

The Highways and Transportation Act, 1997

being

Chapter H-3.01* of the *Statutes of Saskatchewan, 1997* (effective July 1, 1997; section 13 not yet proclaimed as amended by the *Statutes of Saskatchewan, 2000, c.L-5.1, c.47 and 50; 2001, c.C-15.1 and 16; 2002, c.R-8.2; 2004, c.L-16.1 and T-18.1; 2005, c.M-36.1; 2006, c.6; 2008, c.12; and 2010, c.N-5.2.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

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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CHAPTER H-3.01

An Act respecting Highways, Public Improvements, Transportation and Transportation Systems and making consequential amendments to other Acts

PART I

Short Title and Interpretation

Short title

1 This Act may be cited as *The Highways and Transportation Act, 1997*.

Interpretation

2 In this Act:

- (a) “**board**” means the Highway Traffic Board continued pursuant to *The Traffic Safety Act*
- (b) “**construction**” includes maintaining, preserving, altering and repairing;
- (c) “**custom work**” means work that is done or a service that is provided for a fee by the department with respect to public improvements;
- (d) “**department**” means the department over which the minister presides;
- (e) “**ditch**” means a wholly or partly open or covered ditch or drain, whether or not in the channel of a natural stream, creek or watercourse, that is constructed or improved at the expense of the Crown in right of Saskatchewan, and includes all works and materials necessary for any bridge, culvert, catch basin or guards in or adjacent to the ditch or drain;
- (f) “**ferry**” means a scow, barge or boat used to carry passengers, freight, vehicles or animals across a river, stream, lake or other body of water and includes any dock, cable and appliances used in connection with it;
- (g) “**Indian band**” means a band within the meaning of the *Indian Act* (Canada) and includes the council of a band;
- (h) “**land**” includes any estate, term, easement, right or interest in, to, over or affecting land;
- (i) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act is assigned;
- (j) “**municipality**” includes the City of Lloydminster;
- (k) “**official sign**” means a sign, pavement marking, barricade or object that the minister authorizes to be erected, placed, used or painted on the roadway or right of way of a public highway for the legal control, warning, guidance, direction or information of traffic on the highway;

- (l) **“peace officer”** means:
 - (i) a member of a police service in Saskatchewan; or
 - (ii) any person appointed pursuant to *The Police Act, 1990* as a special constable for the enforcement of *The Traffic Safety Act*;
- (m) **“prescribed”** means prescribed in the regulations;
- (n) **“prescribed maximum gross weight”** means the maximum gross weight set out in the regulations, a minister’s order or a permit;
- (o) **“provincial airport”** means an airport owned or operated by the Crown in right of Saskatchewan;
- (p) **“provincial highway”** means a public highway or a proposed public highway that:
 - (i) is the subject of a departmental plan; or
 - (ii) is prescribed as a provincial highway;and includes a weighing and inspection facility;
- (q) **“public highway”** means a road allowance or a road, street or lane vested in the Crown in right of Saskatchewan or set aside for the purposes of the Crown in right of Saskatchewan pursuant to *The North-West Territories Act* or any Act, and includes anything erected on or in connection with the public highway;
- (r) **“public improvement”** includes:
 - (i) an airport;
 - (ii) a ditch;
 - (iii) a ferry;
 - (iv) a fire-guard;
 - (v) land required for securing material in connection with road works;
 - (vi) a public highway;
 - (vii) real and personal property that has been or will be a public improvement;
 - (viii) a railway;
 - (ix) a rest stop;
 - (x) a transit system;
- (s) **“record”** includes any information that is recorded or stored in any medium or by means of any device, including by computer or electronic media;
- (t) **“right of way”** means the land owned by the Crown in right of Saskatchewan for the purpose of a public highway or railway for which the property limits are defined by a plan of survey;
- (u) **“road allowance”** means a road allowance laid out pursuant to the authority of an Act or an Act of the Parliament of Canada;

- (v) “**roadway**” means that part of a public highway designed or intended for use by vehicles but does not include a designated trail within the meaning of *The Snowmobile Act* or any other trail or path for which a permit is required;
- (v.1) “**Schedule A**” means Schedule A to this Act;
- (w) “**surveyor**” means a person registered as a Saskatchewan land surveyor within the meaning of *The Land Surveyors and Professional Surveyors Act* or as a Canada Lands Surveyor within the meaning of the *Canada Lands Surveys Act*;
- (x) “**transportation partnership agreement**” means any agreement entered into pursuant to clause 4(1)(h);
- (y) “**Transportation Partnerships Fund**” means the Transportation Partnerships Fund established pursuant to section 8;
- (z) “**transportation system**” means a network of public improvements and services to be used for the movement of people and goods from one place to another;
- (aa) “**utility**” includes an irrigation canal, a telephone or other communication transmission facility, a power transmission line or a pipeline;
- (bb) “**vehicle**” includes a combination of vehicles and any load on the vehicle or combination of vehicles;
- (cc) “**wrecker**” means a person who in the course of his or her business buys or acquires motor vehicles and dismantles them for the purpose of selling or otherwise disposing of their parts, but does not include a person who buys or acquires only tractors.

1997, c.H-3.01, s.2; 2000, c.47, s.3; 2001, c.16, s.3;
2004, c.T-18.1, s.297; 2006, c.6, s.3.

PART II

Responsibilities and Powers of Minister

Responsibilities of minister

- 3(1) The minister is responsible for all matters not by law assigned to any other minister, department, branch or agency of the Government of Saskatchewan relating to highways, public improvements, transportation and transportation systems.
- (2) Without limiting the generality of subsection (1), the minister is responsible for:
- (a) managing transportation systems with a view to supporting the economic growth and social well-being of Saskatchewan;
 - (b) managing transportation systems:
 - (i) to promote safety and efficiency; and

- (ii) to reduce the costs of transportation;
- (c) promoting transportation-related goods and services;
- (d) ensuring compliance with transport law; and
- (e) researching and investigating matters relating to transportation systems.

1997, c.H-3.01, s.3.

General powers of minister

4(1) For any purpose related to the exercise of any of the powers conferred on or the carrying out of any of the responsibilities assigned to the minister by this Act or for any prescribed purpose, the minister may do all or any of the following:

- (a) construct public improvements;
- (b) determine whether the cost of the construction of a public improvement will be borne wholly or partially by the Crown in right of Saskatchewan;
- (c) design, construct and manage transportation systems;
- (d) carry out any necessary surveys or studies with respect to the matters mentioned in clauses (a) to (c);
- (e) control, regulate and prohibit all matters relating:
 - (i) to the construction by any person across, inside or along a public improvement of any utility or other works, within the prescribed distance of the surveyed limit of a provincial highway, or within the prescribed distance of the surveyed limit of a public highway; or
 - (ii) to the removal or replacement of any of those works;
- (f) enter into agreements on behalf of the Government of Saskatchewan with any jurisdiction adjoining Saskatchewan that provide for all or any of the following:
 - (i) the construction of a highway or public improvement inside or outside Saskatchewan for the benefit of both jurisdictions;
 - (ii) the joint control and management of a highway or public improvement mentioned in subclause (i);
 - (iii) any other matter the minister considers necessary to carry out the intent of this Act;
- (g) enter into agreements on behalf of the Government of Saskatchewan for any purpose related to the exercise of any of the powers conferred on or the carrying out of any of the responsibilities assigned to the minister by this Act or for any prescribed purpose with any person, government, organization or Indian band inside or outside Saskatchewan;

(g.1) enter into agreements on behalf of the Government of Saskatchewan with a municipality or an Indian band to transfer to the municipality or Indian band one or more of the responsibilities respecting the maintenance, direction, management and control of a provincial highway that are assigned to the minister by this Act;

(h) enter into transportation partnership agreements, which may include loans, grants or other financial assistance, with any person, including a person who applies for a permit pursuant to section 13 or 36, for the purposes of:

(i) purchasing, constructing, operating or maintaining public improvements;

(ii) ensuring compliance with transport law; or

(iii) researching and investigating matters relating to transportation systems;

(i) provide consulting, advisory or co-ordinating services to any person, government, organization or Indian band inside or outside Saskatchewan.

(2) Before entering into an agreement with any government outside Saskatchewan or any person or organization outside Canada pursuant to this section, the minister shall give notice to the Minister of Intergovernmental Affairs of the minister's intention to enter into that agreement.

(3) The failure by the minister to give the notice required by subsection (2) to the Minister of Intergovernmental Affairs does not invalidate the agreement.

1997, c.H-3.01, s.4; 2000, c.47, s.4.

Procurement

5 The minister may acquire any goods and services for the purposes of transportation systems.

1997, c.H-3.01, s.5.

Sale of goods

6 Subject to any terms and conditions set by Treasury Board, the minister may sell asphalt, bituminous mix, earth, gravel, salt, sand and other processed or manufactured materials to any person, government, organization or Indian band.

1997, c.H-3.01, s.6.

7 Repealed. 2006, c.6, s.4.

Custom work

7.1(1) If the minister considers it to be in the public interest, the minister may provide custom work to:

- (a) a municipality, a school board, the conseil scolaire, a regional health authority, a regional park authority or any similar local government agency;
 - (b) a department or agency of the Government of Saskatchewan or of another province, state, territory or country;
 - (c) a Crown corporation;
 - (d) the Government of Canada;
 - (e) an Indian band; or
 - (f) any other person if, in the minister's opinion, there is no reasonable alternative means available to that person to obtain the custom work.
- (2) If the minister provides custom work, the minister may charge a fee to recover all costs incurred by the minister to provide that custom work.
- (3) If the minister charges a fee pursuant to subsection (2), the minister shall include any additional amounts that Treasury Board directs.

2006, c.6, s.5.

Transportation Partnerships Fund

8(1) The Transportation Partnerships Fund is continued.

- (2) The minister shall administer the Transportation Partnerships Fund subject to any terms and conditions that Treasury Board may impose.
- (3) The Transportation Partnerships Fund consists of all amounts:
- (a) received by the minister pursuant to transportation partnership agreements;
 - (b) charged by the minister pursuant to subsection (5);
 - (c) paid by the Minister of Finance, on the request of the minister, to the Transportation Partnerships Fund out of money appropriated by the Legislature for the purposes of the Transportation Partnerships Fund;
 - (d) authorized by the regulations or the Lieutenant Governor in Council to be paid to the Transportation Partnerships Fund;
 - (e) originating from a source other than the general revenue fund payable to the Transportation Partnerships Fund pursuant to an agreement between the minister and a person that received a loan pursuant to *The Short Line Railway Financial Assistance Regulations*; and
 - (f) earned on investments of the Transportation Partnerships Fund.

(4) Subject to any terms and conditions that Treasury Board may impose, the minister may use the Transportation Partnerships Fund to do any or all of the following:

- (a) perform the obligations of the minister pursuant to a transportation partnership agreement;
- (b) develop, promote, market and provide transportation technology, expertise, goods and services inside and outside Saskatchewan;
- (c) construct or assist with the construction of public improvements;
- (d) pay the costs incurred by or for any purpose related to the advisory committee appointed pursuant to subsection (12);
- (e) pay the costs of administering the Transportation Partnerships Fund;
- (f) pay the costs of negotiating and administering transportation partnership agreements;
- (g) reimburse the general revenue fund for any costs incurred by the general revenue fund relating to activities undertaken by the minister pursuant to clause (a), (b) or (c);
- (h) compensate the Highways Revolving Fund for the provision of goods and services through the Highways Revolving Fund for the purpose of activities undertaken by the minister pursuant to clause (a), (b) or (c);
- (i) do any thing authorized by the regulations or by the Lieutenant Governor in Council.

