

# Motor Vehicle Act

## CHAPTER 293 OF THE REVISED STATUTES, 1989

*as amended by*

1990, c. 36; 1993, cc. 30, 31; 1994, cc. 24, 25; 1994-95, c. 6, s. 65;  
1994-95, c. 12; 1994-95, c. 18, s. 3; 1995-96, cc. 20, 22, 23; 1996, cc. 34, 35;  
1997, c. 5; 1998, c. 32; 1999, c. 4, s. 26; 1999, c. 11; 2000, c. 14;  
2001, c. 12, ss. 2-21; 2001, c. 44, ss. 1-10; 2002, c. 5, s. 33;  
2002, c. 10, ss. 10-21; 2002, c. 20, ss. 1-3, 5-12; 2002, c. 30, s. 14;  
2003 (2nd Session), c. 1, ss. 28-34; 2004, c. 6, ss. 21-23; 2004, c. 41;  
2004, c. 42, ss. 1-4, 6-16; 2005, c. 8, ss. 9-15; 2005, c. 32, ss. 3, 4;  
2005, c. 38, ss. 1, 2; 2005, c. 54; 2006, cc. 35-37; 2007, c. 9, s. 30;  
2007, c. 20, ss. 8, 9; 2007, c. 45, ss. 1(b), 4-13, 17-25; 2008, c. 2, s. 27;  
2008, c. 21, ss. 1, 2, 8-11; 2008, cc. 22, 23, 61, 62; 2009, c. 5, s. 24;  
2009, cc. 20-23; 2010, cc. 20, 21, 59; 2010, c. 61, ss. 4, 6, 7; 2010, cc. 62, 63;  
2011, c. 8, s. 17; 2011, c. 22; 2011, c. 35, ss. 10-12; 2011, cc. 46, 67;  
2012, c. 52; 2013, c. 3, ss. 9, 10; 2013, c. 4; 2013, c. 10, ss. 10-13; 2014, c. 20;  
2014, c. 53, ss. 1-11, 12(b), (c), 13-16; 2015, c. 6, ss. 30, 31;  
2015, c. 45, ss. 1-3, 5-10, 13-16, 18, 19; 2015, c. 46; 2016, c. 24, s. 27;  
2018, c. 3, ss. 46-64; 2018, c. 15; 2018, c. 38, ss. 4-6; 2021, c. 32; 2022, c. 21



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1997, c. 5; 1998, c. 32; 1999, c. 4, s. 26; 1999, c. 11; 2000, c. 14;  
2001, c. 12, ss. 2-21; 2001, c. 44, ss. 1-10; 2002, c. 5, s. 33;  
2002, c. 10, ss. 10-21; 2002, c. 20, ss. 1-3, 5-12; 2002, c. 30, s. 14;  
2003 (2nd Session), c. 1, ss. 28-34; 2004, c. 6, ss. 21-23; 2004, c. 41;  
2004, c. 42, ss. 1-4, 6-16; 2005, c. 8, ss. 9-15; 2005, c. 32, ss. 3, 4;  
2005, c. 38, ss. 1, 2; 2005, c. 54; 2006, cc. 35-37; 2007, c. 9, s. 30;  
2007, c. 20, ss. 8, 9; 2007, c. 45, ss. 1(b), 4-13, 17-25; 2008, c. 2, s. 27;  
2008, c. 21, ss. 1, 2, 8-11; 2008, cc. 22, 23, 61, 62; 2009, c. 5, s. 24;  
2009, cc. 20-23; 2010, cc. 20, 21, 59; 2010, c. 61, ss. 4, 6, 7; 2010, cc. 62, 63;  
2011, c. 8, s. 17; 2011, c. 22; 2011, c. 35, ss. 10-12; 2011, cc. 46, 67;  
2012, c. 52; 2013, c. 3, ss. 9, 10; 2013, c. 4; 2013, c. 10, ss. 10-13; 2014, c. 20;  
2014, c. 53, ss. 1-11, 12(b), (c), 13-16; 2015, c. 6, ss. 30, 31;  
2015, c. 45, ss. 1-3, 5-10, 13-16, 18, 19; 2015, c. 46; 2016, c. 24, s. 27;  
2018, c. 3, ss. 46-64; 2018, c. 15; 2018, c. 38, ss. 4-6; 2021, c. 32; 2022, c. 21

## An Act in Relation to the Registration and Identification of Motor Vehicles and the Use of the Public Highways by such Vehicles

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### Short title

1 This Act may be cited as the *Motor Vehicle Act*. R.S., c. 293, s. 1.

## INTERPRETATION

### Interpretation

2 In this Act,

(a) “accessible taxicab” means a vehicle with a seating capacity of eight passengers or less, excluding the driver, designed and manufactured, or converted, for the purpose of transporting for compensation passengers with physical disabilities, providing ease of entry to and egress from the vehicle in a safe and dignified manner by means of an on-board lift or ramp, and conforming to all sections of *Canadian Standard Association D409: Motor Vehicles for the Transportation of Persons with Physical Disabilities*;

(aaa) “all terrain vehicle” means a wheeled or tracked vehicle designed for the transportation of persons, property or equipment exclusively on marshland, open country or other unprepared surfaces, but does not include a snow vehicle;

(aaaa) “approved container” means an approved container as defined in section 320.11 of the *Criminal Code* (Canada);

(aaab) “approved drug screening equipment” means approved drug screening equipment as defined in section 320.11 of the *Criminal Code* (Canada);

(aab) “approved instrument” means an approved instrument as defined in section 320.11 of the *Criminal Code* (Canada);

(aac) “approved screening device” means an approved screening device as defined in section 320.11 of the *Criminal Code* (Canada);

(b) “authorized insurer” means an insurance company lawfully authorized or permitted to carry on its business in the Province;

(c) “bicycle” means

(i) a vehicle propelled by human power upon which or in which a person may ride and that has two tandem wheels either of which is 350 millimetres or more in diameter or that has four wheels

any two of which are 350 millimetres or more in diameter but does not include a wheelchair, or

(ii) a vehicle propelled by human and mechanical power that is fitted with pedals that are operable at all times to propel the bicycle, that has the same wheel requirements as set out in subclause (i) and that has an attached motor driven by electricity not producing more than 500 watts or with a piston displacement of not more than 50 cubic centimetres and is incapable of providing further assistance when the vehicle attains a speed of thirty kilometres per hour on level ground;

**NOTE** - *There is no clause between clauses (c) and (cb). Clause (ca) follows immediately after clause (bz).*

(cb) “bicycle lane” means a marked lane on a roadway designated by a traffic sign for the use by bicyclists;

(cc) *not proclaimed in force*

(cd) “Bridges patrol officer” means a person employed as a patrol officer with the Halifax-Dartmouth Bridge Commission and appointed as a special constable pursuant to the *Police Act* to enforce this Act and the by-laws of the Halifax-Dartmouth Bridge Commission on the Bridges as defined in the *Halifax-Dartmouth Bridge Commission Act*, when acting in the course of that employment;

(d) “bus” means a motor vehicle operated by or on behalf of a person carrying on upon a highway the business of a public carrier of passengers for compensation and includes any motor vehicle when used for such purpose that the Department shall determine;

(e) “business district” means a territory contiguous to a highway upon which fifty per cent or more of the frontage for a distance of not less than 100 metres is occupied by business premises and includes a section of a highway so designated by the traffic authority by the erection of appropriate signs;

(f) “certificate” means a certificate issued by the Minister, the Registrar or the Department and includes a certificate of registration;

(g) “commercial motor vehicle” means a motor vehicle having attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, police patrol, motor bus, and other motor vehicles used for the transportation of goods;

(ga) “crossing guard” means a person appointed by a regional municipality, town or municipality of a county or district and employed to direct the movement of children along or across highways going to or from school while so employed;

(h) “crosswalk” means that portion of a roadway ordinarily included within the prolongation or connection of curb lines and property

lines at intersections or any other portion of a roadway clearly indicated for pedestrian crossing by lines or other markings on the surface;

(ha) “cyclist” means a person operating a bicycle;

(i) “danger zone” means an area or space upon a highway which is so marked or indicated under the provisions of this Act by the proper signs plainly visible;

(j) “dealer” means a person who carries on or conducts, either for the whole or part of his time, the business of buying, selling or dealing in motor vehicles, trailers or semi-trailers;

(k) “Department” means the Department of Public Works acting directly or through its duly authorized officers and agents;

(l) “driver” means a person driving or in charge of a vehicle and includes the operator of a motor vehicle;

(m) “driver’s license” means a license issued under this Act to drive a motor vehicle upon the highway;

(ma) “drug recognition evaluation” means an evaluation, test or analysis in relation to drugs conducted in accordance with section 320.28 of the *Criminal Code* (Canada) and the regulations;

(mb) “electric kick-scooter” means a vehicle that is operated in a standing position and has

(i) two wheels placed along the same longitudinal axis, a steerable wheel placed at the front of the vehicle and non-steerable wheel at the rear,

(ii) wheels with a diameter of not less than one hundred and eighty-five millimetres and not greater than four hundred and thirty millimetres,

(iii) a platform for standing between the two wheels,

(iv) a steering handlebar that acts directly on the steerable wheel, and

(v) an electric motor not exceeding five hundred watts that provides a maximum speed of thirty-two kilometres per hour;

(n) “essential parts” means all integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle;

(o) “examiner” means a person appointed by the Minister to examine into and pass upon the qualifications of a person applying for a driver’s license;

(p) “farm tractor” means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry and not so constructed as to carry a load other than a part of the weight of a vehicle and load drawn by it, and includes such a

motor vehicle equipped front or rear with attachments designed and used for agricultural purposes, loaded or without a load;

(pa) “farm wagon” means a trailer equipped with two axle groups of which the front axle group is steerable and designed and used to carry farm products or farm supplies;

(q) “fictitious number plate” means a number plate not furnished and issued by the Department or not furnished and issued for the current registration year, or which is attached to a vehicle other than that for which it was issued by the Department but does not include number plates on foreign vehicles lawfully operated in the Province or number plates issued to an owner of a vehicle and being used on a vehicle within thirty days of purchase of that vehicle;

(r) “foreign vehicle” means a motor vehicle, trailer or semi-trailer which is brought into the Province otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in the Province;

(s) “garage” means a place or premises where motor vehicles are received for housing, storage or repairs for compensation;

(t) “hack” means a horse-drawn vehicle used to transport passengers for compensation;

(u) “highway” means

(i) a public highway, street, lane, road, alley, park, beach or place including the bridges thereon, and

(ii) private property that is designed to be and is accessible to the general public for the operation of a motor vehicle;

(ua) “implement of husbandry” means a vehicle, with or without motive power, that is designed and used for agricultural purposes, and includes

(i) farm machinery,

(ii) a farm wagon,

(iii) a trailer when towed by a farm tractor or when towed unloaded by any other motor vehicle to or from a farm equipment dealer or repair facility or to or from a field or farm, and

(iv) a farm tractor;

(v) “intersection” means the area embraced within the prolongation or connection of the lateral curb lines or, if none, then of the lateral boundary lines of two or more highways which join one another at an angle, whether or not one highway crosses the other;

(w) *repealed 1994, c. 24, s. 1.*

(x) “licensed dealer” means a dealer licensed under this Act;

- (y) “licensed garage” means a garage licensed under this Act;
- (ya) “licensed learner” means a person who has been issued a driver’s license of the following classes as set out in regulations made pursuant to Section 66:
  - (i) class 6, when operating a motor vehicle other than a motorcycle or farm tractor,
  - (ii) class 7, when operating a motor vehicle other than a farm tractor,
  - (iii) class 8, when operating a motor vehicle other than a farm tractor if the person is at least sixteen years of age;
- (z) “local authority” means a council of a city or town;
- (aa) “metal tires” means tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material;
- (ab) “Minister” means the Minister of Public Works;
- (aba) “mobile-communication support employee” means a person employed with the Department of Service Nova Scotia and Internal Services with employment duties that include providing mobile-radio communication equipment and support to assist first responders, when acting in the course of that employment;
- (ac) “motorcycle” means a motor vehicle having
  - (i) a design to travel on not more than three wheels in contact with the ground,
  - (ii) a seat height unladen greater than 700 millimetres above the level surface on which the motor vehicle stands,
  - (iii) a wheel-rim diameter greater than 250 millimetres,
  - (iv) a wheelbase greater than 1 metre, and
  - (v) a capability of maintaining a speed of seventy kilometres per hour when laden;
- (ad) “motor vehicle” means a vehicle, as herein defined, which is propelled or driven otherwise than by muscular power and does not include a bicycle, personal transporter or an electric kick-scooter;
- (ada) “newly licensed driver” means a person who holds a driver’s license issued pursuant to this Act that authorizes the person to operate a motor vehicle subject to the conditions set out in subsection (5) of Section 70A;
- (ae) “non-resident” means a person who is not a resident of the Province;
- (aea) “novice driver” means a person who has the status of a novice driver under Section 70C;

(af) “number plate” includes any proof of registration issued by the Department and required to be affixed to a motor vehicle or trailer;

(afa) “nurse practitioner” means a registered nurse as defined in the *Registered Nurses Act*, whose name appears on the nurse practitioner roster pursuant to the regulations made under that Act and whose registration is not suspended or revoked;

(afb) “occupational therapist” means a person licensed to practise occupational therapy under the *Occupational Therapists Act* and whose licence is not suspended or revoked;

(ag) “official traffic signals” means signals not inconsistent with this Act, placed or erected by authority of a public body or official having jurisdiction, for the purpose of directing, warning or regulating traffic;

(ah) “official traffic signs” means signs, markings and devices, other than signals, not inconsistent with this Act, placed or erected by authority of a public body or official having jurisdiction, for the purpose of guiding, directing, warning or regulating traffic;

(ai) “one-way street” means a highway designated and marked by the Department or traffic authority upon which vehicles may be operated in one direction only;

(aj) “operator” means a person driving a motor vehicle on the highway or who has the care or control of the motor vehicle on a highway whether in motion or not;

(ak) “optometrist” means a person licensed to practise optometry under the *Optometry Act* and whose licence is not suspended or revoked;

(al) “owner’s permit” means a permit issued to a registered owner of a motor vehicle;

(am) “parking” means the standing of a vehicle whether occupied or not, upon a roadway, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading, or in obedience to traffic regulations or traffic signs or signals;

(an) “peace officer” includes a police officer as herein defined;

(ao) “pedestrian” means a person afoot and includes a person in a wheelchair and a person riding on a motorized cart designed for and being used to transport golfers and equipment over a golf course while travelling from one part of it to another in a crosswalk marked for the purpose on the roadway and approved by a traffic authority appointed pursuant to this Act;

(aoa) “pedestrian-activated beacon” means a flashing amber light activated by a pedestrian to indicate to drivers of vehicles on a roadway that the pedestrian is crossing, or waiting or about to cross, the roadway;

(ap) “permit” means a permit issued under this Act;

(aq) “person” includes a body corporate or politic, and party;



(aqb) “personal transporter” means a self-balancing electric vehicle with two side-by-side wheels and designed for the personal transportation of a single person and, for greater certainty, includes a Segway;

(aqc) “physical coordination test” means a physical coordination test in accordance with clause (a) of subsection (1) of section 320.27 of the *Criminal Code* (Canada);

(ar) “pneumatic tires” means tires inflated with compressed air;

(as) “pole trailer” means a vehicle without motive power that is designed to be drawn by another vehicle and to be attached to the towing vehicle by means of a reach or pole, or by being boomed or otherwise secured to the towing vehicle and is ordinarily used for transporting poles, pipes, structural members or other long or irregularly shaped loads which are capable of sustaining themselves as beams between the supporting connections;

