

**2002**

## **CHAPTER 48**

An Act to amend *The Highway Traffic Act* and to make a related amendment to *The Highway Traffic Amendment Act, 2001*

(Assented to July 10, 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 Highway Traffic Amendment Act, 2002*.

**S.S. 1986, c.H-3.1 amended**

**2** *The Highway Traffic Act* is amended in the manner set forth in this Act.

**Section 17 amended**

**3 The following subclause is added after subclause 17(2)(a)(i):**

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

- (A) issued to him or her by a member state of the European Union; and
- (B) recognized by all member states of the European Union”.

**Section 23 amended**

**4 Subclause 23(2)(d)(iv) is amended by adding “motor” before “vehicle”.**

**New section 28.1**

**5 Section 28.1 is repealed and the following substituted:**

**“Grace period – replacement vehicles**

**28.1(1)** In this section, ‘**replacement vehicle**’ means a vehicle that:

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

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

(i) display on the replacement vehicle the licence plates issued for the vehicle that was sold; and

(ii) operate, or permit another person to operate, the replacement vehicle on a highway if the operator carries in the replacement vehicle a bill of sale indicating when it was purchased”.

**Section 33 amended**

**6 The following subsection is added after subsection 33(1):**

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

**Section 40 amended**

**7 Subsection 40(2) is repealed and the following substituted:**

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

(a) in the case of a stationary vehicle that is equipped with hazard lights, activate the hazard lights;

(b) in the case of a stationary vehicle that is 2 060 millimetres or wider:

(i) if the vehicle is equipped with hazard lights, activate the hazard lights and set out designated flares where required to do so pursuant to subsection (2.1); and

(ii) if the vehicle is not equipped with hazard lights, set out designated flares where required to do so pursuant to subsection (2.1); and

(c) in the case of an obstruction other than a stationary vehicle, in any manner that will give due warning of the obstruction to other users of the highway.

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

(a) a vehicle intrudes on the travelled portion of the highway;

(b) a vehicle is disabled; or

(c) a vehicle is parked on the highway for more than four hours.

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

**Section 63.2 amended**

**8 Section 63.2 is amended in the portion preceding clause (a) by striking out “tow truck, highway maintenance vehicle, snow removal vehicle, service vehicle or pilot car” and substituting “vehicle”.**

**New section 71**

**9 Section 71 is repealed and the following substituted:**

“Televisions, computers, etc.

**71(1)** No person shall operate or cause to be operated on a highway a vehicle equipped with a television set, video screen or computer screen unless:

- (a) the equipment is securely and safely mounted in the vehicle;
- (b) the equipment is located so that it does not obstruct the view of the driver; and
- (c) except as provided in subsection (2), any image that is displayed by the equipment is not visible to the driver.

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

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

**Section 77 amended**

**10(1) The following subsection is added after subsection 77(1):**

“(1.1) Subsection (1) does not apply to a person who is driving a vehicle in reverse”.

**(2) Subsection 77(3) is repealed and the following substituted:**

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

**New section 82**

**11 Section 82 is repealed and the following substituted:**

“**Interpretation of Part**

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

New sections 83 to 85

**12 Sections 83 to 85 are repealed and the following substituted:**

**“Reports of accidents**

**83(1)** In this section, **‘unidentified motor vehicle’** means a motor vehicle:

- (a) that causes bodily injury or death to a person arising out of physical contact of the motor vehicle with the person or with the motor vehicle of which the person is an occupant; and
- (b) with respect to which:
  - (i) the names of both the owner and the person in charge of the motor vehicle are not ascertainable;
  - (ii) the name of the owner is not ascertainable and the motor vehicle has no person who was in charge of it; or
  - (iii) the name of the person in charge of the motor vehicle is not ascertainable and the owner is not liable for the actions of that person.

