (iii) the time and place of the sale; and
 - (iv) the name of the auctioneer.
- (5) If 15 or more days have passed since the period of immobilization or impoundment ended, a garage keeper may apply to the administrator for transfer of ownership of the motor vehicle to the garage keeper by delivering to the administrator:
 - (a) the licence plates from the motor vehicle;
 - (b) a statutory declaration in the prescribed form of the garage keeper declaring that the amount of the lien mentioned in subsection (2) exceeds the garage keeper's estimate of the value of the motor vehicle; and
 - (c) a search result respecting the motor vehicle from the registry, within the meaning of *The Personal Property Security Act, 1993*, with a currency date of not more than 15 days prior to the date of filing the application pursuant to this subsection.
- (6) The administrator may complete a transfer of ownership form respecting a motor vehicle to transfer ownership of the motor vehicle to the garage keeper where the administrator is satisfied that the amount of the lien on the motor vehicle exceeds the value of the motor vehicle.
- (7) Where the administrator has acted pursuant to subsection (6), the administrator may cancel the certificate of registration or registration permit for the motor vehicle.
- (8) Notwithstanding any other Act or law, the ownership of a motor vehicle is transferred to and vested in a garage keeper when a transfer of ownership form respecting a motor vehicle has been completed by the administrator pursuant to subsection (6).
- (9) Where the administrator has cancelled a certificate or permit pursuant to subsection (7), the administrator shall take the following actions with respect to any refund of registration fees and insurance premiums:
 - (a) apply the refund towards the unpaid amounts of any prescribed fees, costs and charges relating to the seizure, impoundment or immobilization of the motor vehicle in the manner set out in the regulations; and
 - (b) forward any balance of the refund to the person who was the registered owner of the motor vehicle prior to its seizure.

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(10) A transfer of ownership of a motor vehicle pursuant to this section does not defeat any security interest or other interest perfected against the motor vehicle pursuant to *The Personal Property Security Act, 1993*.

(11) Where a motor vehicle is sold pursuant to subsection (4), or where the administrator has acted pursuant to subsection (6) and the garage keeper subsequently sells the motor vehicle, and the proceeds of the sale are not sufficient to cover all unpaid amounts of prescribed fees, costs and charges relating to the seizure, impoundment or immobilization, the administrator may pay the remaining unpaid amounts to the garage keeper.

(12) Any amount paid by the administrator pursuant to subsection (11), together with any other amounts payable to the administrator due to the seizure, impoundment or immobilization, is a debt payable to the administrator by the owner of the motor vehicle.

1996, c.29, s.8; 2001, c.C-15.1, s.29.

Release of impounded or immobilized motor vehicle by hearing officer

89.21(1) The following persons may apply to a hearing officer for the release of a motor vehicle that has been seized and impounded or immobilized by making an application in the prescribed form and in the prescribed manner and paying the prescribed application fee:

- (a) the owner of the motor vehicle;
 - (b) the unauthorized driver;
 - (c) a person whose health would be seriously threatened by the continued immobilization or impoundment;
 - (d) a person other than the unauthorized driver who would suffer extreme hardship as a result of the continued immobilization or impoundment;
 - (e) a person authorized by a person mentioned in clauses (a) to (d).
- (2) If an application for the release of a motor vehicle is made, the administrator shall:
- (a) cause a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to be filed with the hearing officer; and
 - (b) cause a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to be provided to the owner and the person making the application, if that person is not the owner.
- (3) On an application, a hearing officer shall consider the notice of seizure and impoundment or immobilization or the notice of seizure and direction filed pursuant to subsection (2), and any other representation or information presented for his or her consideration, and render a decision within three days of receiving the application, not including Saturdays or holidays.

(4) After considering an application for the release of a motor vehicle, the hearing officer shall make an order mentioned in subsection (5) where the hearing officer is satisfied that:

- (a) the motor vehicle was stolen at the time of the seizure;
- (b) an unauthorized driver was in possession of the motor vehicle without the knowledge and consent of the owner;
- (c) the owner could not reasonably have been expected to know that the person who was driving the motor vehicle was an unauthorized driver;
- (d) the unauthorized driver could not reasonably have been expected to know that he or she was an unauthorized driver, and at the time of the seizure the unauthorized driver had complied with section 18 of *The Vehicle Administration Act*;
- (e) the continued immobilization or impoundment would pose a serious threat to the health of any person; or
- (f) the continued immobilization or impoundment would cause extreme hardship for a person other than the unauthorized driver.

(5) If a hearing officer is satisfied of the existence of one of the circumstances mentioned in subsection (4), the hearing officer shall order the release of the motor vehicle to the applicant or a person authorized by the applicant, subject to the payment of any unpaid prescribed fees, costs and charges, and to any other conditions prescribed in the regulations.

(6) If an order to release a motor vehicle is made pursuant to subsection (5), the hearing officer shall order the refund of the prescribed application fee to the applicant.

(6.1) After considering an application for the release of a motor vehicle, and if the hearing officer is satisfied that none of the circumstances mentioned in subsection (4) exist, the hearing officer may make an order:

- (a) upholding the period of impoundment; or
- (b) shortening the period of impoundment if, in the opinion of the hearing officer, the circumstances warrant a shorter period.

(7) The failure of a hearing officer to act within the time mentioned in subsection (3) does not affect the jurisdiction of the hearing officer to consider or hear the application or to make a decision with respect to the application.

(8) The decision of a hearing officer made pursuant to this section may be appealed to the board by any of the persons mentioned in clauses (1)(a) to (e).

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Release of motor vehicle by administrator

89.3(1) Subject to subsection (3) and sections 89.21, 89.31 and 89.5, a motor vehicle shall be immobilized or impounded for a period of 30 days.

(2) After the period of immobilization or impoundment has expired, the administrator shall release or direct the garage keeper to release the motor vehicle if:

- (a) the administrator has received a written request from the owner or the person authorized by the owner to make the request; and
- (b) all prescribed fees, costs and charges have been paid.

(3) A motor vehicle shall be immobilized or impounded for a period of 60 days if:

- (a) the unauthorized driver of the motor vehicle, within a period of two years prior to the day of the seizure of the motor vehicle, was the unauthorized driver of a motor vehicle that was seized and impounded or immobilized pursuant to section 89.11 or 89.7; and
- (b) the administrator gives written notice to the owner of the motor vehicle and the garage keeper who is immobilizing or impounding the motor vehicle that, subject to an order of a hearing officer, the motor vehicle is not to be released before the expiry of 60 days from the day the motor vehicle was impounded or immobilized;

unless the previously seized motor vehicle mentioned in clause (a) was released on the grounds mentioned in clause 89.21(4)(d).

(4) An application may be made by a person mentioned in subsection 89.21(1) in the prescribed form and manner to a hearing officer for an order that the grounds for a 60-day immobilization or impoundment pursuant to subsection (3) do not apply.

(5) If an application is made pursuant to subsection (4), the administrator shall prepare a report respecting:

- (a) the impoundment or immobilization of motor vehicles driven by the unauthorized driver within a period of two years prior to the seizure that has given rise to the application; and
- (b) any other information that may be prescribed in the regulations.

(6) On an application made pursuant to subsection (4), a hearing officer shall consider the report of the administrator prepared pursuant to subsection (5) and, where the hearing officer is satisfied that the grounds for a 60-day immobilization or impoundment pursuant to subsection (3) do not apply, the hearing officer shall order that the motor vehicle be released after 30 days' impoundment or immobilization, or any shorter period that the hearing officer considers appropriate in the circumstances.

Release of stolen vehicle to owner

89.31 If a peace officer is satisfied that the motor vehicle that was seized was a stolen motor vehicle at the time of seizure, the peace officer may release the motor vehicle or direct the garage keeper to release the motor vehicle to the owner or a person authorized by the owner.

1996, c.29, s.8.

Prohibition on owner

89.4(1) Except as otherwise provided in sections 89.2 to 89.31 or section 89.5, no person shall remove or release, attempt to remove or release, or permit the removal or release of a motor vehicle that has been seized and impounded or immobilized from the place of impoundment or immobilization.

(2) No person shall remove the licence plates from a motor vehicle, or attempt to transfer the licence plates, or transfer the ownership, or transfer or cancel the registration of a motor vehicle while it is seized, impounded or immobilized.

(3) No person shall remove personal property that is attached to a motor vehicle or that is used in connection with the operation of a motor vehicle that has been seized, impounded or immobilized, other than prescribed personal property prescribed in the regulations.

1996, c.29, s.8.

Indemnification for seizure made in error

89.5 If the administrator is satisfied that a motor vehicle has been seized in error and impounded or immobilized, or where a motor vehicle has been released pursuant to section 89.31, the administrator shall:

- (a) authorize the release of the motor vehicle where the motor vehicle is not already released;
- (b) waive any prescribed fee, cost or charge; and
- (c) indemnify the owner of the motor vehicle for any direct cost incurred by the owner with respect to the seizure and impoundment or immobilization.