(5) Subject to any terms and conditions that Treasury Board may impose, the minister may charge any amount the minister considers appropriate for transportation technology, expertise, goods or services developed, promoted, marketed or provided through the Transportation Partnerships Fund.

(6) The minister shall pay to the general revenue fund all or any part of any surplus received pursuant to subsection (5) by the Transportation Partnerships Fund that Treasury Board may direct.

(7) The Minister of Finance may:

- (a) invest any money in the Transportation Partnerships Fund in any investment authorized for the investment of money in the general revenue fund pursuant to *The Financial Administration Act, 1993*; and
- (b) dispose of the investments on any terms and conditions and in any manner that the minister considers appropriate.

(8) In each fiscal year, the department, in accordance with *The Tabling of Documents Act, 1991*, shall prepare and submit to the minister financial statements showing the business of the Transportation Partnerships Fund for the preceding fiscal year.

(9) The financial statements mentioned in subsection (8) are to be in the form required by Treasury Board.

(10) In accordance with *The Tabling of Documents Act, 1991*, the minister shall lay before the Assembly each financial statement received by the minister pursuant to subsection (8).

(11) Treasury Board may make orders and issue directives respecting the administration and operation of the Transportation Partnerships Fund.

(12) The minister shall appoint an advisory committee for the Transportation Partnerships Fund that is to consist of not more than six persons, of whom not more than three may be employees of the Crown in right of Saskatchewan.

2000, c.47, s.5.

Liability of minister

9(1) The minister shall maintain the roadway of all provincial highways in a state of repair commensurate with:

- (a) the type and amount of traffic that the particular roadway may reasonably be expected to accommodate; and
- (b) the maintenance that is reasonably possible for the type of roadway and for the extent of improvement existing on the roadway.

(2) Subject to subsections (3) to (15) and section 34 of *The Snowmobile Act*, the Crown in right of Saskatchewan is liable for all damages sustained by any person as a result of the minister's failure to comply with subsection (1) where a vehicle involved in an accident has been operated in a careful and prudent manner having regard to the state of repair of the roadway to be expected pursuant to subsection (1).

(3) The minister may, before or after the commencement of an action in a court of competent jurisdiction for the recovery of damages, agree to pay to any person an amount that may be recoverable by that person pursuant to subsection (2).

(4) Notwithstanding clause 3(2)(b) of *The Proceedings against the Crown Act*, no action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for the recovery of damages mentioned in subsection (2) that have been sustained in an accident, whether the alleged lack of repair or alleged existing condition of the roadway was the result of nonfeasance or misfeasance, unless written notice of the claim or injury complained of is served on or sent by registered mail to the minister within 30 days from the date of the accident.

(5) No action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for the recovery of damages mentioned in subsection (2) caused by:

(a) the presence or absence or insufficiency of a wall, fence, guard-rail, railing or barrier adjacent to or in, along or on the right of way, or any part of a wall, fence, guard-rail, railing or barrier not within the roadway;

(b) any construction, obstruction or erection adjacent to or in, along or on the right of way, or any construction, obstruction or erection not within the roadway; or

(c) any situation, arrangement or disposition of any earth, rock, tree or other material or thing, adjacent to or in, along or on the right of way, or any part of any situation, arrangement or disposition of any earth, rock, tree or other material or thing not within the roadway.

(6) No action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for the recovery of the damages mentioned in subsection (2) where the highway is not a provincial highway.

(7) No action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for the recovery of the damages mentioned in subsection (2) where:

(a) a provincial highway is under construction; and

(b) official signs are erected giving warning of the existence of those conditions on the provincial highway.

(8) No action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for the recovery of the damages mentioned in subsection (2) where the damages are sustained as a direct result of a condition created, an action taken, or anything done by a person other than the minister or any employee of the department.

(9) The presence on the roadway of an object or thing that has fallen from a vehicle or been placed on the roadway by any person or animal is not imputable to any fault in the maintenance of the roadway, except in the case of fault or negligence on the part of any employee of the department charged with the maintenance of the roadway in accordance with subsection (1).

(10) No action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for any loss or lessening of trade, any depreciation in value of property, any loss due to noise or vibration, any inconvenience of access to a provincial highway or any other inconvenience, resulting from:

(a) the normal operation of traffic on the provincial highway;

(b) the construction of the provincial highway to provide for the safety, convenience and accommodation of public traffic on it; or

(c) the closing of the provincial highway for construction.

(11) Where the minister is given a discretionary power pursuant to this Act to do or not to do something, a decision to do or not to do something does not constitute negligence.

(12) Subject to subsection (15), any person using any part of a provincial highway, other than the roadway, does so at his or her own risk and has no right to recover damages from the minister, the Crown in right of Saskatchewan or any of its agents or employees.

(13) No action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for the recovery of damages mentioned in subsection (12).

(14) Subsections (12) and (13) apply notwithstanding that the person sustaining the damages was on a provincial highway, other than the roadway, pursuant to a permit or with the knowledge or consent of the minister, the Crown in right of Saskatchewan or any of its agents or employees.

(15) The Crown in right of Saskatchewan is liable for damages sustained by a person using any part of a provincial highway, other than the roadway, if it:

- (a) creates or has created a danger with the deliberate intent of doing harm or damage to the person or the person's property; or
- (b) does or has done a wilful act with reckless disregard of the presence of the person or the person's property.

1997, c.H-3.01, s.9; 2000, c.47, s.6; 2004, c.L-16.1, s.52.

PART III

Public Improvements and Land

Temporary closures of highways and public improvements

10(1) Where it is necessary and in the public interest, the minister may:

- (a) close all or any part of a public improvement at any time and for any period that the minister considers appropriate; or
- (b) impose any restrictions on the use of a public improvement that the minister considers appropriate.

(2) Without limiting the generality of clause (1)(b), the minister or a peace officer may restrict the gross weight that may be transmitted to the public improvement through any point or points of contact of any vehicle, object or contrivance that may be moved or operated over or on all or any section of the public improvement.

(3) Where a provincial highway is closed pursuant to clause (1)(a) and the minister has caused official signs or obstructions to be posted or erected advising that the provincial highway is closed:

- (a) any person using the provincial highway uses it at his or her own risk and has no right to recover damages from the minister, the Crown in right of Saskatchewan or any of its agents or employees; and
- (b) no action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for any damage caused by using the provincial highway.

- (4) No person shall:
- (a) use a public improvement that is closed pursuant to clause (1)(a);
 - (b) contravene any restriction imposed on the use of a public improvement pursuant to clause (1)(b); or
 - (c) transmit a weight to the public improvement that is in excess of the weight restrictions imposed pursuant to subsection (2).
- (5) Every person who contravenes subsection (4):
- (a) is guilty of an offence and liable on summary conviction to a fine as set forth in Category E in Schedule A; and
 - (b) is liable for any damage or injury to the public improvement or to property of the Crown in right of Saskatchewan as a result of that action.
- (6) Where a person is convicted of an offence mentioned in this section, the judge or justice of the peace, as the case may be, in addition to any penalty imposed, may:
- (a) order the person to pay to the Crown in right of Saskatchewan the cost of repairing the damage or injury to the public improvement or property of the Crown in right of Saskatchewan; or
 - (b) where the public improvement that is damaged is under the direction, management and control of a municipality, order the person to pay to that municipality the cost of repairing the injury or damage.
- (7) Where a person fails to comply with an order mentioned in subsection (6), the cost of repairing the injury or damage is a debt due and owing to the Crown in right of Saskatchewan and may be recovered in the manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

1997, c.H-3.01, s.10.

Permanent closures

11(1) Subject to the terms of any lease entered into pursuant to section 13 of *The Municipalities Act*, the minister may permanently close all or any portion of a public highway and may deal with the land in the public highway in any manner that the minister considers appropriate.

- (2) Where a public highway is closed pursuant to subsection (1):
- (a) any person using the public highway uses it at his or her own risk and has no right to recover damages from the minister, the Crown in right of Saskatchewan, any of its agents or employees, the municipality in which the public highway is located or the municipality's agents or employees; and
 - (b) no action lies or shall be instituted against the minister, the Crown in right of Saskatchewan, any of its agents or employees, the municipality in which the public highway is located or the municipality's agents or employees.

1997, c.H-3.01, s.11; 2005, c.M-36.1, s.431.

Control of access to provincial highways

12(1) No person is entitled, as of right, to direct access to or from a provincial highway and any land adjacent to the provincial highway.

(2) No person has any right of easement, light, air or view to, from or over a provincial highway.

(3) The minister may remove a means of direct access to or from a provincial highway and any land adjacent to the provincial highway where, in the minister's opinion, the means of access or use of the means of access:

- (a) is a safety hazard to:
 - (i) users of the roadway or right of way; or
 - (ii) persons performing construction activities with respect to the roadway or in the right of way;
- (b) will adversely affect the structural integrity of the roadway;
- (c) will adversely affect utilities placed in the right of way; or
- (d) is not in the public interest.

(4) Where the minister removes a means of access pursuant to subsection (3), the minister shall provide another means of access to or from a public highway and the land where the means of access:

- (a) is the only means of access to the land; and
- (b) is described in subsection (7).

(5) No action lies or shall be instituted against the minister, the Crown in right of Saskatchewan or any of its agents or employees for actions taken pursuant to the authority of this section.

(6) The costs of removing a means of access pursuant to this section are a debt due and owing to the Crown in right of Saskatchewan by the owner of the land adjacent to the provincial highway where the minister has removed the means of access, and those costs may be recovered in the manner authorized in *The Financial Administration Act, 1993* or in any other manner authorized by law.

(7) Subsection (6) does not apply to a means of access that:

- (a) existed on the day before the coming into force of this section; or
- (b) is authorized by the minister pursuant to subsection (8).

(8) The minister may authorize a means of access if, in the minister's opinion:

- (a) it is not a safety hazard to:
 - (i) users of the roadway or right of way; or
 - (ii) persons performing construction activities with respect to the roadway or in the right of way;

- (b) it will not adversely affect the structural integrity of the roadway;
- (c) it will not adversely affect utilities placed in the right of way; or
- (d) it is in the public interest.

1997, c.H-3.01, s.12.

13 Not yet proclaimed.

Survey and plan respecting public improvements

14(1) In this section and in section 14.1, “**public improvement**” includes a reservoir or other water right.

(2) Subject to subsections 14.1(5), (6) and (7), the minister shall cause any lands taken for a public improvement pursuant to this Act to be surveyed and marked on the ground by a surveyor who shall prepare a proper plan of the survey in accordance with *The Land Surveys Act, 2000*.

(3) The minister may cause the following to be surveyed:

- (a) a trail or roadway that exists or that existed before the survey of Saskatchewan into townships;
- (b) an existing roadway for which title is being granted pursuant to clause 18(1)(c) of *The Land Titles Act, 2000*.

(4) The trails or roadways mentioned in subsection (3) are to be surveyed a minimum of 20 metres in width.

2000, c.L-5.1, s.311.

Acquiring title to land for public improvements

14.1(1) Where the minister requires land for a public improvement, the minister shall submit a plan to the Controller of Surveys for approval in accordance with section 14.