(at) “police” or “police officer” means a member of the Royal Canadian Mounted Police, a police officer appointed by a city, town or municipality, a police officer appointed by the Attorney General, or a motor vehicle inspector;

(au) “private road or driveway” means a road or driveway not open to the use of the public for purposes of vehicular traffic;

(av) “proof of financial responsibility” means a certificate of insurance or certificate of the Superintendent of Insurance for the Province given pursuant to Section 236;

(aw) “provincial highway” means a highway outside the limits of a city or incorporated town;

(awa) “public-safety officer” means

- (i) a Bridges patrol officer,
- (ii) a mobile-communication support employee,
- (iii) a sheriff, or
- (iv) a person in a class of persons prescribed by the regulations;

(awb) “public-safety vehicle” means a vehicle operated by a public-safety officer;

(awba) “qualified medical practitioner” means a medical practitioner as defined in the *Medical Act*;

(ax) “reconstructed vehicle” means a vehicle assembled or constructed largely by means of new or used essential parts, derived from other vehicles or which, if originally otherwise constructed, has been materially altered by the removal of essential parts or by the addition or substitution of new or used essential parts, derived from other vehicles;

(ay) “registered owner” means a person in whose name a vehicle is registered under this Act;

(aya) “registered psychologist” means a person whose name is on the Register of Psychologists established under the *Psychologists Act* and whose registration is not suspended or cancelled;

(az) “registered weight” means the weight in kilograms stated upon the permit for a vehicle;

(ba) “Registrar” means the Registrar of Motor Vehicles, appointed under this Act and includes the Deputy Registrar of Motor Vehicles appointed under this Act;

(bb) “registration year” means the calendar year unless the Minister otherwise determines or the period ending on the date specified when the vehicle is registered under the staggered system of vehicle registration;

(bc) “residence district” means the territory contiguous to a highway not comprising a business district when the frontage on the highway for a distance of 100 metres or more is mainly occupied by dwellings or by dwellings and business premises and includes any section of a highway so designated by the traffic authority by the erection of appropriate signs;

(bd) “resident” includes a person who

(i) for more than thirty days in any year is employed or engaged in any activity for gain in the Province,

(ii) is attending school or college in the Province,

(iii) is in the Province and whose children attend school in the Province,

(iv) lives in the Province for more than ninety days in any year;

(be) “right of way” means the privilege of the immediate use of the highway;

(bf) “road tractor” means a motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn;

(bg) “roadway” means that portion of a street or highway between the regularly established curb lines or that part improved and intended to be used for vehicular travel;

(bh) “safety zone” means the area or space officially set apart within a highway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone;

(bi) “school bus” means a school bus as defined in the *Motor Carrier Act* and includes a school bus marked or designated as such as provided by regulation;

(bj) “semi-trailer” means a vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle;

(bk) “serial number” includes an identification number assigned to or placed on a vehicle by its manufacturer as a manufacturer’s number and vehicle number;

(bka) “sheriff” means a person employed as a sheriff with the Department of Justice with employment duties that include transporting prisoners, providing court security and serving civil processes, when acting in the course of that employment;

(bl) “sidewalk” means that portion of a highway between the curb line and the adjacent property line or any part of a highway especially set aside for pedestrian travel and separated from the roadway;

(bm) “solid rubber tire” means a tire made of rubber other than a pneumatic tire;

(bn) “specially constructed vehicle” means a vehicle which was not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles;

(bo) “state” means any state in the United States of America and includes the District of Columbia;

(bp) “street car” means every device propelled by electricity traveling exclusively upon rails when upon or crossing a street;

(bpa) “supervising driver” means a person who

(i) meets the qualifications to act as a supervising driver set out in subsection (1) of Section 69A, and

(ii) has agreed to supervise a licensed learner or a newly licensed driver who is driving a motor vehicle;

(bq) “taxicab” means a motor vehicle other than a bus used to transport passengers for compensation;

(br) “temporary number” means a number issued by the Department under this Act to be used temporarily until replaced by a permanent number issued in accordance with this Act;

(bs) “traffic” includes pedestrians, herded animals, vehicles, street cars and other conveyances either singly or together while using any street for purposes of travel;

(bt) “traffic control signal” means a device whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed;

(bu) “trailer” means a vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle and includes self-contained commercial units, such as com-

pressors, generators, welders or other utility equipment or farm machinery, designed to be drawn by a motor vehicle;

(bua) “transit bus” means a motor vehicle operated by or subsidized by a municipality or a regional transit authority;

(bv) “Treasurer” means the Minister of Finance and Treasury Board;

(bw) “trolley coach” means a motor vehicle operated with electricity as the motive power through contact with overhead wires;

(bx) “truck” includes a motor vehicle designed, used or maintained primarily for the transportation of goods, materials or property;

(by) “truck tractor” means a motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn;

(bz) “used vehicle” means a motor vehicle which has been sold, bargained, exchanged, or given away or of which title has been transferred from the person who first acquired it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as “second-hand” within the ordinary meaning thereof;

(ca) “vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting a motorized wheelchair and devices moved by human power or used exclusively upon stationary rails or tracks. R.S., c. 293, s. 2; 1994, c. 24, s. 1; 1994-95, c. 12, s. 1; 1995-96, c. 23, s. 1; 2001, c. 12, s. 2; 2002, c. 20, s. 1; 2004, c. 42, s. 1; 2006, c. 35, s. 1; 2007, c. 45, s. 1; 2008, c. 21, s. 1; 2010, c. 59, s. 1; 2011, c. 35, s. 10; O.I.C. 2013-348; 2014, c. 20, s. 1; 2014, c. 53, s. 1; 2015, c. 45, s. 1; 2015, c. 46, s. 1; 2018, c. 3, s. 46; O.I.C. 2019-149; O.I.C. 2021-209; 2022, c. 21, s. 1; revision corrected.

### Owner of vehicle

**2A (1)** Subject to subsections (2) and (3), in this Act, “owner” of a vehicle means

(a) where a permit is issued for the vehicle, the person who holds the permit for the vehicle; or

(b) where no permit is issued for the vehicle, the person who holds the certificate of registration for the vehicle.

**(2)** Where this Act or the regulations requires that the owner of a vehicle be notified that the vehicle may be sold under the authority of this Act, “owner” means any person who holds a permit for the vehicle and any person who holds a certificate of registration for the vehicle.

**(3)** In this Act, where no permit and no certificate of registration have been issued for a vehicle or for the purpose of obtaining a certificate of registration for a vehicle, the owner of the vehicle is any person who, alone or jointly with one or more others, has the right to transfer property in the vehicle.

(4) For greater certainty, where a person who is the owner of a vehicle enters into an agreement under which the person transfers an interest in the vehicle to a creditor to secure payment or performance of an obligation, the person transferring the interest rather than the creditor is the owner of the vehicle. 2011, c. 35, s. 11.

#### **Registrar of Motor Vehicles**

3 The Minister shall appoint a person to be Registrar of Motor Vehicles for the Province, who shall perform such duties as are prescribed by this Act, and the Registrar shall receive such remuneration as is determined in accordance with the *Civil Service Act*. R.S., c. 293, s. 3.

#### **Deputy Registrar of Motor Vehicles**

4 (1) The Minister may appoint a person in the public service to be Deputy Registrar of Motor Vehicles who shall perform such functions and duties as are prescribed by the Minister.

(2) In the absence or incapacity of the Registrar or when the office of Registrar is vacant, the Deputy Registrar shall perform the functions and duties and shall have the powers and authorities of the Registrar.

(3) The Deputy Registrar may, upon the direction of the Minister or Registrar, perform the functions or duties or exercise the powers and authorities of the Registrar. R.S., c. 293, s. 4.

#### **Director of Highway Safety**

5 (1) The Minister may appoint a person in the public service to be Director of Highway Safety who shall perform such functions and duties are conferred upon him by or under this Act or are prescribed by the Minister.

(2) The Director of Highway Safety shall have and exercise the functions and powers of the Registrar under Sections 205, 227, 231, 232, 239, 264 and 280, clause (c) of Section 281 and Sections 282, 283, 284, 286, 289 and 290, and any certificate or document issued by the Director has the same force and effect for all purposes as if it had been signed or executed by the Registrar. R.S., c. 293, s. 5; revision corrected.

#### **Motor vehicle inspectors**

6 (1) The Minister may appoint motor vehicle inspectors whose duty it shall be to enforce this Act.

(2) An inspector shall be furnished with a certificate of appointment and, on inspecting any document or vehicle, the inspector shall, if requested, produce the certificate of appointment.

(3) The owner or person who has the charge, management or control of any vehicle inspected pursuant to this Act shall give an inspector all reasona-

ble assistance to enable the inspector to carry out the duties and functions of an inspector.

(4) No person shall, while an inspector is exercising the powers or carrying out the duties and functions of an inspector,

(a) fail to comply with any reasonable request of the inspector;

(b) knowingly make false or misleading statements, either verbally or in writing, to the inspector; or

(c) otherwise obstruct or hinder the inspector. R.S., c. 293, s. 6; 1996, c. 34, s. 1.

### Speedometer testers and engineers

7 (1) The Minister of Justice may appoint one or more qualified persons as testers of the speedometers on motor vehicles and of other devices used for or in connection with establishing the speed of vehicles.

(2) In any prosecution under this Act, a certificate purporting to be issued by a tester appointed under subsection (1), bearing a date thereon not more than thirty days before or after the date of an alleged offence charged in the information or complaint, signed by the tester, and stating therein the results of a test of the speedometer on the motor vehicle or other device mentioned therein, is admissible in evidence as *prima facie* proof of the accuracy of the speedometer or other device as stated in the certificate on the date of the alleged offence in the information or complaint.

(3) Where markings for the purpose of indicating distances are painted on a highway, a certificate purporting to be signed by an engineer employed by the Department and certifying the measured distance between such markings shall be admitted in evidence as *prima facie* proof of the facts stated therein without proof of the signature or official character of the person signing the certificate. R.S., c. 293, s. 7; R.S., c. 376, s. 4; O.I.C. 93-352.

**7A** *not proclaimed in force*

### Medical Advisory Committee

**7B** (1) There shall be a Medical Advisory Committee composed of such medical doctors, optometrists, psychologists and other licensed healthcare professionals appointed by the Minister as the Minister considers necessary for the functions and duties assigned to the Committee pursuant to this Act.

(2) The Minister may

(a) set the term of appointment; and

(b) determine the remuneration,

of the members of the Medical Advisory Committee.

(3) The Medical Advisory Committee shall perform the duties and functions assigned to it by this Act.

(4) The Medical Advisory Committee or a member of the Committee shall, when requested by the Registrar, provide any information, recommendations and opinions required by the Registrar for the purpose of this Act.

(5) Subject to subsection (6), no person shall disclose

(a) any information related to a request that is referred to the Medical Advisory Committee by the Registrar; or

(b) any information, recommendations or opinions provided to the Registrar by the Committee.

(6) A person may disclose information described in subsection (5) if the disclosure is required to

(a) administer this Act or the regulations; or

(b) carry out a responsibility imposed or exercise a power conferred by this Act or the regulations. 2011, c. 67, s. 1.

#### **Motor Vehicle Appeal Board**

7C (1) There shall be a Motor Vehicle Appeal Board composed of three or more persons appointed by the Minister.

(2) The Minister may

(a) set the term of appointment; and

(b) determine the remuneration,

of the members of the Motor Vehicle Appeal Board.

(3) The Minister may designate a member of the Motor Vehicle Appeal Board as Chair.

(4) The Motor Vehicle Appeal Board shall perform the duties and functions assigned to it by this Act.

(5) The Motor Vehicle Appeal Board shall hear appeals with respect to

(a) decisions by the Registrar, pursuant to subsection (2) of Section 279, to suspend or revoke a driver's license or privilege of obtaining a driver's license suspended pursuant to clause (a), (b), (d), (e) or (f) of subsection (1) of Section 279;

(b) decisions by the Registrar pursuant to Section 279B to sustain orders of suspension issued pursuant to Section 279A; or

(c) orders to impound motor vehicles issued by the Registrar pursuant to Section 291A.

(6) The Motor Vehicle Appeal Board is not required to hold an oral hearing unless the appellant requests an oral hearing at the time of filing the appeal and pays the fee prescribed by the regulations.

(7) An appeal to the Motor Vehicle Appeal Board may be conducted in writing or, at the request of the appellant, may be conducted in person.

(8) Where an appeal to the Motor Vehicle Appeal Board is conducted in person, the hearing must be conducted *in camera* and may be attended by

- (a) the appellant and the appellant's representative, if any; and
- (b) any person granted permission by the Board to attend.

(9) No person other than the appellant or the appellant's representative shall publicly disclose

- (a) any information concerning the appellant that is referred to or heard by the Motor Vehicle Appeal Board for the purpose of the appeal; or
- (b) the appeal decision of the Board.

(10) A decision of the Motor Vehicle Appeal Board is final and not subject to any further appeal or review.

(11) The Minister may make regulations respecting appeals to the Motor Vehicle Appeal Board, including regulations

- (a) prescribing the form and manner of filing an appeal;
- (b) prescribing the fees for filing an appeal;
- (c) prescribing the manner or place for conducting an appeal;
- (d) respecting requirements for evidence provided for an appeal;
- (e) setting the quorum for the Board;
- (f) respecting the form of appeal decisions; and
- (g) respecting such other matters as are necessary for the administration of appeals.

(12) The exercise of the authority contained in subsection (11) is regulations within the meaning of the *Regulations Act*. 2011, c. 67, s. 1.



**Division of Act**

**8** It is hereby expressly declared that the division of this Act into Parts is for convenience only. R.S., c. 293, s. 8.

**Certain exemptions for trolley coaches**

**9** Sections 47, 48, 108, clause (d) of Section 143, subsection (6) of Section 189, Sections 250 to 254 and Sections 273 to 276 do not apply to any motor vehicle that is a trolley coach. R.S., c. 293, s. 9.

**PART I****REGISTRATION OF VEHICLES****Classification of vehicles**

**10 (1)** Subject to the approval of the Governor in Council, the Minister may make regulations dividing vehicles into various classes, prescribing conditions governing the registration and operation of each class, providing for the number of number plates to be affixed to each vehicle in each class, providing for the location of the number plates to be affixed to each vehicle in each class and providing penalties for violation of such regulations.

**(2)** Such regulations upon publication in the Royal Gazette shall have the same force and effect as if the regulations were contained in this Act. R.S., c. 293, s. 10.

**Prohibited vehicles**

**11** The Department shall not register, and no person shall operate on a highway, a miniature motor vehicle, an all terrain vehicle, an air-cushioned vehicle, a “go-kart”, a “mini-bike”, a motorized vehicle designed to be driven exclusively or chiefly on snow or ice or both, or any motorized vehicle of a like nature. R.S., c. 293, s. 11.

**Serial numbers**

**12 (1)** The Department shall not register a new vehicle where the serial number of the vehicle indicates that it is of a different model year than the model year shown in the application for registration of the vehicle.

**(2)** Notwithstanding subsection (1), where there is a serial number for the chassis and the body of a vehicle indicating a different model year, the later year shall be shown as the model year for the vehicle. R.S., c. 293, s. 12; 1994-95, c. 12, s. 2.

**Registration by owner**

**13 (1)** Every owner of a motor vehicle, trailer or semi-trailer intended to be operated upon a highway in the Province shall, before the same is so operated, apply to the Department for and obtain the registration thereof, except as provided in Sections 23(6), 26 and 30 or regulations made under Section 25.

