

2006

CHAPTER 9

An Act to amend *The Traffic Safety Act*

(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 Traffic Safety Amendment Act, 2006*.

S.S. 2004, c.T-18.1 amended

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

Section 2 amended

3(1) The following clauses are added after clause 2(1)(h):

“(h.1) **‘farm equipment’** means prescribed vehicles and prescribed equipment associated with those vehicles;

“(h.2) **‘field sobriety test’** means a prescribed test or prescribed group of tests”.

(2) The following clause is added after clause 2(1)(o):

“(o.1) **‘median’** means a physical barrier or area that separates lanes of traffic on a highway”.

(3) Subclause 2(1)(q)(vi) is repealed and the following substituted:

“(vi) farm equipment”.

(4) Clause 2(1)(u) is repealed and the following substituted:

“(u) **‘official sign’** means a sign, pavement marking, barricade or object that is authorized by the minister responsible for the administration of *The Highways and Transportation Act, 1997* pursuant to another Act or by that minister or any other person pursuant to this Act to be erected, placed, used or painted on the roadway or right of way of a highway for the legal control, warning, guidance, direction or information of traffic on the highway”.

(5) The following clause is added after clause 2(1)(bb):

“(bb.1) **‘practitioner’** means:

- (i) a physician or surgeon;
- (ii) an occupational therapist;
- (iii) a physical therapist;
- (iv) an optometrist;

- (v) a psychologist;
- (vi) an ophthalmologist;
- (vii) an addictions counsellor;
- (viii) a nurse practitioner; or
- (ix) any other prescribed practitioner”.

(6) Subclause 2(1)(mm)(i) is repealed and the following substituted:

“(i) farm equipment”.

(7) Subclause 2(1)(zz)(ii) is repealed and the following substituted:

“(ii) farm equipment”.

(8) Clause 2(1)(ccc) is amended by striking out “agricultural implements” and substituting “farm equipment”.

Section 32 amended

4 Subsection 32(2) is amended:

(a) by repealing subclause (b)(i) and substituting the following:

“(i) is a non-resident”; and

(b) by repealing subclause (f)(ii) and substituting the following:

“(ii) self-propelled farm equipment”.

Section 42 amended

5(1) Clauses 42(1)(b), (c) and (d) are repealed and the following substituted:

“(b) file with the administrator a medical report that:

(i) is in a form acceptable to the administrator; and

(ii) is completed by a practitioner acceptable to the administrator”.

(2) Subsection 42(2) is amended by striking out “report” wherever it appears and in each case substituting “medical report”.

Section 57 amended

6 Subsection 57(2) is amended:

(a) by repealing paragraph (b)(i)(A) and substituting the following:

“(A) is a non-resident”; and

(b) by repealing subclause (d)(ii) and substituting the following:

“(ii) self-propelled farm equipment”.

New section 73

7 Section 73 is repealed and the following substituted:**“Requirements re application for and issuance of registration permit**

73(1) A person may apply to the administrator for a registration permit to operate:

- (a) an unregistered motor vehicle, trailer or semi-trailer;
- (b) a registered motor vehicle, trailer or semi-trailer for a purpose other than one authorized in the regulations made pursuant to this Act for the class of vehicle to which the vehicle belongs; or
- (c) a registered vehicle where the combined weight of the vehicle and its load is in excess of the gross vehicle weight specified in the certificate of registration of the vehicle.

(2) An application pursuant to subsection (1):

- (a) must be made on a form provided by the administrator; and
- (b) must be accompanied by the prescribed fee.

(3) Subject to sections 35 and 36 of *The Highways and Transportation Act, 1997* and subject to subsections (2) and (4), on receipt of an application pursuant to subsection (1), the administrator may issue a registration permit for the operation of the vehicle for the purpose and for any period that may be specified in the registration permit.

(4) The board may authorize the administrator to issue a registration permit to operate a registered motor vehicle, trailer or semi-trailer for a purpose other than one prescribed in the regulations for the class of vehicle to which the vehicle belongs.

(5) Subsections 65(2) and (3) apply, with any necessary modification, to an applicant for a registration permit.

(6) If a person holds a permit issued pursuant to *The Highways and Transportation Act, 1997* to operate a vehicle on a highway, that person shall apply to the administrator for a registration permit authorizing the operation of the vehicle, and the administrator shall issue the registration permit on the payment of the prescribed fee or, if no fee is prescribed, on payment of an appropriate fee set by the board”.