(2) Where the Controller of Surveys approves a plan submitted pursuant to subsection (1), the minister shall apply to the Registrar of Titles for a transfer of title or for issuance of first title, as the case requires.

(3) An application pursuant to subsection (2) must be accompanied by a notice from the minister that the parcel is required for the purpose of a public improvement.

(4) On the registration of the transfer of title or on issuance of first title pursuant to subsection (2):

- (a) the parcel of land vests in the Crown in right of Saskatchewan; and
- (b) the Registrar of Titles shall issue title to the parcel of land to the Crown in right of Saskatchewan, clear of all registered interests.

(5) Notwithstanding subsections (1) to (4), where the minister requires, for a public improvement, a parcel of land that is shown as a parcel on a plan and for which title has issued, the minister shall apply to the Registrar of Titles for a transfer of title.

(6) An application pursuant to subsection (5) must be accompanied by a notice from the minister that the parcel is required for the purpose of a public improvement.

(7) On the registration of the transfer of title pursuant to subsection (5):

- (a) the parcel of land vests in the Crown in right of Saskatchewan; and
- (b) the Registrar of Titles shall issue title to the parcel of land to the Crown in right of Saskatchewan, clear of all registered interests.

2000, c.L-5.1, s.311.

No registration against public improvements

14.2 No interest in land may be registered pursuant to *The Land Titles Act, 2000* against a public improvement.

2001, c.16, s.4.

Reference surveys

15(1) Pursuant to clause 4(1)(e), the minister must approve any plan of reference survey that involves the construction of a public improvement carried out pursuant to section 27 of *The Land Surveys Act, 2000*.

(2) After the minister approves a plan mentioned in subsection (1), the plan may be submitted to the Controller of Surveys for approval pursuant to *The Land Surveys Act, 2000*.

(3) Where the Controller of Surveys approves a plan submitted pursuant to subsection (2), the person who submitted the plan to the Controller of Surveys pursuant to that subsection shall file a copy of the plan with the department.

2000, c.L-5.1, s.311.

Right to enter, acquire, expropriate and alter land

16(1) For the purpose of administering and enforcing this Act or any regulations or orders made pursuant to this Act, the minister, without the consent of the owner or any interested person, may do any or all of the following:

- (a) subject to the regulations, enter on, take possession of, acquire or expropriate any lands required for the purposes of this Act;
- (b) enter on any land, and survey and take levels of the land and take any borings or sink any trial pits that the minister considers necessary for any purpose relating to a public improvement;

- (c) enter on and take, acquire or expropriate any land for the purpose of leaving, storing or removing soil, gravel, trees, or any other material, object or obstruction, whether naturally occurring or not, for any purpose relating to a public improvement or for obtaining better access to the public improvement;
 - (d) make and use temporary roads to and from any source of timber, stones, clay, gravel, water or sand that are required for the convenient passing to and from a public improvement during the construction of a public improvement;
 - (e) enter on any land for the purpose of making proper ditches to carry water away from a public improvement or keeping those ditches in repair;
 - (f) divert or alter the position of any utility.
- (2) Where the minister enters on any land pursuant to subsection (1), the minister may:
- (a) collect data or samples relating to any activity mentioned in subsection (1); and
 - (b) make any inspection, study or investigation relating to any activity mentioned in subsection (1).
- (3) When entering on land pursuant to this section, the minister may enter with any machinery, equipment or materials that the minister considers necessary to carry out the purposes of the entry.
- (4) Before entering on any land or into any building, the minister shall notify the owner or occupant, if the owner or occupant is present at the time of entry, of the purpose of the entry.
- (5) No person shall obstruct or interfere with a person engaged in an activity mentioned in subsection (1) or (2).
- (6) Every person who contravenes subsection (5) is guilty of an offence and liable on summary conviction to a penalty as set forth in Category F in Schedule A.
- (7) No person is entitled, as of right, to any compensation solely by reason of the designation or use of land as a public highway.

1997, c.H-3.01, s.16; 2000, c.47, s.7.

Acquisition of additional land and disposal of excess land

17(1) Where in the opinion of the minister the taking of land required for a public improvement is likely to cause damage to the remaining property of a person and it would be reasonable for the Crown in right of Saskatchewan to acquire all or any part of the remaining property of that person, all or that part of the remaining property may be included with land taken for a public improvement.

- (2) Where any remaining property is taken pursuant to subsection (1), that property is deemed to be taken for a public improvement.
- (3) The minister may sell, lease or dispose of any lands and any property taken for public improvements.
- (4) Where practical, lands or property taken for public improvements must be sold, leased or otherwise disposed of by tender or public auction.

1997, c.H-3.01, s.17.

PART IV

Safety, Regulation and Protection of Public Improvements

Boundary and snow fences

18(1) The minister may enter on land adjoining a public highway for any of the following purposes:

- (a) to erect snow fences and maintain and remove them;
 - (b) to make snow ridges;
 - (c) to remove drifted soil that has accumulated along the boundary fence and spread it on the land.
- (2) If the minister considers it necessary, the minister may remove a boundary fence and replace it in its former position after the work has been completed.
 - (3) If the minister considers it necessary while constructing a public improvement, the minister may take down or remove a wall or fence of an owner or occupier of land or premises adjoining the public improvement, or construct a ditch for carrying away water.
 - (4) If the minister does a thing pursuant to subsection (3), the minister shall replace the wall or fence as soon as is practicable after the circumstance that caused its taking down or removal has ceased.
 - (5) Where subsections (3) and (4) apply, the owner or occupier of the land or premises shall maintain the wall, fence or ditch to the same extent as the owner or occupier might by law be required to do if:
 - (a) the wall or fence had never been taken down or removed; or
 - (b) the ditch had always existed.
 - (6) Where any gravel, stone, earth, sand or water is taken at a distance from the public improvement, the minister may establish any necessary water pipes or roads over or through any land between the public improvement and the land on which the material or water is found.
 - (7) The minister may exercise the powers conferred by this section before, during and after the construction of any public improvement.

- (8) No person shall:
- (a) obstruct or interfere with the minister while the minister is engaged in exercising any of the powers conferred by this section; or
 - (b) take down, remove or otherwise interfere with a water pipe, road, snow fence or any material placed pursuant to subsection (1) or (6).
- (9) Every person who contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine as set forth in Category B in Schedule A.

1997, c.H-3.01, s.18.

Temporary roads

- 19(1)** The minister may construct a temporary road for public purposes across any private property where, in the opinion of the minister, the condition of the provincial highways in the area makes that action expedient.
- (2) The minister shall pay compensation to the occupier of any land used for the purposes of a temporary road for:
- (a) the land's use; and
 - (b) any damages caused by the use that may be agreed on by the minister and the occupier.
- (3) In the event of a disagreement respecting compensation pursuant to subsection (2), *The Expropriation Procedure Act* applies, with any necessary modification.

1997, c.H-3.01, s.19.

Speed zones and no-parking zones

- 20(1)** The minister may establish speed zones on any provincial highway and on any authorized detour from a provincial highway for any class or classes of vehicles by erecting official signs indicating the maximum speed applying to each class of vehicle in the speed zone.
- (2) The minister may establish no-parking zones by erecting official signs stating that parking is prohibited or limited within that no-parking zone.
- (3) Where the minister has established a no-parking zone, no person shall park within that no-parking zone, including on that portion of the roadway situated to the right of the solid white line and commonly referred to as "the shoulder".
- (4) No person shall fail to comply with the prohibition or limitation indicated on an official sign erected pursuant to subsection (1) or (2).
- (5) Every person who contravenes subsection (4) is guilty of an offence and liable on summary conviction to a fine as set forth in Category B in Schedule A.

1997, c.H-3.01, s.20.

Speed limits

20.1(1) The minister may fix the maximum speed on a provincial highway or a portion of a provincial highway.

(2) If the minister fixes a maximum speed on a provincial highway or portion of a provincial highway pursuant to subsection (1), the minister shall cause to be erected and maintained, at those locations along the provincial highway or the portion of the provincial highway that the minister considers appropriate, signs indicating the maximum speed.

2008, c.12, s.3.

Abandoned vehicles

21(1) An employee of the department or a peace officer may cause a vehicle to be removed and stored at the nearest facility of the department or at any other suitable place where:

(a) the vehicle is apparently abandoned on a part of the right of way of a provincial highway other than the roadway; and

(b) either:

(i) the owner of the vehicle cannot after reasonable inquiry be found; or

(ii) the owner fails to remove the vehicle from the right of way within five days after notice to the owner requiring him or her to remove the vehicle.

(2) The minister:

(a) has a lien on any vehicle removed or stored pursuant to this section for the expenses of the removal and storage; and

(b) following the expiration of 90 days from the date of removal, may sell the vehicle for the purpose of recovering those expenses.

(3) Where a vehicle is apparently abandoned on the roadway of a provincial highway, it may be moved or removed in accordance with subsection (4) or (5).

(4) Where a vehicle mentioned in subsection (3) is not a public hazard and the owner of the vehicle cannot after reasonable inquiry be found, an employee of the department or a peace officer may:

(a) move the vehicle off the roadway to another portion of the public highway; or

(b) remove the vehicle from the roadway and take it to the nearest facility of the department or any other suitable place where it may be stored.

(5) Where a vehicle mentioned in subsection (3) is a public hazard, an employee of the department or a peace officer may immediately:

(a) move the vehicle off the roadway to another portion of the public highway; or

(b) remove the vehicle from the roadway and take it to the nearest facility of the department or any other suitable place where it may be stored.

- (6) Where a vehicle is removed pursuant to subsection (4) or (5), the minister shall immediately notify the vehicle's owner, if the owner can be found, of the location of the vehicle.
- (7) Notwithstanding subsections (1) to (6), the minister may order that a vehicle be destroyed or otherwise disposed of where:
- (a) the minister has reasonable grounds to believe that the value of the vehicle that has been removed from a provincial highway and is stored pursuant to subsection (1), (4) or (5) is less than the amount specified for the purpose of subsection 51(1) of *The Automobile Accident Insurance Act*; and
 - (b) 90 days have elapsed from the date of removal of the vehicle pursuant to subsection (1), (4) or (5).
- (8) For the purposes of this section, evidence of the last certificate of registration of the vehicle issued pursuant to *The Traffic Safety Act*, or the equivalent document from another jurisdiction, is proof, in the absence of evidence to the contrary, that the person named in the certificate of registration or equivalent document is the owner of the vehicle.
- (9) Section 19 of *The Commercial Liens Act* applies, with any necessary modification, to the sale of the vehicle, the application of the proceeds of the sale and the disposition of any surplus money from the sale.

1997, c.H-3.01, s.21; 2001, c.C-15.1 s.28; 2004, c.T-18.1, s.297.

Obstructions

- 22(1)** In this section, “**court**” means the Court of Queen’s Bench.
- (2) No person shall unlawfully:
- (a) place any object on a public highway that is likely to interfere with traffic on the highway; or
 - (b) in any way obstruct or interfere with, or threaten to in any way obstruct or interfere with, the public’s access to or use of a public highway.
- (3) Every person who contravenes subsection (2) is guilty of an offence and liable on summary conviction to a penalty as set forth in Category F in Schedule A.
- (4) A peace officer or an employee of the department may remove or cause to be removed any object or person from a public highway that or who is likely to interfere with traffic on the highway.
- (5) Every person who obstructs or interferes with, or threatens to obstruct or interfere with, a person carrying out any action taken pursuant to subsection (4) is guilty of an offence and liable on summary conviction to a penalty as set forth in Category F in Schedule A.