(2) Notwithstanding subsection (1), a non-resident who becomes a resident and who is the owner of a motor vehicle, trailer or semi-trailer that is licensed or registered in his home province or country may operate the same upon highways in the Province for a period of thirty days from the date upon which he became a resident of the Province or ninety days where residency is determined pursuant to subclause (iv) of clause (bd) of Section 2.

(2A) Notwithstanding subsections (1) and (2), a non-resident who becomes a resident and who is the owner of a motor vehicle, trailer or semi-trailer that is licensed or registered in the owner's home province or country may operate the same upon highways in the Province for six months for non-business purposes so long as the owner is a member of Her Majesty's Canadian Forces within the Province on a temporary posting for training purposes, and for ninety days thereafter.

(3) The Minister may make and enforce regulations providing that a vehicle may be operated upon the highways under a temporary permit issued by the Department or by a person so authorized by the Department. R.S., c. 293, s. 13; 2004, c. 42, s. 2; 2008, c. 61, s. 1.

#### **Application for registration**

14 (1) Application for the registration of a vehicle required to be registered hereunder shall be in such form as the Minister shall determine and shall be accompanied by such evidence as shall satisfy the Registrar that the applicant is the owner of the vehicle.

(2) In the event that the vehicle, for which registration is applied, is a specially constructed, reconstructed or foreign vehicle, that fact shall be stated in the application, and with reference to every foreign vehicle which has been registered theretofore outside of this Province, the owner shall exhibit to the Department the certificate of title or registration or other evidence of former registration as may be in the applicant's possession or control or such other evidence as will satisfy the Department that the applicant is the lawful owner of the vehicle.

(3) No vehicle shall be registered in the name of a person under the age of sixteen years.

(4) Where the vehicle for which registration is applied is a foreign vehicle, the Department may require the owner to surrender the certificate of title or registration, the number plates and any other evidence of former registration as may be in the owner's possession. R.S., c. 293, s. 14.

#### **Registration and appeal from refusal**

15 Subject to this Act, the Department when satisfied as to the genuineness and regularity of an application, and that the applicant is entitled thereto, shall register the vehicle therein described and the owner thereof in suitable records under a distinctive registration number hereinafter referred to as the "registration number", provided, however, that the Registrar may refuse or withhold registration

of any vehicle and in case of such refusal or withholding an appeal may be taken to the Minister whose decision shall be final. R.S., c. 293, s. 15.

### Permit

**16 (1)** Subject to this Act, the Department upon registering a vehicle shall issue to the owner a permit which shall contain the registration number assigned to the owner, the name and address of the owner, a description of the registered vehicle including the serial number thereof, such other particulars as may be required by the Department, and a statement that the operation of the vehicle is thereby authorized under this Act, and if the permit is subject to any special conditions authorized under this Act or under any regulations made pursuant to this Act, the permit shall also contain a brief statement of the conditions, and no person shall operate such a vehicle in violation of or contrary to any such special conditions.

**(2)** Notwithstanding anything in this Act, a permit may be issued under subsection (1) in respect of a commercial motor vehicle for any period less than a registration year and defined by dates that the Governor in Council may approve, and such permit shall state upon the face thereof the date upon which it expires.

**(3)** Notwithstanding subsection (1), the Department, upon registering a vehicle, may issue to the owner an interim permit under the same terms and conditions as provided for a permit issued pursuant to subsection (1), which shall be valid until a vehicle registration permit is issued pursuant to subsection (1). R.S., c. 293, s. 16.

### Non-payment of tax

**17** Upon receipt of a report from the Provincial Tax Commissioner that

(a) a person, who has applied for registration of a vehicle required to be registered pursuant to this Act, has not paid the tax required to be paid pursuant to the *Health Services Tax Act* or the *Gasoline and Diesel Oil Tax Act*; or

(b) a person, who holds a permit or registration issued pursuant to this Act, has not paid the tax required to be paid pursuant to the *Health Services Tax Act* or the *Gasoline and Diesel Oil Tax Act* in respect of a vehicle registered pursuant to this Act,

the Registrar shall refuse the application for registration or suspend the permit and registration, as the case may be, until the Commissioner reports that the tax has been paid. R.S., c. 293, s. 17.

### Duty to carry permit

**18 (1)** Subject to subsections (2) and (3), an unexpired permit for a vehicle shall at all times while the vehicle is being operated upon a highway within this Province be in the possession of the driver thereof or carried in the vehicle and subject to inspection by any peace officer.

(2) It shall not be necessary for an unexpired permit for a farm tractor to be in the possession of the driver thereof or carried in the farm tractor.

(3) Where a vehicle is registered in another province of Canada or in a state, an unexpired proof of registration for the vehicle issued by that other province or that state shall at all times while the vehicle is being operated upon a highway within this Province be in the possession of the driver thereof or carried in the vehicle and subject to inspection by any peace officer and subsection (1) does not apply. R.S., c. 293, s. 18; 2004, c. 6, s. 21.

#### **Number plate**

19 (1) The Department shall also furnish to every owner whose vehicle is registered the number of number plates assigned to the owner in the regulations.

(2) Every number plate shall have displayed upon it the registration number assigned to the owner and such other matter as the Minister may determine.

(3) The Registrar shall have authority to require the return to the Department by the owner, of all number plates and permits upon the termination of the lawful use thereof, under this Act, and the owner shall return the same forthwith to the Department when so requested. R.S., c. 293, s. 19.

#### **Display of number plate**

20 (1) Number plates assigned to an owner and required to be attached to a vehicle shall be attached thereto and displayed as prescribed by the regulations.

(2) Every number plate assigned to an owner and required to be attached to a vehicle shall at all times be securely fastened to the vehicle so as to prevent the plate from swinging and at a height not less than 300 millimetres from the ground, measuring from the bottom of the plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible. R.S., c. 293, s. 20.

#### **Expiry and renewal of registration**

21 (1) Every vehicle registration under this Act expires on the date specified or determined by regulation.

(2) A vehicle registration under the staggered system of registration expires on the date specified when the vehicle is registered.

(3) A vehicle registration shall be renewed by the owner upon application and payment of the required fees. R.S., c. 293, s. 21; 1995-96, c. 22, s. 1.

**Extension of vehicle registrations**

**22 (1)** Notwithstanding Section 21, the Governor in Council may from time to time by order declare that vehicle registrations under this Act shall not expire until a day named in the order.

**(2)** When the Governor in Council makes an order pursuant to subsection (1) every permit and the number plates relating to a vehicle registration for that year that have not been renewed, suspended, revoked or cancelled or that have not expired through transfer of ownership shall be deemed to be valid until the day named in the order notwithstanding that an expiry date is stated in the permit or other document relating to the vehicle registration or on the number plates.

**(3)** Where the provisions of this Act are in conflict with the provisions of this Section with respect to the current registration year, the provisions of this Section shall govern. R.S., c. 293, s. 22.

**Effect of vehicle transfer**

**23 (1)** Whenever a vehicle as registered under the foregoing provisions of this Act is sold or disposed of any permit issued respecting the vehicle shall thereupon terminate and the registration of the vehicle shall be deemed to be suspended from the date of the sale or disposal until the transferee has obtained a permit as provided by subsection (5).

**(2)** Notwithstanding subsection (1), whenever a vehicle is sold or disposed of the vehicle shall be deemed to be registered under the name of the new purchaser or transferee providing there is displayed valid plates assigned to that person for a period not exceeding thirty days from the time of the sale or the disposition.

**(3)** Notwithstanding any sale, disposal or transfer of a vehicle, the number plates originally assigned to the seller are to be removed by him and maintained until the expiry date of those number plates for re-assignment to a new vehicle he may purchase unless returned to or required to be returned by the Department.

**(4)** When a vehicle registered pursuant to this Act is sold, the seller shall complete the notice of sale portion of the certificate of registration and immediately forward it to the Department.

**(5)** In the event the Department does not receive the notice of sale portion of the certificate of registration properly endorsed, as provided in subsection (4), the Department may register the vehicle provided it is satisfied as to the genuineness and regularity of the transfer.

**(6)** In the event of the transfer by the operation of law of the title or interest of an owner in and to a vehicle by reason of the bankruptcy of the owner, execution sale, repossession upon default in performing the terms of a conditional sale agreement or otherwise, the registration thereof shall expire and the vehicle shall not be operated upon the highways until and unless the persons entitled thereto

shall apply for and obtain the registration thereof, excepting that trustee or other representative of the owner or a sheriff or other officer repossessing the vehicle under the terms of a conditional sale contract, lease, chattel mortgage or other security or the assignee or other representative of such person may operate or cause to be operated the vehicle upon the highways from the place of repossession or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage while displaying upon the vehicle the number plates issued to the former owner.

(7) Immediately upon the death of a registered owner, the vehicle is deemed to be registered in the name of the estate of the deceased registered owner for a period of sixty days unless an application for other registration of the vehicle is sooner made.

(7A) Where a registered owner dies intestate or dies leaving an estate that is not subject to a grant of probate, the Department may determine and recognize a person as the personal representative of the deceased registered owner, and the priorities prescribed by clauses (a) to (e) of subsection (1) of Section 32 of the *Probate Act* apply *mutatis mutandis* to the determination.

(7B) Where the Department is unable to determine and recognize a personal representative of a deceased registered owner under subsection (7A), the Department may recognize as the personal representative of the deceased registered owner any person that the Department considers fit to act as the personal representative.

(7C) The personal representative of a deceased registered owner of a vehicle, as recognized by the Department under subsection (7A) or (7B), may apply to the Department for and obtain the registration of the vehicle.

(8) Where no application for registration is sooner made, the vehicle of a deceased registered owner is deemed to be unregistered at the expiration of sixty days following his death and any number plates assigned to the deceased owner shall be returned to the Department.

(9) Subsections (7), (7C) and (8) do not affect the title or interest of any person in the vehicle or the protection provided by the *Insurance Act* upon the death of an insured vehicle owner.

(10) In any proceedings where the question arises as to whether the requirements of subsection (1) have been complied with, the burden of proof that the transferee has complied with the requirements of subsection (1) shall be upon the transferee.

(11) When a vehicle registered under the Act is sold or disposed of or the title or interest of an owner in and to a vehicle is transferred by the operation of law and an application for the registration of the vehicle is made to the Department, the Registrar may refuse to register the vehicle unless the applicant files with the Department proof, in a form satisfactory to the Registrar, that any tax required to be paid under the *Health Services Tax Act* in respect of the vehicle has been paid.

(12) No action or other proceeding for damages shall be instituted against the Registrar, any employee of the Department or Her Majesty in Right of the Province for any act done in good faith in the execution or intended execution of a power or duty under this Section or for any alleged neglect or default in the execution in good faith of that power or duty. R.S., c. 293, s. 23; 1994-95, c. 12, s. 3; 2015, c. 45, s. 2.

#### **Notice of transfer by dealer**

24 (1) Every dealer, upon transferring a motor vehicle, trailer or semi-trailer, whether by sale, lease or otherwise, to any person other than a dealer, shall immediately give written notice of the transfer to the Department upon the official form provided by the Department.

(2) Every such notice shall contain the date of the transfer, the names and addresses of the transferor and transferee and such description of the vehicle as may be called for in the official form.

(3) The Registrar may direct that the notice be given weekly, monthly or otherwise as he may determine. R.S., c. 293, s. 24.

#### **Exemption and inter-provincial trucking**

25 (1) Subject to the approval of the Governor in Council, the Minister may from time to time make regulations exempting from registration such vehicles as he thinks proper and prescribing the restrictions, terms and conditions, if any, under which such vehicles shall be exempt.

(2) Subject to the approval of the Governor in Council, the Minister may from time to time make regulations providing for the implementation of a mileage prorated motor vehicle registration plan for inter-provincial trucking in accordance with agreements made with other jurisdictions.

(3) Whenever the Minister has made regulations under subsection (1) or (2) and any person claims exemption from registration thereunder, the burden of proof that such person is entitled to the exemption shall be upon the person so claiming the exemption. R.S., c. 293, s. 25.

### **DEALERS' NUMBER PLATES**

#### **Dealer number plate**

26 (1) A dealer licensed under this Act, and such other persons as the Minister may determine owning or operating any vehicle upon any highway, in lieu of registering each vehicle may obtain from the Department upon application therefor upon the proper official form and payment of the fees required by law and attach to each vehicle one number plate which shall bear thereon a distinctive number, and such other matter as the Minister may determine, and plates so issued may, during the calendar year for which issued, be transferred from one such vehicle to another owned or operated by the dealer, who shall keep a written record of the vehicles

upon which the dealer's number plates are used, which record shall be open to inspection by any peace officer or any officer or employee of the Department.

(2) No dealer in motor vehicles, trailers, or semi-trailers shall cause or permit any such vehicle owned by such person or persons to be operated or moved upon a highway without there being displayed upon the vehicle a number plate or plates issued to such person, either under Section 19 or under this Section except as otherwise provided in Section 30 and subsection (3) of Section 13.

(3) When first taking possession of a vehicle already registered under this Act, any dealer may, without registering the vehicle, operate or move, or cause to be operated or moved, any such vehicle upon a highway if there is in force in respect of the vehicle a valid certificate of registration and if the certificate has been assigned to the dealer and is in possession of the driver of the vehicle and there is displayed a valid dealer number plate assigned to that dealer.

(4) Notwithstanding Section 20, a dealer or person using upon a vehicle a number plate issued under this Section shall attach the plate to the rear of the vehicle. R.S., c. 293, s. 26.

#### **Use of dealer number plate**

27 (1) No person shall operate or move upon a highway a vehicle to which a dealer's number plate is attached when the vehicle is being used for the transportation of persons for gain or the transportation of goods or when the vehicle is being rented.

(2) Notwithstanding subsection (1) but subject to all other provisions of this Act, a commercial vehicle to which a dealer's number plate is attached may be operated

(a) for a period not exceeding one day with or without a load for demonstration purposes while the dealer or an agent or employee of the dealer is in the vehicle; or

(b) for the period required to transport the vehicle with or without a load owned by the dealer from the manufacturer's premises to the dealer's premises or from the dealer's premises to the premises of his sub-dealer while the dealer or an agent or employee of the dealer is in the vehicle.

(3) No dealer shall use any dealer's number plate issued to him upon any vehicle unless

(a) the vehicle is a new vehicle and the dealer has filed with the Department a certificate, satisfactory to the Registrar, from the manufacturer of the vehicle or from a dealer not having an established place of business in this Province or from another dealer having authority to issue such a certificate in respect of a vehicle of that make, that the dealer has a franchise or sales contract authorizing him to sell vehicles of that make;



(b) a certificate of registration has been issued in respect of the vehicle and the certificate of registration is in the name of the dealer or has been assigned to the dealer; or

(c) the dealer can show that he has made application in his own name for a certificate of registration in respect of the vehicle.  
R.S., c. 293, s. 27.

#### **Dealer permit**

**28** (1) The Department shall issue a dealer's permit in respect to each dealer's number plate.

(2) Every dealer's permit shall state thereon the number of one of the dealer's number plates and it shall be an offence for the driver or person in charge of a vehicle displaying a dealer's number plate to fail to produce, on the request of a peace officer, a dealer's permit bearing the same number as the number plate.

(3) Every dealer's permit shall state thereon the number of the dealer's license, the number of the number plate and such other matter as the Minister may determine and the permit and the plate to which it refers, when not in actual use upon a highway, shall be kept at the place of business for which the dealer's license was issued.