Section 97 amended

8(1) Subsection 97(1) is amended in the portion preceding clause (a) by striking out “operators” wherever it appears and in each case substituting “carriers”.

(2) Clause 97(3)(b) is amended by striking out “operator” and substituting “carrier”.

Section 98 amended

9 Subsection 98(1) is amended by striking out “operator” and substituting “carrier”.

Section 99 amended

10(1) Subsection 99(1) is amended by striking out “An operator” and substituting “A carrier of a commercial vehicle”.

(2) Subsection 99(2) is amended:

(a) by striking out “an operator” and substituting “a carrier”; and

(b) by striking out “the operator” and substituting “the carrier”.

(3) Clause 99(3)(b) is amended by striking out “operator” and substituting “carrier”.

(4) Subsection 99(4) is amended by striking out “an operator’s” and substituting “a carrier’s”.

(5) Subsection 99(5) is amended by striking out “operator” and substituting “carrier”.

Section 102 amended

11 Subsections 102(2) and (3) are repealed and the following substituted:

“(2) The board, or any individual specified by the board, may:

(a) direct the carrier or any designated class of carriers to do anything the board considers necessary to ensure the safe and proper operation of the carrier’s or designated class of carriers’ commercial vehicles; and

(b) determine the period within which the carrier or designated class of carriers must comply with the direction mentioned in clause (a).

“(3) If a carrier or a member within a designated class of carriers fails to comply with any direction pursuant to subsection (2), the board may require the carrier or member to attend for a hearing pursuant to section 103”.

New section 103

12 Section 103 is repealed and the following substituted:

“Orders re operating commercial vehicles and hearing

103(1) If, in the opinion of the board, a carrier or a member within a designated class of carriers has, without reasonable cause, failed to comply with a directive of the board pursuant to section 102, the board may make an order:

(a) prohibiting the carrier or member from operating a commercial vehicle; or

(b) imposing a fine of not more than \$100,000 on the carrier or on the member if the board is of the opinion that:

(i) a prohibition pursuant to clause (a) is warranted; and

(ii) it is not in the public interest to prohibit the carrier or member from operating commercial vehicles.

- (2) Before making an order pursuant to subsection (1), the board shall:
 - (a) hold a hearing to determine whether or not to make an order pursuant to this section; and
 - (b) send to the carrier or member, as the case may be, a written notice indicating the time, date and place of the hearing mentioned in clause (a).
- (3) The notice required pursuant to subsection (2):
 - (a) may be sent to the carrier or member, as the case may be, at the address provided by the carrier or member in his or her application for a safety fitness certificate; and
 - (b) must be sent at least 21 days before the date of the hearing.
- (4) If written notice of the time, date and place of the hearing has been sent to the carrier or member within a designated class of carriers and the carrier or member fails to attend the hearing, the board may:
 - (a) hear and decide the matter in the absence of the carrier or member and make any order that it considers reasonable; or
 - (b) grant an adjournment and assign a new time, date and place for the hearing.
- (5) If the board assigns a new time, date and place for the hearing pursuant to clause (4)(b), the board shall send to the carrier or member within a designated class of carriers a written notice of that time, date and place.
- (6) At a hearing held pursuant to this section, the board must give the carrier or member within a designated class of carriers an opportunity to be heard.
- (7) No carrier or member within a designated class of carriers who has been sent a notice pursuant to subsection (2) shall transfer, sell, lease, rent or otherwise dispose of any commercial vehicle without the written consent of the board until the board:
 - (a) has made an order pursuant to this section and that order is in effect; or
 - (b) has made a decision not to make an order pursuant to this section.
- (8) If the board makes an order pursuant to clause (1)(a):
 - (a) the board shall cancel the safety fitness certificate of the carrier or member within a designated class of carriers; and
 - (b) the carrier or member mentioned in clause (a) to whom a safety fitness certificate was issued shall return the certificate to the board.
- (9) A carrier or member within a designated class of carriers against whom an order has been made pursuant to this section may appeal that order on a question of law to a judge of the Court of Queen's Bench within 30 days after the date of the order.

(10) An appeal pursuant to subsection (9) does not stay the operation of the order unless a judge of the Court of Queen's Bench orders otherwise.

(11) If no appeal of an order is made within the time set out in subsection (9), the board may file a certified copy of the order in the office of the local registrar of the Court of Queen's Bench at the judicial centre where the carrier or member within a designated class of carriers resides.