- (6) If the minister is of the opinion that a person is in any way obstructing or interfering with the public's access to or use of a public highway, or threatening to in any way obstruct or interfere with the public's access to or use of a public highway, the minister may apply to a judge of the court for an order directing the person or persons and all persons acting in aid or support of that person to do all or any of the following:
- (a) to immediately refrain from obstructing or interfering with or threatening to obstruct or interfere with the public's access to or use of the public highway;
 - (b) to immediately remove any object or materials from the public highway;
 - (c) to do or refrain from doing any other thing that the minister considers necessary to protect the public's right to the safe, unimpeded and peaceful use of any public highways.
- (7) An application made pursuant to subsection (6) may be made:
- (a) at any judicial centre;
 - (b) *ex parte* or on any notice that the judge of the court may require; and
 - (c) on the basis of a certificate signed by the minister stating that:
 - (i) persons, named or unnamed in the certificate or both named and unnamed in the certificate, are obstructing, interfering or threatening to obstruct or interfere with the public's access to or use of the public highway;
 - (ii) the interference, obstruction or threat is unauthorized by the minister or other lawful authority; and
 - (iii) the persons responsible for the obstruction, interference or threat have been requested to cease and desist but have failed or refused to do so.
- (8) A certificate mentioned in clause (7)(c) is admissible in evidence as proof, in the absence of evidence to the contrary, of the matters set out in the certificate without proof of the office or signature of the person purporting to have signed the certificate.
- (9) On an application made pursuant to subsection (6), the judge of the court may make the order requested or any other order that the judge considers appropriate.
- (10) Any person to whom an order made pursuant to subsection (9) is directed may appeal that order to the Court of Appeal on a question of law only.
- (11) An appeal pursuant to subsection (10) does not stay the order unless a judge of the Court of Appeal rules otherwise.

(12) The reasonable costs and expenses incurred by the minister or the department or its employees, agents and representatives respecting any action taken pursuant to this section are a debt due to the Crown in right of Saskatchewan by the persons to whom an order made pursuant to this section is directed and may be recovered by the minister from those persons:

- (a) in the manner authorized by *The Financial Administration Act, 1993*; or
- (b) in any other manner authorized by law.

2006, c.6, s.6.

Stones or debris

23(1) No person shall throw or place or cause to be thrown or placed on a public improvement any stone, rock or debris from property adjacent to the public improvement or from a vehicle.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine as set forth in Category C in Schedule A.

1997, c.H-3.01, s.23.

Animals

24(1) No owner or other person in charge of an animal shall allow the animal to be on a provincial highway unless it is in the direct and continuous charge of a person who is competent to control it and is controlling it so that the animal does not:

- (a) obstruct the provincial highway;
- (b) cause any damage to the provincial highway; or
- (c) create any hazard to traffic on the provincial highway.

(2) Every owner or person in charge of an animal found on a provincial highway contrary to subsection (1) is guilty of an offence and liable on summary conviction to a fine as set forth in Category B in Schedule A.

(3) Nothing in subsection (1) or (2) imposes any civil liability for damages on the owner or person in charge of an animal that is on a provincial highway contrary to subsection (1), and any question of liability for damages arising in a civil action is to be determined as if those subsections had not been enacted.

1997, c.H-3.01, s.24.

Control over utility construction

25(1) The minister may issue orders controlling and regulating all matters relating to the construction by any person of any utility across, within, or along a public improvement.

- (2) No person shall fail to comply with an order issued pursuant to subsection (1).
- (3) This section prevails in the case of any conflict between this section and:
 - (a) any other Act; or
 - (b) a regulation made pursuant to any other Act.

1997, c.H-3.01, s.25.

c. H-3.01 HIGHWAYS AND TRANSPORTATION, 1997

Interpretation

26 In sections 27 to 32 and 35.1:

- (a) “**damage**” includes destroy and deface;
- (b) “**erect**” includes display, paint, paste, place or post;
- (c) “**sign**” includes advertising device, billboard, notice, official sign, sign or signboard.

1997, c.H-3.01, s.26; 2001, c.16, s.5.

Erection of official signs

27 Official signs may be erected, maintained and removed by:

- (a) employees of the department;
- (b) persons under contract with the department to do work on a public highway; or
- (c) any other person authorized by the minister to work in the right of way of a public highway.

1997, c.H-3.01, s.27.

Destruction of official signs

28(1) No person shall damage, move or remove an official sign erected on or adjacent to a public highway pursuant to this Act.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine as set forth in Category C in Schedule A.

1997, c.H-3.01, s.28.

Prohibitions and exemptions re signs

29(1) Subject to section 27 and subsections (3) and (4), no person shall erect or cause to be erected any sign on or within 400 metres of that part of a provincial highway that is outside the limits of a city, town, village or organized hamlet unless the sign is used for the purpose of advertising:

- (a) the sale, by the occupier of the land or premises on or within which the sign appears, of produce, goods or products grown, raised or manufactured on or in that land or premises;
- (b) accommodation or services offered by the occupier of the land or premises or displaying the name of the premises; or
- (c) the sale, by the landowner or his or her broker, of the land on which the sign is located.

(2) No sign to which clause (1)(a), (b) or (c) applies may exceed three square metres in size, unless that greater size has been authorized by a written permit issued by the minister.

(3) Subject to the regulations, the minister may issue a permit to an applicant authorizing the applicant to erect a sign on or within 400 metres of a provincial highway on any terms and conditions that the minister considers appropriate.

(4) Subsection (1) does not apply to a sign exempted by regulation.

1997, c.H-3.01, s.29.

Removal of certain signs

30(1) If a sign is erected in a manner that contravenes section 29, the minister may order the person responsible for the sign, or the owner or occupier of the land or premises on which it is erected, to remove, erase, obliterate or destroy the sign within 21 days after the date of service of the order on that person.

(2) An order made pursuant to subsection (1) may be served by personal service or by registered mail.

(3) No person on whom an order made pursuant to subsection (1) has been served shall fail to comply with the order within 21 days after the date of service.

(4) Every person who contravenes subsection (3) is guilty of an offence and liable on summary conviction to a fine as set forth in Category H in Schedule A.

(5) If a person on whom an order made pursuant to subsection (1) has been served fails to comply with the order within 21 days, the minister may cause the removal, erasure, obliteration or destruction of the sign and dispose of it or any part of it in any manner that the minister sees fit, whether or not proceedings have been instituted or a conviction has been obtained pursuant to subsection (4).

(6) Any expense incurred for the removal, erasure, obliteration, destruction or disposal of the sign is a debt due and owing to the Crown in right of Saskatchewan and may be recovered in the manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

1997, c.H-3.01, s.30.

Offence re commercial activity

31(1) No person shall contravene any regulation respecting commercial activity within a provincial highway right of way.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine as set forth in Category G in Schedule A.

1997, c.H-3.01, s.31.

Structures, etc.

32(1) Unless authorized by permit obtained from the minister, no person shall erect, excavate, bury, or cause to be erected, excavated, or buried any building, structure, lighting device, reflecting device, embankment, dugout, well or other excavation within the prescribed distance from the surveyed limit of a provincial highway.

- (2) Unless authorized by permit obtained from the minister, no person shall make, or cause to be made, any addition or alteration to any building, structure, lighting device, reflecting device, embankment, dugout, well or other excavation within the prescribed distance from the surveyed limit of a provincial highway.
- (3) Unless authorized by permit obtained from the minister, no person shall plant or place, or cause to be planted or placed, any tree, shrub, brush, hedge, fence, other than a wire fence, or other object within the prescribed distance from the surveyed limit of a provincial highway.
- (4) Unless authorized by permit obtained from the minister, no person shall construct a canal or pipeline for the purpose of irrigation or for any other purpose within the prescribed distance from the surveyed limit of a provincial highway.
- (5) No person shall erect or caused to be erected on or within 400 metres of that part of a provincial highway that is outside the limits of a city, town, village or organized hamlet a lighting device or reflecting device that:
- (a) will cause or be likely to cause glare on the travelled portion of the highway;
 - (b) might be confused with traffic warning or control lights; or
 - (c) might cause undue distraction to the operator of a vehicle on the highway.
- (6) Every person who contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine as set forth in Category A in Schedule A.

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

Permits

- 33(1)** A person who wishes to obtain a permit for an activity described in section 32 shall:
- (a) apply to the minister;
 - (b) comply with any terms and conditions imposed by the minister pursuant to subsection (3); and
 - (c) pay the prescribed fee.
- (2) The minister may:
- (a) issue a permit to an applicant if the applicant has complied with this section and the minister considers it appropriate to do so; or
 - (b) refuse to issue a permit to an applicant if the applicant has not complied with this section or the minister does not consider it appropriate to do so.
- (3) As a condition of issuing a permit, the minister may impose any terms and conditions that the minister considers appropriate.

1997, c.H-3.01, s.33.

Protection of public improvement

34(1) No person shall break, cut, fill or otherwise alter or damage a public improvement.

(2) The owner or operator of a vehicle and the owner of a building or object who break, cut, fill or otherwise alter or damage a public improvement are liable for the damage caused and shall reimburse the authority having the management and control of the public improvement for the costs of repairing the public improvement.

(3) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine as set forth in Category A in Schedule A.

1997, c.H-3.01, s.34.

Orders re over-weight

35(1) The minister may, by order:

(a) prohibit the operation of vehicles or impose restrictions with respect to the class and gross weight of vehicles or the gross weight that may be transmitted to the roadway through any point or points of contact of any vehicles that may be operated, at the times and for the periods in any year that the minister considers necessary for the protection of any public highway; and

(b) exempt any vehicle, either wholly or to a limited extent, from any order.

(2) The minister shall cause notice to be given of an order made pursuant to subsection (1) or of an amendment or cancellation of an order by publishing the order, amendment or cancellation in any manner the minister considers advisable.

1997, c.H-3.01, s.35.

Management of vehicles - provincial highways and truck routes

35.1(1) For the purpose of managing traffic on or protecting all or any part of a provincial highway, the minister may, by order:

(a) prohibit or restrict the operation of vehicles or any class of vehicles on all or any part of a provincial highway, and, for that purpose, may make orders that prohibit or restrict all or any of the following:

(i) the gross weight of vehicles or any class of vehicles;

(ii) any vehicle or class of vehicles;

(iii) any type, configuration or dimension of vehicles or any class of vehicles;

(iv) the gross weight that may be transmitted to the roadway through any point or points of contact of any vehicles or class of vehicles;

(b) exempt any person, vehicle or class of vehicles, either wholly or to a limited extent, from any order made pursuant to clause (a);

(c) subject to subsection (4), designate another public highway as a truck route on which vehicles or classes of vehicles that are the subject of an order made pursuant to clause (a) may be operated;

(d) subject to subsection (5), authorize any person, vehicle or class of vehicles to exceed the maximum weight for a public highway as set out in the regulations or a minister's order;

- (e) prescribe the manner in which notice of an order made pursuant to this section must be provided to the public and the manner in which signs providing notice of an order made pursuant to this subsection must be posted along any public highway;
 - (f) prescribe any other things that the minister considers incidental and in the public interest.
- (2) An order pursuant to this section is effective for any period that is set out in the order and that the minister considers necessary.
 - (3) The minister shall cause notice to be given of an order made pursuant to this section or of an amendment or cancellation of an order by publishing the order, amendment or cancellation in any manner the minister considers advisable.
 - (4) Except where the minister considers that an emergency exists, if the minister proposes to make an order pursuant to clause (1)(c) designating a public highway that is under the direction, control or management of a municipality as a truck route, the minister may make the order only if that municipality agrees to the order.
 - (5) The maximum weight allowed by an order made pursuant to clause (1)(d) must not exceed the maximum weight established by regulation for primary highways.