(4) Where the Registrar is satisfied that a dealer's number plate is being used for purposes not related to the business of the dealer or person, the Registrar may, by order, cancel the dealer's permit issued in respect of the dealer's number plate and require the return of the dealer's number plate. R.S., c. 293, s. 28.

#### **Dealer number plate for transporting vehicles**

**29** (1) The Department may issue dealers' number plates to a person who is engaged in the business of transporting vehicles whether or not the person is a dealer licensed under this Act.

(2) Dealers' number plates issued under subsection (1) may be attached to a vehicle that is being transported with or without load to a point of delivery within the Province.

(3) The provisions of Section 28 and the other provisions of this Act shall apply in respect of each number plate except that, if the person is not a dealer licensed under this Act, the provisions relating to a dealer licensed under this Act shall not apply.

(4) A dealer's permit issued in respect of a dealer's number plate issued under this Section shall, in addition to any matter required to be stated, state that the dealer's number plate may be used only while the vehicle is being transported to a point of delivery within the Province. R.S., c. 293, s. 29.

**Temporary numbers and in-transit permits**

**30 (1)** Notwithstanding the foregoing provisions of this Act in regard to the issuing and displaying of number plates, the Minister may authorize dealers and other persons designated by him, to issue temporary numbers in a form to be approved by him pending the issue of number plates and a permit as required by this Act, subject to such conditions as the Minister may cause to be stated on the temporary numbers, the owner of any vehicle legally displaying temporary numbers shall be deemed to have complied with this Act in regard to the display of number plates and it shall be an offence for any person to fail to comply with any conditions stated on the temporary numbers.

**(2)** The Minister may authorize dealers and other persons to issue in-transit permits in a form approved by the Minister and containing such conditions as the Minister prescribes.

**(3)** Upon payment of the prescribed fee an in-transit permit may be issued in respect of a vehicle that is not registered or for which no permit or number plates have been issued.

**(4)** Notwithstanding any other provision of this Act, an in-transit permit authorizes the vehicle in respect of which it is issued to be operated or moved on a highway without load for a single trip from a place to another place named in the permit and in accordance with the conditions stated in or on the permit.

**(5)** The person to whom an in-transit permit is issued shall display it in the lower right hand corner of the windshield of the vehicle in respect of which it was issued and shall remove the permit and destroy it immediately after the vehicle has completed the trip for which the permit was issued.

**(6)** It is an offence for a person to fail to observe or comply with any provision of this Section or with any provision or condition of an in-transit permit issued to him. R.S., c. 293, s. 30.

**Regulations respecting dealer number plates**

**31** Subject to this Act, the Minister may make regulations governing the withholding, refusal to issue, cancellation and use of dealer's number plates and may delegate to the Registrar such authority as he deems expedient and it shall be an offence against this Act for any person to violate any provision of those regulations. R.S., c. 293, s. 31.

**Regulations respecting dealers**

**32 (1)** Subject to the approval of the Governor in Council, the Minister may make regulations

- (a) defining or classifying dealers or determining who shall be a dealer for the purposes of this Act or the regulations;

(b) prescribing or fixing the standards to be maintained by any dealer in respect of his premises, equipment, service or any of them;

(c) governing the issuing, withholding and revocation of licenses for dealers or any class of dealers;

(d) providing for the bonding of dealers and specifying the amount and terms and conditions of bonds;

(e) for the more effective administration of this Act in relation to the buying, selling or dealing in motor vehicles, trailers or semi-trailers.

(2) Any regulations made under the authority of this Section may be general in their application or may be made applicable to any class or classes of dealers.

(3) It shall be an offence for any person to violate any provision of any such regulation.

(4) Where the regulations made under the authority of this Section relate to a matter for which provision is made in this Act the regulations may provide that the particular Section or Sections of this Act shall not apply. R.S., c. 293, s. 32.

#### **Motor Vehicle Safety Act (Canada) standards**

33 No person who deals in new vehicles shall sell or offer to sell a new vehicle that does not conform to standards required under the *Motor Vehicle Safety Act* (Canada). R.S., c. 293, s. 33.

#### **GENERAL PROVISIONS IN REGARD TO REGISTRATION AND NUMBER PLATES**

#### **Responsibility respecting errors, custody, loss or damage**

34 (1) Any owner or dealer who discovers an error in his permit or number plates shall return the permit or number plates to the Department within twenty-four hours of the discovery.

(2) Every owner or dealer shall be responsible for the custody of the number plates issued to him for the current year and it shall be an offence for him to fail to immediately notify the Department when such number plates are no longer in his possession.

(3) In the event that any number plate or permit issued hereunder is lost, mutilated or has become illegible, the person who is entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information of such fact satisfactory to the Department and upon payment of the required fees. R.S., c. 293, s. 34.

**Finding or removal of number plate**

**35 (1)** Any person who finds any number plate or number plates of any motor vehicle of the current year not issued to him shall immediately deliver them to the Registrar or to a peace officer and the peace officer may deliver the number plate or number plates to any person who he is satisfied is the owner of the motor vehicle for which the number plate or number plates were issued or shall, within twenty-four hours, notify the Registrar that he holds the number plate or number plates.

**(2)** Any peace officer may remove any number plate or number plates from any motor vehicle when the motor vehicle is apparently abandoned or when the number plate or number plates have been or are being used illegally and shall forward them to the Registrar with a statement of the reason for the removal. R.S., c. 293, s. 35.

**Publication of description of plates and numbers**

**36 (1)** The Minister may at any time publish in one or more issues of the Royal Gazette a brief description of the number plates and temporary numbers that will be or have been issued by him in respect of any registration year under this Act.

**(2)** The production of a copy of the Royal Gazette containing such description shall be *prima facie* evidence of the matters stated in the description. R.S., c. 293, s. 36.

**Offences respecting registration**

**37 (1)** It shall be an offence against this Act for any person to commit any of the following acts:

(a) to operate or for the owner thereof to permit the operation upon a highway of any motor vehicle, trailer or semi-trailer which is not registered or which does not have attached thereto and displayed thereon the number plate or plates assigned to the owner by the Department for the current registration year, subject to Sections 26 and 30 and any regulation made under Section 25;

(b) to display or cause or permit to be displayed or to have in possession any permit or registration number plate knowing same to have been cancelled, revoked or suspended;

(c) subject to subsection (2) of Section 23, to display or cause or permit to be displayed upon a vehicle any registration number plate issued in respect of another vehicle or not issued in respect of the vehicle upon which it is so displayed;

(d) to lend or permit the use of, by one not entitled thereto, any permit or registration number plate issued to the person so lending or permitting the use thereof;

(e) to fail or refuse to surrender to the Department, upon demand, any permit or registration number plate which has been suspended, cancelled or revoked as in this Act provided;

(f) to use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof, or to make a false statement or to conceal a material fact in any such application;

(g) to operate or have under his control or in his charge any motor vehicle on which motor vehicle there is displayed any fictitious number plate, or any number plate that is defaced or altered or any number plate other than as provided in this Act or in any regulations.

(2) In this Section, “number plate” and “permit” include a number plate or permit issued in respect of a vehicle registered in another province of Canada or in a state. R.S., c. 293, s. 37; 2004, c. 6, s. 22.

#### **Identification or registration**

**38** (1) Notwithstanding any other provision of this Act, the Minister may, subject to the approval of the Governor in Council, make regulations prescribing

(a) the means of identification or proof of registration to be attached to motor vehicles or trailers; and

(b) the method by which and the manner in which the means of identification or proof of registration shall be attached to motor vehicles or trailers.

(2) Every motor vehicle and every trailer while being driven on any highway shall have attached thereto such means of identification or proof of registration thereof as the Minister may prescribe.

(3) The means of identification or proof of registration shall be attached by such method and in such manner as the Minister may from time to time prescribe. R.S., c. 293, s. 38.

## **PART II**

### **ANTI-THEFT PROVISIONS**

#### **Application of Sections 39 to 46**

**39** Sections 39 to 46 inclusive shall apply to every motor vehicle required to be registered with the Department under this Act except any vehicles owned by the Dominion Government or by the Province or any incorporated city or town and excepting also any traction engine or road roller. R.S., c. 293, s. 39.

**Conditions for registration or transfer and operation**

**40 (1)** The Department shall not register a new vehicle or transfer the registration of any motor vehicle, unless and until the owner thereof shall make application for and be granted an official certificate of registration for the vehicle.

**(2)** The owner of a motor vehicle registered in the Province shall not operate or permit the operation of the vehicle upon any highway without first obtaining a certificate of registration therefor from the Department nor shall any person operate a motor vehicle upon the highways knowing or having reason to believe that the owner has failed to obtain a certificate of registration therefor and any person violating this subsection shall be punished as provided in Section 293. R.S., c. 293, s. 40.

**Form of application for registration**

**41 (1)** The application for a certificate of registration shall be made upon the appropriate form furnished or approved by the Department and shall contain a full description of the motor vehicle including the name of the maker, serial number and any distinguishing marks thereon and whether the vehicle is new or used, and the applicant shall also furnish evidence satisfactory to the Registrar that he is the owner of the motor vehicle and such other information as the Department may require.

**(2)** Whenever a new motor vehicle is purchased from a dealer the application for a certificate of registration shall include a statement of transfer by the dealer.

**(3)** Every person who makes a false statement in any application for a certificate of registration shall be guilty of an offence against this Act. R.S., c. 293, s. 41.

**Certificate of registration**

**42 (1)** The Department when satisfied that the applicant is the owner of a vehicle, shall thereupon issue in the name of the owner a certificate of registration bearing a serial number and the signature of the Registrar or other officer and the seal of the Department and setting forth the date issued and a description of the vehicle as determined by the Department, and the certificate of registration shall also contain, upon the reverse side, forms for assignment of the owner's interest in the motor vehicle.

**(2)** The certificate shall be good for the life of the vehicle so long as the same is owned or held by the original holder of the certificate.

**(3)** A certificate of registration shall not be issued to a person under the age of sixteen years. R.S., c. 293, s. 42; 1994-95, c. 12, s. 4.

**Transfer of vehicle**

**43 (1)** The owner of a motor vehicle for which a certificate of registration is required hereunder shall not sell or transfer his interest in or to the vehicle

unless he has obtained a certificate of registration thereto nor unless having procured a certificate of registration he in every respect complies with the requirements of this Section and any person who violates this Section shall be guilty of an offence.

(2) Whenever a certificate of registration has been issued in respect of a motor vehicle the owner who sells or transfers his interest in or to the motor vehicle shall execute an assignment of his interest in or to the motor vehicle in the form provided on the reverse side of the certificate of registration for the vehicle and the owner shall deliver the certificate of registration to the purchaser or transferee at the time of delivering the vehicle.

(3) The transferee except as provided in subsection (4) shall thereupon present the certificate endorsed and assigned as aforesaid to the Department and make application for and obtain a new certificate of registration for the vehicle.

(4) When the transferee of a vehicle is a dealer who holds the same for resale, or when the transferee does not drive the vehicle nor permit the vehicle to be driven upon the highways, the transferee shall not be required to forward the certificate of registration to the Department, as provided in subsection (3), but the transferee upon transferring his interest to another person shall execute an assignment of his interest upon the form provided on the reverse side of the certificate of registration and deliver the same to the person to whom the transfer is made.

(5) Whenever the ownership of any motor vehicle passes otherwise than by voluntary transfer, the new owner may obtain a certificate of registration therefor from the Department upon application therefor and payment of the prescribed fee accompanied by such evidence as shall satisfy the Registrar that the applicant is entitled to a certificate of registration, and the Registrar, when satisfied of the genuineness and regularity of the transfer, shall issue a new certificate of registration to the person entitled thereto.

(6) Every person who makes a false statement in an assignment of his interest in or to a motor vehicle shall be guilty of an offence against this Act. R.S., c. 293, s. 43.

#### **Refusal or cancellation of registration**

44 (1) If the Registrar determines that an applicant for a certificate of registration of a motor vehicle is not entitled thereto, he may refuse to issue the certificate or to register the vehicle, and in that event, unless the Registrar reverses his decision or his decision is reversed by the Minister, the applicant shall have no further right to apply for a certificate of registration or registration on the statements in the application, and the Registrar may for a like reason after notice and hearing cancel a registration already acquired or revoke any outstanding certificate of registration and the notice shall be served in person or by registered mail.

(2) An appeal shall lie from any refusal of the Registrar to issue a certificate of registration or from any revocation of an outstanding certificate of registration to the Minister whose decision shall be final. R.S., c. 293, s. 44.

**Loss of registration or permit**

**45** In the event of the loss of a certificate of registration or permit, the loss of which is accounted for to the satisfaction of the Department, a duplicate or substitute may be issued. R.S., c. 293, s. 45.

**Offence**

**46** Any person who alters any certificate of registration issued by the Department under this Act or who alters any assignment thereof, or who holds or uses any such certificate or assignment knowing the same to have been altered, or falsified, shall be guilty of an offence. R.S., c. 293, s. 46.

**Alteration of vehicle**

**47 (1)** Until application therefor has been made to and permission for same has been granted by the Department, no person shall operate a motor vehicle after any of the following alterations have been made:

- (a) replacing the chassis by another;
- (b) replacing the body by another;
- (c) converting the type of the motor vehicle into another type.

**(2)** When the replacing of the body or chassis of a motor vehicle includes the replacing of the part of the body or chassis bearing the manufacturer's serial number the application shall mention that fact.

**(3)** No person shall drive or permit to be driven on a highway a motor vehicle manufactured, or modified after its manufacture, such that nitrous oxide may be delivered into the fuel mixture unless

- (a) the part of the fuel system that may connect to a canister, bottle, tank or pressure vessel capable of containing nitrous oxide can be clearly seen by looking at the interior or exterior of the motor vehicle;
- (b) there is no canister, bottle, tank or pressure vessel connected to that part; and
- (c) either
  - (i) where that part is located inside the passenger compartment, there is no canister, bottle, tank or pressure vessel capable of containing nitrous oxide in the passenger compartment,

or

- (ii) that part is completely disconnected from the part of the system that connects to the engine,
  - (iii) the disconnection can be clearly seen by looking at the interior or exterior of the motor vehicle, and



(iv) the disconnected part cannot be reconnected from inside the passenger compartment. R.S., c. 293, s. 47; 2007, c. 45, s. 4.

**Replacement of serial number**

**48 (1)** When a vehicle has been altered or rebuilt and its serial number has been removed or when no such number can be found on a vehicle, the Department may authorize that the original number be replaced or reproduced or may assign a special number for the vehicle.

**(2)** When the Department assigns a special number to a vehicle the owner of the vehicle shall pay the Department a fee of two dollars and fifteen cents and shall stamp the number upon the vehicle as directed by the Department and, upon receipt by the Department of a certificate of a peace officer that he has inspected the vehicle and found the number stamped upon it as directed, the special number shall become the serial number of the vehicle. R.S., c. 293, s. 48; 2013, c. 3, s. 9; 2015, c. 6, s. 30.

**Offence**

**49** Except as provided in Section 48 any person who defaces, destroys or alters the serial number of a vehicle or places or stamps a serial number upon a vehicle shall be guilty of an offence. R.S., c. 293, s. 49.

**Serial number on bicycle or personal transporter**

**50** No person shall deface, destroy or alter the serial or identification number of a bicycle, an electric kick-scooter or a personal transporter. R.S., c. 293, s. 50; 2015, c. 46, s. 2; 2022, c. 21, s. 2.

**Vehicle with altered number or stolen vehicle**

**51 (1)** No person shall, unless with the written permission of the Registrar, operate or have in his possession or buy, sell, wreck or otherwise deal with any motor vehicle, the serial number of which has been altered, removed or defaced or which shows evidence of any attempt to destroy any marks of identification on such motor vehicle.

