

# 2006

## CHAPTER 6

### An Act to amend *The Highways and Transportation Act, 1997*

(Assented to April 27, 2006)

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 Highways and Transportation Amendment Act, 2006*.

#### S.S. 1997, c.H-3.01 amended

2 *The Highways and Transportation Act, 1997* is amended in the manner set forth in this Act.

#### Section 2 amended

3 **The following clause is added after clause 2(v):**

“(v.1) ‘**Schedule A**’ means Schedule A to this Act”.

#### Section 7 repealed and consequential provisions

4(1) In this section, “**revolving fund**” means the Highways Revolving Fund that was continued pursuant to section 7 of *The Highways and Transportation Act, 1997*, as that section existed before its repeal pursuant to this section.

(2) **Section 7 is repealed.**

(3) On the repeal of section 7 of *The Highways and Transportation Act, 1997* pursuant to this section:

(a) all rights and obligations of the revolving fund as at the date this section comes into force are transferred to and become the rights and obligations of the general revenue fund;

(b) the minister shall cause financial statements to be prepared and submitted showing the business of the revolving fund from April 1, 2005 to the date that this section comes into force; and

(c) notwithstanding the repeal of that section, that section remains in force for the purpose of preparing, submitting and laying before the Legislative Assembly the financial statements mentioned in clause (b).

#### New section 7.1

5 **The following section is added before section 8:**

#### “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”.

**New section 22**

**6 Section 22 is repealed and the following substituted:**

**“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".

**Section 69 amended**

**7 Subsection 69(2) is amended by adding** "as amended from time to time or otherwise," **after** "made by the Government of Canada,".

## New Schedule A

**8 Schedule A is repealed and the following substituted:****“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".

**Coming into force**

**9** This Act comes into force on assent.