2001, c.16, s.6.

Permits re over-weight or over-dimension

- 36(1)** No person, without a permit, shall operate a vehicle that exceeds the prescribed or ordered weight if that person intends to operate a vehicle on a public highway where the vehicle has a weight or is carrying on any axle or wheel of that vehicle, a gross weight in excess of the maximum gross weight set out in the regulations or a minister's order.
- (2) No person, without a permit, shall operate a vehicle or move a building, object or contrivance that does not meet the prescribed or ordered minimum dimensions or that exceeds the prescribed or ordered maximum dimensions if that person intends to operate that vehicle or move that building, object or contrivance on a public highway where the vehicle, building, object or contrivance has any dimension or dimensions that are less than the minimum or that exceed the maximum dimension or dimensions set out in the regulations or a minister's order.
 - (3) A person who wishes to obtain a permit for the purposes of this section shall:
 - (a) apply to the minister;
 - (b) comply with any terms and conditions imposed by the minister pursuant to subsection (5); and
 - (c) pay the prescribed fee.
 - (4) The minister may:
 - (a) issue a permit to an applicant if the applicant has complied with this section and the minister considers it appropriate to do so; or
 - (b) refuse to issue a permit to an applicant if the applicant has not complied with this section or the minister does not consider it appropriate to do so.

(5) As a condition of issuing a permit, the minister may impose any terms and conditions that the minister considers appropriate, including a requirement to make any payment pursuant to a transportation partnership agreement.

(6) Unless the owner, driver or operator of a vehicle or mover of a building, object or contrivance who has obtained a permit pursuant to this section has entered into a written agreement with the minister to the contrary, that person is responsible for any damage that may be caused to a public building or public improvement, or to any person or property, by reason of the driving or operating of the vehicle, or the moving of the building, object or contrivance.

(7) Any permit issued pursuant to this section for a load that exceeds the maximum height or maximum width authorized in the regulations:

(a) is subject to the condition that the vehicle, building, object or contrivance is able to clear any obstruction over or beside the highway; and

(b) is deemed to allow the operator of the vehicle to use any reasonable alternative route that is necessary to avoid an obstruction.

1997, c.H-3.01, s.36; 2000, c.47, s.8.

Permits issued by municipalities

36.1(1) If, pursuant to section 51, the minister delegates to the council of a municipality the power to issue a permit pursuant to section 36, the council may:

(a) subject to subsection (2), set the fee to be paid for that permit; and

(b) delegate the power granted to it pursuant to section 51 to any person that the council may designate, subject to the same terms and conditions applicable to the council.

(2) Notwithstanding any other Act, the fee set by the council of a municipality for a permit pursuant to clause (1)(a) shall not exceed the amount determined by the minister.

2005, c.M-36.1, s.431.

Power of officer to weigh or measure vehicle and load

37(1) On being requested or signalled to do so by a peace officer or by a person appointed by the minister, a person driving or moving a vehicle, building, object or contrivance on or over a public highway shall stop driving or moving the vehicle, building, object or contrivance in order to permit the peace officer or person appointed by the minister to make any examination or investigation considered necessary by him or her to determine:

(a) the dimensions and weight of the vehicle, building, object or contrivance; and

(b) the gross weight transmitted to the roadway through any point or points of contact of the vehicle with the roadway.

- (2) Where weigh scales owned or controlled by the department have been established adjacent to a public highway, no person driving a vehicle intended for the conveyance of livestock, goods, merchandise or other commodities shall fail to immediately bring the vehicle to the weigh scales if directed to do so by an official sign erected within two kilometres from the weigh scales.
- (3) A vehicle may be weighed by a peace officer or a person appointed by the minister by means of portable weigh scales, or stationary weigh scales, approved by the minister.
- (4) In order to determine the weight of a vehicle pursuant to subsection (3), the peace officer or a person appointed by the minister may:
- (a) where weigh scales are within 40 kilometres, require the person in charge of the vehicle to take the vehicle to the nearest weigh scales;
 - (b) where the weigh scales within 40 kilometres are closed, detain the vehicle until the weigh scales reopen on the following day or until it is no longer practical to detain the vehicle; or
 - (c) where the use of weigh scales is not necessary or immediately available, require the person in charge of the vehicle to immediately produce for inspection and copying the bill of lading, shipping bill, customs permit or any other document pertaining to the goods or thing being transported.
- (5) A peace officer or a person appointed by the minister may require the person in charge of the vehicle to unload immediately any portion of the load as may be necessary:
- (a) to decrease the gross weight of the vehicle or the gross weight on any axle or wheel of the vehicle to the prescribed maximum gross weight; or
 - (b) to effect a change in the dimensions of the load in order to make the load conform to the minimum or maximum dimensions set out in the regulations, minister's order or permit.
- (6) A peace officer or a person appointed by the minister may:
- (a) without a warrant, seize any vehicle that, in his or her opinion, has a gross weight or has a gross weight on any axle or wheel of the vehicle exceeding the prescribed maximum gross weight; and
 - (b) retain the vehicle in his or her custody until:
 - (i) the expenses of seizing the vehicle and of keeping that vehicle in custody are paid; or
 - (ii) if an information respecting an offence against this section is laid within three days after the date of the seizure, the information is disposed of by a judge or justice of the peace.
- (7) A peace officer or a person appointed by the minister may:
- (a) without a warrant, seize any vehicle that, in his or her opinion, poses a danger to other traffic because its dimensions exceed the maximum dimensions set out in the regulations, minister's order or permit; and

- (b) retain the vehicle in his or her custody until:
 - (i) the expenses of seizing the vehicle and of keeping that vehicle in custody are paid; or
 - (ii) if an information respecting an offence against this section is laid within three days after the date of the seizure, the information is disposed of by a judge or justice of the peace.
- (8) **Repealed.** 2001, c.16, s.7.
- (9) **Repealed.** 2001, c.16, s.7.
- (10) No person shall fail to comply with a request made by a peace officer or a person appointed by the minister pursuant to a power conferred by this section.
- (11) Every person who contravenes subsection (2) or (10) is guilty of an offence and liable on summary conviction to a fine as set forth in Category C in Schedule A.
- (12) A rural municipality may, in writing, grant to one or more persons all of the powers granted by this section to a peace officer or a person appointed by the minister, but the power granted pursuant to this subsection may only be used within the rural municipality with respect to suspected offences on public highways maintained by that rural municipality.
- (13) If a consignor of goods, or the consignor's agent or employee, knowingly causes a vehicle not owned by the consignor to be loaded with goods or a building, object or contrivance so that when the vehicle operates on a public highway, the operating or moving of the vehicle contravenes section 36 or the regulations made pursuant to clauses 69(1)(n) to (s) or (v) to (oo), the consignor and carrier are jointly and severally liable for the contravention.

1997, c.H-3.01, s.37; 2000, c.47, s.9; 2001, c.16, s.7; 2008, c.12, s.4.

Weight and dimension offences

38(1) No person shall:

- (a) contravene any provision of the regulations made pursuant to clauses 69(1)(n) to (s);
- (b) contravene any provision of a minister's order issued pursuant to section 35;
- (c) operate a vehicle that contravenes the maximum gross weight specified in a permit issued pursuant to section 36;
- (d) operate a vehicle that contravenes a maximum or minimum dimension specified in a permit issued pursuant to section 36;
- (e) fail to comply with any term or condition specified in a permit issued to him or her pursuant to section 36; or
- (f) contravene an order issued by a council committee established in accordance with section 81 of *The Municipalities Act* or section 100 of *The Northern Municipalities Act, 2010* that:
 - (i) prohibits the operation of tractors on specified municipal roads;
 - (ii) restricts the gross weight of vehicles travelling on specified municipal roads if the gross weight of a vehicle is in excess of 2 700 kilograms; or

- (iii) with respect to specified municipal roads, restricts the gross weight that may be transported to those road through any point or points of contact by vehicles with a gross weight in excess of 2 700 kilograms.
- (2) Every person who contravenes subsection (1):
- (a) is guilty of an offence and liable on summary conviction to a fine as set forth in Category D in Schedule A; and
 - (b) is liable to the Crown in right of Saskatchewan for the costs to repair any damage done or caused to a public building or a public improvement and to any person for any damage done or caused to that person's property resulting from the contravention.
- (3) Where a contravention mentioned in this section relates to the operation of a vehicle that exceeds the prescribed maximum gross weight or that is carrying on any axle or wheel of that vehicle a gross weight that exceeds the prescribed maximum gross weight, the judge or justice of the peace:
- (a) in addition to the fine imposed pursuant to subsection (2), shall assess a fine calculated in accordance with subsection (4) or (5); and
 - (b) may order the vehicle with respect to which the offence was committed to be seized and impounded for a period of five days or until the fine and costs, including the expenses of impounding and storing the vehicle, have been fully paid, whichever is the later.
- (4) Where the conviction is based on a weight determined by portable weigh scales:
- (a) the excess weight is the amount by which the gross weight determined by the portable weigh scales exceeds the sum of:
 - (i) the prescribed maximum gross weight; and
 - (ii) the lesser of 5% of the prescribed maximum gross weight and 1,000 kilograms;
 - (b) the amount of the fine is:
 - (i) \$10 for each 50 kilograms of excess weight if the excess weight is less than 1,000 kilograms; and
 - (ii) \$15 for each 50 kilograms of excess weight if the excess weight is 1,000 kilograms or more.
- (5) Where the conviction is based on a weight determined by any means other than the one described in subsection (4):
- (a) the excess weight is the amount by which the gross weight determined pursuant to this subsection exceeds the sum of:
 - (i) the prescribed maximum gross weight; and

- (ii) the lesser of:
 - (A) 500 kilograms; and
 - (B) 2% of the prescribed maximum gross weight; and
 - (b) the amount of the fine is:
 - (i) \$10 for each 50 kilograms of excess weight if the excess weight is less than 1,000 kilograms; and
 - (ii) \$15 for each 50 kilograms of excess weight if the excess weight is 1,000 kilograms or more.
- (6) In the event of default of payment of any fine assessed pursuant to subsection (3), a judge or justice of the peace may issue a warrant directed to a sheriff for the distress and sale of the goods of the defaulter, other than those exempt from seizure under writs of execution, and the defaulter is not liable to imprisonment.
- (7) Notwithstanding that a vehicle is impounded pursuant to this section, the load on an impounded vehicle is deemed not to be impounded, and the owner of the vehicle retains sole responsibility for the protection of the load from damage and theft.
- (8) If an owner does not remove the load from the vehicle before it is impounded or does not remove the load from the place in which the vehicle is impounded, any expenses accruing by reason of its non-removal are to be added to the costs of the contravention and impoundment.
- (9) Any fine assessed or imposed on a person who has been convicted of an offence pursuant to this section belongs to the rural municipality, and the judge or justice of the peace shall dispose of the fine accordingly, if the contravention:
- (a) occurred on a public highway maintained by the rural municipality; and
 - (b) was based on the information of a peace officer or a person appointed by the minister who is employed and paid by the rural municipality and who is not a member of a police service directly or indirectly employed and paid by the Government of Saskatchewan.