1996, c.29, s.8.

Designation

89.6 The administrator may designate any persons or class of persons as garage keepers and a person so designated is deemed to be a garage keeper for the purposes of this Act and the regulations and is subject to the same obligations, rights and entitlements of a garage keeper set out in section 89.2.

2001, c.C-15.1, s.29.

c. H-3.1**HIGHWAY TRAFFIC****Order authorizing impoundment or immobilization**

89.7(1) If a peace officer has reasonable grounds to believe that the circumstances mentioned in subsection 89.11(5) exist, the peace officer may apply under oath to a justice in the prescribed form for an order authorizing the impoundment or immobilization of the motor vehicle.

(2) If the justice is satisfied that the peace officer has reasonable grounds to believe that an unauthorized driver has driven the motor vehicle for which the order authorizing impoundment or immobilization is requested, the justice may grant an order directed to the person named in the order:

- (a) to impound or immobilize the motor vehicle; and
- (b) to enter any building or place where the motor vehicle can be found for the purpose of impounding or immobilizing the motor vehicle.

(3) The failure of a peace officer to obtain an order from a justice pursuant to this section does not invalidate any impoundment or immobilization of a motor vehicle that is otherwise lawfully performed or authorized.

1996, c.29, s.8.

Civil remedy

89.8 The owner of a motor vehicle seized and immobilized or impounded may recover from an unauthorized driver, in any manner authorized by law, any amount that the owner has paid to recover his or her motor vehicle.

1996, c.29, s.8.

Administrator may enter into agreements

89.9 The administrator may enter into an agreement with any garage keeper respecting:

- (a) the immobilization or impoundment of motor vehicles;
- (b) the release, sale or transfer of ownership of motor vehicles;
- (c) any fees, costs or charges arising from the immobilization or impoundment of motor vehicles;
- (d) any other thing the administrator considers necessary to carry out the purposes of sections 89.1 to 89.8.

1996, c.29, s.8.

Fees payable to administrator

89.91 Notwithstanding section 110, all fees, costs and charges payable pursuant to sections 89.1 to 89.9 that are not otherwise provided for pursuant to this Act or the regulations are payable to the administrator.

1996, c.29, s.8.

Liability of owner

90 No owner of a motor vehicle shall knowingly permit a person who is disqualified from driving a motor vehicle to drive his motor vehicle in Saskatchewan.

1986, c.H-3.1, s.90.

PART VII.2
Seizure, Impoundment and Immobilization – Public Order

Interpretation of Part

90.1(1) In this Part and in section 119:

- (a) **“designated official”** means an official, department or agency of the Government of Saskatchewan, or an agent of the Crown in right of Saskatchewan, designated by the minister to administer this Part;
 - (b) **“designated program”** means a program designated by the minister pursuant to subsection (2);
 - (c) **“driving”** includes operating or having the care or control of a motor vehicle, whether it is in motion or not;
 - (d) **“garage keeper”** means a person who provides services on a motor vehicle, including the storage and towing of motor vehicles, for consideration and includes any persons or class of persons designated by the designated official as garage keepers pursuant to section 90.8;
 - (e) **“justice”** means:
 - (i) a justice of the peace appointed pursuant to *The Justices of the Peace Act, 1988*; or
 - (ii) a judge of the Provincial Court of Saskatchewan;
 - (f) **“notice of seizure and impoundment or immobilization”** means a notice of seizure and impoundment or immobilization issued pursuant to section 90.11;
 - (g) **“owner”** means an owner as defined in the regulations;
 - (h) **“proscribed offence”** means an offence under section 211, 212 or 213 of the *Criminal Code* (Canada).
- (2) For the purposes of this Part, the minister may:
- (a) designate a program that the minister considers appropriate as a program to be completed by persons mentioned in clause 90.6(1)(a); and
 - (b) set a period within which the designated program must be completed.

2001, c.49, s.5 and 8; 2002, c.48, s.16.

Seizure and impoundment or immobilization re proscribed offences

90.11(1) If a peace officer has reasonable grounds to believe that a motor vehicle is being driven in the course of committing a proscribed offence, the peace officer shall:

- (a) seize the motor vehicle;
- (b) cause the motor vehicle to be impounded or immobilized; and
- (c) serve, in the prescribed manner, a copy of a notice of seizure and impoundment or immobilization:
 - (i) immediately on the driver; and
 - (ii) as soon as is practicable on the owner of the motor vehicle.

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- (2) A motor vehicle that has been immobilized pursuant to this section may be impounded.
- (3) A notice of seizure and impoundment or immobilization:
- (a) must be in the prescribed form; and
 - (b) must state as much of the following information as the peace officer is able to ascertain:
 - (i) the name of the driver of the seized motor vehicle and any other persons in the motor vehicle at the time of the seizure;
 - (ii) a description of the seized motor vehicle;
 - (iii) the licence plate number of the seized motor vehicle;
 - (iv) the date and time of seizure;
 - (v) the place where the motor vehicle is to be impounded or immobilized.
- (4) A peace officer shall:
- (a) provide a copy of the notice of seizure and impoundment or immobilization to the garage keeper who, pursuant to section 90.2, is to impound or immobilize the motor vehicle;
 - (b) provide a copy of the notice of seizure and impoundment or immobilization to the designated official; and
 - (c) retain a copy of the notice of seizure and impoundment or immobilization.

2001, c.49, s.5.

Impoundment or immobilization by garage keeper

90.2(1) A garage keeper shall impound or immobilize the motor vehicle at the place specified by the peace officer pursuant to subclause 90.11(3)(b)(v).

(2) Subject to subsection (4), a garage keeper who impounds or immobilizes a motor vehicle pursuant to this section is deemed to have a lien on the motor vehicle pursuant to section 3 of *The Commercial Liens Act* with respect to the motor vehicle for all unpaid amounts of prescribed fees, costs and charges relating to the seizure and impoundment or immobilization.

(3) *The Commercial Liens Act* applies, with any necessary modification, to the enforcement and realization of a lien mentioned in subsection (2).

(4) Where a motor vehicle that was seized and impounded or immobilized pursuant to section 90.11 is released pursuant to section 90.4:

- (a) the designated official shall reimburse the garage keeper for any prescribed fees, costs and charges relating to the impoundment or immobilization of the motor vehicle to the prescribed maximum amount; and
- (b) the garage keeper is not deemed to have a lien pursuant to subsection (2) or to have any right or claim respecting the impoundment or immobilization of the motor vehicle other than the right to any reimbursement pursuant to clause (a).

- (5) A motor vehicle is to remain impounded or immobilized until:
- (a) the designated official approves the sale of the motor vehicle pursuant to this Part;
 - (b) the designated official transfers ownership of the motor vehicle pursuant to this Part;
 - (c) the motor vehicle is released pursuant to this Part; or
 - (d) the motor vehicle is forfeited to the Crown in right of Saskatchewan pursuant to this Part.

2001, c.49, s.5 and 8.

Sale of motor vehicle by garage keeper

90.21(1) Subject to subsections (1.1) and (1.2), the garage keeper who impounded or immobilized a motor vehicle may sell the motor vehicle or any part of it at a public auction if the designated official consents to the sale.

(1.1) Before a sale pursuant to subsection (1), the garage keeper shall:

- (a) deliver to the designated official:
 - (i) a notice of the intended sale;
 - (ii) a statutory declaration of the garage keeper in a form provided by the designated official declaring the amount secured by the lien mentioned in section 90.2; and
 - (iii) a search result respecting the motor vehicle from the registry, within the meaning of *The Personal Property Security Act, 1993*, with a currency date of not more than 15 days prior to the date of the delivery to the designated official of the notice, statutory declaration and search result; and
- (b) at least two weeks before the sale, publish in the Gazette and in a newspaper having general circulation in the area in which the motor vehicle was seized and impounded or immobilized a notice of the intended sale stating:
 - (i) the name, if known, of the owner of the motor vehicle to be sold;
 - (ii) a general description of the motor vehicle, including the serial number;
 - (iii) the time and place of the sale; and
 - (iv) the name of the auctioneer.

(1.2) If a garage keeper sells a motor vehicle pursuant to this section, the garage keeper shall apply the proceeds of the sale in the prescribed manner.

2001, c.49, s.5 and 8.

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Transfer of motor vehicle to garage keeper

90.3(1) The garage keeper who impounded or immobilized the motor vehicle may apply to the designated official for transfer of ownership of the motor vehicle to the garage keeper.

