

2002

CHAPTER 25

An Act to amend *The Vehicle Administration Act*

(Assented to June 20, 2002)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Vehicle Administration Amendment Act, 2002*.

S.S. 1986, c.V-2.1 amended

2 *The Vehicle Administration Act* is amended in the manner set forth in this Act.

Section 15 amended

3 **Clauses 15(2)(g.1) and (g.2) are repealed and the following substituted:**

“(g.1) the administrator, pursuant to subsection 42(2) of *The Enforcement of Maintenance Orders Act, 1997*, has suspended his or her driver’s licence and his or her ability to secure a driver’s licence;

“(g.2) the administrator has received notice from the Director of Maintenance Enforcement pursuant to subsection 42(4) of *The Enforcement of Maintenance Orders Act, 1997* that the person is evading service of a notice mentioned in subsection 42(1) of that Act”.

Section 22 amended

4 **Section 22 is amended:**

- (a)** by adding “or” after clause (c); and
- (b)** by repealing clauses (e) and (f).

New section 22.1

5 **The following section is added after section 22:**

“Suspension, etc., without hearing

22.1(1) The administrator shall review any report received pursuant to subsection 15(3) and subsections 94(1) and (1.1).

(2) If a report reviewed pursuant to subsection (1) indicates that a person has a disease, disability or medical condition that may interfere with the safe operation of a vehicle, the administrator may do all or any of the following:

- (a) suspend, cancel, revoke or refuse to issue the person’s driver’s licence for a stated period or indefinitely;
- (b) change the class of the person’s driver’s licence;
- (c) add, remove or change any endorsement on the person’s driver’s licence;
- (d) impose any conditions or restrictions on the person’s driver’s licence that the administrator considers appropriate”.

Section 23 amended

6(1) Clause 23(1)(d) is amended by striking out “subsection 31.8(2) of *The Enforcement of Maintenance Orders Act*” **and substituting** “subsection 42(2) of *The Enforcement of Maintenance Orders Act, 1997*”.

(2) The following subsections are added after subsection (2):

“(2.1) Notwithstanding subsection (2), in the circumstances described in subsection (2.2), if the holder of a class 1, 2, 3 or 4 driver’s licence, or the holder of a driver’s license with a class 1, 2, 3 or 4 endorsement, does not provide the administrator with a medical report pursuant to subsection 15(3), the administrator may:

- (a) change the class of the holder’s driver’s licence to a class 5 or 6 driver’s licence; or
- (b) remove or change any endorsement on the holder’s driver’s licence.

“(2.2) The administrator may do any of the things mentioned in subsection (2.1) if the administrator is satisfied that:

- (a) the holder’s experience and expertise qualifies the holder to hold a class 5 or 6 driver’s licence; and
- (b) the holder’s driver’s licence is not otherwise suspended or revoked.

“(2.3) If a holder’s driver’s licence is changed to a class 5 or 6 driver’s licence pursuant to subsection (2.1), the administrator may issue to the holder a class 1, 2, 3 or 4 driver’s licence or a driver’s license with a class 1, 2, 3 or 4 endorsement on receipt from the holder of:

- (a) an acceptable medical report pursuant to subsection 15(3); and
- (b) payment of the fee prescribed for that class of driver’s licence”.

Section 71 amended**7 Subclause 71(c)(v) is repealed and the following substituted:**

“(v) an offence under clause 249(1)(a) or section 249.1 of the *Criminal Code*”.

Section 74 amended**8(1) Clause 74(1)(b) is amended by adding “(1.1),” after “subsection”.****(2) Subsection 74(1.1) is repealed and the following substituted:**

“(1.1) If a resident meets the prescribed criteria for participation in an ignition interlock program and the person participates in the ignition interlock program, the period of disqualification is the period for which the person is prohibited by the convicting judge or court pursuant to the *Criminal Code* from operating a motor vehicle”.

Section 78 amended**9 Clause 78(b) is repealed and the following substituted:**

“(b) while, pursuant to section 21 or 22, clause 22.1(2)(a), subsection 23(2), clause 23(3)(a), subsection 23(4) or (5), or section 23.01, 23.02 or 71.1, the person’s driver’s licence is suspended or revoked by the administrator, the person is prohibited from applying for a driver’s licence or the administrator refuses to issue a driver’s licence to that person; or”.

New section 91**10 Section 91 is repealed and the following substituted:****“Appeal to board**

91(1) A person who is aggrieved by a decision of the administrator pursuant to section 19, 21, 21.1, 22 or 22.1, clause 23(1)(c), section 23.01 or 23.02, subsection 27(1), 29(8), 35(1), 36(1), 45(5) or 45(5.1), section 51, 56 or 71.2, subsection 76(1), section 78.3 or subsection 93(2) may appeal the administrator’s decision to the board.

(2) If a provision of the regulations states that this section applies, a person who is aggrieved by a decision of the administrator pursuant to that provision may appeal the administrator’s decision to the board.

(3) If an appeal based on a decision pursuant to section 21, 21.1 or 22 concerns the requirement by the administrator that a driver obtain periodic medical reports or have periodic medical or vision examinations, the sole issue on appeal is the frequency of the reports or examinations, and the requirement to obtain the reports or have the examinations is not appealable.

(4) On an appeal pursuant to this section, the board may:

(a) in the case mentioned in subsection (1), confirm, reverse or vary the administrator’s decision; or

(b) in the case mentioned in subsection (2), vary the administrator’s decision in the prescribed manner.

(5) The administrator may:

(a) rehear or review any application; and

(b) confirm, amend or revoke any decision or order made by the administrator.

(6) A decision of the administrator made after a rehearing or review pursuant to subsection (5) may be appealed to the board in the same manner as the original decision.

(7) An appeal, rehearing or review pursuant to this section does not stay the administrator’s original decision”.

Section 97 amended**11 The following subclauses are added after subclause 97(1)(ff)(ii):**

“(iii) respecting the use of an ignition interlock device and the terms and conditions pursuant to which an ignition interlock device may be used;

“(iv) prohibiting a driver who is participating in the ignition interlock program from operating any vehicle that is not equipped with an ignition interlock device;

“(v) for the purposes of clause 91(4)(b), prescribing the manner in which the board may vary the administrator’s decision”.

Coming into force**12 This Act comes into force on proclamation.**