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PART II/PARTIE II

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REVISED REGULATIONS OF SASKATCHEWAN

SASKATCHEWAN REGULATIONS 117/2010

The Traffic Safety Act

Subsection 287(1)

Order in Council 700/2010, dated December 1, 2010

(Filed December 2, 2010)

Title

1 These regulations may be cited as *The Commercial Vehicle and Drivers (Record-Keeping) Amendment Regulations, 2010*.

R.R.S. c.H-3.1 Reg 22 amended

2 *The Commercial Vehicle and Drivers (Record-Keeping) Regulations* are amended in the manner set forth in these regulations.

Section 2 amended

3 Section 2 is amended:

- (a) by repealing clause (a) and substituting the following:
“(a) ‘**Act**’ means *The Traffic Safety Act*”;
- (b) by repealing subclause (d)(vi) and substituting the following:
“(vi) a vehicle operating out of the class to which that vehicle belongs, but in the same manner as a vehicle mentioned in subclauses (i) to (v), if it has a permit issued pursuant to subsection 73(3) or (4) of the Act”; **and**
- (c) by repealing clause (f) and substituting the following:
“(f) ‘**registered**’ means registered pursuant to the Act”.

New section 3

4 Section 3 is repealed and the following substituted:

“Records of convictions

3 Every carrier shall maintain a written record of any conviction against a driver pursuant to any of the following enactments for any offence committed while the driver was operating the carrier’s commercial vehicle:

- (a) *The Alcohol and Gaming Regulation Act, 1997*;
- (b) *The Animal Products Act*;
- (c) the *Criminal Code*;
- (d) *The Dangerous Goods Transportation Act*;
- (e) the *Transportation of Dangerous Goods Act, 1992* (Canada);
- (f) *The Highways and Transportation Act, 1997*;
- (g) the Act;

- (h) the *Motor Vehicle Transport Act* (Canada);
- (i) any regulations made pursuant to any of the Acts mentioned in clauses (a) to (h);
- (j) any enactment of any other jurisdiction in Canada or the United States of America similar to an Act or regulation mentioned in clauses (a) to (i);
- (k) any enactment, including a regulation or bylaw, of any other jurisdiction in Canada or the United States of America that deals with motor vehicle and road safety other than an enactment or provision of an enactment related to a parking violation”.

Section 4 amended

5 Subsection 4(1) is repealed and the following substituted:

“(1) Every carrier shall maintain a copy of the following for each driver who operates the carrier’s commercial vehicles:

- (a) a copy of a valid driver’s licence, including all documents deemed to be part of the driver’s licence; and
- (b) subject to subsection (2), a copy of the driver’s driving record”.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on January 1, 2011.

(2) If these regulations are filed with the Registrar of Regulations after January 1, 2011, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 118/2010*The Traffic Safety Act*

Subsection 287(1)

Order in Council 701/2010, dated December 1, 2010

(Filed December 2, 2010)

Title

1 These regulations may be cited as *The Driver Licensing and Suspension Amendment Regulations, 2010 (No. 2)*.

R.R.S. c.T-18.1 Reg 2 amended

2 *The Driver Licensing and Suspension Regulations, 2006* are amended in the manner set forth in these regulations.

New section 19.1

3 The following section is added after section 19:

“Conditions governing issue of replacement temporary driver’s licence

19.1(1) In this section, ‘**new temporary driver’s licence**’ means a new temporary driver’s licence that is issued to replace a temporary driver’s licence that was issued pursuant to section 36 of the Act and that has been lost or destroyed.

(2) A new temporary driver’s licence is issued subject to the condition that it has the same expiry date as the temporary driver’s licence it is replacing”.