(2) A garage keeper who applies for a transfer of ownership pursuant to subsection (1) shall file with the designated official:

- (a) the licence plates from the motor vehicle;
- (b) a statutory declaration of the garage keeper in the prescribed form declaring that the amount of the lien mentioned in section 90.2 exceeds the estimated value of the motor vehicle; and
- (c) a search result respecting the motor vehicle from the registry, within the meaning of *The Personal Property Security Act, 1993*, with a currency date of not more than 15 days prior to the date of filing the application pursuant to this subsection.

(3) Where the designated official is satisfied that the amount of the lien mentioned in section 90.2 exceeds the prescribed value of the motor vehicle, the designated official may complete a transfer of ownership form respecting a motor vehicle to transfer ownership of the motor vehicle to the garage keeper.

(4) Where the designated official has completed a transfer of ownership form pursuant to subsection (3), the designated official may direct the administrator to cancel the certificate of registration or registration permit for the motor vehicle.

(5) Notwithstanding any other Act or law, the ownership of a motor vehicle is transferred to and vested in a garage keeper when a transfer of ownership form respecting a motor vehicle has been completed by the designated official pursuant to subsection (3).

(6) Where the administrator has cancelled a certificate or permit pursuant to subsection (4), the administrator shall take the following actions with respect to any refund of registration fees and insurance premiums:

- (a) apply the refund in the prescribed manner towards the unpaid amounts of any prescribed fees, costs and charges relating to the seizure and impoundment or immobilization of the motor vehicle; and
- (b) forward any balance of the refund to the person who was the owner of the motor vehicle at the time of its seizure pursuant to section 90.11.

(7) A transfer of ownership of a motor vehicle pursuant to this section does not defeat any security interest or other interest perfected against the motor vehicle pursuant to *The Personal Property Security Act, 1993*.

When designated official may reimburse garage keeper

90.31(1) A garage keeper may apply to the designated official for reimbursement pursuant to this section where:

- (a) either:
 - (i) a motor vehicle is sold pursuant to section 90.21; or
 - (ii) the designated official has transferred the ownership of the motor vehicle to the garage keeper pursuant to section 90.3 and the garage keeper subsequently has sold the motor vehicle; and
 - (b) the proceeds of the sale are not sufficient to cover all unpaid amounts of prescribed fees, costs and charges relating to the seizure and impoundment or immobilization of the motor vehicle.
- (2) On receipt of an application pursuant to subsection (1), the designated official may reimburse the garage keeper for the remaining unpaid amounts mentioned in clause (1)(b).
- (3) Any amounts paid by the designated official pursuant to subsection (2), together with any other amounts payable pursuant to this Act to the designated official due to the seizure and impoundment or immobilization of the motor vehicle, are a debt payable to the designated official by the person who was the owner of the motor vehicle at the time it was seized pursuant to section 90.11.
- (4) The designated official may recover from the owner any amounts owing to the designated official pursuant to subsection (3):
- (a) in any manner authorized by *The Financial Administration Act, 1993*;
 - (b) in any other manner authorized by law; or
 - (c) by filing with the Court of Queen's Bench, at any judicial centre, a certificate of the designated official certifying the amount owing, together with interest at the prescribed rate to the date of the certificate.
- (5) A certificate filed pursuant to clause (4)(c) is deemed to be a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

2001, c.49, s.5.

Peace officer may release a stolen motor vehicle

90.4 If a peace officer is satisfied that the motor vehicle that was seized pursuant to section 90.11 was a stolen motor vehicle at the time of seizure, the peace officer may release the motor vehicle or direct the garage keeper to release the motor vehicle to the owner or a person authorized by the owner.

2001, c.49, s.5.

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When a justice may release a motor vehicle - on application by owner or user

90.41(1) Where a motor vehicle has been seized and impounded or immobilized pursuant to section 90.11, the following persons may apply to a justice for the release of the motor vehicle:

- (a) the owner of the motor vehicle;
 - (b) a person whose health would be seriously threatened by the continued impoundment or immobilization of the motor vehicle;
 - (c) a person, other than a person who was in the motor vehicle at the time it was seized, who would suffer extreme hardship as a result of the continued impoundment or immobilization of the motor vehicle;
 - (d) a person authorized by a person mentioned in clauses (a) to (c).
- (2) A person who applies to a justice pursuant to subsection (1) must:
- (a) apply in the prescribed form and in the prescribed manner; and
 - (b) pay any prescribed application fee.
- (3) On receipt of an application pursuant to this section and on payment of the prescribed application fee, the justice shall conduct a hearing in the prescribed manner.
- (4) On an application pursuant to this section, a justice may consider any evidence the justice considers relevant including:
- (a) a report of a peace officer respecting the seizure of the motor vehicle; and
 - (b) a report of the designated official respecting any record of a previous seizure pursuant to section 90.11 involving the applicant, the owner or the seized motor vehicle.
- (5) In the circumstances mentioned in subsection (6), the justice:
- (a) shall order the release of the motor vehicle to the applicant, subject to payment of the garage keeper's lien pursuant to section 90.2; and
 - (b) may order the return of the prescribed application fee to the applicant.
- (6) The justice may make the orders mentioned in subsection (5) only if the justice is satisfied that:
- (a) in the case of an application by the owner of the motor vehicle:
 - (i) at the time the motor vehicle was seized, the driver was in possession of the motor vehicle without the knowledge and consent of the owner; or
 - (ii) the owner could not reasonably have known that the motor vehicle was being driven in the course of committing a proscribed offence;
 - (b) the continued impoundment or immobilization of the motor vehicle would pose a serious threat to the health of any person;

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- (c) the continued impoundment or immobilization of the motor vehicle would cause extreme hardship for a person, other than a person who was in the motor vehicle at the time it was seized; or
 - (d) there are other grounds justifying release of the motor vehicle and that it is not contrary to the public interest to release the motor vehicle.
- (7) A person who is dissatisfied with a decision of a justice pursuant to this section may appeal that decision to a judge of the Court of Queen's Bench by:
- (a) serving the designated official with a copy of the notice of appeal; and
 - (b) filing the notice of appeal mentioned in clause (a) with the local registrar of the Court of Queen's Bench at any judicial centre.
- (8) A notice of appeal mentioned in subsection (7) must be served and filed within 30 days after the date of the decision of the justice.
- (9) On an appeal pursuant to subsection (7), the judge of the Court of Queen's Bench may do all or any of the following:
- (a) dismiss the appeal;
 - (b) allow the appeal;
 - (c) allow the appeal subject to terms and conditions;
 - (d) vary the decision appealed against;
 - (e) award costs of the appeal;
 - (f) make any other order that the judge considers just.
- (10) There is no further appeal from a decision of the judge of the Court of Queen's Bench.

2001, c.49, s.5.

When a justice may release a motor vehicle - application by secured party

- 90.5(1)** Where a motor vehicle has been seized and impounded or immobilized pursuant to section 90.11, a secured party with a security interest registered against the motor vehicle pursuant to *The Personal Property Security Act, 1993* may apply to a justice for release of the motor vehicle.
- (2) A secured party who applies to a justice pursuant to subsection (1) must:
- (a) apply in the prescribed form and in the prescribed manner; and
 - (b) pay any prescribed application fee.
- (3) On an application pursuant to subsection (1), the justice may authorize the release of the motor vehicle to the secured party, subject to the payment of the garage keeper's lien pursuant to section 90.2.
- (4) A secured party may recover from the owner of the motor vehicle any amounts that the secured party is required to pay pursuant to this section in order to have the motor vehicle released.

2001, c.49, s.5.

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When an owner may apply for release of a vehicle - payment of a deposit or security

90.51(1) The owner of a motor vehicle seized and impounded or immobilized pursuant to section 90.11 may apply to the designated official for release of the motor vehicle by:

- (a) applying in the prescribed manner; and
- (b) depositing with the designated official:
 - (i) a prescribed amount of money; or
 - (ii) a prescribed amount of a prescribed security.

(2) On receiving an application and deposit pursuant to subsection (1), the designated official may authorize the release of the motor vehicle to the owner or to a person authorized by the owner, subject to the payment of the garage keeper's lien pursuant to section 90.2.

(3) Notwithstanding any other Act or law, any money or security deposited with the designated official pursuant to this section is exempt from garnishment, seizure, attachment, execution or any other process or claim.

2001, c.49, s.5.

When designated official may release motor vehicle - designated program

90.6(1) The designated official may authorize the release of a motor vehicle that was seized pursuant to section 90.11 to the owner or to a person authorized by the owner if:

- (a) the designated official is satisfied that every person who was in the motor vehicle at the time it was seized and whom the peace officer seizing the motor vehicle had reasonable grounds to believe committed a proscribed offence:
 - (i) is eligible to enroll in a designated program; and
 - (ii) has enrolled in the designated program; and
- (b) the owner or the person authorized by the owner pays any prescribed fees, costs and charges relating to the seizure and impoundment or immobilization of the motor vehicle.