**(2)** Any official of the Department or any peace officer upon discovery of any motor vehicle, the serial number of which has been altered, removed or defaced, shall immediately take the motor vehicle into his custody in the name of the Department, and shall forward to the Registrar a complete report.

**(3)** The Registrar shall have power to authorize the seizure of any motor vehicle, when in his judgment he has reason to believe that the motor vehicle has been stolen and to retain the same in the name of the Department until such time as the identity of ownership is established.

**(4)** Whenever a motor vehicle is seized, impounded or taken into custody under this Section or whenever a stolen motor vehicle comes into the pos-

session of the Registrar by seizure or otherwise, the burden of proof as to the ownership of the motor vehicle shall be upon any person who claims ownership, and, after ninety days from the date the motor vehicle was so taken into custody, and no person having established proof of ownership, the motor vehicle shall be deemed to be a stolen motor vehicle, and may be sold as provided in Section 276.

(5) No official of the Department or peace officer shall be personally liable for any act done in the performance of his duty under this Section. R.S., c. 293, s. 51.

#### **Report of vehicle stolen or recovered**

52 Every chief of police or peace officer of every jurisdiction, upon receiving information that a motor vehicle has been stolen or unlawfully taken or that a motor vehicle having been stolen or unlawfully taken has been recovered shall immediately report the information to the Department. R.S., c. 293, s. 52.

### **PART III**

#### **DEALERS' LICENSES**

##### **Dealer license required**

53 (1) No person shall carry on or conduct the business of buying, selling or dealing in motor vehicles, trailers or semi-trailers, either directly or through a sub-dealer or agent, unless he is licensed under this Act and unless he has complied with all the other provisions of this Act and of the regulations.

(2) For the purposes of subsection (1), a person carries on or conducts the business of buying, selling or dealing in motor vehicles, trailers or semi-trailers who in any period of twelve consecutive months sells or trades more than four motor vehicles or more than four trailers or semi-trailers without the permission in writing of the Registrar.

(3) Application for a dealer's license shall be made on such form and shall contain such information as the Department may from time to time prescribe.

(4) Every person who makes a false statement in an application to the Department for any such license shall be guilty of an offence and shall be liable to the penalty mentioned in Section 298. R.S., c. 293, s. 53; 2002, c. 10, s. 10.

##### **Issue and expiry of dealer license**

54 (1) The Department upon receiving an application for a dealer's license accompanied by the proper fee may, if satisfied that the applicant is of good character and that he has complied with this Act and all the regulations, issue the license applied for, and every such license shall expire on December thirty-first in the year in which it is issued.

(2) Any licensee before removing any one or more of his places of business or opening any additional place of business shall apply to the Department for and obtain a supplemental license. R.S., c. 293, s. 54.

**Form, validity and display of dealer license**

**55** Every dealer's license shall be in such form as the Minister determines and shall be valid only in the county or counties for which it is issued, and every dealer shall apply for and obtain a separate license for each county in which he maintains an established place of business but may obtain a license in any county, whether the dealer maintains a place of business there or not, and the license shall be conspicuously posted up in the place of business for which it is issued. R.S., c. 293, s. 55.

**Dealer record and proof of ownership**

**56 (1)** Every licensed dealer shall maintain a record in form as prescribed by the Department of every motor vehicle, trailer or semi-trailer bought, sold or exchanged by the dealer or received or accepted by the dealer for sale or exchange which record shall contain a description of every said vehicle, including the name of the maker, type, serial number and other distinguishing marks and whether any numbers thereon have been defaced, destroyed, or changed and shall state with reference to each such vehicle the name and address of the person from whom purchased or received and when sold or otherwise disposed of by the dealer the name and address of the person to whom sold or delivered.

(2) Every licensed dealer shall have in his possession and in his name a separate certificate of registration or an assignment thereof or other documentary evidence of interest in or to every motor vehicle in his possession. R.S., c. 293, s. 56.

**GARAGE LICENSES****Regulations respecting garage license**

**57** Subject to the approval of the Governor in Council, the Minister may from time to time make such rules and regulations and prescribe such fees and penalties as he may deem necessary or expedient for the licensing and regulating of garages. R.S., c. 293, s. 57.

**Report by garage**

**58** Every garage keeper shall transmit to the Department within fourteen days on a form prescribed by the Department, a report of all second-hand or used motor vehicles bought, sold, wrecked or junked. R.S., c. 293, s. 58.

**Right of entry**

**59** Any official of the Department, any peace officer or any person authorized by the Registrar may enter into any place where motor vehicles that are expected to be driven on a public highway are stored for the purpose of inspecting the mechanical fitness of the motor vehicle. 1999, c. 11, s. 1.

**Regulations respecting dealer license**

**60** Subject to this Act, the Minister may make regulations governing the issuing, withholding and revocation of dealers' licenses, and the regulations may delegate to the Registrar such authority as the Minister may deem expedient and it shall be an offence to violate such regulations. R.S., c. 293, s. 60.

**FOR RENT CARS****Record of rentals**

**61 (1)** Every person engaged in the business of renting motor vehicles without drivers who rents a vehicle without a driver, otherwise than as part of a *bona fide* transaction involving the sale of the motor vehicle, shall maintain a record of the identity of the person to whom the vehicle is rented and the exact time the vehicle is the subject of the rental or in possession of the person renting and having the use of the vehicle and every such record shall be open to inspection by the Registrar, an officer of the Royal Canadian Mounted Police, a chief of police, an inspector of motor vehicles, or by any other person upon signed order of any such official, and it shall be an offence for any such owner to fail to make or have in his possession or to refuse an inspection of the record as required in this Section.

**(2)** If the Registrar prescribes a form for the keeping of the record provided for in this Section, the owner shall use that form. R.S., c. 293, s. 61.

**62** *repealed 2011, c. 35, s. 12.*

**DRIVER TRAINING SCHOOLS****Regulations respecting driver training schools**

**63 (1)** Subject to the approval of the Governor in Council, the Minister may make regulations for the licensing and regulation of driver training schools and of persons who for hire provide instruction in the operation of motor vehicles or hold themselves out as being capable and willing to provide such instruction.

**(2)** Without restricting the generality of subsection (1), the Minister by such regulations may

- (a) prescribe the form, content and duration of licenses;
- (b) provide for revocation or suspension of licenses;
- (c) prescribe fees for licenses;
- (d) prescribe standards of competency and of equipment of license holders;
- (e) prescribe courses of instruction;
- (f) exempt persons or classes of persons from the application of the regulations.

- (3) No person shall
- (a) conduct a driver training school;
  - (b) for hire provide, or offer to provide, instruction in the operation of a motor vehicle; or
  - (c) hold himself out as being capable and willing to provide for hire instruction in the operation of motor vehicles,

contrary to regulations made under this Section. R.S., c. 293, s. 63.

#### PART IV

#### DRIVERS' LICENSES

##### **License required to drive on highway**

**64** Subject to Section 65 and subsection (6) of Section 75, no person shall operate any motor vehicle upon a highway in the Province unless such person has a valid driver's license under the provisions of this Act for the type or class of vehicle being driven. R.S., c. 293, s. 64.

##### **Licensed non-resident**

**65 (1)** A non-resident who is sixteen years of age or over and who has been duly licensed under a law requiring the examination and licensing of drivers in his home province or country and who has in his immediate possession a valid driver's license issued to him in his home province or country shall be permitted without examination or license under this Act to drive a motor vehicle of a type or class authorized to be driven by such license upon the highways of the Province during a period of ninety days from the date such non-resident first entered the Province, and subject to the foregoing may drive a motor vehicle registered in the province or country which issued his driver's license during such period of time and under such conditions as such motor vehicle is exempt from registration in the Province by any regulations made under Section 25.

**(2)** Any non-resident or other person whose driver's license or right or privilege to operate a motor vehicle in the Province has been suspended or revoked under this Act shall not operate a motor vehicle in the Province under a license, permit or registration certificate issued by any other jurisdiction, or otherwise operate a motor vehicle in the Province during the period of such suspension or revocation.

**(3)** A non-resident who is sixteen years of age or over and who has a valid driver's license issued to him in his home province or country and who becomes a resident of the Province, may, without examination or license under this Act, drive a motor vehicle of a type or class authorized to be driven by such driver's license upon the highways during a period of ninety days from the date upon which he became a resident of the Province.

(4) A member of Her Majesty's Forces who has a valid driver's license issued to him in his home province and who enters the Province, may, without examination or license under this Act, drive a motor vehicle of a type or class authorized to be driven by such a driver's license upon the highways during a period of ninety days from the date on which he first entered the Province.

(5) Notwithstanding subsections (3) and (4), a non-resident who is sixteen years of age or over and who has a valid driver's license issued to that person in that person's home province or country and who becomes a resident of the Province, may, without examination or license under this Act, drive a motor vehicle of a type or class authorized to be driven by such driver's license upon the highways for six months so long as the owner is a member of Her Majesty's Canadian Forces within the Province on a temporary posting for training purposes, and for ninety days thereafter.

(6) Subject to the approval of the Governor in Council, the Minister may make regulations

- (a) allowing classes of persons
  - (i) licensed in another jurisdiction to drive a motor vehicle, and
  - (ii) designated by the regulations,

to drive a motor vehicle upon a highway within the Province without examination or license under this Act; and

- (b) prescribing terms and conditions that apply to any such classes.

(7) The regulations made pursuant to subsection (6) may prescribe different terms and conditions for different classes of persons.

(8) The exercise by the Minister of the authority contained in subsection (6) is regulations within the meaning of the *Regulations Act*. R.S., c. 293, s. 65; 2008, c. 61, s. 2; 2009, c. 22.

## Regulations

- 66** (1) The Governor in Council may make regulations
- (a) prescribing classes of drivers' licenses;
  - (b) prescribing the form, content and duration of drivers' licenses;
  - (c) prescribing qualifications of competency and fitness for drivers in the issuance and renewal of drivers' licenses or any class or classes of drivers' licenses;
  - (d) designating by classification the entitlement of a driver to operate various types, sizes, classes or combinations of vehicles.

(2) The Minister's decision shall be final if any question arises as to whether a person requires a driver's license of one class or another to operate a motor vehicle. R.S., c. 293, s. 66.

**Refusal to issue and restoration of driver's license**

67 (1) The Department, with the approval of the Minister, may refuse to issue a driver's license to any person.

(1A) The Department may refuse to issue a driver's license to any person whom the Registrar determines to have provided misleading information to the Department in the course of applying for the driver's license.

(2) The Department, with the approval of the Minister, may refuse to issue a driver's license to any person who, being the holder of a license like a driver's license issued to the person in another province or country, refuses to surrender the license to the Department.

(2A) The Department shall not issue a license to a person if a decision has been made to suspend or revoke the person's license in the person's previous jurisdiction of residence and the suspension or revocation has not yet taken place.

(3) The Department shall not issue a driver's license

(a) for the operation of any motor vehicle other than a farm tractor to a person who is under the age of sixteen years; or

(b) for the operation of a farm tractor to a person who is under the age of fourteen years.

(4) The Department shall not issue a driver's license to any person whose driver's license has been revoked under Section 278, or to any person who has been convicted in the Province of any of the offences mentioned in Section 278 until the period of revocation set forth in subsection (5) has elapsed or until any order of prohibition made by a court pursuant to section 320.24 of the *Criminal Code* (Canada) has expired.

(5) No application for restoration of a driver's license or the privilege of obtaining a driver's license shall be made until there has expired from the date of the revocation a period of

(a) *repealed 2013, c. 10, s. 10.*

(aa) six months, where the revocation was for a violation of section 334 of the *Criminal Code* (Canada) respecting theft of gasoline or diesel oil as defined in the *Revenue Act*;

(ab) six months in the case of a first revocation or two years in the case of a subsequent revocation where the revocation was for a violation of the *Criminal Code* (Canada) referred to in clause (da) of subsection (1) of Section 278;

(b) *repealed 2013, c. 10, s. 10.*

(ba) one year in the case of a first revocation, three years in the case of a second revocation and indefinitely in the case of a third or subsequent revocation where

(i) the revocation was for a violation of section 253 or 254 or subsection (4) of section 259 of the *Criminal Code* (Canada), where the disqualification under subsection (4) of section 259 was occasioned by an impairment-related offence involving alcohol that occurred on or after the coming into force of this clause, but before the coming into force of subclause (ii), or

(ii) the revocation was for a violation of subsection (1) or (4) of section 320.14, subsection (1) of section 320.15 or section 320.18 of the *Criminal Code* (Canada), if the prohibition referred to in section 320.18 of that Act was occasioned by an impairment-related offence and the offence involves the operation of a motor vehicle;

(c) two years in the case of a first revocation and five years in the case of a subsequent revocation where

(i) the revocation was for a violation of subsection (1) of section 249, subsection (1) of section 249.1, section 249.2, 249.3 or 249.4 or subsection (1) of section 252 of the *Criminal Code* (Canada) and where the offence involved the operation of a motor vehicle before the coming into force of subclause (ii), or

(ii) the revocation was for a violation of subsection (1) of section 320.13 or subsection (1) of section 320.16 of the *Criminal Code* (Canada) and the offence involved the operation of a motor vehicle;

(ca) five years in the case of a first revocation and indefinitely in the case of a subsequent revocation where

(i) the revocation was for a violation of section 220, 221 or 236, subsection (3) or (4) of section 249, subsection (3) of section 249.1, subsection (1.2) or (1.3) of section 252, subsection (2) of section 255(2) or subsection (2.1), (2.2), (3), (3.1) or (3.2) of section 255 of the *Criminal Code* (Canada) and where the offence involves the operation of a motor vehicle before the coming into force of subclause (ii), or

(ii) the revocation was for a violation of section 220, 221 or 236, subsection (2) or (3) of section 320.13, subsection (2) or (3) of section 320.14, subsection (2) or (3) of section 320.16 or section 320.17 of the *Criminal Code* (Canada) and the offence involves the operation of a motor vehicle;



(d) two years in the case of a first revocation or five years in the case of a subsequent revocation where the revocation was for a violation of section 333.1 of the *Criminal Code* (Canada), for the theft of a motor vehicle in violation of section 334 of the *Criminal Code* (Canada) or for a violation of section 335 of the *Criminal Code* (Canada);

(da) one year in the case of a first revocation or two years in the case of a subsequent revocation where the revocation was for a violation of subsection (1) of Section 287;

(e) except as provided in subsection (9), one year in the case of a first revocation or two years in the case of a subsequent revocation where

(i) the revocation was for a violation of subsection (4) of section 259 of the *Criminal Code* (Canada), if the offence involves the operation of a motor vehicle and the prohibition referred to in that subsection was in relation to an offence other than an impairment-related offence, or subsection (2) of Section 287 of this Act before the coming into force of subclause (ii), or

(ii) the revocation was for a violation of section 320.18 of the *Criminal Code* (Canada), if the offence involves the operation of a motor vehicle and the prohibition referred to in that section was in relation to an offence other than an impairment-related offence, or subsection (2) of Section 287 of this Act,

the new revocation period to be concurrent with any period of revocation provided in this subsection, or any prohibition or suspension which may be in effect at the time of the revocation; or

(f) time determined by the Governor in Council for any offence designated pursuant to clause (d) of subsection (1) of Section 278.