New Part IV

4 Part IV is repealed and the following substituted:

**“PART IV
Photo and Signature Exemptions**

“Interpretation of Part

43 In this Part:

(a) ‘**photo exemption**’ means an exemption issued in accordance with section 47 that exempts an individual from the requirement imposed by the Act and these regulations to have his or her photograph shown on his or her driver’s licence;

(b) ‘**signature exemption**’ means an exemption issued in accordance with section 47 that exempts an individual from the requirement imposed by the administrator pursuant to the Act and these regulations to have the driver’s signature recorded in an electronic form on his or her driver’s licence.

“Validity of driver’s licence if photo exemption has been issued

44(1) Subject to subsection (3), for the purposes of sections 31 and 40 of the Act, a driver’s licence remains valid without a photograph if the holder of the driver’s licence has been issued a photo exemption.

(2) The driver’s licence of a holder who has been issued a photo exemption must be marked ‘Valid without Photo’ in the area on the driver’s licence normally reserved for the driver’s photograph.

(3) A driver's licence described in subsection (1) is not valid if the holder is no longer entitled to a photo exemption or the holder's photo exemption has been suspended or cancelled or has expired.

“Validity of driver's licence if signature exemption has been issued

44.1(1) Subject to subsection (3), for the purposes of sections 31 and 40 of the Act, a driver's licence remains valid without an electronic signature if the holder of the driver's licence has been issued a signature exemption.

(2) The driver's licence of a holder who has been issued a signature exemption must be marked 'Valid without Signature' in the area on the driver's licence normally reserved for the driver's electronic signature.

(3) A driver's licence described in subsection (1) is not valid if the holder is no longer entitled to a signature exemption or the holder's signature exemption has been suspended or cancelled or has expired.

“Application for exemption

45 An individual who intends to obtain a photo exemption, a signature exemption or both shall:

- (a) apply to the administrator on a form satisfactory to the administrator; and
- (b) provide the administrator with evidence satisfactory to the administrator to establish that the applicant is qualified for the exemption being applied for.

“Qualification for photo exemption

45.1(1) The following individuals are qualified to apply for a short-term photo exemption:

- (a) an individual who satisfies the administrator that he or she has a temporary illness;
- (b) an individual who:
 - (i) permanently resides in Saskatchewan but, at the time of the application, is temporarily outside Saskatchewan; and
 - (ii) satisfies the administrator that he or she has a reasonable excuse that temporarily prevents him or her from obtaining a photograph.

(2) The following individuals are qualified to apply for a long-term photo exemption:

- (a) an individual who:
 - (i) satisfies the administrator that he or she has a facial disfigurement that distorts or obscures his or her facial features; and
 - (ii) provides the administrator with a letter from a duly qualified medical practitioner setting out the reasons supporting the individual's request for the exemption;

- (b) an individual who:
 - (i) satisfies the administrator that his or her religious beliefs do not allow him or her to be photographed; and
 - (ii) provides the administrator with a letter from a priest, religious leader or elder of the individual's church or religious organization setting out the reasons supporting the individual's request for the exemption.
- (3) An individual who satisfies the administrator that he or she permanently resides in one of the following communities or in one of the following postal code zones is qualified to apply for a northern resident photo exemption:
 - (a) Canoe Narrows or S0M 0K0;
 - (b) Cole Bay or S0M 0M0;
 - (c) Dillon or S0M 0S0;
 - (d) Patuanak or S0M 2H0;
 - (e) Deschambault Lake or S0P 0C0;
 - (f) Pelican Narrows or S0P 0E0;
 - (g) Black Lake or S0J 0H0;
 - (h) Fond-du-lac or S0J 0W0;
 - (i) Pinehouse Lake or S0J 2B0;
 - (j) Reindeer Lake or S0J 2L0;
 - (k) Stanley Mission or S0J 2P0;
 - (l) Stony Rapids or S0J 2R0;
 - (m) Uranium City or S0J 2W0;
 - (n) Sandy Bay or S0P 0G0;
 - (o) Kinoosao or S0P 0J0;
 - (p) Molanosa or S0J 1W0;
 - (q) Southend or S0J 2L0;
 - (r) Wollaston Lake or S0J 3C0.