1997, c.H-3.01, s.38; 2000, c.47, s.10; 2005, c.M-36.1, s.431; 2010, c.N-5.2, s.455.

Vicarious liability

39(1) In this section, “**owner**”, with respect to a vehicle, means:

- (a) the person to whom a certificate of registration for the vehicle has been issued pursuant to *The Traffic Safety Act*; or
 - (b) the person named in an equivalent document from another jurisdiction.
- (2) The owner of a vehicle that is involved in the commission of an offence respecting prescribed maximum gross weights is guilty of the offence and liable for the penalties for the contravention, whether or not the owner was directly involved in committing the offence or was in possession of the vehicle at the time of the contravention.

- (3) The owner of a vehicle that is involved in the commission of an offence respecting minimum or maximum vehicle dimensions is guilty of the offence and liable for the penalties for the contravention, whether or not the owner was directly involved in committing the offence or was in possession of the vehicle at the time of the contravention.
- (4) Notwithstanding subsection (2) or (3), the owner of a vehicle is not liable for the contravention if the owner demonstrates to the court that:
- (a) the owner did not commit the contravention; and
 - (b) the person who was in possession of the vehicle at the time of the contravention was in possession of the vehicle without the express or implied consent of the owner.
- (5) Subsection (4) does not relieve the person who committed the contravention from liability for it.
- (6) Notwithstanding subsection (2) or (3), where at the time of the offence the vehicle was not being operated by the owner, the owner is not liable to imprisonment.

1997, c.H-3.01, s.39; 2004, c.T-18.1, s.297.

Vehicle loads

- 40(1)** In this section, “**dangerous good**” means a dangerous good within the meaning of *The Dangerous Goods Transportation Act* and any regulations pursuant to that Act.
- (2) No person shall cause or allow a vehicle to be loaded or drive a vehicle so that when the vehicle is driven on a public highway all or any part of the load drops or is likely to drop onto the public highway.
- (3) No person shall cause or allow a vehicle to be loaded or drive a vehicle so that when the vehicle is driven on a public highway there is a discharge, emission or escape of a dangerous good or evidence that a discharge, emission or escape of a dangerous good loaded on the vehicle is imminent.
- (4) No person shall operate on a public highway a vehicle transporting cargo where the load is not transported and secured in accordance with the regulations.
- (5) Every person who contravenes any of the provisions of this section is guilty of an offence and liable on summary conviction to a fine as set forth in Category D in Schedule A.

1997, c.H-3.01, s.40.

PART V
Public and Private Ferries

Establishment and maintenance of public ferries

41(1) The minister may establish a public ferry on any river, stream, lake or other body of water in Saskatchewan.

(2) The minister shall maintain and operate public ferries as public improvements and may collect all tolls.

1997, c.H-3.01, s.41.

Licence for operation of private ferry

42(1) No person shall operate a private ferry without a licence.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine as set forth in Category G in Schedule A for every day the ferry is operated without a licence.

1997, c.H-3.01, s.42.

Application for private ferry licence

43(1) A person who wishes to obtain a private ferry licence shall:

- (a) apply to the minister;
 - (b) comply with any term or condition imposed by the minister pursuant to subsection (3); and
 - (c) pay the prescribed fee.
- (2) The minister may:
- (a) issue a private ferry licence to a person if the person has complied with this section and the minister considers it appropriate to do so; or
 - (b) refuse to issue a private ferry licence to a person if the person has not complied with this section or the minister does not consider it appropriate to do so.
- (3) As a condition of issuing a licence, the minister may impose any terms and conditions that the minister considers appropriate.

1997, c.H-3.01, s.43.

Licences

44(1) A private ferry licence issued pursuant to this Part grants an exclusive right to maintain and operate the private ferry within the limits specified in the licence.

- (2) Every private ferry licence must specify:
- (a) the maximum rate of tolls to be charged;

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- (b) the kind and size of the scow, barge or boat to be used;
- (c) the limits of the river, stream, lake or other body of water within which the private ferry may be operated; and
- (d) the hours during which the private ferry must be operated.

1997, c.H-3.01, s.44.

Inspection

45 The minister may appoint any person that the minister considers appropriate to inspect and report:

- (a) on the condition of any ferry; or
- (b) on any complaint of a person using or desiring to use any ferry.

1997, c.H-3.01, s.45.

Refusal to pay toll

46(1) No person using a ferry shall refuse to pay the toll for ferrying that person.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine as set forth in Category B in Schedule A.

(3) Where a person refuses to pay the toll, the ferry operator may seize and hold any property in possession of that person and the property may be sold under a distress warrant to satisfy the payment of the toll for ferrying that person.

1997, c.H-3.01, s.46.

PART VI

General

Terms and conditions of licence or permit

47(1) At the time a licence or permit is issued pursuant to this Act or at any subsequent time, the minister may impose any terms and conditions on a licence or permit that the minister considers necessary.

(2) Subject to section 50, at any time after a licence or permit is issued, the minister may do all or any of the following:

- (a) amend any terms and conditions imposed on a licence or permit;
- (b) impose new terms and conditions on a licence or permit;
- (c) repeal terms and conditions and substitute new terms and conditions in their place.

(3) No person who holds a licence or permit shall fail to comply with the terms and conditions imposed on that person's licence or permit.

1997, c.H-3.01, s.47.

Expiry of licence or permit

48 Subject to the regulations, unless sooner cancelled or suspended, a licence or permit expires on the date stated on the licence or permit.

1997, c.H-3.01, s.48.

Suspension or cancellation

49 Subject to section 50, the minister may amend, suspend or cancel a licence or permit where, in the opinion of the minister, the person who holds the licence or permit:

- (a) has failed to comply with:
 - (i) any provision of:
 - (A) this Act or the regulations;
 - (B) any other Act of Saskatchewan or of any other jurisdiction pursuant to which the person is incorporated or continued; or
 - (C) any Act of any other jurisdiction where the person is carrying on business;
 - (ii) an order of the minister pursuant to this Act;
 - (iii) a term or condition of the licence or permit; or
 - (iv) any term or condition of a transportation partnership agreement relating to the permit;
- (b) has failed to pay any fine, penalty or costs imposed pursuant to this Act;
- (c) has provided false or misleading information to the minister in the person's application or at any other time; or
- (d) is carrying on business in a manner that is prejudicial to the public interest.

1997, c.H-3.01, s.49.

Opportunity to be heard

50(1) The minister shall not refuse to issue a licence or permit, amend, suspend or cancel a licence or permit, amend terms or conditions or impose new terms or conditions on a licence or permit without giving the applicant or person holding the licence or permit, as the case may be, an opportunity to be heard.

(2) Notwithstanding subsection (1), if the minister considers that it is necessary in order to protect the public interest, the minister may immediately suspend or cancel a licence or permit or amend terms or conditions or impose new terms or conditions on a licence or permit without giving the person holding the licence or permit an opportunity to be heard, but shall give the person an opportunity to be heard within 15 days after the date on which the minister takes any of those actions.

1997, c.H-3.01, s.50.

Appointment of designates

51(1) The minister may appoint any person, organization or Indian band to perform any responsibility assigned to the minister pursuant to this Act or to exercise any of the powers conferred on the minister pursuant to this Act, other than the power to expropriate land.

(2) Without limiting the generality of subsection (1), the minister may appoint, for the purposes of subsection (1), any person employed or retained by the government or regulatory authority of another jurisdiction.

1997, c.H-3.01, s.51; 2000, c.50, s.12.

Immunity

52(1) No action or other proceeding for damages lies or shall be instituted against the minister, the Crown in right of Saskatchewan or its agents or employees where the person is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered 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 that person, 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 responsibility imposed by this Act or the regulations.

(2) A decision made by the minister in the exercise of a discretionary power given pursuant to this Act to do or not to do a thing does not constitute negligence.

1997, c.H-3.01, s.52.

Tenders required for public improvements

53(1) Subject to subsection (2), the minister shall call for tenders by public advertisement or other public notice for the construction of all public improvements to be undertaken by the minister.

(2) The minister is not required to call for public tenders where, having regard to the nature of the work, the size of the undertaking, the urgency with which the work is required or any other prescribed circumstance, the minister is of the opinion that the work can be carried out more expeditiously or economically:

- (a) by contract without tender; or
- (b) by employees of the department.

1997, c.H-3.01, s.53.

Security for performance

54 Where a public improvement undertaken by the department is being carried out by contract, the minister may require that security be given to the Crown in right of Saskatchewan for the performance of the work within the time specified for its completion.

1997, c.H-3.01, s.54.

Authority for awarding contract to other than lowest bidder

55 Where, in the minister's opinion, it is not expedient or in the public interest to award the contract for construction of a public improvement to the lowest bidder, the minister shall report the matter to and obtain the authority of the Lieutenant Governor in Council before awarding the contract to any person other than the lowest bidder.

1997, c.H-3.01, s.55; 2000, c.47, s.11.

Security required

56 A contract for construction of a public improvement must be signed by all parties to it and any security required pursuant to the contract must be provided prior to:

- (a) any money being paid to a contractor; and
- (b) any work being commenced.

1997, c.H-3.01, s.56.

Automobile wreckers

57(1) No person shall carry on the business of an automobile wrecker unless the automobile wrecker holds a licence to do so issued pursuant to this section.

(2) Every person who desires to carry on the business of an automobile wrecker shall obtain a licence from the board with respect to each place used for the purposes of the business.

(3) Every holder of a licence issued pursuant to this section shall display the licence in the place of business with respect to which it is issued in a manner so that it is readily visible to the public.

(4) Every automobile wrecker shall:

- (a) keep a record of each vehicle wrecked on the automobile wrecker's premises, including the vehicle identification number, year, make, model and body type; and
- (b) if a vehicle comes into the automobile wrecker's possession for which the vehicle identification number has been removed or defaced, immediately report that fact to the board.

(5) If, without good reason, a vehicle is placed in the automobile wrecker's possession or remains in the automobile wrecker's possession, the automobile wrecker shall immediately make a report to the board stating the facts.

(6) A peace officer may enter the premises of any automobile wrecker and make any investigation and inspection of the premises and of the records that the peace officer considers necessary in order to ascertain whether this Act and the regulations are being complied with.

(7) The board may suspend or revoke a licence issued pursuant to this section for a contravention of any provision of this Act by the holder of the licence or by any of the automobile wrecker's employees, or for any other reason that, in the opinion of the board, justifies the suspension or revocation.

(8) Subject to subsection (9), no licence may be issued pursuant to this section to a person whose business or part of whose business is that of dealing in second-hand vehicles that are brought into Saskatchewan for the purpose of resale.

(9) Subsection (8) does not apply to a dealer who accepts a vehicle described in subsection (8) in exchange for an unused vehicle.

(10) Every person who contravenes any provision of this section is guilty of an offence and liable on summary conviction to a fine as set forth in Category D in Schedule A.

1997, c.H-3.01, s.57.

Penalty re commercial vehicles

58(1) No person shall contravene any regulation made pursuant to clauses 69(1)(v) to (ww).

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to a fine as set forth in Category D in Schedule A.

1997, c.H-3.01, s.58.