(12) A certified copy filed pursuant to subsection (11) has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench.

(13) For the purposes of this section, a written notice that is required to be sent may be sent by registered or ordinary mail and is deemed to be received on the seventh day following the date of its mailing, unless the person to whom the written notice was sent establishes that, through no fault of his or her own, the person did not receive the written notice or received the notice at a later date”.

Section 105 amended

13(1) Subsections 105(1) and (2) are repealed and the following substituted:

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

(a) enter and inspect any land, place, premises or vehicle used by a person who is required to comply with the transportation legislation;

(b) enter any land, place, premises or vehicle containing any records or property that a person is required to keep pursuant to any transportation legislation that applies with respect to the business of that person, or any supporting records that the peace officer or representative of the administrator considers necessary to provide evidence of compliance with that transportation legislation, and inspect those records or that property;

(c) make a copy of any records described in clause (b) or, if the peace officer or representative of the administrator is unable to make a satisfactory copy, after giving a receipt remove and retain the records for any period that the peace officer or representative of the administrator considers appropriate;

(d) require any person, including any representative, agent, director, officer or employee of a body corporate, to provide the peace officer or representative of the administrator with all reasonable assistance; and

(e) make inquiries of any person mentioned in clause (d).

“(1.1) A copy of a record certified by a peace officer or representative of the administrator to be a copy made pursuant to this section:

- (a) is admissible in evidence without proof of the office or signature of the person purporting to have signed the certificate; and
- (b) has the same probative force as the original record.

“(2) A peace officer or representative of the administrator shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant obtained pursuant to *The Summary Offences Procedure Act, 1990*, except in circumstances in which the peace officer or representative of the administrator considers that an emergency exists”.

(2) Subsection 105(3) is amended by striking out “a representative of the administrator” and substituting “a peace officer or a representative of the administrator”.

(3) Subsection 105(5) is amended by striking out “a representative of the administrator” and substituting “a peace officer or a representative of the administrator”.

Section 106 amended

14 Subsections 106(1) to (3) are repealed and the following substituted:

“(1) For the purposes of enforcing and administering any transportation legislation, a peace officer or a representative of the administrator may serve a written demand on any person, including the president, manager, secretary, director, agent or representative of a partnership, corporation or trustee, requiring from that person the production, including the production on oath, of:

- (a) any record required to be kept pursuant to any transportation legislation; or
- (b) any supporting records mentioned in clause 105(1)(b).

“(2) The peace officer or representative of the administrator may specify a reasonable time within which a demand pursuant to this section is to be complied with, and every person on whom a demand is served shall comply with the demand within the specified time.

“(3) A demand pursuant to this section is to be served:

- (a) by personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
- (b) by registered mail addressed to the last business or residential address of the person to be served known to the peace officer or representative of the administrator”.

Section 110 amended

15 Subsection 110(2) is amended by striking out “agricultural implements” and substituting “farm equipment”.

Section 137 amended

16 Subclause 137(e)(iv) is amended by striking out “subsection 209(11)” and substituting “section 209.1”.

New sections 146.1 and 146.2

17 The following sections are added after section 146:

“Field sobriety test (alcohol) and suspensions

146.1(1) A peace officer may require the driver of a vehicle to undergo a field sobriety test if the peace officer has reasonable grounds to believe that the driver’s venous blood contains not less than 40 milligrams of alcohol per 100 millilitres of blood.

(2) A driver who is requested to undergo a field sobriety test is suspended from driving or operating a motor vehicle for 24 hours if the driver:

- (a) refuses to undergo the field sobriety test;
- (b) fails to follow the peace officer’s instructions regarding the field sobriety test; or
- (c) fails the field sobriety test.

(3) If a driver is suspended from driving or operating a motor vehicle pursuant to this section, the suspension is terminated immediately if the driver:

- (a) immediately and voluntarily undergoes a test of a kind authorized to be given for that purpose by the minister that, in the opinion of the peace officer, indicates that the venous blood of the driver contains less than 40 milligrams of alcohol per 100 millilitres of blood; or
- (b) after the suspension is issued but before it has expired, obtains and produces to the peace officer a certificate from a duly qualified medical practitioner stating that the venous blood of the driver contains less than 40 milligrams of alcohol per 100 millilitres of blood.

(4) If a driver is suspended pursuant to subsection (2) and the driver is the holder of a driver’s licence, the driver shall immediately surrender his or her driver’s licence to the peace officer.