“Qualification for signature exemption

46(1) A Saskatchewan resident is qualified to apply for a signature exemption if the resident:

- (a) is applying for the renewal of a driver's licence; and
 - (b) is not in Saskatchewan at the time of the application.
- (2) An individual is qualified for a northern resident signature exemption if the individual satisfies the administrator that he or she permanently resides in one of the communities or postal zones mentioned in subsection 45.1(3).

“Issue of exemption

47 On receipt of an application for an exemption pursuant to this Part, the administrator may issue the exemption being applied for if the administrator is satisfied that:

- (a) the application is complete;
- (b) the individual who applied for the exemption is qualified to do so pursuant to section 45.1 or 46, as the case may be; and
- (c) it is not contrary to the public interest to issue the exemption.

“Term of exemption

48(1) Subject to subsection (2), unless otherwise sooner suspended or cancelled pursuant to section 49, an exemption issued pursuant to this Part expires on the expiry date of the driver’s licence, as set out on the driver’s licence, of the individual to whom the exemption was issued.

(2) Unless otherwise sooner suspended or cancelled pursuant to section 49, every northern resident photo exemption and northern resident signature exemption expires on the date that is one year after the day on which *The Driver Licensing and Suspension Amendment Regulations, 2010 (No. 2)* came into force.

“Suspension or cancellation of exemption

49(1) The administrator may suspend or cancel an exemption issued pursuant to this Part if the individual to whom the exemption was issued has provided the administrator with any false or misleading information at any time with respect to the application for the exemption.

(2) Before the administrator takes any action pursuant to subsection (1), the administrator shall give the individual to whom the exemption was issued:

- (a) written notice of the administrator’s intention to suspend or cancel the exemption, and the reasons for doing so; and
- (b) an opportunity to make written representations to the administrator, within 30 days after the written notice mentioned in clause (a) is given, as to why the exemption should not be suspended or cancelled.

(3) The administrator is not required to give an oral hearing to any individual to whom a notice has been given pursuant to subsection (2).

(4) After considering any written representations that may have been made, the administrator shall provide the individual with a written decision respecting the decision to suspend or cancel an exemption”.

Coming into force

5(1) Subject to subsection (2), these regulations come into force on January 1, 2011.

(2) If these regulations are filed with the Registrar of Regulations after January 1, 2011, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

SASKATCHEWAN REGULATIONS 119/2010*The Traffic Safety Act*

Subsection 287(1)

Order in Council 702/2010, dated December 1, 2010

(Filed December 2, 2010)

Title

1 These regulations may be cited as *The Traffic Safety Act Fees Amendment Regulations, 2010 (No. 4)*.

R.R.S. c.T-18.1 Reg 3 amended

2 *The Traffic Safety Act Fees Regulations* are amended in the manner set forth in these regulations.

New section 17

3 Section 17 is repealed and the following substituted:

“Fee for drivers

17(1) In this section, **‘five-year driver’s licence’** means a driver’s licence issued pursuant to section 40 of the Act that expires five years after the date of its issue.

(2) Subject to subsection (4), the fee for a five-year driver’s licence is:

(a) \$100, if the person applying for the five-year driver’s licence elects to pay the full fee at the time the administrator issues the applicant his or her driver’s licence; or

(b) \$125, if the person applying for the five-year driver’s licence elects to pay for his or her driver’s licence in annual instalments of \$25.

(3) If a person elects to pay for his or her five-year driver’s licence in annual instalments of \$25 pursuant to clause (2)(b), each annual instalment of \$25 is due and owing on the date indicated by the administrator.

(4) If a driver’s licence is issued to an applicant by the administrator on or after January 1, 2011 and the administrator elects to issue the driver a licence for a period of less than five years, the fee the driver must pay pursuant to either clause (2)(a) or (b) is prorated so that the fee bears the same proportion to the total fee as the number of months for which the licence is to be in force bears to 60 months, rounded to the nearest whole dollar”.