(2) For the purposes of subclause (1)(a)(i), a person is not eligible to enroll in a designated program if:

- (a) as a result of the person's conduct leading to the seizure, the person is charged with an offence under subsection 212(2) or (4) of the *Criminal Code*; or
- (b) the person has previously been enrolled in a designated program.

(3) If a person who enrolls in a designated program for the purposes of this Part fails to complete the designated program within the period set by the minister, the designated official shall direct the administrator to suspend that person's driver's licence pursuant to section 23 of *The Vehicle Administration Act*.

2001, c.49, s.5.

When designated official may release motor vehicle - prescribed circumstances

90.61(1) In the prescribed circumstances, the designated official may do all or any of the following:

- (a) authorize the release of the motor vehicle to the owner or to a person authorized by the owner;
 - (b) waive any prescribed fees, costs or charges;
 - (c) reimburse the owner of the motor vehicle for any prescribed fees, costs and charges paid by the owner relating to the seizure and impoundment or immobilization of the motor vehicle.
- (2) The designated official may impose any terms and conditions that the designated official considers appropriate on a decision pursuant to this section.
- (3) No person on whom terms and conditions are imposed, whether pursuant to this section or the regulations, shall fail to comply with those terms and conditions.

2001, c.49, s.5.

Release or repayment by designated official when no person convicted

90.7(1) This section applies where:

- (a) a motor vehicle has been seized and impounded or immobilized pursuant to section 90.11; and
 - (b) every person who was in the motor vehicle at the time it was seized and who was charged with a proscribed offence in connection with the seizure of the motor vehicle has not been found guilty of a proscribed offence.
- (2) In the circumstances mentioned in subsection (1), the designated official shall:
- (a) either:
 - (i) if the motor vehicle has not been sold, transferred to a garage keeper or released, authorize the release of the motor vehicle to the owner or to a person authorized by the owner;
 - (ii) if the motor vehicle has been sold pursuant to this Part, pay any remaining proceeds of the sale to the owner;
 - (iii) if the motor vehicle has been transferred to a garage keeper pursuant to this Part, reimburse the owner for the prescribed value of the motor vehicle; or
 - (iv) if the owner has deposited any money or security with the designated official pursuant to section 90.51, authorize the return of the money or security to the owner;

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(b) if the owner has paid any prescribed fees, costs or charges relating to the seizure and impoundment or immobilization of the motor vehicle, reimburse the owner for those fees, costs and charges; and

(c) reimburse the garage keeper for any prescribed fees, costs and charges relating to the seizure and impoundment or immobilization of the motor vehicle that remain outstanding and that are owed to the garage keeper.

2001, c.49, s.5.

When motor vehicle or deposit is forfeited

90.71(1) Subject to subsection (5), this section applies where:

(a) a person who was in a motor vehicle at the time it was seized pursuant to section 90.11:

(i) is convicted of a proscribed offence; or

(ii) is the subject of an order made pursuant to section 730 of the *Criminal Code*, or a disposition pursuant to the *Youth Criminal Justice Act* (Canada), that directs that the person be discharged of a proscribed offence.

(2) In the circumstances mentioned in subsection (1):

(a) if the owner of the motor vehicle has deposited money or security pursuant to section 90.51, the money or security is forfeited to the Crown in right of Saskatchewan;

(b) if the motor vehicle has been sold by a garage keeper pursuant to section 90.21, any balance remaining from the sale of the motor vehicle that was forwarded to the designated official is forfeited to the Crown in right of Saskatchewan; or

(c) if, at the time of the conviction, the motor vehicle remains under seizure and has not been released or sold, the motor vehicle is forfeited to the Crown in right of Saskatchewan subject to any security interest or other interest perfected against the motor vehicle pursuant to *The Personal Property Security Act, 1993*.

(3) Where any money or security deposit is forfeited pursuant to subsection (2):

(a) the designated official shall reimburse the garage keeper for any prescribed fees, costs and charges related to the impoundment or immobilization of the motor vehicle; and

(b) subject to any direction of Treasury Board, the money or security deposit must be deposited in the general revenue fund.

(4) **Repealed.** 2002, c.48, s.18.

2001, c.49, s.5; 2002, c.48, s.18; 2004, c.13, s.16.

Prohibition on removing or releasing motor vehicle, licence plates or personal property

90.72(1) Unless authorized pursuant to this Part, no person shall remove or release, attempt to remove or release, or permit the removal or release of a motor vehicle that has been seized and impounded or immobilized pursuant to section 90.11 from the place of impoundment or immobilization.

(2) No person shall remove the licence plates from a motor vehicle, or attempt to transfer the licence plates, or transfer the ownership, or transfer or cancel the registration of a motor vehicle while it is seized, impounded or immobilized pursuant to section 90.11.

(3) No person shall remove personal property that is attached to a motor vehicle that is seized, impounded or immobilized pursuant to section 90.11 or that is used in connection with the operation of the motor vehicle, other than prescribed personal property.

2001, c.49, s.5.

Designation of garage keepers

90.8(1) The designated official may designate any persons or class of persons as garage keepers.

(2) Every person designated pursuant to subsection (1) is deemed to be a garage keeper for the purposes of this Act and the regulations and is subject to the same obligations, rights and entitlements of a garage keeper set out in section 90.2.

2001, c.49, s.8.

Designated official may enter into agreements

90.81 The designated official may enter into an agreement with any garage keeper respecting all or any of the following:

- (a) the impoundment or immobilization of motor vehicles seized and impounded or immobilized pursuant to section 90.11;
- (b) the release, sale or transfer of ownership of motor vehicles seized and impounded or immobilized pursuant to section 90.11;
- (c) any fees, costs or charges arising from the impoundment or immobilization of motor vehicles pursuant to section 90.11;
- (d) any other thing the designated official considers necessary to carry out the purposes of this Part.

2001, c.49, s.5.

Fees payable to designated official

90.9 Notwithstanding section 110 but subject to any direction of Treasury Board, all fees, costs and charges payable pursuant to this Part that are not otherwise provided for pursuant to this Act or the regulations are payable to the designated official for deposit in the general revenue fund.

2001, c.49, s.5.

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Civil remedy for certain owners

90.91 The owner of a motor vehicle that is seized pursuant to section 90.11 may recover, from the driver of the motor vehicle who was in possession of the motor vehicle at the time it was seized:

- (a) if the motor vehicle has been sold or transferred to a garage keeper pursuant to this Part, the value of the motor vehicle;
- (b) if the owner was required to pay any fees, costs and charges or the amount of any garage keeper's lien pursuant to this Part to obtain the release of the motor vehicle, the amount of the fees, costs and charges or lien that was paid;
- (c) if the motor vehicle has been forfeited to the Crown in right of Saskatchewan, the value of the motor vehicle;
- (d) if the owner was required to pay any money to a secured party pursuant to subsection 90.5(4), the amount of money that was paid; or
- (e) if the owner deposited any money or security pursuant to section 90.51 to obtain the release of the motor vehicle, the money or security that was deposited.

2001, c.49, s.5.

**PART VII.3
Drinking and Driving**

24-hour suspension

91(1) In this section, “**driver**” includes a person who has the care or control of a motor vehicle whether it is in motion or not.

(2) The driver's licence of a person whose venous blood contains not less than 40 milligrams of alcohol per 100 millilitres of blood is subject to suspension under this section.

(3) A peace officer may, at any time and at any place, request a driver of a motor vehicle to surrender his driver's licence to him if the peace officer has reasonable and probable grounds to believe that the driver may have consumed alcohol in an amount that would make his driver's licence liable to suspension.

(4) Subject to subsection (5), where a peace officer makes a request pursuant to this section for the surrender of a driver's licence, the driver's licence is thereupon suspended for a period of 24 hours from the time of the request.

(5) Where a driver whose licence is suspended pursuant to this section:

- (a) immediately and voluntarily undergoes a test of a kind authorized to be given for the purpose by the minister that, in the opinion of the peace officer, indicates that the venous blood of the driver contains less than 40 milligrams of alcohol per 100 millilitres of blood; or

(b) after the suspension but before it has expired, obtains and produces to the peace officer a certificate from a duly qualified medical practitioner stating that the venous blood of the driver contains less than 40 milligrams of alcohol per 100 millilitres of blood;

the suspension of the licence is thereupon terminated.

(6) Notwithstanding any other provision of this section, where:

(a) a peace officer makes a request pursuant to this section; and

(b) the peace officer is satisfied that the delay resulting from the driver's undergoing a test of the kind mentioned in clause (5)(a) is likely to endanger the life of a person;

the suspension of the driver's licence is terminated.

(7) Unless sooner terminated under subsection (5) or (6), the suspension of a driver's licence pursuant to this section terminates on the expiry of a period of 24 hours from the time of suspension.

(8) On the termination of the suspension of a driver's licence pursuant to subsection (7) the licence, if it was surrendered, is to be returned to the driver by ordinary mail at the address shown on the licence unless the driver calls for the licence in person.