General penalty

59 Every person who contravenes any provision of this Act or the regulations for which no penalty is specifically provided is guilty of an offence and liable on summary conviction to a fine as set forth in Category A in Schedule A.

1997, c.H-3.01, s.59.

Continuing offences

60(1) A judge of the Provincial Court of Saskatchewan who convicts a person for any of the following offences shall order that, within a specified time, the person must:

- (a) for a contravention of subsection 30(3) or 32(1), (2), (3) or (5), remove, erase, obliterate or destroy the thing with respect to which the person was convicted;
- (b) for a contravention of subsection 32(4), fill in the canal or remove the pipeline with respect to which the person was convicted;
- (c) for the contravention of a term or condition specified in the permit for the erection of a sign or for the contravention of any regulations made pursuant to clauses 69(1)(h) to (j), erect or remove the sign or make any alterations in the sign or in the erection or location of the sign with respect to which the person was convicted as are necessary for the person to comply with the terms or conditions of the permit or the regulations.

(2) A person who fails to comply with an order made pursuant to subsection (1) within the specified time is guilty of an offence and liable on summary conviction to a further fine as set forth in Category G in Schedule A for the time during which the contravention continues.

(3) If a person does not comply with an order made pursuant to subsection (1), the minister may cause the order to be carried out at the expense of the person in default, and the expense, including the cost of removal, is a debt due and owing to the Crown in right of Saskatchewan and may be recovered in the manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

1997, c.H-3.01, s.60.

Evidence of records

61 A copy or extract of a record or other property of a person that belongs to or is held by the minister is admissible in evidence in any action, proceeding or prosecution as proof, in the absence of evidence to the contrary, of the original record or property and its contents without proof of the signature or capacity of the person purporting to have signed the copy or extract.

1997, c.H-3.01, s.61.

Documentary evidence

62(1) In a prosecution for a contravention of this Act or the regulations, of an order of the minister made pursuant to subsection 35(1) or of an order mentioned in clause 38(1)(f) issued by a council committee, a document mentioned in clause (a) or (b) is admissible in evidence as proof, in the absence of evidence to the contrary, of the contents of the document and of the authority of the person issuing the document without proof of the appointment of the person or of the signature of the person issuing the document:

(a) an inspection certificate certifying the accuracy of a weigh scale, bearing a date not more than one year before or after the date of the offence, purporting to be signed by an inspector appointed by the minister;

(b) a certificate, purporting to be signed on behalf of the administrator designated pursuant to *The Traffic Safety Act*, or the equivalent document from another jurisdiction, stating that a certificate of registration of the vehicle described in the information was issued for the registration year in which the offence was committed to the person named in the certificate of registration or equivalent document.

(2) Notwithstanding subsection (1), in a prosecution pursuant to this Act, where a peace officer or a person appointed by the minister has purportedly signed a certificate stating:

(a) that, using portable weigh scales approved for the purpose by the minister, he or she weighed a vehicle;

(b) that he or she determined the gross weight transferred to the roadway through any point or points of contact of the vehicle with the roadway; and

(c) the gross weight of the vehicle;

the certificate shall, subject to subsection (8), be conclusive evidence of the weight specified in it without proof of the appointment, the authority or the signature of the person who signed the certificate.

(3) Where a vehicle is weighed using portable weigh scales approved by the minister, the peace officer or person appointed by the minister shall immediately advise the person in charge of the vehicle that in lieu of having the weight determined using the portable weigh scales, he or she has the right to immediately take the vehicle to the nearest weigh scales certified by an inspector within the meaning of the *Weights and Measures Act* (Canada) that are capable of weighing the vehicle.

(4) Where the person in charge of the vehicle decides to have the vehicle weighed at the nearest weigh scales, a peace officer or a person appointed by the minister 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 the distribution of the weight of the load occurs during transit to the weigh scales.

(5) No person in charge of a vehicle shall take any action to alter the weight of the vehicle or the distribution of the weight of the load during transit to the weigh scales.

(6) Where the person in charge of a vehicle takes the vehicle to weigh scales described in subsection (3) and intends that the gross weight transferred to the roadway through any point or points of contact of the vehicle with the roadway and the gross weight of the vehicle so determined is to be used in any prosecution, that person shall:

(a) immediately on being advised of the option available to him or her pursuant to subsection (3), advise the peace officer or person appointed by the minister who stops him or her in connection with an alleged contravention that he or she intends in any prosecution with respect to that contravention to use the gross weight transferred to the roadway through any point or points of contact of the vehicle with the roadway and the gross weight of the vehicle so determined; and

(b) provide the certificate of that weight certified by an inspector within the meaning of the *Weights and Measures Act* (Canada) to the court in any prosecution with respect to that contravention.

(7) Where the person in charge of a vehicle described in subsection (6) fails to comply with subsection (5) or clause (6)(a) or (b), the certificate signed pursuant to subsection (2) is admissible in evidence in any prosecution as conclusive proof of the gross weight transferred to the roadway through any point or points of contact of the vehicle with the roadway and the gross weight of the vehicle specified in the certificate without proof of the appointment, the authority or the signature of the person who signed the certificate.

(8) Where the person in charge of a vehicle described in subsection (6) complies with that subsection and subsection (5), a certificate signed pursuant to subsection (2) is not admissible in evidence as proof of the weight of the vehicle;

(9) The minister may appoint persons, including employees of the department, as inspectors for the purposes of this section.

1997, c.H-3.01, s.62; 2004, c.T-18.1, s.297; 2005, c.M-36.1, s.431; 2008, c.12, s.5.

General powers respecting audits, examinations, inspections and investigations

63(1) Subject to subsection (2), for the purpose of ensuring that any person governed by this Act is complying with this Act and the regulations, a peace officer or a person appointed by the minister may do all or any of the following:

- (a) enter and inspect any commercial premises used by the person;
- (b) enter any premises containing any records or property required to be kept pursuant to this Act or the regulations or related to the business of the person and inspect those records or that property;
- (c) require any person, including any representative, agent, director, officer or employee of a body corporate, to provide the peace officer or person appointed by the minister with all reasonable assistance;
- (d) make any inquiries of a person mentioned in clause (c);
- (e) after giving a receipt, remove any records or property and retain the records or property for any time the peace officer or person appointed by the minister considers appropriate.

(2) No person shall withhold, destroy, alter, conceal or refuse to give any records or property that a peace officer or person appointed by the minister reasonably requires for the purposes of an investigation or inspection pursuant to this Act.

(3) If a peace officer or person appointed by the minister demands any records or property pursuant to this section, the peace officer or the person appointed by the minister may examine the records or property and make copies of the records in accordance with section 65.

(4) For the purposes of producing a readable record from a computer system used by a person on whom a demand is made pursuant to subsection (3), the peace officer or person appointed by the minister may use any computer hardware or software belonging to that person.

(5) Where the peace officer or the person appointed by the minister has reasonable grounds to believe that a vehicle is being operated in contravention of section 40 or a regulation made pursuant to clauses 69(1)(v) to (oo), the peace officer or person appointed by the minister may:

- (a) request or signal to the person in charge of or operating the vehicle to stop the vehicle;
- (b) search the vehicle for evidence of an offence; and
- (c) seize anything that may be evidence of an offence.

- (6) The person in charge of or operating a vehicle, when requested or signalled to stop pursuant to subsection (5), shall:
- (a) immediately bring the vehicle to a safe stop;
 - (b) permit the peace officer or the person appointed by the minister to search the vehicle; and
 - (c) provide any information that the peace officer or person appointed by the minister requires in the fulfilment of his or her duties pursuant to this Act or the regulations.

1997, c.H-3.01, s.63.

Warrant

64(1) Where a justice of the peace or judge of the Provincial Court of Saskatchewan is satisfied by information on the oath of a peace officer or a person appointed by the minister that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice of the peace or the judge of the Provincial Court of Saskatchewan may issue a warrant to do all or any of the following:

- (a) enter and search any place or premises named in the warrant;
 - (b) search any vehicle described in the warrant;
 - (c) seize anything that may be evidence of an offence against this Act.
- (2) With a warrant issued pursuant to subsection (1), the peace officer or person appointed by the minister may:
- (a) enter and search any place or premises named in the warrant;
 - (b) search any vehicle described in the warrant;
 - (c) open and examine any trunk, box, bag, parcel, closet, cupboard or other receptacle that the peace officer or person appointed by the minister finds in the place, premises or vehicle;
 - (d) require the production of and examine any records or property that the peace officer or person appointed by the minister believes, on reasonable grounds, may contain information related to an offence against this Act;
 - (e) remove, for the purpose of making copies, any records examined pursuant to this section; and
 - (f) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.
- (3) Subject to subsection (4), the peace officer or person appointed by the minister may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:
- (a) the conditions for obtaining a warrant exist; and

- (b) the peace officer or person appointed by the minister has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.
- (4) The peace officer or person appointed by the minister shall not enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.

1997, c.H-3.01, s.64.

Copies of documents

- 65(1)** Where any records are removed pursuant to section 63 or 64, the peace officer or person appointed by the minister may make copies of those records.
- (2) The peace officer or person appointed by the minister shall:
 - (a) make those copies with reasonable dispatch; and
 - (b) promptly return the originals of the records to:
 - (i) the place they were removed from; or
 - (ii) any other place that may be agreed to by the peace officer or person appointed by the minister and the person who furnished them or from whom they were seized.

1997, c.H-3.01, s.65.

Seizure

- 66(1)** A peace officer, without a warrant, may seize any vehicle that the peace officer has reasonable grounds to believe is being driven in contravention of section 40 or regulations made pursuant to clauses 69(1)(v) to (oo) and may retain it in his or her possession or store it in a suitable place.
- (2) The holder of the certificate of registration issued pursuant to *The Traffic Safety Act* or an equivalent document from another jurisdiction respecting a vehicle that has been seized pursuant to subsection (1), his or her agent or any person having an interest in the vehicle may obtain the release of the vehicle if he or she:
 - (a) obtains the written consent of the board to do so; and
 - (b) pays the expenses of the seizure and retention or storage of the vehicle.
- (3) The expenses mentioned in clause (2)(b) constitute a lien on the vehicle seized and, if the owner of the vehicle cannot after reasonable inquiry be found or if he or she fails to pay the expenses within 14 days after the day on which a notice requiring him or her to do so has been served on him or her, the vehicle may be sold for the purposes of recovering the expenses, and section 158 of *The Traffic Safety Act* applies, with any necessary modification, to the sale, the application of the proceeds of the sale and the disposition of any surplus money from the sale.

1997, c.H-3.01, s.66; 2004, c.T-18.1, s.297 and 301.

Service of documents, etc.

67(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 pursuant to this section is deemed to have been received:
- (a) on the day of service, if served personally; or
 - (b) on the tenth day after the date of mailing, if served by ordinary or registered mail, unless the person to whom it was addressed establishes that, through no fault of his or her own, the person did not receive the document or received it at a later date.

1997, c.H-3.01, s.67.