New section 23

4 Section 23 is repealed and the following substituted:

“Refunds

23(1) In this section, **‘outstanding indebtedness’** means, with respect to a person, an indebtedness of that person that:

(a) is owed to the administrator on the date that a refund is payable to that person; and

- (b) is owed:
 - (i) to the insurer pursuant to *The Automobile Accident Insurance Act* or pursuant to any regulations made pursuant to that Act;
 - (ii) to the administrator pursuant to a deductible finance agreement and that person has defaulted on a payment pursuant to that deductible finance agreement; or
 - (iii) to the administrator for any fee or charge imposed on that person pursuant to the Act.
- (2) Subject to subsections (3) to (5), the minister or the board may, on the application by or on behalf of the person seeking the refund:
 - (a) authorize a full refund of the registration fee paid for one Class PV or Class LV vehicle registered in the name of an amputee who is a member of the Saskatchewan Branch of the War Amputations of Canada;
 - (b) authorize a full refund of the registration fee paid for one Class PV or Class LV vehicle registered in the name of a paraplegic or quadriplegic who is a member of the Saskatchewan Division of the Canadian Paraplegic Association;
 - (c) authorize a full refund of the registration fee paid for one Class PV or Class LV vehicle registered in the name of a member of the Consular Corps; or
 - (d) authorize a proportionate refund for the cancellation of a certificate of registration for a vehicle, but, if a refund is authorized pursuant to this clause, the administrator may retain an administration fee of \$10.
- (3) If the administrator considers that it is appropriate to do so in order to relieve financial hardship or an undue adverse effect on a person whose driver's licence has been suspended, revoked or cancelled by the administrator, the administrator may authorize a refund of the driver's licence fee, or a portion of it, paid by the person, but, if a refund is authorized pursuant to this subsection, the administrator may retain an administration fee of \$10.
- (4) If a person is eligible for a refund pursuant to this section and the person has an outstanding indebtedness, the administrator may:
 - (a) if the outstanding indebtedness is equal to or greater than the amount of the refund, apply all of the refund towards satisfaction of that outstanding indebtedness; or
 - (b) if the outstanding indebtedness is less than the amount of the refund:
 - (i) apply that portion of the refund required to satisfy the outstanding indebtedness; and
 - (ii) pay any remainder of the refund to the person.
- (5) Notwithstanding subsections (2) to (4):
 - (a) no refund may be authorized and no refund is payable for the cancellation of a perpetual trailer registration; and
 - (b) the administrator is not required to pay, and no person is eligible for, a refund if the amount of the refund is less than \$5".

Section 27 amended

5(1) Subsection 27(1) is amended by striking out “pursuant to section 40 of the Act” and substituting “pursuant to section 31.1 of the Act”.

(2) Subsections 27(2) and (3) are repealed and the following substituted:

“(2) Subject to subsection (6), the fee payable for a photo identification card or a replacement photo identification card is \$10.

“(3) The fee payable for each of the following is \$10:

- (a) in the case of an applicant who holds an unexpired driver’s licence:
 - (i) a new photograph;
 - (ii) a change of the driver licence class, endorsement or restriction noted on the driver’s licence;
 - (iii) a change of a driver’s name if the driver’s name has changed and the driver is requesting that the name and signature portion of the driver’s licence be updated;
- (b) a driver’s abstract;
- (c) a replacement of a driver’s licence before the expiry of the driver’s licence;
- (d) a replacement of a temporary driver’s licence before the expiry of the temporary driver’s licence”.

(3) Subsection 27(4) is repealed.

(4) Subsection 27(5) is amended by striking out “clause (3)(e)” and substituting “clause (3)(b)”.

(5) Subsection 27(6) is repealed and the following substituted:

“(6) No fee is payable pursuant to subsection (2) if the person is 65 years of age or older”.

Coming into force

6(1) Subject to subsection (2), these regulations come into force on January 1, 2011.

(2) If these regulations are filed with the Registrar of Regulations after January 1, 2011, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