(5) A driver’s licence surrendered pursuant to subsection (4) shall be returned to the driver by ordinary mail at the address shown on the licence unless the driver calls for the licence in person.

“Field sobriety test (drugs) and suspensions

146.2(1) A peace officer may require the driver of a vehicle to undergo a field sobriety test if the peace officer has reasonable grounds to believe that the driver has in his or her body a drug or substance that causes the driver to be unable to safely operate a vehicle.

(2) A driver who is requested to undergo a field sobriety test is suspended from driving or operating a motor vehicle for 24 hours if the driver:

- (a) refuses to undergo the field sobriety test;
- (b) fails to follow the peace officer's instructions regarding the field sobriety test; or
- (c) fails the field sobriety test.

(3) If a driver is suspended from driving or operating a motor vehicle pursuant to this section, the suspension is terminated immediately if the driver immediately and voluntarily undergoes a test of a kind authorized to be given for that purpose by the minister that, in the opinion of the peace officer, indicates that the driver does not have in his or her body a drug or substance that, if present, would result in the operator being unable to safely operate a vehicle.

(4) If a driver is suspended pursuant to subsection (2) and the driver is the holder of a driver's licence, the driver shall immediately surrender his or her driver's licence to the peace officer.

(5) A driver's licence surrendered pursuant to subsection (4) shall be returned to the driver by ordinary mail at the address shown on the licence unless the driver calls for the licence in person".

New section 147

18 Section 147 is repealed and the following substituted:

"Administrative suspensions for having a 24-hour suspension

147(1) The administrator shall suspend the driver's licence of any person whose driver's licence has been suspended pursuant to section 146 if the person's driver's licence has on one previous occasion within the preceding five years been suspended pursuant to section 146 or a similar provision of a predecessor Act.

(2) For the purposes of subsection (1), the administrator:

- (a) shall not suspend the driver's licence of a person if that person's suspension pursuant to section 146 was terminated pursuant to subsection 146(4) or (5) or a similar provision of a predecessor Act; and
- (b) shall not count any suspension pursuant to section 146 or a similar provision of a predecessor Act if that suspension was terminated pursuant to subsection 146(4) or (5) or a similar provision of a predecessor Act.

(3) If a person's driver's licence is suspended pursuant to subsection (1), the suspension must be for not less than 15 days.

(4) If a person's driver's licence has been suspended pursuant to subsection (1), the administrator:

(a) may require that the person participate in a prescribed program; and

(b) shall reinstate the person's driver's licence on being satisfied that the person has participated in the prescribed program mentioned in clause (a).

(5) The administrator shall suspend the driver's licence of any person whose driver's licence has been suspended pursuant to section 146 if the person's driver's licence has on two or more previous occasions within the preceding five years been suspended pursuant to section 146 or a similar provision of a predecessor Act.

(6) For the purposes of subsection (5), the administrator:

(a) shall not suspend the driver's licence of a person if that person's suspension pursuant to section 146 was terminated pursuant to subsection 146(4) or (5) or a similar provision of a predecessor Act; and

(b) shall not count any suspension pursuant to section 146 or a similar provision of a predecessor Act if that suspension was terminated pursuant to subsection 146(4) or (5) or a similar provision of a predecessor Act.

(7) If a person's driver's licence is suspended pursuant to subsection (5), the suspension must be for not less than 90 days.

(8) A person whose driver's licence is suspended pursuant to this section may apply to the board for a review of the suspension only on the grounds that he or she does not meet the criteria set out in subsection (1) or (5).

(9) An application pursuant to subsection (8) must be made in accordance with the prescribed procedures”.

Section 148 amended

19 Subsections 148(6) to (8) are repealed and the following substituted:

“(6) A notice of prohibition from driving:

(a) is effective immediately; and

(b) is in force:

(i) if the notice of prohibition is served pursuant to subsection (2), for 91 days, as calculated in the manner set out in subsection (6.1), following the date of service; or

(ii) if the notice of prohibition is served pursuant to subsection (3) or (4), for 90 days following the date of service.

“(6.1) For the purpose of calculating the 91-day prohibition mentioned in subclause (6)(b)(i), the administrator shall not count the days in the interim period.

“(7) Notwithstanding subsections (5) and (6), in the case of a notice of prohibition issued pursuant to subsection (2), the prohibition mentioned in subsections (5) and (6):

- (a) ceases to have effect during the interim period; and
- (b) at the end of the interim period, once again prohibits that person from applying for or holding a driver’s licence for the remainder of the period of prohibition.