(9) Where under this section a peace officer suspends the licence of a driver, the peace officer shall:

(a) keep a written record of every licence suspended by him;

(b) if the suspension is not terminated pursuant to clause (5)(a) or subsection (6), provide the driver whose licence is suspended with a written statement of the time from which the suspension takes effect; and

(c) where the driver surrenders his licence, give the driver a receipt therefor.

(10) If a peace officer has reasonable and probable grounds to believe that a non-resident driver may have consumed alcohol to the extent that his venous blood contains not less than 40 milligrams of alcohol per 100 millilitres of blood, the peace officer may, at any time and at any place, prohibit the non-resident driver from driving any motor vehicle on any highway in Saskatchewan for a period of 24 hours from the time the prohibition is imposed.

(11) Subsections (5), (6) and (9) apply *mutatis mutandis* to a prohibition imposed pursuant to subsection (10).

1986, c.H-3.1, s.91; 1996, c.29, s.9.

92 Repealed. 1989-90, c.10, s.18.

PART VIII
Offences and Penalties
 GENERAL

Liability of owner or person in charge of vehicle

93(1) In this section:

- (a) **“authorized person”** means a person who is in charge of a vehicle with the express or implied consent of the owner of the vehicle;
 - (b) **“other law”** means any bylaw passed by a local government regulating vehicles or the use of highways including the regulating and prohibiting of parking of vehicles on highways;
 - (c) **“owner”** means, with respect to any vehicle, the person to whom a current certificate of registration or registration permit for a vehicle is issued;
 - (d) **“unauthorized person”** means a person who is in charge of a vehicle without the express or implied consent of the owner of the vehicle.
- (2) Where a vehicle is involved in the commission of an offence under this Act, the regulations or any other law, by the person in charge of the vehicle, the owner of the vehicle is liable for the offence unless the owner proves to the satisfaction of the court that, at the time of the offence, the vehicle:
- (a) was not being operated and had not been parked or left by the owner; and
 - (b) was not being operated and had not been parked or left by any authorized person in charge of the vehicle.
- (3) Where, at the time of the commission of any offence under this Act, the regulations or other law involving a vehicle, the vehicle was not being operated and had not been parked or left by the owner or by any authorized person in charge of the vehicle, the unauthorized person in charge of the vehicle is liable for the offence unless the unauthorized person in charge of the vehicle proves to the satisfaction of the court that, at the time of the offence, the vehicle:
- (a) was not being operated, and had not been parked or left by that unauthorized person in charge of the vehicle; and
 - (b) was not being operated and had not been parked or left by any person in charge of the vehicle with the express or implied consent of that unauthorized person in charge of the vehicle.
- (4) Notwithstanding subsection (2), where, at the time of the offence, the vehicle was not being operated by the owner and had not been parked or left by the owner, the owner is not liable to imprisonment.
- (5) Notwithstanding subsection (3), where, at the time of the offence, the vehicle was not being operated by the unauthorized person in charge of the vehicle and had not been parked or left by that unauthorized person, that unauthorized person in charge of the vehicle is not liable to imprisonment.
- (6) Notwithstanding section 51 of *The Summary Offences Procedure Act, 1990*, where a person is guilty of an offence pursuant to this section, sections 29 and 31 of *The Summary Offences Procedure Act, 1990* do not apply.

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General offence and penalty

94 Any person who contravenes any provision of this Act or the regulations for which no other penalty is specifically provided, or who disobeys an order of the board, is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$1,000;
- (b) in the case of a corporation, to a fine of not more than \$2,000.

1986, c.H-3.1, s.94.

Offence and penalty re vehicles in area frequented by prostitutes

94.1(1) No person shall, without lawful excuse, repeatedly drive a motor vehicle through an area that is frequented by:

- (a) prostitutes; or
- (b) children who have been subjected to sexual abuse within the meaning of section 3 of *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*.

(2) No person shall, without lawful excuse, repeatedly park a motor vehicle in an area that is frequented by:

- (a) prostitutes; or
- (b) children who have been subjected to sexual abuse within the meaning of section 3 of *The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act*.

(3) Every person who contravenes subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000.

(4) Every person who, without lawful excuse, is found in a motor vehicle described in subsection (1) or (2) is guilty of an offence and liable on summary conviction to a fine of not more than \$5,000 whether or not the driver has been prosecuted or convicted.

2002, c.48, s.17.

Arrest

95(1) Where a peace officer finds a person committing a violation of section 17, 23, subsection 40(8) or section 44, 68, 89 or 91, he may arrest that person, if he has reasonable and probable grounds to believe and does believe that the person will not appear in court to answer a summons.

(2) A peace officer who has arrested a person in accordance with this section shall, with reasonable diligence, take the person so arrested before a court of competent jurisdiction so that he may be dealt with according to law.

1986, c.H-3.1, s.95.

c. H-3.1

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Furnishing information

96 Every holder of a certificate of registration, registration permit, operating authority certificate or temporary operating authority certificate and every driver and occupant of a vehicle shall, on request, furnish any peace officer with any information that he requires in the fulfillment of his duties under this Act.

1986, c.H-3.1, s.96.

EVIDENCE

Tests of equipment

97(1) In this section:

(a) **“stationary scale”** means a weighing machine for which a statement of accuracy, bearing a date not more than one year prior to or subsequent to the date of the offence charged in the information or complaint, has been issued and signed or purports to have been signed by an inspector within the meaning of the *Weights and Measures Act* (Canada);

(b) **“portable scale”** means a piece of weighing equipment approved by the minister for the purpose of weighing any vehicle or combination of vehicles to ascertain the gross vehicle weight.

(2) In a prosecution for a violation of this Act, the regulations or a bylaw of a local government, the following certificates are admissible in evidence as *prima facie* proof of the facts stated in the certificate and of the authority of the person who issued and signed the certificate, without proof of his or her appointment or signature:

(a) a certificate:

(i) stating the result of a test of:

(A) the speedometer of a vehicle identified in the certificate;

(B) a tuning fork identified in the certificate and used for determining the accuracy of a radar set;

(C) a stop watch identified in the certificate;

(C.1) a red light camera system identified in the certificate; or

(D) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles;

- (ii) bearing a date:
 - (A) in the case of a tuning fork, not more than one year before or after the date of the offence charged;
 - (B) in the case of a speedometer, stop watch or other device used for establishing the speed of vehicles, not more than 30 days before or after the date of the offence charged;
 - (C) in the case of a red light camera system, 30 days before or after the date of the offence charged; and
- (iii) purporting to be signed by a prescribed tester appointed to test devices of the type stated to have been tested; or
- (b) a certificate stating the gross vehicle weight ascertained by weighing the vehicle on a stationary scale or on one or more portable scales.

1992, c.54, s.8; 2000, c.13, s.19; 2004, c.13, s.17.

Photographs from red light camera system

97.1(1) A photograph obtained through the use of a red light camera system may be tendered and shall be received in evidence in a prosecution for an alleged contravention of clause 65(5)(a) or (5.1)(a).

(2) In the absence of evidence to the contrary, a photograph of a vehicle obtained through the use of a red light camera system is proof that:

- (a) the information shown in the photograph or superimposed on the photograph by the red light camera system is true; and
- (b) the vehicle and its driver did not stop at a red light and the vehicle and its driver proceeded through an intersection before a green light was shown, contrary to clause 65(5)(a) or (5.1)(a).

(3) In a prosecution for an alleged contravention of clause 65(5)(a) or (5.1)(a), the evidence of any of the following persons may be given by affidavit:

- (a) a person involved in the regulation of local traffic control devices;
- (b) a person involved in the installation, operation or use of a red light camera system or the processing of a photograph taken by the red light camera system;
- (c) a person involved in the issuance or service of a ticket pursuant to *The Summary Offences Procedure Act, 1990* with respect to that alleged contravention;
- (d) a person involved in the service of an affidavit pursuant to subsection (5).

(4) An affidavit mentioned in subsection (3) is proof, in the absence of evidence to the contrary, of the facts stated in the affidavit.

(5) No affidavit mentioned in subsection (3) shall be received in evidence unless a copy of the affidavit is served on the accused by ordinary mail addressed to the last known address of the accused as indicated on the records of the administrator, at least 10 days before the date of the hearing.

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(6) The accused may, with leave of the court, require the attendance of any person giving evidence by affidavit pursuant to subsection (3) for the purpose of cross-examination.

2000, c.13, s.20.

Documents

98 Every document purporting to be signed by the chairman or any other member of the board is admissible in evidence as prima facie proof of the facts stated in the certificate without proof of the signature or official character of the person signing the certificate.

1986, c.H-3.1, s.98.