68 Repealed. 2000, c.47, s.12.

PART VII Regulations

Regulations

69(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) defining, enlarging or restricting for the purposes of the regulations the meaning of any word or expression used and defined in this Act;
- (c) establishing categories of persons authorized to perform any act or function required pursuant to this Act;
- (d) prescribing any fees and charges for any matter pursuant to this Act;
- (e) prescribing the distance from the centre line of a provincial highway for the purposes of subsection 13(2);
- (f) designating any public highway or portion of a public highway as a provincial highway;
- (g) establishing categories of provincial highways and provisions of this Act or the regulations that will apply to each;
- (h) creating categories of signs for which a permit may be issued pursuant to section 29;
- (i) fixing the size, shape, type, colour, quality and location of any sign or class of signs for which a permit may be issued pursuant to section 29 and fixing the term for which any permit or class of permits is valid;
- (j) prescribing signs and creating categories of signs for the purposes of subsection 29(4);
- (k) prescribing fees for the placement of utilities in a right of way;
- (l) prescribing distances for the purposes of section 32;

(m) controlling any commercial activities within a provincial highway right of way;

(n) fixing the minimum or maximum dimensions and the maximum gross weight or maximum gross vehicle weight of any:

(i) class of vehicles;

(ii) object; or

(iii) contrivance;

that may be operated or moved on wheels, rollers or otherwise over or on all or any section of any public highway, subject to the height of the clearance of any bridge, overhead utilities or overhead traffic control devices, without a permit issued pursuant to section 36;

(o) prohibiting the operation or movement on wheels, rollers or otherwise over or on all or any section of any public highway without a permit issued pursuant to section 36 of any:

(i) class of vehicles;

(ii) object; or

(iii) contrivance;

that does not meet the minimum dimensions or that exceeds the maximum dimensions or the maximum gross weight or maximum gross vehicle weight fixed pursuant to clause (n);

(p) fixing the maximum gross weight, combined weight or gross vehicle weight that may be transmitted to the roadway through any point or points of contact of any vehicle while operated or moved over or on all or any section of any public highway without a permit issued pursuant to section 36;

(q) prohibiting the operation or movement over or on all or any section of any public highway of any vehicle that at any point or points of contact transmits to the roadway a gross weight, combined weight or gross vehicle weight that exceeds the maximum fixed pursuant to clause (p);

(r) fixing the maximum gross weight or maximum combined weight, including load and contents of any kind, that may be transmitted to the roadway through any axle or group of axles, any wheel or group of wheels or any roller or group of rollers over or on all or any section of any public highway without a permit issued pursuant to section 36;

(s) prohibiting the transmission to the roadway of a weight on any axle or group of axles, any wheel or group of wheels or any roller or group of rollers that exceeds the maximum fixed pursuant to clause (r) without a permit issued pursuant to section 36;

(t) exempting any vehicle, class of vehicles, combination of vehicles, object or contrivance, either wholly or to a limited extent, from any regulation made pursuant to clauses (n) to (s);

- (u) specifying the factors that the minister shall consider in deciding whether or not to issue a permit pursuant to section 36;
- (v) requiring any device or equipment to secure a load;
- (w) prescribing how any device or equipment is to be used and maintained;
- (x) prescribing the manner in which a load is to be handled or transported;
- (y) restricting, regulating or prohibiting the transportation of any specific type of load;
- (z) specifying the manner in which any part of a vehicle or its load is to be marked or labelled;
- (aa) prescribing the holders or class of holders of a certificate of registration who are required to keep and maintain a driver's log;
- (bb) requiring:
 - (i) the persons prescribed pursuant to clause (aa):
 - (A) where those persons drive the vehicle described in the certificate of registration, to keep and maintain a driver's log; and
 - (B) where persons in their employ drive the vehicle described in the certificate of registration, to ensure that those persons keep and maintain a driver's log;
 - (ii) persons in the employ of a person prescribed pursuant to clause (aa) to keep and maintain a driver's log when driving the vehicle described in the certificate of registration;
- (cc) prescribing:
 - (i) the contents of a driver's log; and
 - (ii) the manner in which a driver's log is to be kept and maintained;
- (dd) prescribing the holders or class of holders of a certificate of registration who are required to limit the number of hours that they drive the vehicle described in the certificate of registration or permit persons in their employ to drive that vehicle;
- (ee) prescribing the limit on the number of hours the holders or class of holders of a certificate of registration prescribed pursuant to clause (dd) may:
 - (i) drive the vehicle described in the certificate of registration;
 - (ii) be on duty with respect to the driving of that vehicle; or
 - (iii) permit persons in their employ to drive or be on duty with respect to that vehicle;

- (ff) requiring:
 - (i) the persons prescribed pursuant to clause (dd):
 - (A) where those persons drive the vehicle described in the certificate of registration, to limit the number of hours they are on duty or drive;
 - (B) where persons in their employ drive the vehicle described in the certificate of registration, to ensure that those persons limit the number of hours they are on duty or drive; and
 - (ii) persons in the employ of a person prescribed pursuant to clause (dd) to limit the number of hours that they are on duty or drive the vehicle described in the certificate of registration;
- (gg) requiring that the holders or class of holders of a certificate of registration prescribed pursuant to clause (dd) obtain a permit from the minister to:
 - (i) drive in excess of the number of hours prescribed pursuant to clause (ee);
 - (ii) be on duty in excess of the number of hours prescribed pursuant to clause (ee); or
 - (iii) permit persons in their employ to drive or be on duty in excess of the number of hours prescribed in clause (ee);
- (hh) respecting the issuance by the minister of the permits mentioned in clause (gg);
- (ii) prescribing the classes or types of vehicles for which a trip inspection report is required to be completed;
- (jj) permitting the board to exempt classes or types of vehicles from the requirement to have trip inspection reports completed with respect to them;
- (kk) prescribing the circumstances in which a trip inspection report need not be completed;
- (ll) prescribing the contents of trip inspection reports and the manner in which trip inspection reports are to be completed;
- (mm) respecting the maintenance and retention of trip inspection reports;
- (nn) requiring:
 - (i) owners of vehicles of a class or type prescribed pursuant to clause (ii) or their agents:
 - (A) to complete a trip inspection report; and
 - (B) to ensure that persons in their employ who operate a vehicle of that class or type complete a trip inspection report; and

- (ii) operators of vehicles of a class or type prescribed pursuant to clause (ii) to complete a trip inspection report;
- (oo) requiring:
 - (i) owners of vehicles of a class or type prescribed pursuant to clause (ii) and their agents to ensure that those vehicles are in a state of good repair before:
 - (A) operating those vehicles on a public highway; or
 - (B) permitting the operation of those vehicles on a public highway;
 - and
 - (ii) operators of vehicles of a class or type prescribed pursuant to clause (ii) to ensure that those vehicles are in a state of good repair before operating those vehicles on a public highway;
- (pp) to (vv) **Repealed.** 2000, c.47, s.13.
- (ww) prescribing the records that must be kept and the length of time those records must be kept by consignors, carriers, depot operators, consignees, or other persons and made available for inspection pursuant to section 37;
- (xx) respecting terms, conditions and restrictions with respect to the minister owning any category of rail lines;
- (yy) respecting the operation of provincial airports;
- (zz) prescribing fees that may be charged for the use of provincial airports, including, without limiting the generality of the foregoing, establishing:
 - (i) categories of landing fees for categories of aircraft based on the size or weight of aircraft;
 - (ii) fees for the lease or rental of provincial airport property;
 - (iii) fees for the parking or storage of aircraft on provincial airport property; and
 - (iv) fees for vendors of aviation fuel on provincial airport property;
- (aaa) fixing:
 - (i) the licence fees that the minister shall collect for the issue of private ferry licences;
 - (ii) the amount of bonus that the minister may pay to the holder of a private ferry licence; and
 - (iii) the terms and conditions pursuant to which the licensee shall operate a private ferry;
- (bbb) governing the maintenance and operation of public ferries and fixing the tolls to be charged for the use of public ferries;
- (ccc) prescribing any matter or thing required or authorized by this Act to be prescribed;
- (ddd) respecting any matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

(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, as amended from time to time or otherwise, 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.

1997, c.H-3.01, s.69; 2006, c.6, s.7; 2008, c.12, s.6.

PART VIII

Repeal, Transitional, Consequential and Coming into Force

70 to 72 Dispensed. These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

Transitional – prosecutions

73 A summary offence ticket issued or prosecution commenced pursuant to *The Highways and Transportation Act* on the day before the coming into force of section 1 of this Act remains valid and is to be dealt with pursuant to the provisions of that Act, as it existed on the day before the coming into force of section 1 of this Act.

1997, c.H-3.01, s.73.

Transitional – orders, licences and permits

74 Every order, licence or permit issued pursuant to *The Highways and Transportation Act* that was valid on the day before the coming into force of section 1 of this Act continues to be valid until it is suspended, changed, revoked or invalidated pursuant to this Act.

1997, c.H-3.01, s.74.

75 to 78 Dispensed. These sections make consequential amendments to other Acts. The amendments have been incorporated into the corresponding Acts.

Schedule A

Note: The offence descriptions used in this Schedule are not part of the Act and are inserted for convenience of reference only.

1. Category A: For a first offence, a fine to a maximum of \$200; for a subsequent offence, a fine to a maximum of \$500

	<u>Provision</u>	<u>Offence Description</u>
a.	15(1)	Destruction of a legal survey monument
b.	32	Unauthorized structures, lights, trees, fences, etc., adjacent to a provincial highway
c.	34(1)	Damaging a public improvement
d.	59	General penalty

2. Category B: Fines to a maximum of \$300

	<u>Provision</u>	<u>Offence Description</u>
a.	18	Obstructing or interfering with a water pipe, road, snow fence, snow ridge, etc.
b.	20(4)	Contravening a speed or parking prohibition or limitation
c.	24(1)	Not being in direct or continuous charge of an animal on a provincial highway
d.	46(1)	Refusal to pay a toll on a ferry

3. Category C: Fines to a maximum of \$1,000

	<u>Provision</u>	<u>Offence Description</u>
a.	23(1)	Throwing or placing stones or debris on a public improvement
b.	28(1)	Damaging, moving or removing an official sign
c.	37(2) and (10)	Failing to stop at weigh scales or on request of a peace officer

4. Category D: Fines to a maximum of \$1,000, or \$2,000 if a corporation

	<u>Provision</u>	<u>Offence Description</u>
a.	38(1)	Contravening a minister's order (road ban) or weight and dimension regulations by exceeding permit weight or other conditions
b.	40	Operating a vehicle with an insecure load
c.	57	Carrying on an automobile wrecker business without a licence
d.	58(1)	Contravening regulations on load security, log books, hours of service, trip inspection reports, carrier and driver record keeping

5. Category E: Fines to a maximum of \$1,000

<u>Provision</u>	<u>Offence Description</u>
a. 10(5)	Using a closed public improvement or exceeding weight restrictions

6. Category F: Fines to a maximum of \$1,000 or 60 days imprisonment or both

<u>Provision</u>	<u>Offence Description</u>
a. 16(5)	Obstructing or interfering with a person entering land
b. 22(1)	Placing an object on a public highway or obstructing or interfering with, or threatening to in any way obstruct or interfere with, the public's access to or use of a public highway
c. 22(5)	Obstructing or interfering with, or threatening to obstruct or interfere with, a person carrying out any action taken pursuant to subsection 22(4)

7. Category G: Fines to a maximum of \$300 per day

<u>Provision</u>	<u>Offence Description</u>
a. 31(1)	Contravening a regulation respecting commercial activity in a right of way
b. 42(1)	Operating a ferry without a licence
c. 60	Failing to comply with a court order

8. Category H: Fines to a maximum of \$500 per day

<u>Provision</u>	<u>Offence Description</u>
a. 30(3)	Failing to comply with a minister's order to remove a sign

2006, c.6, s.8.