**(5A)** Notwithstanding clause (ba) of subsection (5), an application may be made for restoration, before the expiry of the time periods referred to in clause (ba) of subsection (5), of a person's driver's license or privilege of obtaining a driver's license by a person where the revocation was

(a) for a violation of

(i) section 253 or 254 of the *Criminal Code* (Canada), if the violation involved alcohol, or

(ii) subsection (4) of section 259 of *Criminal Code* (Canada), if the disqualification under that subsection was occasioned by an impairment-related offence involving alcohol,

before the coming into force of clause (b); or

- (b) for a violation of
  - (i) subsection (1) of section 320.14 or subsection (1) of section 320.15 of the *Criminal Code* (Canada), if the violation involved alcohol, or
  - (ii) section 320.18 of the *Criminal Code* (Canada), if the prohibition under that subsection was occasioned by an impairment-related offence involving alcohol,

and the Registrar permits the person to participate in an ignition interlock program established by the regulations.

**(5B)** The driver's license of a person that has been restored upon application pursuant to subsection (5A) is restored only for the purpose of that person's participation in an ignition interlock program established by the regulations and for all other purposes the license remains revoked.

**(5C)** Where, following a review under Section 279G, the Registrar is satisfied that a child was present at the time of an offence under section 253, 254 or 255 of the *Criminal Code* (Canada), if the offence was committed before the repeal of those provisions, or section 320.14 or 320.15 of that Act and the person is convicted of, pleads guilty to or is found guilty of the offence, an application for restoration of the person's driver's license or privilege of obtaining a driver's license may not be made until twelve months after the end of time period that must otherwise elapse, as set out in this Section, before an application for restoration can be considered under this Section.

**(6)** For the purpose of clause (a) or (b) of subsection (5), a revocation is a second or subsequent revocation where the driver's license or the privilege of obtaining a driver's license of the applicant was revoked for the same or any other offence mentioned in clause (a) or (b) within the previous five years.

**(6A)** For the purpose of clause (ba) of subsection (5), a revocation is a second or subsequent revocation where the driver's license or the privilege of obtaining a driver's license of the applicant was revoked for the same or any other offence mentioned in clause (ba) within the previous ten years.

**(7)** For the purpose of clause (c) of subsection (5), a revocation is a subsequent revocation where the driver's license or the privilege of obtaining a driver's license of the applicant was revoked for the same or another offence mentioned in clause (c) within the previous five years.

**(7A)** For the purpose of clause (ca) of subsection (5), a revocation is a second or subsequent revocation where the driver's license or the privilege of obtaining a driver's license of the applicant was revoked for the same or any other offence referred to in clause (ca) of subsection (5) within the previous ten years.

**(8)** For the purpose of clause[s] (ab), (d) and (da) of subsection (5), a revocation is a subsequent revocation where the driver's license or the privilege of

obtaining a driver's license of the applicant was revoked for the same offence within the previous five years.

(9) For the purpose of clause (e) of subsection (5), a revocation is a subsequent revocation where the driver's license or the privilege of obtaining a driver's license of the applicant was revoked for the same or another offence mentioned in clause (e) within the previous five years.

(10) Notwithstanding any other provisions of this Act, the Registrar may restore the driver's license of a person convicted of driving while his license was suspended for a speeding offence under ~~Sections~~ [Section] 102, 103, 104 or 106, upon application made after the expiration, from the date of the conviction for driving while suspended, of a period of thirty days where the speeding suspension was for seven days, or two months where the speeding suspension was for fifteen days, or four months where the speeding suspension was for thirty days.

(11) The Registrar shall require that a person whose driver's license or privilege of obtaining a driver's license has been revoked for an impairment-related offence involving alcohol or suspended pursuant to Section 279A for an impairment-related offence involving alcohol participate in such alcohol rehabilitation program as may be prescribed by regulation made by the Governor in Council before he is entitled to reinstatement of his license.

(11A) The Registrar may require that a person whose driver's license or privilege of obtaining a driver's license has been revoked on one or more occasions for an impairment-related offence involving alcohol participate in such ignition interlock program as may be prescribed by regulation made by the Governor in Council as a condition of the restoration of the person's license.

(12) In this Section, "impairment-related offence" means

(a) an offence under section 253, 254 or 255 of the *Criminal Code* (Canada) committed before those provisions were repealed; or

(b) an offence under section 320.14 or 320.15 of the *Criminal Code* (Canada).

(13) For the purpose of this Section, the Governor in Council may establish and define "alcohol rehabilitation program" and "ignition interlock program" and make regulations concerning the same, including regulations prescribing offences and penalties for breach of the regulations.

(14) Regulations made by the Governor in Council pursuant to this Section may be made applicable to all or any part of the Province.

(15) *repealed 2010, c. 20, s. 1.*

(16) Where a person pleads guilty to or is found guilty of an offence against section 220, 221, 320.13, 320.14, 320.15, 320.16 or 320.17 of the

*Criminal Code* (Canada) and an order directing that the accused be discharged is made under section 730 of the *Criminal Code* (Canada), this Section applies in the same manner as if the person were convicted of the offence.

(17) Upon application being made to him for restoration of a driver's license by the person whose driver's license was revoked, the Registrar may recommend that such license be restored and that the Department issue such person with a driver's license and, where the revocation was the result of an impairment-related offence, the Registrar may require that the restoration of the driver's license be subject to such conditions and requirements as the Registrar deems necessary.

(18) Before any person applies to the Registrar for restoration of his driver's license he shall cause to be served on the Registrar a notice of his intention to so apply which notice shall state the name and address of the applicant and the date on which his license was revoked, and the notice shall be served at least thirty clear days prior to the application and may be served by sending the same in a prepaid registered letter addressed to the Registrar at Halifax.

(19) to (21) *repealed 2001, c. 44, s. 1.*

(21A) *repealed 2014, c. 53, s. 2.*

(22) *repealed 2001, c. 44, s. 1.*

(22A) Notwithstanding subsection (19) of this Act and Section 11 of the *Summary Proceedings Act*, where a driver's license is revoked indefinitely, no application may be made pursuant to this Section for the restoration of the driver's license until ten years has elapsed from the date of the revocation or subsequent conviction for an offence involving the operation of the motor vehicle.

(23) The Department shall not issue a driver's license to any person whose driver's license has been suspended, during the period for which the license was suspended.

(24) The Department shall not issue a driver's license to any person when, in the opinion of the Department, the person is sufficiently illiterate or is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent him from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language. R.S., c. 293, s. 67; 1994-95, c. 12, s. 5; 1996, c. 34, s. 2; 1998, c. 32, s. 1; 1999, c. 11, s. 2; 2001, c. 44, s. 1; 2002, c. 20, ss. 2, 12; 2002, c. 30, s. 14; 2004, c. 42, s. 3; 2005, c. 32, s. 3; 2005, c. 38, s. 1; 2005, c. 54, s. 1; 2006, c. 36, s. 1; 2007, c. 45, s. 5; 2008, c. 21, s. 2; 2010, c. 20, s. 1; 2011, c. 22, s. 1; 2013, c. 10, s. 10; 2014, c. 53, s. 2; 2015, c. 45, s. 3; 2018, c. 3, s. 47; revision corrected.

#### **Restoration for non-resident**

**67A (1)** Notwithstanding clause (ba) of subsection (5) of Section 67, application may be made for restoration of a person's driver's license or privilege of obtaining a driver's license by a person where the revocation was for a violation

of subsection (1) of section 320.14 or subsection (1) of section 320.15 of the *Criminal Code* (Canada), where the violation involved alcohol, or section 320.18 of that Act, where the prohibition referred to in section 320.18 of that Act was occasioned by an impairment-related offence, as defined in subsection (12) of Section 67, involving alcohol, before the expiry of the time periods referred to in clause (ba) of subsection (5) of Section 67, and the Registrar may approve the application if the Registrar is satisfied that

(a) the person is not a resident of the Province at the time of the application;

(b) the person has applied for participation in an alcohol ignition interlock program in another province of Canada; and

(c) the province where the person applied has advised the Registrar that it is prepared to accept the person into its alcohol ignition interlock program.

(2) A decision of the Registrar under subsection (1) is final and is not subject to appeal.

(3) A person whose license or privilege of obtaining a license has been restored pursuant to this Section has the status of an unlicensed driver.

(4) Where the Registrar grants a change of status to a person pursuant to this Section and the person is not issued a license in the province of Canada referred to in the application within thirty days of the Registrar's approval of the application, the person's license status in the Province is deemed to be revoked and any conditions of restoration that were applicable before the status was changed to unlicensed continue to apply. 2010, c. 20, s. 2; 2013, c. 10, s. 11; 2018, c. 3, s. 48.

#### **Reinstatement fee**

68 (1) An applicant for the restoration of a driver's license or privilege of obtaining a driver's license following a revocation for an impairment-related offence, as defined in Section 67, shall pay a reinstatement fee of one hundred and twenty-four dollars and sixty cents.

(2) In addition to the restoration fee referred to in subsection (1), the applicant may be required to pay the costs of any alcohol rehabilitation program the applicant is required to complete pursuant to this Act.

(3) The costs referred to in subsection (2) are those costs set out in regulations made by the Governor in Council. R.S., c. 293, s. 68; 1994, c. 24, s. 2; 2007, c. 9, s. 30; 2008, c. 2, s. 27; 2009, c. 5, s. 24; 2011, c. 8, s. 17; 2013, c. 3, s. 10; 2015, c. 6, s. 31; 2018, c. 3, s. 49.

#### **Age limits for certain vehicles**

69 (1) Notwithstanding any other provisions of this Act, no person, who is under the age of nineteen years, shall drive a motor vehicle while it is in use as a passenger carrying vehicle for hire.

(2) No person, who has attained the age of sixty-five years, shall drive a bus after the last day of the month in which the person attains that age.

(3) Notwithstanding subsection (2), the Registrar may issue a chauffeur's license permitting a person who has attained the age of sixty-five years to operate a bus where that person satisfies any special conditions stated by the Registrar upon the license.

(4) No person who is under the age of sixteen years shall operate a personal transporter on a highway except

(a) a person at least fourteen years of age participating in a tour if the tour operator has the written consent of the person's parent; or

(b) under such circumstances as are prescribed by the regulations.

(5) No person who is under the age of fourteen years shall operate an electric kick-scooter.

(6) A parent or guardian of a person who is under the age of fourteen years shall not permit the person to operate an electric kick-scooter.

(7) The owner of an electric kick-scooter shall not permit a person who is under the age of fourteen years to operate the electric kick-scooter. R.S., c. 293, s. 69; 2015, c. 46, s. 3; 2022, c. 21, s. 3.

#### **Supervising driver**

**69A** (1) A person is qualified to act as a supervising driver for the purpose of this Section and Sections 70 and 70A if the person

(a) holds a valid driver's license for the class of vehicle being driven; and

(b) is not a novice driver.

(2) No person occupying a front seating position of a motor vehicle being operated by a licensed learner or newly licensed driver shall directly or indirectly hold himself or herself out to a peace officer as being a supervising driver unless the person is qualified to act as a supervising driver. 2014, c. 53, s. 3.

#### **Learners class driver's license**

**70** (1) *repealed 2014, c. 53, s. 4.*

(2) The Department, upon receiving from any person over the age of sixteen years an application for a learners class driver's license, may, in its discretion, issue such a license entitling the applicant, while having the license in the

applicant's possession, to drive a motor vehicle upon the highways when accompanied by a person who

- (a) is ~~an~~ [a] supervising driver;
- (b) *repealed 2014, c. 53, s. 4.*

and

- (c) is actually occupying a front seating position and there is no other person in the vehicle.

(3) Notwithstanding subsection (2), more than one examiner may be in a motor vehicle that is being driven by a person who is a licensed learner.

(4) Notwithstanding subsection (2), where a motor vehicle that is being driven by a person who is a licensed learner is equipped with dual brake and clutch controls and the supervising driver accompanying the driver is an instructor approved by the Department, not more than three persons may occupy the back seat of the motor vehicle for the purpose of receiving instructions in driving.

(5) A person who has a learners class driver's license shall not drive a motorcycle on a highway except for the purpose of being examined by an examiner and when the person is within sight of an examiner.

(6) A licensed learner may, while the license is in force, apply to an examiner for a certificate that the licensed learner has qualified for a driver's license

- (a) at any time if the person held a class 1, 2, 3, 4 or 5 driver's license as set out in regulations made pursuant to Section 66 or an equivalent license in another province, state or country;

- (b) where the person has successfully completed a driver education or training program approved by the Department

- (i) at any time after the completion of nine months as a licensed learner, or

- (ii) where the person is a licensed learner at the time this subsection comes into force, at any time after the completion of three months as a licensed learner;

- (c) at any time after the completion of twelve months as a licensed learner or, where the person is a licensed learner at the time this subsection comes into force, at any time after the completion of six months as a licensed learner.

(6A) For the purpose of clause (b) or (c) of subsection (6), a licensed learner whose driver's license or privilege of obtaining a driver's license has been revoked pursuant to Section 278 or whose driver's license or privilege of obtaining a driver's license has been suspended pursuant to Section 100A, 100B, 205, 227, 278C, 279, 279A, 279C, 279K, 279L, 282 or 283 shall, upon restoration of the driver's license, be required to complete the total period as a licensed learner

required pursuant to clause (b) or (c) of subsection (6), as the case may be, from the date of restoration.

(7) A learners class driver's license issued pursuant to this Section expires at the end of the month and year endorsed on the license.

(8) Notwithstanding any other provision of this Act, the holder of a learners class driver's license may drive a motorcycle or a farm tractor on a highway for the purpose of being examined by an examiner and when the person is within sight of an examiner.

(9) Where a licensed driver occupying a motor vehicle operated by a licensed learner on any highway fails on request of a peace officer to produce then and there for the officer's inspection the license issued by the Department, such person is guilty of an offence against this Act.

(10) *repealed 2014, c. 53, s. 4.*

(11) A licensed learner shall not permit any other person to use the driver's license issued to the licensed learner by the Department.

(12) Notwithstanding subsection (2), the Department may issue an interim learners class driver's license to a person under the same terms and conditions as provided for a license issued pursuant to subsection (2), which is valid

- (a) for a term of thirty days from the date of issue; or
- (b) until a learners class driver's license is issued pursuant to subsection (2),

whichever is the shorter period. 1994, c. 24, s. 3; 2004, c. 42, s. 4; 2014, c. 53, s. 4; 2018, c. 3, s. 50.

#### **Newly licensed driver**

**70A (1)** A person who qualifies for a driver's license of class 1, 2, 3, 4, 5 or 6 as set out in the regulations made pursuant to Section 66, having less than two years experience as a licensed driver, excluding experience while holding a class 7 or 8 driver's license, has the status of a newly licensed driver.

(2) *repealed 2015, c. 45, s. 5.*

(3) A person may apply to have the status of a newly licensed driver removed when the following conditions have been satisfied:

- (a) the person has completed two years experience as a licensed driver under this Act, other than as the holder of a class 7 or 8 driver's license, or two years experience as a licensed driver in another province or country recognized by the Department as equivalent experience or a combination of experience as a licensed driver under this Act and as a licensed driver in another province or country; and



(b) the person has successfully completed a driver improvement program recognized by the Department.

(4) A newly licensed driver whose driver's license or privilege of obtaining a driver's license has been revoked pursuant to Section 278 or whose driver's license or privilege of obtaining a driver's license has been suspended pursuant to ~~Sections~~ [Section] 100A, 100B, 205, 227, 278C, 279, 279A, 279C, 279K, 279L, 282 or 283 shall, upon restoration of the driver's license, be required to complete a minimum two-year period as a newly licensed driver from the date of restoration.