“(8) In subsections (6.1) and (7), ‘**interim period**’ means the period that:

- (a) commences 24 hours after the time that a notice of prohibition was served on a person; and
- (b) ends on the day that is seven days after the day on which the period commenced”.

New section 150.1

20 The following section is added after section 150:

“When field sobriety test may be required of new drivers

150.1(1) A peace officer, by demand made to a new driver who is driving, may require the new driver to undergo a field sobriety test if the peace officer reasonably suspects that the new driver has any alcohol in his or her body or has any drug or substance in his or her body that causes the new driver to be unable to safely operate a vehicle.

(2) A new driver who is requested to undergo a field sobriety test is suspended from driving or operating a motor vehicle for 24 hours if the new driver:

- (a) refuses to undergo the field sobriety test;
- (b) fails to follow the peace officer’s instructions regarding the field sobriety test; or
- (c) fails the field sobriety test.

(3) If a new driver is suspended from driving or operating a motor vehicle pursuant to this section, the suspension is terminated immediately if the new driver immediately and voluntarily undergoes a test of a kind authorized to be given for that purpose by the minister that, in the opinion of the peace officer, indicates that the new driver does not have in his or her body any alcohol or a drug or substance that, if present, would result in the operator being unable to safely operate a vehicle.

(4) If a new driver is suspended pursuant to subsection (2) and the driver is the holder of a driver’s licence, the new driver shall immediately surrender his or her driver’s licence to the peace officer.

(5) A driver’s licence surrendered pursuant to subsection (4) shall be returned to the driver by ordinary mail at the address shown on the licence unless the new driver calls for the licence in person”.

Section 152 amended

21(1) Subsection 152(1) is amended by striking out “section 146” and substituting “section 146, 146.1 or 146.2”.

(2) The following subsection is added after subsection 152(2):

“(3) Without limiting the generality of subsection (2), for the purposes of applying section 153 to a review of a suspension pursuant to section 146.1 or 146.2, clause 153(10)(a) is to be read as referring to whether or not the person named in the suspension:

- (a) refused to undergo the field sobriety test;
- (b) failed to follow the peace officer’s instructions respecting the field sobriety test; or
- (c) failed the field sobriety test”.

Section 154 amended

22(1) Subsection 154(1) is amended by adding “or 150.1” after “section 150”.

(2) Subsection 154(2) is repealed and the following substituted:

“(2) The sole issue before the board on a review pursuant to this section is:

- (a) if the suspension or disqualification is issued pursuant to section 150, whether the board is satisfied that:
 - (i) the new driver drove a vehicle having any alcohol in his or her body;
 - (ii) the new driver failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 254 of the *Criminal Code*; or
 - (iii) the new driver failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 149; or
- (b) if the suspension or disqualification is issued pursuant to section 150.1, whether the board is satisfied that:
 - (i) the new driver refused to undergo the field sobriety test;
 - (ii) the new driver failed to follow the peace officer’s instructions respecting the field sobriety test; or
 - (iii) the new driver failed the field sobriety test”.

Section 155 amended

23 Subsection 155(1) is amended by striking out “this section” and substituting “this Part”.

Section 209 amended**24(1) The following subsection is added after subsection 209(6):**

“(6.1) If a driver is required by this Act to bring a vehicle to a stop at a stop sign, the driver shall bring the vehicle to a stop:

- (a) on the near side of the intersection at the marked stop line;
- (b) on the near side of the intersection immediately before entering the pedestrian crosswalk; or
- (c) if there is no stop line or pedestrian crossing:
 - (i) in a city, town, village, resort village or hamlet, no further than three metres back from the intersection; or
 - (ii) outside the boundaries of a city, town, village, resort village or hamlet, no further than 10 metres back from the intersection”.

(2) Subsection 209(8) is amended by striking out “subsection (6) or (7)” and substituting “subsection (6), (6.1) or (7)”.

(3) Subsections 209(10) and (11) are repealed.