(2) Every person in charge of a motor vehicle that is involved in an accident shall:

- (a) notify the following persons as soon as is practicable after the accident:
  - (i) the person in charge of any other motor vehicle that is involved in the accident;
  - (ii) if any property in addition to a motor vehicle has been damaged as a result of the accident, the person in charge of that property; and
- (b) provide the person mentioned in clause (a) with the following information:
  - (i) his or her name and address;
  - (ii) his or her driver’s licence number;
  - (iii) the number of the certificate of registration of the vehicle; and
  - (iv) particulars of any insurance affecting the vehicle.

(3) In the circumstances mentioned in subsection (4), the person in charge of a motor vehicle that is involved in an accident shall:

- (a) report the accident to the nearest peace officer as soon as is practicable after the accident; and
- (b) provide the peace officer mentioned in clause (a) with any information or written statement concerning the accident that the peace officer may reasonably require to complete an accident report.

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

**“Limits on public inspection re reports and statements**

84(1) A written report or statement made or furnished pursuant to section 83 is deemed to be made without prejudice and for the information of the administrator.

(2) The administrator shall keep any written report or statement mentioned in subsection (1) confidential and is not required to make any written report or statement available for public inspection.

(3) The fact that any report or statement has been made or furnished pursuant to section 83 is admissible in evidence solely to prove compliance with that section, but the written report or statement is not admissible in evidence for any other purpose in any trial arising out of a motor vehicle accident.

(4) Notwithstanding subsections (1) and (2), the administrator may make available to persons engaged in road safety research any information contained in any report received by it pursuant to section 83.

(5) Subject to section 9 of *The Vehicle Administration Act*, no person who receives any information pursuant to subsection (4) shall make that information public in a form that would enable any particulars to be identified as being related to any specific person or business.

**“Confirmation of report**

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

(a) attach to the motor vehicle that was involved in the accident a written notice, in a form provided by the administrator, confirming that the accident has been reported;

(b) provide the owner of the motor vehicle mentioned in clause (a) with a confirmation, in any form and in any manner that the administrator considers appropriate in the circumstances, that the accident has been reported.

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

(a) attach to the motor vehicle that was involved in the accident a written notice, in a form that the administrator considers appropriate, confirming that the accident has been reported;

(b) provide the owner of the motor vehicle mentioned in clause (a) with a confirmation, in any form and in any manner that the administrator considers appropriate in the circumstances, that the accident has been reported.

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

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

**Section 89.1 amended**

**13 Subclause 89.1(f)(iii) is repealed and the following substituted:**

"(iii) whose driver's licence is suspended or cancelled or who is disqualified or prohibited from applying for or obtaining a driver's licence pursuant to section 91 of this Act or section 21, clause 22(c), 23(1)(c), 23(1.1)(e) or (f), subsection 23(4) or (5) or section 23.01, 23.02, 71.1, 71.2, 75 or 78.2 of *The Vehicle Administration Act*".

**Section 89.21 amended**

**14 Section 89.21 is amended by adding the following subsection after subsection (6):**

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

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

**Section 89.3 amended**

**15 Subsection 89.3(6) is amended by adding “, or any shorter period that the hearing officer considers appropriate in the circumstances” after “30 days’ impoundment or immobilization”.**

**Section 90.1 amended**

**16 Clause 90.1(1)(d) is repealed and the following substituted:**

"(d) ‘garage keeper’ means a person who provides services on a motor vehicle, including the storage and towing of motor vehicles, for consideration and includes any persons or class of persons designated by the designated official as garage keepers pursuant to section 90.8".

**New section 94.1****17 The following section is added after section 94:****“Offence and penalty re vehicles in area frequented by prostitutes**

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

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

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

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

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

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

**S.S. 2001, c.49 amended**

**18 Subsection 90.71(4) of *The Highway Traffic Act*, as being enacted by section 5 of *The Highway Traffic Amendment Act, 2001*, is repealed.**

**Coming into force**

**19(1)** Subject to subsection (2), this Act comes into force on proclamation.

(2) Sections 13, 16 and 18 of this Act come into force on the day of assent but are retroactive and are deemed to have been in force on and from April 1, 2002.