Suspension, etc., of certificate and permits

99 The certificate of the administrator signed on behalf of the administrator pursuant to *The Vehicle Administration Act* that a certificate of registration or permit has been suspended or revoked or refused and that notice of the suspension, revocation or refusal was given is admissible in evidence as prima facie proof of the facts stated in the certificate, without proof of the signature or official character of the person purporting to have signed the certificate.

1986, c.H-3.1, s.99.

Standards, specifications, etc.

100 The certificate of the chairman of the board that a copy of a schedule, classification, standard or specification mentioned in this Act or the regulations is a true copy of the schedule, classification, standard or specification is admissible in evidence as prima facie proof of the facts stated in the certificate, without proof of his appointment or signature.

1986, c.H-3.1, s.100.

Municipal bylaws

101 The certificate of the clerk, administrator, secretary treasurer or official in charge of bylaw records of a local government specifying the bylaw and stating that it has been approved by the board and the date of its approval, is admissible in evidence as prima facie proof that the bylaw has been so approved and of authority to approve it, without proof of the signature or official character of the person purporting to have signed it.

1986, c.H-3.1, s.101.

Records

102 Where, in a prosecution for a violation of any provision of this Act or the regulations:

(a) a record kept by the board or any portion of the record is admissible in evidence, a copy of the record or portion of the record certified:

(i) by the chairman of the board; or

(ii) by a person appointed to act in the chairman's place;

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(b) a record kept by the administrator or any portion of the record is admissible in evidence, a copy of the record or portion of the record certified:

- (i) by the administrator; or
- (ii) by a person appointed to act in the administrator's place;

to be a true copy, is admissible as *prima facie* evidence of the record, without proof of his or her appointment or signature.

1989-90, c.10, s.19.

Proof of registration

102.1 Where another jurisdiction issues, with respect to a vehicle:

- (a) a certificate of registration; or
- (b) any other document similar in nature to that mentioned in clause (a);

a copy of that certificate or document, as the case may be, is admissible as *prima facie* evidence of the registration of that vehicle without proof of signature or appointment of the person issuing the certificate or document.

1989-90, c.10, s.19.

Bills of lading

103 In a prosecution for a violation of this Act or the regulations, a bill of lading or a copy of a bill of lading relating to the transaction involving the violation is admissible in evidence as *prima facie* proof of its contents without proof of the signature or authority of the person signing the bill of lading.

1986, c.H-3.1, s.103.

Evidence of authority of traffic officer

104 In a prosecution under this Act, the fact that a person purports to act as a traffic officer is *prima facie* evidence of his appointment and authority so to act.

1986, c.H-3.1, s.104.

Seizure

105(1) A peace officer, without warrant, may seize any vehicle that the peace officer has reasonable and probable grounds to believe:

- (a) is being driven in violation of this Act or the regulations; or
- (b) is parked on a highway:
 - (i) at a place; or
 - (ii) in a manner;

that constitutes a hazard to other users of the highway;

and may retain it in his or her possession or store it in a suitable place.

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(2) The holder of the certificate of registration of a vehicle that has been seized under subsection (1), his agent or any person having an interest in the vehicle may obtain the release of the vehicle if he:

- (a) obtains the written consent of the board to do so;
- (b) pays the expenses of the seizure and retention or storage of the vehicle; and
- (c) pays the cost of any examination or test conducted in accordance with this Act or the regulations.

(3) The expenses and costs mentioned in clauses (2)(b) and (c) constitute a lien on the vehicle seized and, if the owner of the vehicle cannot after reasonable inquiry be found or if he fails to pay the expenses within 14 days after the day on which a notice requiring him to do so has been served on him, the vehicle may be sold for the purpose of recovering the expenses, and section 68 of *The Vehicle Administration Act* applies *mutatis mutandis* to the sale, the application of the proceeds of the sale and the disposition of any surplus moneys.

1986, c.H-3.1, s.105; 1990-91, c.17, s.10.

Examination and tests of vehicles

106(1) A peace officer or a person appointed by the board may order the driver or owner of a vehicle to submit the vehicle or any combination of vehicles, to any examination and tests that the peace officer considers necessary.

(1.1) Where a vehicle with its load is weighed using portable scales, the peace officer or person appointed by the board shall immediately advise the person in charge of the vehicle that, in lieu of having the weight determined with the portable scales, he or she has the right to take the vehicle with its load immediately to the nearest stationary weighing machine that is:

- (a) capable of weighing the vehicle with its load; and
- (b) certified by an inspector within the meaning of the *Weights and Measures Act* (Canada).

(1.2) If a person elects to have the vehicle with its load weighed at the nearest stationary weighing machine, the peace officer or person appointed by the board has the power to take any steps that he or she considers necessary to ensure that no alteration in the weight of the vehicle or its load occurs during transit to the nearest weighing machine.

(2) If, in the opinion of the peace officer or a person appointed by the board, the vehicle or combination of vehicles is found to be unfit for transportation or dangerous to passengers or the public, he may:

- (a) order the driver or the owner of the vehicle to have the vehicle placed in a safe condition and report to a person specified in the order to have the vehicle inspected after it has been repaired; and
- (b) order that the vehicle be removed from the highway until it is safe for transportation.

(2.1) No person shall fail to comply with an order made pursuant to clause (2)(a) within the time specified in the order.

(2.2) No person shall drive on a public highway a vehicle that is the subject of an order made pursuant to clause (2)(b) until a peace officer or a person appointed by the board is satisfied that the vehicle is safe for transportation.

(3) Every occupant of a vehicle which is being examined or tested pursuant to this Act shall, when requested, provide reasonable assistance to the person who is conducting the examination.

1986, c.H-3.1, s.106; 1996, c.29, s.10; 2000, c.13, s.21.

Books and records

107(1) Unless otherwise specified in the regulations, every person required by this Act or the regulations to keep records, books or accounts shall retain those records, books or accounts for a period of one year from the date of the last entry in them.

(2) All records, books, accounts or documents required by this Act or the regulations to be kept are at all times during business hours to be open to the inspection of the board, its appointed representative or a peace officer.

(3) No person shall refuse to allow the board, its representatives or a peace officer access to any records, books, accounts or documents described in subsection (2) or to produce them for inspection when requested to do so.

(4) The board, its appointed representatives or a peace officer, conducting an inspection as described in subsection (2) or (3) may seize any record, book, account, document or other thing on or in which information is written, recorded, stored or reproduced which is considered necessary to ascertain whether this Act or the regulations are being complied with and may use them as evidence.

(5) When a seizure is made pursuant to subsection (4) the board, its appointed representative or a peace officer shall, within 14 days, supply the person from whom the seizure was made or an employee of the company, with a complete copy or return the seized item.

(6) Where the board, its appointed representative or a peace officer is denied:

- (a) access to; or
- (b) the right to seize;

any records, books, accounts or documents described in subsection (3), a judge of the Provincial Court of Saskatchewan may, on being satisfied on the oath of such a person that such access or right is required for the purpose of enforcing this Act or the regulations, issue a warrant to that person to:

- (c) enter the place where the records, books, accounts or documents are located; and
- (d) seize and remove any such records, books, accounts or documents or other thing on or in which information is written, recorded, stored or reproduced.

(7) Where an inspection is being conducted pursuant to this section, no person shall conceal or destroy any record, book, account, document or other thing relevant to the subject matter of the inspection or investigation.

1986, c.H-3.1, s.107; 1990-91, c.17, s.11.

c. H-3.1

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PART IX
Fees and Expenses**Regulations**

108 The Lieutenant Governor in Council may make regulations:

- (a) classifying vehicles according to the use, passenger capacity, design or any other characteristics of the vehicles;
- (b) establishing a tariff of fees payable for the registration of:
 - (i) any vehicle or class or classes of vehicles;
 - (ii) any vehicle in combination with any vehicle or combination of vehicles;
- (c) providing for the registration of any vehicle or class or classes of vehicles or any vehicle in combination with any other vehicle or combination of vehicles on any terms or conditions of operation of the vehicles or class or classes of vehicles or vehicle in combination with any vehicle or combination of vehicles;
- (d) determining the period for which any certificate of registration, registration permit or driver's licence is valid;
- (e) establishing the fees that may be charged for any driver's licences or classes of driver's licences;
- (f) respecting any refunds of fees that may be made and the calculation of such refunds;
- (g) prescribing any other fee that he considers necessary in connection with the administration of this Act.

1986, c.H-3.1, s.108.

Recovery of fees

109(1) Notwithstanding any other provision of this Act or any provision of any other Act or that the administrator has suspended or revoked a certificate, licence or permit or has caused a licence plate or plates to be returned to it or has impounded a motor vehicle, any fee or charge payable under this Act or any former *Vehicles Act* or the regulations under this Act or any former *Vehicles Act* may be recovered by action.

(2) The board may, subject to the retention of any portion of the moneys paid that reimburses the board for relevant work and expense, authorize refunds of fees paid for registrations, transfers or exchanges where the issue of certificates or the registration of transfers or exchanges has not been completed.