(5) A person issued a driver's license as a newly licensed driver in accordance with subsection (1) may drive a motor vehicle upon the highways subject to the following conditions:

(a) every passenger in the vehicle must be in a sitting position with a seat belt available to that passenger;

(b) notwithstanding clause (a), no more than one passenger in addition to the driver, shall occupy a front seating position;

(c) between midnight and five o'clock in the morning only when accompanied by a person who

(i) is a supervising driver,

(ii) holds a valid driver's license of class 1, 2, 3, 4 or 5 as set out in regulations made pursuant to Section 66 and of the class required for the class of vehicle being operated, and

(iii) is actually occupying a front seating position,

and when there is no other person in the vehicle.

(6) A newly licensed driver may apply to the Department for an exemption from the requirements of clause (c) of subsection (5) as prescribed by regulations made by the Governor in Council.

(7) When an exemption is approved pursuant to subsection (6), the Department may impose such operating conditions as it deems necessary.

(8) Any newly licensed driver who fails to comply with the provisions of this Section is guilty of an offence.

(9) The Registrar shall not issue a driver's license that permits a newly licensed driver to operate types, sizes, classes or combinations of vehicles requiring class 1, 2, 3 or 4 driver's licenses as set out in regulations made pursuant to Section 66, except as a learner. 1994, c. 24, s. 3; 1999, c. 11, s. 3; 2011, c. 67, s. 3; 2014, c. 53, s. 5; 2015, c. 45, s. 5; 2018, c. 3, s. 51.

**Driver's license for motorcycle as learner**

**70B (1)** The Department may issue a driver's license valid for the operation of a motorcycle as a learner.

**(2)** While operating a motorcycle under a license issued pursuant to this Section, the driver shall not drive the motorcycle upon a highway

(a) when a person in addition to the driver is riding or being carried on the motorcycle; and

(b) during the period from a half hour after sunset to a half hour before sunrise.

**(3)** A person may, while the person's driver's license is in force, apply to an examiner for a certificate that the person has qualified for a driver's license valid for the operation of a motorcycle

(a) at any time after holding a license issued pursuant to this Section for not less than three months if the person has completed a motorcycle training program recognized by the Department;

(b) at any time after holding a license issued pursuant to this Section for not less than six months; or

(c) notwithstanding clauses (a) and (b), if a person is not a novice driver and has held a license issued pursuant to this Section for not less than one month, if the person has completed a motorcycle training program recognized by the Department or for not less than three months if such a program has not been completed. 1994, c. 24, s. 3; 2014, c. 53, s. 6.

**Novice driver**

**70C** A person has the status of a novice driver if the person

(a) is a licensed learner;

(b) is a newly licensed driver; or

(c) holds a driver's license of class 1, 2, 3, 4, 5 or 6 as set out in the regulations made pursuant to Section 66 and has been the holder of

(i) such a driver's license for less than two years after the day on which the person ceased to be a newly licensed driver, or

(ii) driver's licenses of more than one such class for a combined period of less than two years after the day on which the person ceased to be a newly licensed driver. 2015, c. 45, s. 6.

**Application for driver's license and change of address**

**71 (1)** Every application for a driver's license shall be made upon the approved form furnished by the Department and the matters set forth in the application shall if required be verified by the affidavit of the applicant or by a declaration under the *Canada Evidence Act*.

(2) Every application shall state the name, age, and residence address of the applicant, and such other information as such form or the Department may require.

(3) Every person who holds a driver's license shall give notice to the Registrar of any change in his residence address within one month of the change. R.S., c. 293, s. 71.

#### **Disclosure of information for War Amps Key Tag Service**

**71A** (1) The Department may disclose the name and address of every person who is issued a driver's license to The War Amputations of Canada for the purpose of allowing The War Amputations of Canada to conduct its Key Tag Service program.

(2) The disclosure of information pursuant to subsection (1) is subject to such terms and conditions as the Minister considers appropriate.

(3) Where a person requests of the Department that the person's name and address not be disclosed pursuant to subsection (1), the Department shall cease to disclose the person's name and address to The War Amputations of Canada. 2012, c. 52, s. 2.

#### **License to person under eighteen years**

**72** (1) The Department shall not issue a driver's license to a person under the age of eighteen years unless his application for the license is signed by

- (a) a parent or guardian of the applicant having custody of the applicant;
- (b) the employer of the applicant if his mother and father are dead and he has no guardian; or
- (c) the spouse of the applicant if the spouse is over the age of eighteen years.

(2) Where the person who signs an application for a driver's license pursuant to subsection (1) makes a request in writing to the Registrar, and the person who makes the application is then under the age of eighteen years, the Registrar may cancel any driver's license that has been issued to the person who made the application.

(3) The Registrar may require the person making the request to furnish such information or reasons as the Registrar may require.

(4) While a person who holds a driver's license is under the age of eighteen years, the Department may forward copies of correspondence sent to the driver to the person who signed the application for the license. R.S., c. 293, s. 72; 1994, c. 24, s. 4.

**Examination of applicant**

**73 (1)** The Department shall examine every applicant for a driver's license before issuing any such license, except as otherwise provided in subsections (3) and (4).

**(2)** The Department shall examine the applicant as to his physical and mental qualifications to operate a motor vehicle in such manner as not to jeopardize the safety of persons or property and as to whether any facts exist which would bar the issuance of a license under Section 67.

**(2A)** Notwithstanding subsection (2) of Section 74, an examination of the applicant's visual acuity or a written examination of the applicant's understanding of traffic rules and traffic signs may be administered by any person whom the Registrar directs to administer the examination.

**(3)** The Department may, in its discretion, waive the examination of any person applying for the renewal of a driver's license issued under this Act.

**(4)** The Department may, in its discretion, issue a driver's license under this Act, without examination, to any person applying therefor who is of sufficient age, as required by Section 67 to receive the license applied for and who at the time of the application has a valid unrevoked license of like nature issued to the person in another province or country under a law requiring the licensing and examination of drivers. R.S., c. 293, s. 73; 2015, s. 45, s. 7.

**Examiners**

**74 (1)** The Minister is hereby authorized to designate or to appoint persons to act for the Department for the purpose of examining applicants for drivers' licenses.

**(2)** The persons so designated or appointed shall be known as "examiners" and it shall be the duty of every examiner to conduct examinations of applicants for drivers' licenses under this Act and to make a written report of findings and recommendations upon the examination to the Department. R.S., c. 293, s. 74.

**Issue of driver's license**

**75 (1)** The Department shall issue to every person licensed as a driver a driver's license authorizing the holder of the license to operate a motor vehicle or the class of motor vehicle specified in the license.

**(2)** Every driver's license shall bear thereon the distinguishing number assigned to the licensee and such other matters as the Minister may determine.

**(3)** Every driver's license shall be and remain the property of the Crown and shall be returned to the Department by the licensee whenever required by the Minister or the Registrar.

(4) The Department, upon determining after an examination that an applicant is mentally and physically qualified to receive a license, may issue to him a temporary driver's license entitling him while having such license in his immediate possession to drive a motor vehicle or the class of motor vehicle specified in the license upon the highways for a period of thirty days, before issuance to him of a driver's license.

(5) The Registrar may cause special conditions to be stated upon a driver's license and it shall be an offence for any person to fail to comply with such special conditions when so stated upon the license.

(6) Notwithstanding subsection (1), the Department may issue an interim driver's license to a person under the same terms and conditions as provided for a license issued pursuant to subsection (1), which shall be valid until a driver's license is issued pursuant to subsection (1). R.S., c. 293, s. 75.

#### **Operation of motorcycle on highway**

76 Except for the purpose of taking a driving examination, no person shall drive a motorcycle on the highway unless he holds a license which authorizes the operation of a motorcycle. R.S., c. 293, s. 76.

#### **Loss or destruction of driver's license**

77 In the event that a driver's license issued under this Act is lost or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof upon furnishing proof satisfactory to the Department that the license has been lost or destroyed and upon payment of the prescribed fees. R.S., c. 293, s. 77.

#### **Duties of driver respecting license**

78 (1) Every person licensed as a driver shall write his usual signature with pen and ink in the space provided for that purpose on the license issued to him immediately upon receipt of the license, and the license shall not be valid until it is so signed.

(2) Every person shall have a valid driver's license in his immediate possession at all times when driving a motor vehicle and shall display the same at all reasonable times on demand of a peace officer. R.S., c. 293, s. 78.

#### **Expiry and renewal of driver's license**

79 Every driver's license shall expire on the date specified or determined by regulation and shall be renewed only upon application and payment of the prescribed fee. R.S., c. 293, s. 79; 1995-96, c. 22, s. 2.

#### **Offences respecting license**

80 It shall be an offence for any person to commit any of the following acts:

- (a) to display or cause or permit to be displayed or to have in possession any driver's license which is shown to be fictitious or to have been cancelled, revoked, suspended or altered;
- (b) to lend or permit the use of, by one not entitled thereto, any driver's license issued to the person so lending or permitting the use thereof;
- (c) to display or to represent as one's own any driver's license not issued to the person so displaying the same;
- (d) to fail or refuse to surrender to the Department upon demand, any driver's license which has been suspended, cancelled or revoked;
- (e) to use a false or fictitious name or give a false or fictitious address in any application for a driver's license, or any renewal or duplicate thereof, or to make a false statement or to conceal a material fact in the application;
- (f) to attempt to mislead a peace officer by falsely representing that he is licensed under this Act as a driver when he is not so licensed. R.S., c. 293, s. 80.

#### **Seizure of license pending prosecution**

**81** Where a peace officer has reason to believe that a person has committed an offence mentioned in Section 80 and that the commission of the offence involves a driver's license, the peace officer may seize the driver's license and retain the same until the disposition of the prosecution for the offence or until a court or a judge otherwise orders. R.S., c. 293, s. 81.

#### **Permitting operation of vehicle**

**82** Subject to Sections 65 and 70, a person shall not allow or permit a motor vehicle owned by him or under his control or in his charge to be operated upon a highway by a person who does not hold a valid driver's license authorizing him to operate such motor vehicle. R.S., c. 293, s. 82.

### **PART V**

#### **TRAFFIC ON THE HIGHWAY**

##### **Direction of peace officer or traffic sign or signal**

**83 (1)** It shall be an offence for any person to refuse or fail to comply with any order, signal or direction of any peace officer.

**(2)** It shall be an offence for the driver of any vehicle or for the motorman of any street car to disobey the instructions of any official traffic sign or signal placed in accordance with this Act, unless otherwise directed by a peace officer. R.S., c. 293, s. 83.

**Working on highway**

**84** Sections 138, 143 and 156 shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when travelling to or from such work. R.S., c. 293, s. 84.

**Bicycle, animal, push-cart or wheelbarrow**

**85 (1)** Every cyclist, every operator of an electric kick-scooter and every person riding an animal upon a highway and every person driving any animal shall be subject to the provisions of this Act applicable to a driver of a vehicle, except those provisions which by their very nature can have no application.

**(2)** Every person propelling any push-cart or wheelbarrow upon a highway shall be subject to the provisions of this Act applicable to the driver of a vehicle except those provisions with reference to the equipment of vehicles, and except those provisions which by their vary nature can have no application. R.S., c. 293, s. 85; 2010, c. 59, s. 2; 2022, c. 21, s. 4.

**Operation of personal transporter**

**85A (1)** For the purpose of this Act, where a personal transporter is operated on a roadway, the operator of the personal transporter is deemed to be a cyclist and, where a personal transporter is operated on a sidewalk, the operator is deemed to be a pedestrian.

**(2)** Every person shall at all times when operating a personal transporter exercise care and caution.

**(3)** Every person shall have identification in the person's possession at all times when operating a personal transporter on a highway and shall

(a) display the same; and

(b) provide the person's address and date of birth,

at all reasonable times on the demand of a peace officer.

**(4)** Sections 97 and 98, except the requirement to exhibit a driver's license, apply to the operator of a personal transporter whether the personal transporter is being operated on a roadway or on a sidewalk.

**(5)** Sections 119 and 122 and subsection 171(4) do not apply to the operator of a personal transporter on a highway. 2015, c. 46, s. 4.

**Operation of electric kick-scooter**

**85B (1)** Subject to this Section, for the purpose of this Act, where an electric kick-scooter is operated on a roadway, the operator of the electric kick-scooter is deemed to be a cyclist.

(2) Every person shall at all times when operating an electric kick-scooter exercise care and caution.

(3) Every person must have identification in the person's possession at all times when operating an electric kick-scooter and shall

(a) display the same; and

(b) provide the person's address and date of birth,

at all reasonable times on the demand of a peace officer.

(4) Sections 97 and 98, except the requirement to exhibit a driver's license, apply to the operator of an electric kick-scooter.

(5) The operator of an electric kick-scooter shall

(a) where the electric kick-scooter is not equipped with turn signal lights, signify

(i) a left turn by extending the person's left hand and arm horizontally from the electric kick-scooter, and

(ii) a right turn by either

(A) extending the person's left hand and arm out and upward from the electric kick-scooter so that the upper and lower parts of the arm are at right angles, or

(B) extending the person's right hand and arm out horizontally from the electric kick-scooter;

(b) where the electric kick-scooter is equipped with red, white, yellow or amber turn signal lights that are visible from behind and in front of the electric kick-scooter, signify a right or left turn by either

(i) activating the appropriate turn signal light, or

(ii) extending the person's hand and arm as described in clause (a); and

(c) signify a stop or decrease in speed by extending the person's left hand and arm out and downward from the electric kick-scooter so that the upper and lower parts of the arm are at right angles, unless the electric kick-scooter is equipped with a visible red light at the rear that is activated when the person operating the electric kick-scooter applies the brakes. 2022, c. 21, s. 5.



TRAFFIC AUTHORITY AND  
SIGNS AND SIGNALS**Traffic authorities**

**86 (1)** The Registrar or a person appointed by the Minister shall be the Provincial Traffic Authority.

**(2)** The Minister may appoint a person in the public service to be Deputy Provincial Traffic Authority who shall perform such functions and duties as are prescribed by the Minister.

**(2A)** The Minister may appoint district traffic authorities who shall perform such functions and duties and have such powers and authorities as are prescribed by the Minister.

**(3)** In the absence or incapacity of the Provincial Traffic Authority, or when the office of Provincial Traffic Authority is vacant, the Deputy Provincial Traffic Authority shall perform the functions and duties and shall have the powers and authorities of the Provincial Traffic Authority.

**(4)** The Deputy Provincial Traffic Authority may, upon the direction of the Minister or the Provincial Traffic Authority, perform the functions or duties or exercise the powers and authorities of the Provincial Traffic Authority.

**(5)** A document which purports to be signed by the Deputy Provincial Traffic Authority shall be received in evidence without proof of the signature or the official character of the person appearing to have signed the document.

**(6)** The council of a city or town may, from time to time, appoint the city or town manager, the chief of police, or some other official of the city or town, to be the traffic authority for the city or town.

**(7)** The council of a city or town may, from time to time, appoint a member of the police force, or some other official of the city or town to be deputy traffic authority who, in the absence or incapacity of the traffic authority or in the event of his death or ceasing to hold the office, shall perform the duties and have all the authority of the traffic authority of the city or town.

**(8)** The clerk of a city or town shall forthwith send to the Provincial Traffic Authority any resolution of the council passed under subsection (6) or (7).

**(9)** When there is no traffic authority and no deputy traffic authority for a city or town the Minister may appoint a traffic authority to hold office until the council has appointed a traffic authority.

**(10)** If it is made to appear to the Minister that the traffic authority of a city or town is not carrying out his duties or performing his functions under this Act, the Minister, by letter to the mayor or clerk of the city or town, may cancel the appointment of the traffic authority.