New section 209.1**25 The following section is added after section 209:****“Authority of peace officer to stop and request information**

209.1(1) A peace officer may require the person in charge of or operating a motor vehicle to stop that vehicle if the peace officer:

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

(2) A peace officer may, at any time when a driver is stopped pursuant to subsection (1):

- (a) require the driver to give his or her name, date of birth and address;
- (b) request information from the driver about whether and to what extent the driver consumed, before or while driving, alcohol or any drug or other substance that causes the driver to be unable to safely operate a vehicle; and
- (c) if the peace officer has reasonable grounds to believe that the driver has consumed alcohol or a drug or another substance that causes the driver to be unable to safely operate a vehicle, require the driver to undergo a field sobriety test.

(3) No person in charge of or operating a motor vehicle shall, when signalled or requested to stop by a peace officer pursuant to subsection (1), fail to immediately bring the vehicle to a safe stop.

(4) No person in charge of or operating a motor vehicle shall fail, when requested by a peace officer, to comply with the requests of a peace officer pursuant to subsection (2)”.

New section 214**26 Section 214 is repealed and the following substituted:****“Speeding and stunts prohibited**

214(1) No person shall:

- (a) drive a vehicle on a highway in a contest of speed; or
- (b) use a vehicle to race with another vehicle on a highway.

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

(3) No passenger shall perform or engage in any stunt or activity on a highway that is likely to distract, startle or interfere with other users of the highway.

(4) No pedestrian or bystander shall perform or engage in any stunt or activity on a highway that is likely to distract, startle or interfere with other users of the highway.

(5) Subsections (2) to (4) apply whether or not a vehicle or other thing is used directly or as an aid for the purposes of all or any of those subsections”.

New section 220**27 Section 220 is repealed and the following substituted:****“Driving on left prohibited**

220(1) No person shall drive a vehicle to the left of centre on a highway, other than a one-way highway unless:

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

(2) No person shall ride an animal to the left of centre on a highway, other than a one-way highway unless:

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

Section 223 amended**28(1) Clause 223(1)(b) is repealed and the following substituted:**

“(b) the pedestrian is crossing the highway”.

(2) The following subsection is added after subsection 223(1):

“(1.1) If a driver is required to stop a vehicle for the purpose of yielding the right of way to a pedestrian pursuant to subsection (1), the driver shall:

- (a) if there is a marked crosswalk, stop the vehicle on the near side of the intersection immediately before entering the crosswalk; or
- (b) if there is a marked stop line on the near side of the intersection, stop the vehicle at the stop line”.

Section 245 amended**29 The following subsection is added after subsection 245(3):**

“(4) No person shall overcrowd the compartment containing the steering wheel while the vehicle is in operation on a highway”.

New section 247**30 Section 247 is repealed and the following substituted:****“Rules re motorcycles**

247(1) No person shall drive a motorcycle on a highway unless the person is protected by a helmet that:

- (a) is securely held in position on the person’s head by the straps and fasteners supplied by the manufacturer; and
- (b) meets the prescribed specifications.

(2) No person shall ride on a motorcycle on a highway unless the person is protected by a helmet that:

- (a) is securely held in position on the person’s head by the straps and fasteners supplied by the manufacturer; and
- (b) meets the prescribed specifications.

(3) If a motorcycle is not equipped with a windshield, no person shall drive a motorcycle on a highway unless that person is protected by a face shield, safety glasses or goggles that:

- (a) meet the prescribed specifications; and
- (b) are worn in the prescribed manner.

(4) If a motorcycle is not equipped with a windshield, no person shall ride on a motorcycle on a highway unless that person is protected by a face shield, safety glasses or goggles that:

- (a) meet the prescribed specifications; and
- (b) are worn in the prescribed manner.

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

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

(7) Subsections (2), (4), (6) and (9) do not apply to a person who is a passenger under the age of 16.

(8) No driver of a motorcycle shall allow:

- (a) a passenger who is under the age of 16 years to ride on a motorcycle unless the passenger complies with subsections (2) and (4);
- (b) more than one passenger to ride on the motorcycle;
- (c) any person to ride in front of the driver;

- (d) any passenger under the age of 16 years to ride in the position commonly known as side saddle;
 - (e) a passenger to ride on the motorcycle unless:
 - (i) the saddle is designed for two people or a pillion seat is provided; and
 - (ii) the passenger is capable of reaching and using a separate set of standard footrests; or
 - (f) more than one person to ride in a side car.
- (9) No passenger of a motorcycle shall:
- (a) ride in front of the driver; or
 - (b) ride on the motorcycle unless:
 - (i) the saddle is designed for two people or a pillion seat is provided; and
 - (ii) the passenger is capable of reaching and using a separate set of standard footrests”.