1986, c.H-3.1, s.109; 1989-90, c.15, s.2.

Allocation of fees and fines

110(1) Subject to subsection (2), all fees and other moneys collected under this Act are to be deposited in the general revenue fund.

(2) Where a person is convicted and fined for a violation:

- (a) within a municipality other than a rural municipality; or
- (b) on a road under the control of a rural municipality, other than a provincial highway;

of any provision of this Act or of the regulations on the information of a peace officer or other official employed and paid by the municipality, the fine collected is to be remitted to the municipality or rural municipality and the convicting court shall dispose of the fine accordingly.

1986, c.H-3.1, s.110; 2004, c.10, s.17; 2005, c.M-36.1, s.432.

PART X
Miscellaneous

Immunity

110.1 No action lies or shall be instituted against:

- (a) the minister;
- (b) the administrator;
- (c) the Highway Traffic Board;
- (d) any peace officer;
- (e) the Crown in right of Saskatchewan, its officers and employees;
- (f) any garage keeper; or
- (g) any hearing officer;

for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any function or duty imposed by this Act or the regulations or any order made pursuant to this Act.

1996, c.29, s.11.

Exemption

110.2(1) The administrator may exempt a person from the application of any provision of this Act or the regulations respecting the licensing of drivers, the issuance of a certificate of registration or the impoundment of motor vehicles where, in the opinion of the administrator:

- (a) the application of the provision would cause a hardship to the person or to other residents of Saskatchewan; and
- (b) granting the exemption would not be contrary to the public interest.

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(2) The administrator shall not grant an exemption pursuant to subsection (1) where the exemption would:

- (a) interfere with an order of the board or a decision of the board made in an exercise of the board's regulatory authority; or
- (b) remove any right to a hearing or right of appeal granted pursuant to this Act.

2000, c.13, s.22.

Reports of convictions

111(1) Every judge or justice of the peace who convicts a person of a violation:

- (a) of this Act;
- (b) of section 203, 204 or 219 of the *Criminal Code*, as those provisions existed on December 3, 1985, by means of a motor vehicle, or of subsection 233(1), (2) or (4), section 234 or 234.1, subsection 235(2) or section 236 of the *Criminal Code*, as those provisions existed on December 3, 1985;
- (c) of section 203, 204 or 219, subsection 233(3) or (4), section 236, clause 237(a) or (b), subsection 239(2) or (3) or subsection 242(4) of the *Criminal Code*, as those provisions existed on December 11, 1988, by means of a motor vehicle, or by means of a water vessel or aircraft where the sentence imposed includes or consists of an order prohibiting the convicted person from operating a motor vehicle;
- (d) of clause 233(1)(a) of the *Criminal Code* as that provision existed on December 11, 1988;
- (e) of subsection 238(5) of the *Criminal Code*, as that provision existed on December 11, 1988, for failure or refusal to comply with a demand made under section 238 of the *Criminal Code*, as that provision existed on December 11, 1988, where the offender, within the two hours preceding the offence, operated or had the care or control of a motor vehicle;
- (f) of section 220, 221 or 236, subsection 249(3) or (4), section 252, clause 253(a) or (b), subsection 255(2) or (3) or subsection 259(4) of the *Criminal Code* by means of a motor vehicle, or by means of a water vessel or aircraft where the sentence imposed includes or consists of an order prohibiting the convicted person from operating a motor vehicle;
- (g) of clause 249(1)(a) of the *Criminal Code*;
- (h) of subsection 254(5) of the *Criminal Code* for failure or refusal to comply with a demand made under section 254 of the *Criminal Code* where the offender, within the two hours preceding the offence, operated or had the care or control of a motor vehicle;

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- (i) of a provision of a bylaw made pursuant to *The Wascana Centre Act* applicable to the operation of motor vehicles; or
- (j) of a provision of a bylaw of a municipality applicable to the operation of motor vehicles;

shall immediately forward to the administrator particulars of the conviction.

- (2) The administrator may release to the board any information forwarded to it pursuant to subsection (1).

1986, H-3.1, s.111; 1989-90, c.10, s.20; 2005, c.M-36.1, s.432.

Interpretation

111.1 For the purposes of sections 111.2 to 111.4:

- (a) **“transportation”** means the driving, maintenance, use and operation of a vehicle for commercial purposes;
- (b) **“transportation legislation”** means:
 - (i) any provision of this Act or the regulations that relates to transportation;
 - (ii) any provision of *The Highways and Transportation Act, 1997* or the regulations made pursuant to that Act that relates to transportation; and
 - (iii) with respect to any Act or regulation that is designated in the regulations for the purposes of this clause, any provision that relates to transportation.

2000, c.13, s.23.

Powers of inspection

111.2(1) Subject to subsection (2), for the purposes of ensuring compliance with any transportation legislation, a representative of the administrator may, at any reasonable time, without a warrant:

- (a) enter and inspect any land, place, premises or vehicle used by a person who is required to comply with the transportation legislation;
- (b) enter any land, place, premises or vehicle containing any records or property that a person is required to keep pursuant to any transportation legislation that applies with respect to the business of that person and inspect those records or that property;
- (c) make a copy of any records described in clause (b) or, if the representative of the administrator is unable to make a satisfactory copy, after giving a receipt remove and retain the records for any period that the representative of the administrator considers appropriate;

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- (d) require any person, including any representative, agent, director, officer or employee of a body corporate, to provide the representative of the administrator with all reasonable assistance;
 - (e) make inquiries of any person mentioned in clause (d).
- (2) A representative of the administrator shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant obtained pursuant to *The Summary Offences Procedure Act, 1990*, except in circumstances in which the representative of the administrator considers an emergency exists.
- (3) No person shall obstruct or prevent a representative of the administrator from entering any premises and carrying out an inspection pursuant to subsection (1).
- (4) For the purpose of producing a readable record from a computer system used to keep a record required pursuant to any transportation legislation that applies in relation to the business of a person, a representative of the administrator may use any computer hardware or software belonging to that person in carrying out an inspection pursuant to subsection (1).

2000, c.13, s.23.

Production of records

- 111.3(1)** For the purposes of enforcing and administering any transportation legislation, the administrator may serve a written demand on any person, including the president, manager, secretary, director, agent or representative of a partnership, corporation or trustee, requiring from that person the production, including the production on oath, of any record required to be kept pursuant to any transportation legislation.
- (2) The administrator may specify a reasonable time within which a demand pursuant to this section is to be complied with, and every person on whom a demand is served shall comply with the demand within the specified time.
- (3) A demand pursuant to this section may be served:
- (a) by personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
 - (b) by registered mail addressed to the last business or residential address of the person to be served known to the administrator.
- (4) A demand sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the demand or received it at a later date.
- (5) If it is for any reason impractical to effect service of a demand in the manner provided for in subsection (3), a judge of the Court of Queen's Bench may, on an application that may be made *ex parte*, make an order for substituted service.

(6) A demand served in accordance with the terms of an order mentioned in subsection (5) is deemed to have been properly served.

(7) A failure to respond to a demand served in accordance with this section within the time specified in the demand is deemed to be a reasonable ground for believing that a contravention of transportation legislation has occurred.

2000, c.13, s.23.

Prohibition

111.4 No person shall withhold, destroy, alter, conceal or refuse to produce any records or property that a representative of the administrator reasonably requires for the purposes of an inspection or an investigation pursuant to any transportation legislation.

2000, c.13, s.23.

Service of documents

112(1) Any document required by this Act or the regulations to be given or served is, unless otherwise provided for, to be served personally or mailed by ordinary or registered mail to the last known address of the person being served.

(2) A document served by ordinary or registered mail is deemed to have been received on the tenth day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of his own, he did not receive the document or that he received it at a later date.

1986, c.H-3.1, s.112.

Record keeping

112.1(1) The Lieutenant Governor in Council may make regulations:

- (a) requiring drivers of commercial vehicles or any category of drivers of commercial vehicles to keep the records and reports prescribed pursuant to clause (b) and provide them to the operators for whom they drive;
- (b) for the purposes of clause (a), prescribing the records and reports respecting the use, condition, safety and maintenance of commercial vehicles, including records and reports respecting the use, condition, safety and maintenance of commercial vehicles while they are outside Saskatchewan, that drivers are required to keep and to provide to the operators for whom they drive;
- (c) exempting any driver or category of drivers of commercial vehicles from all or any of the regulations made pursuant to clause (a);
- (d) requiring operators of commercial vehicles or categories of operators of commercial vehicles to keep the records prescribed pursuant to clause (e);

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- (e) for the purposes of clause (d), prescribing:
 - (i) the records respecting the use, condition, safety and maintenance of commercial vehicles, including records respecting the use, condition, safety and maintenance of commercial vehicles while they are outside Saskatchewan, that operators are required to keep;
 - (ii) the form of records mentioned in subclause (i) and the manner and location in which they are to be kept;
 - (f) exempting any operator or category of operators of commercial vehicles from all or any of the regulations made pursuant to clause (d);
 - (g) prescribing the minimum period for which records must be kept;
 - (h) governing the circumstances in which records must be made available for inspection by a representative of the administrator.
- (2) Any regulation made pursuant to subsection (1) may adopt by reference, in whole or in part, with any changes that the Lieutenant Governor in Council considers necessary, any code, standard or regulation made by the Government of Canada, and may require compliance with any code, standard or regulation so adopted.
- (3) No person shall fail to comply with a regulation made pursuant to this section.
- (4) The failure of a driver to provide the records required by the regulations made pursuant to clauses (1)(a) and (b) does not relieve the operator from the requirement to keep the records required by the regulations made pursuant to clauses (1)(d) and (e).