Section 251 repealed

31 Section 251 is repealed.

Section 276 amended

32 Subsection 276(1) is repealed and the following substituted:

“(1) If a peace officer finds a person contravening section 32, 57, 140, 209.1, 213 or 239, the peace officer may arrest that person, if the officer has reasonable grounds to believe that the person will not appear in court to answer a summons”.

New section 279

33 Section 279 is repealed and the following substituted:

“When vehicle may be required to undergo exam and test

279(1) In this section, ‘vehicle’ includes:

- (a) any combination of vehicles; and
 - (b) the cargo being carried on the vehicle or combination of vehicles.
- (2) A peace officer or person appointed by the administrator may order the driver or owner of a vehicle to submit the vehicle to any examinations and tests that the peace officer or person considers necessary.

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

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

(4) If a person elects to have the vehicle weighed at the nearest stationary weighing machine, the peace officer or person appointed by the administrator has the power to take any steps that he or she considers necessary to ensure that no alteration in the weight of the vehicle occurs during the transit to the nearest weighing machine mentioned in subsection (3).

(5) If, in the opinion of the peace officer or person appointed by the administrator, the vehicle is found to be unfit for transportation, dangerous to passengers or the public or, for any other reason, contravenes this Act or the regulations, the peace officer or person may:

- (a) order the driver or the owner of the vehicle to take any steps that are necessary to make the vehicle fit for transportation or safe for passengers or to eliminate the contravention; and
- (b) order that the vehicle be removed from the highway until compliance with this Act and the regulations is established.

(6) No person to whom an order made pursuant to clause (5)(a) is directed shall fail to comply with the order within the time specified in the order.

(7) No person shall drive on a highway a vehicle that is the subject of an order made pursuant to clause (5)(b) until a peace officer or person appointed by the administrator is satisfied that the vehicle is fit for transportation.

(8) Every occupant of a vehicle that is being examined and tested pursuant to this Act shall, when requested, provide reasonable assistance to the person who is conducting the examination and test”.

Section 287 amended

34(1) Subsection 287(1) is amended:

- (a) in clause (rrr) by striking out “operators” and substituting “carriers”;**
- (b) in clause (sss) by striking out “operators” and substituting “carriers”;**
- (c) in clause (uuu) by striking out “operators” wherever it appears and in each case substituting “carriers”;**
- (d) in subclause (vvv)(i) by striking out “operators” and substituting “carriers”;**

(e) by repealing clause (www) and substituting the following:

“(www) exempting any carrier or category of carriers of commercial vehicles from all or any of the regulations made pursuant to clause (vvv)”;

(f) in clause (yyy) by adding “a peace officer or” before “a representative of the administrator”; and**(g) by adding the following clauses after clause (aaaa):**

“(aaaa.1) for the purposes of clause 2(1)(h.2) and sections 146.1, 146.2 and 150.1:

- (i) prescribing a test or a group of tests as a field sobriety test;
- (ii) prescribing the manner in which field sobriety tests must be conducted;

“(aaaa.2) for the purposes of clause 2(1)(bb.1), prescribing practitioners;

“(aaaa.3) for the purposes of section 247, prescribing specifications for helmets, face shields, safety glasses and goggles and the manner in which they must be worn;

“(aaaa.4) for the purposes of section 248, exempting any categories of vehicles, drivers of vehicles or passengers of vehicles from all or any requirements of section 248 and prescribing conditions for an exemption”.

(2) Subsection 287(9) is repealed and the following substituted:

“(9) Any regulation made pursuant to clauses (1)(iii) to (kkk) or (rrr) to (yyy) 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, made by the Government of Canada or the Governor in Council or any other body that the Lieutenant Governor in Council considers appropriate, and may require compliance with that code, standard or regulation”.

Section 293 repealed**35 Section 293 is repealed.****Section 306 amended****36 Clause 306(3)(c) is repealed and the following substituted:****“(c) by repealing subclause (h)(ii) and substituting the following:**

“(ii) is the subject of an agreement entered into pursuant to section 13 of *The Traffic Safety Act*”.

Coming into force

37(1) Subject to subsections (2) and (3), this Act comes into force on July 1, 2006.

(2) Clauses 4(a) and 6(a) come into force on proclamation.

(3) Sections 26, 27, 29, and 30 come into force on the later of:

- (a) the day on which section 1 of *The Traffic Safety Act* comes into force; and
- (b) December 1, 2006.