2000, c.13, s.24.

Rated capacity of vehicles

113 The board may, where it considers it in the public interest, make regulations providing that, for the purposes of this Act or the regulations, a motor vehicle, trailer or semi-trailer or class or model of motor vehicles, trailers or semi-trailers is deemed to have a different manufacturer's rated capacity than that claimed or advertised by the manufacturer.

1986, c.H-3.1, s.113.

Weight restrictions

114 Nothing in this Act relieves any person, nor does the issue of a certificate of registration or registration permit under this Act or *The Vehicle Administration Act*, relieve the holder of the certificate, his agent or employee, from observance of or compliance with any weight restricting regulation, order or bylaw made or passed under statutory authority.

1986, c.H-3.1, s.114.

Deemed owners

115(1) Where an order is made pursuant to section 6 of *The Family Property Act* with respect to a motor vehicle, the spouse in whose favour the order is made is deemed to be the owner for the purposes of sections 86 and 87 of this Act and section 79 of *The Vehicle Administration Act*, and the duties and responsibilities of an owner imposed by this Act and *The Vehicle Administration Act* thereupon devolve on that spouse.

(2) Where an application is made by an agent, section 79 of *The Vehicle Administration Act* applies to the person making the application as well as to the person on whose behalf the application is made.

1986, c.H-3.1, s.115; 2001, c.51, s.11.

Grants

116(1) Subject to subsection (2), the minister may for the purpose of furthering activities related to transportation and safety make annual or other grants, on any terms or conditions that he may prescribe, to any person, agency, organization, association, institution or other body within or without Saskatchewan.

(2) The minister shall obtain the approval of the Lieutenant Governor in Council before making any grant under subsection (1) that is in excess of \$10,000.

1986, c.H-3.1, s.116.

Municipal fees

117(1) No municipality shall impose any fee or charge on a person who holds a public service vehicle certificate other than business or property tax in cases where the holder of the certificate maintains an office.

(2) Subsection (1) does not apply to the holder of a public service vehicle certificate whose major portion of revenue from the operation of a taxi service is secured from the operation of that service within a municipality.

(3) If, in a prosecution of an operator of a taxi service for non-payment of a licence fee imposed by a municipality or in an action by a municipality for recovery from such operator of a licence fee, it is proved that he derives some portion of his revenue from the operation of a taxi service within the municipality, it is presumed that he derives the major portion of such revenue from that source, unless it is proved to the contrary.

1986, c.H-3.1, s.117; 2005, c.M-36.1, s.432.

False statements

118 No person shall, in any verbal information, report or document required for the purposes of this Act, make a statement false in any material particular.

1986, c.H-3.1, s.118.

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Regulations

119(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing any matter or thing required or authorized by this Act to be prescribed by the Lieutenant Governor in Council;
- (b.1) for the purposes of section 36.1:
 - (i) respecting the maximum speed at which vehicles may travel in school zones;
 - (ii) respecting the traffic control devices that must be placed and the official signs that must be posted to identify an area as a school zone;
 - (iii) requiring municipalities to enact bylaws:
 - (A) prescribing the maximum speed at which vehicles may be driven in a school zone;
 - (B) respecting the placing of traffic control devices and the posting of official signs to indicate school zones;
 - (iv) respecting the required contents of a bylaw that a municipality must enact pursuant to subclause (iii);
 - (v) delegating to the minister the authority to prescribe any matters set out in this clause and any other matters respecting school zones that the Lieutenant Governor in Council or the minister considers appropriate or necessary for the purposes of section 36.1;
- (c) prescribing fees for the purposes of section 81.8;
- (d) prescribing for the purposes of Part VII.1:
 - (i) any fees, costs and charges payable to a garage keeper, the administrator or any other person with respect to the seizure, impoundment, immobilization, release or disposition of a motor vehicle pursuant to that Part and requiring the payment of those fees;
 - (ii) the manner in which the fees, costs and charges mentioned in subclause (i) are to be determined;
 - (iii) the manner in which the proceeds of the sale of a motor vehicle are to be applied;
 - (iv) any conditions to which the release of a motor vehicle pursuant to that Part is subject;
 - (v) personal property for the purposes of section 89.4;
- (d.1) prescribing for the purposes of Part VII.2:
 - (i) any fees, costs and charges payable to a garage keeper, the designated official or any other person with respect to the seizure, impoundment, immobilization, release or disposition of a motor vehicle pursuant to that Part and requiring the payment of those fees;

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- (ii) the manner in which the fees, costs and charges mentioned in subclause (i) are to be determined;
 - (iii) the manner of service for the purposes of section 90.11, including prescribing when service is deemed to be effected;
 - (iv) amounts of reimbursement for garage keepers pursuant to subsection 90.2(4);
 - (v) circumstances governing the sale of motor vehicles pursuant to section 90.21;
 - (vi) the manner in which the proceeds of the sale of a motor vehicle are to be applied;
 - (vii) the value of motor vehicles and, for that purpose, may do all or any of the following:
 - (A) establish different classes of motor vehicles and prescribe different amounts for different classes of motor vehicles;
 - (B) adopt, with any necessary modifications that the Lieutenant Governor in Council considers appropriate, any schedule of values of motor vehicles, as amended from time to time or otherwise;
 - (C) authorize the designated official to determine the value of motor vehicles;
 - (viii) any terms and conditions to which the release of a motor vehicle pursuant to that Part is subject and requiring that those terms and conditions be complied with;
 - (ix) forms and authorizing the designated official to prescribe forms;
 - (x) the manner in which applications pursuant to section 90.41 are to be made;
 - (xi) the manner in which any hearings pursuant to section 90.41 are to be conducted;
 - (xii) circumstances in which the designated official may act pursuant to section 90.61;
 - (xiii) personal property for the purposes of section 90.72;
- (e) respecting the manner in which the receipt and remission of fees, costs and charges mentioned in clause (d) are to take place;
 - (f) respecting the manner in which any refund of registration fees or insurance premiums is to be applied towards any prescribed fees, costs or charges for the purposes of section 89.2;
 - (g) for the purposes of sections 89.11 to 89.91, designating the persons who are:
 - (i) authorized to receive fees, costs and charges on behalf of the administrator; and
 - (ii) required to remit the fees, costs and charges mentioned in subclause (i) to the administrator;

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- (h) for the purposes of sections 89.11 to 89.91, prescribing forms and the manner in which the forms are to be completed;
 - (i) prescribing any procedure to be followed with respect to any application pursuant to Part VII.1;
 - (i.1) for the purposes of Part VII.2:
 - (i) prescribing the procedure to be followed with respect to any application pursuant to that Part and prescribing fees payable with respect to any application;
 - (ii) respecting the deposit of money or security pursuant to section 90.51, including prescribing how any interest earned on those deposits is to be calculated and dealt with;
 - (j) defining “**owner**” for the purposes of Part VII.1 or Part VII.2;
 - (k) defining “**hearing officer**”, and for that purpose may provide that a hearing officer may be a single person or a panel of persons, and may provide for different hearing officers or classes of hearing officers to hear different grounds of application pursuant to section 89.21 or 89.3;
 - (l) respecting any matter or thing that the Lieutenant Governor in Council considers necessary for carrying out the purposes of this Act.
- (2) The board may make regulations respecting any matter or thing required or authorized by this Act to be determined by the board by regulation.

1986, c.H-3.1, s.119; 1990-91, c.17, s.12; 1996, c.4, s.9 and c.29, s.12; 2001, c.49, s.7; 2004, c.13, s.18.

Editorial Appendix (Amendments)

The following table contains amendments to be proclaimed and/or effective at a future date, as follows: (Please refer to the Tables of Saskatchewan Statutes and Regulations for complete historical/archival information on this publication)

Amending Year	Chapter	Section	Effective
1996	c.4	cl.3(a)	nyp
2000	c.13	cl.3(b), 18(b), (c) and (d)	nyp
2004	c.13	sections 5, 7, 9 and 19	nyp