(11) The Provincial Traffic Authority shall have, with respect to all provincial highways and highways within a city or town for which there is no traffic authority and no deputy traffic authority, all the powers conferred upon a traffic authority by or under this Act.

(12) Subject to subsection (13), the traffic authority for a city or town shall have, with respect to all highways within the city or town, all the powers conferred upon a traffic authority by or under this Act.

(13) When the Minister has determined that a highway or part of a highway within a city or town is a main travelled or through highway, the traffic authority for the city or town shall not exercise any powers as a traffic authority with respect to that highway or part without the approval of the Provincial Traffic Authority. R.S., c. 293, s. 86; 1995-96, c. 23, s. 2.

#### **Classification and signing of highway and signals**

87 (1) The Department is hereby authorized to classify, designate and mark all highways lying within the boundaries of the Province and to provide a uniform system of marking and signing the highways under the jurisdiction of the Province.

(2) The Department may determine the character or type of and place or erect upon provincial highways traffic control signals at places where the Department deems necessary for the safe and expeditious control of traffic and, so far as practicable, all such traffic control signals shall be uniform as to type and location.

(3) No traffic control signals shall be erected or maintained upon any provincial highway by any authority other than the Department. R.S., c. 293, s. 87.

#### **Signs and signals**

88 (1) Signs and signals erected and maintained under this Act shall state or represent thereon such matters as the Minister shall determine.

(2) The fact that the sign or signal has been erected and maintained shall be *prima facie* evidence that the sign or signal is erected in compliance with this Act and that the matter stated or represented on the sign complies with that determined by the Minister.

(3) The Minister shall from time to time publish in one or more issues of the Royal Gazette a description or specification of the signs that may be erected by the Department or a traffic authority under this Act for the purpose of regulating or controlling traffic, and the production of a copy of the Royal Gazette containing such description or specification shall be *prima facie* evidence of the matters stated or represented in the description or specification.

(4) The Minister may order the removal of any sign, marking or traffic control signal that has not been erected, located or placed in accordance with

this Act or the regulations or which does not comply with the specifications or with any order made by the Minister, and the Minister may authorize any official of the Department or a peace officer to remove any such sign, marking or traffic control signal.

(5) No provisions of this Act for which signs are authorized or required shall be enforced against an alleged violator if, at the time and place of the alleged violation, the sign therein authorized or required is not in proper position or not discernible by an ordinarily observant person, and whenever a particular Section does not state that signs are authorized or required, the Section shall be effective without signs being erected. R.S., c. 293, s. 88.

#### **Erection of signs and signals by traffic authority**

89 (1) Subject to such authority as may be vested in the Minister, the Registrar or the Department, traffic authorities in regard to highways under their respective authority may cause appropriate signs to be erected and maintained designating business and residence districts and railway grade crossings and such other signs, markings and traffic control signals as may be deemed necessary to direct and regulate traffic and to carry out the provisions of this Act.

(2) The Department shall have general supervision with respect to the erection by traffic authorities of official traffic signs and signals, for the purpose of obtaining, so far as practicable, uniformity as to type and location of official traffic signs and signals throughout the Province, and no traffic authority shall place or erect any traffic signs, signals or markings unless of a type or conforming to specifications approved by the Department.

(3) The Department may prescribe conditions under which a traffic control signal shall be used and when conditions have been so prescribed, it shall be an offence for the traffic authority to fail to comply with them. R.S., c. 293, s. 89.

#### **Crosswalks, prohibited turns, etc. and parades**

90 (1) The traffic authority may establish and designate and may maintain, or cause to be maintained, by appropriate devices, marks or lines upon the surface of the highways, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the highway, and at such other places as he may deem necessary.

(2) The traffic authority may set apart an area on a highway as a safety zone and cause signs to be erected and maintained designating such area when so set apart, and may display pavement markings showing the limits of the safety zone.

(3) The traffic authority may also mark lanes for traffic on street pavements at such places as he may deem advisable, consistent with this Act and may erect traffic signals consistent with this Act to control the use of lanes for traffic.

(4) The traffic authority may erect and maintain signs prohibiting altogether or between specified hours, either left turns or right turns or both at any intersection or prohibiting turning around in any block or specified area of the highway.

(5) The traffic authority may

(a) erect and maintain signs exempting public transit vehicles from compliance with signs erected and maintained pursuant to subsection (4);

(b) mark lanes on street pavement for exclusive traffic by public transit vehicles;

(c) exclude from traffic on specified streets or specified portions of streets vehicles other than public transit vehicles or vehicles specified by the traffic authority.

(6) The traffic authority may establish and designate one-way streets where vehicular traffic shall move only in one direction, and the traffic authority shall erect and maintain signs at every intersection where movement of such traffic is so restricted.

(7) No parade, procession or walkathon shall march, occupy or proceed along any highway within the boundaries of a city or town unless a permit has been granted by the traffic authority of the city or town prescribing the route to be followed and the time when the parade, procession or walkathon may take place.

(8) No parade, procession or walkathon shall march, occupy or proceed along any highway not included within the boundaries of a city or town unless a permit has been granted by the Provincial Traffic Authority prescribing the route to be followed and the time when the parade, procession or walkathon may take place.

(9) No person shall participate in a parade, procession or walkathon upon any highway except on a route and at a time prescribed in a permit issued under subsection (7) or subsection (8).

(10) Subsections (7), (8) and (9) do not apply to funeral processions. R.S., c. 293, s. 90; 2004, c. 42, s. 6.

#### **Danger zone**

**91** The Department may set apart an area on a highway as a danger zone and may cause signs to be erected and maintained designating such area when so set apart. R.S., c. 293, s. 91.

**Tow-away zone**

**92** The traffic authority may set apart an area of a highway as a tow-away zone and may cause signs to be erected and maintained designating such area when so set apart. R.S., c. 293, s. 92.

**Traffic signals**

**93 (1)** When traffic at an intersection or on a highway is controlled by traffic signals that are illuminated devices, the traffic signals shall be one or a combination of the following:

- (a) green light or flashing green light;
- (b) green arrow light;
- (c) yellow or amber light;
- (d) yellow or amber arrow light;
- (e) red light;
- (f) flashing red light;
- (g) flashing yellow or amber light;
- (h) “walk” light;
- (i) “don’t walk” light;
- (j) transit priority signal with a vertical white bar;
- (k) green bicycle signal;
- (l) yellow or amber bicycle signal;
- (m) red bicycle signal.

**(2)** The drivers of vehicles, pedestrians, and all other traffic approaching or at an intersection or on a part of the highway controlled by any of the traffic signals mentioned in subsection (1) shall act in obedience to the traffic signals in accordance with the following instructions:

(a) *green light or flashing green light* - all vehicular traffic facing this signal may proceed unless otherwise directed by a traffic sign or a peace officer but shall yield the right of way to pedestrians lawfully in the crosswalk and other vehicles lawfully in an intersection and, unless otherwise directed by a traffic sign or signal, pedestrians may proceed on a green light only in a crosswalk towards the sign or signal and shall not proceed on a flashing green light;

(b) *green arrow light* - all vehicular traffic facing this signal may proceed but only in a direction indicated by an arrow unless otherwise directed by a peace officer but shall yield the right of way to pedestrians lawfully in a crosswalk and other vehicles lawfully in an intersection, and pedestrians may proceed only in a crosswalk towards the signal unless otherwise directed by a traffic sign or signal;

(c) *yellow or amber light* - all traffic facing this signal shall stop before entering an intersection at the place marked or the nearest side of the crosswalk but not past the signal unless the stop cannot be made in safety;

(d) *yellow or amber arrow light* - all traffic facing this signal shall stop before entering an intersection at the place marked or the nearest side of the crosswalk, but not past the signal, unless the stop cannot be made in safety and then proceed, but only in the direction indicated by the arrow, unless otherwise directed by a peace officer;

(e) *red light* - all traffic facing this signal shall stop at the place marked or the nearest side of the crosswalk but not past the signal and shall remain stopped while facing this signal, provided that vehicular traffic may

(i) if a green arrow light is also exhibited, proceed in the direction indicated by an arrow,

(ii) if a stop is first made and the movement can be made in safety and is not prohibited by sign, proceed to make a right turn,

(iii) if a stop is first made and the movement can be made in safety and is not prohibited by sign, proceed to make a left turn from a one-way highway into a one-way highway,

(iv) if a transit priority signal is also exhibited and if the vehicle is a transit bus, the vehicle is permitted to proceed and make turns through the intersection, or

(v) if a green bicycle signal is also exhibited, a cyclist facing the signal is permitted to proceed and make turns through the intersection,

but, in each case, vehicular traffic shall yield the right of way to pedestrians lawfully in a crosswalk and all other traffic lawfully proceeding through an intersection or on a highway;

(f) *flashing red light* - all traffic facing this signal shall stop before entering the intersection at the place marked or the nearest side of the crosswalk but not past the signal and shall yield the right of way to pedestrians lawfully in a crosswalk and to other vehicles within an intersection or approaching so closely on an intersecting highway as to constitute an immediate hazard, and having so yielded may proceed;

(g) *flashing yellow or amber light* - all traffic facing this signal shall proceed with caution and shall yield the right of way to all other traffic within an intersection or approaching so closely on an intersecting highway as to constitute an immediate hazard;

(h) *“walk” light* - pedestrian traffic facing this signal may proceed but only in a crosswalk and all other traffic shall yield the right of way to such pedestrian traffic;

(i) *“don’t walk” light* - pedestrian traffic facing this signal, either flashing or solid, shall not start to cross the roadway in the direction of the signal;

(ia) *green bicycle signal* – all bicycle traffic facing this signal may proceed unless otherwise directed by a traffic sign or a peace officer but shall yield the right of way to pedestrians lawfully in the crosswalk and other vehicles lawfully in an intersection;

(ib) *yellow or amber bicycle signal* – all bicycle traffic facing this signal shall stop before entering an intersection at the place marked or the nearest side of the crosswalk but not past the signal unless the stop cannot be made in safety;

(ic) *red bicycle signal* – all bicycle traffic facing this signal shall stop at the place marked or the nearest side of the crosswalk but not past the signal and shall remain stopped while facing this signal, provided that a cyclist may, if a stop is first made and the movement can be made in safety and is not prohibited by sign, proceed to make a right turn, but shall yield the right of way to pedestrians lawfully in a crosswalk and all other traffic lawfully proceeding through an intersection or on a highway;

(j) in the event of signal failure where no traffic signal indication is given, the intersection shall be treated as a multi-way stop, all vehicles shall stop and the driver of a vehicle shall yield the right of way to a vehicle that has entered the intersection and, when two vehicles enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield to the driver on the right.

(3) Whenever a street or highway is divided into clearly marked lanes for traffic and the use of the lanes by traffic is controlled by traffic signals that are illuminated devices, the traffic signals shall be one or a combination of the following:

(a) green arrow light;

(b) red X light.

(4) The drivers of vehicles and all other traffic on a highway controlled by the traffic signals mentioned in subsection (1) shall act in obedience to the traffic signals in accordance with the following instructions:

(a) *green arrow light* - subject to Section 111, drivers of vehicles facing this signal may proceed in the lane to which the signal relates unless otherwise directed by a traffic sign or another traffic signal;

(b) *red X light* - drivers of vehicles facing this signal shall not drive in the lane to which the signal relates.

(5) For the purpose of Section 83 and Section 126, the traffic signals mentioned in subsection (1) or (3) are official traffic signals and the instructions contained in subsection (2) or (4) are the instructions of the signals.

(6) This Section shall not apply in the case of police and fire department vehicles and ambulances when the same are operating in emergencies and the drivers sound audible signal by bell, siren, compression or exhaust whistle, but this proviso shall not operate to relieve the driver of a police or fire department vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway. R.S., c. 293, s. 93; 2001, c. 44, s. 2; 2004, c. 41, s. 1; 2004, c. 42, s. 7; 2005, c. 54, s. 2; 2007, c. 45, s. 6; 2021, c. 32, s. 1.

#### **Offences respecting sign or signal**

94 (1) It shall be an offence for any person to place or maintain or to display upon or in view of any highway any unofficial sign, signal or device which purports to be or is an imitation of or resembles an official traffic sign or signal or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic sign or signal, and no person shall erect or maintain upon any highway any traffic or highway signal or sign bearing thereon any commercial advertising.

(2) Every prohibited sign, signal or device is hereby declared to be a public nuisance, and the authority having jurisdiction over the highways is hereby empowered to remove the same, or cause it to be removed without notice. R.S., c. 293, s. 94.

#### **Glaring light**

95 (1) No person shall place or maintain any artificial light of any kind so as to project a glaring or dazzling light to drivers of motor vehicles on a highway.

(2) Any person who violates this Section shall be liable to a penalty. R.S., c. 293, s. 95.

#### **Defacing, knocking down or removing sign or signal**

96 Any person who defaces, injures, knocks down or removes any official traffic sign or signal placed or erected as provided in this Act shall be guilty of an offence. R.S., c. 293, s. 96.

### **ACCIDENTS**

#### **Duty to stop at accident and to report**

97 (1) The driver of a vehicle directly or indirectly involved in an accident shall immediately stop the vehicle at the scene of the accident.



(2) Where a person violates subsection (1) and there is injury or death or damage to property resulting from the accident, the person violating subsection (1) shall upon conviction be punished as provided in Section 298.

(3) The driver of a vehicle involved in an accident resulting in injury or death to any person or damage to property shall also give his name, address and the registration number of his vehicle and exhibit his driver's license to the person struck or to the driver or occupants of any vehicle collided with or to a witness and shall render to any person injured in the accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

(4) When an accident results in damage to an unattended vehicle or to property upon or adjacent to a highway, the driver of every vehicle involved in the accident shall take reasonable steps to locate and notify the owner of, or a person who has control over, the unattended vehicle, or the property, of the circumstances of the accident, and give to him the name and address of the driver, the registration number of the vehicle and the number of the driver's license.

(5) If the driver of the vehicle involved in an accident is unable to locate and notify the owner or person who has control over the unattended vehicle or the property, he shall within twenty-four hours after the accident give to the chief of police or any regular member of the police force, in the case of an accident occurring in a city or town, or the nearest detachment of the Royal Canadian Mounted Police, in the case of an accident occurring elsewhere, the information required by subsection (4) together with a description of the unattended vehicle or the property. R.S., c. 293, s. 97; 2002, c. 10, s. 11.

#### **Accident report**

**98** (1) The driver of a vehicle involved in an accident resulting in injury or death to any person, or property damage to an apparent extent of two thousand dollars or more, shall, within twenty-four hours,

(a) if the accident takes place within a city or incorporated town, forward a written report of the accident, or report the accident in person to the Registrar, or to the nearest detachment of the Royal Canadian Mounted Police, or to the chief of police or any regular member of the police force of the city or incorporated town;

(b) if the accident takes place other than within a city or incorporated town, forward a written report of the accident or report the accident in person to the Registrar or to the nearest detachment of the Royal Canadian Mounted Police.

(2) Where such person is physically incapable of making a report, and there is another occupant of the vehicle, such occupant shall make the report.

(3) Copies of any such report made to the Royal Canadian Mounted Police, or to a chief of police, or to a regular member of the police force of any city or incorporated town, shall be transmitted to the Registrar and to the Provincial Traffic Authority by such Royal Canadian Mounted Police or chief of police or regular member of the police force of any city or incorporated town, as the case may be, within twenty-four hours of receiving the report.

(4) Any peace officer who is a witness to or who investigates any accident in which a vehicle upon a highway is involved, whether or not required to be reported under this Section, shall forward to the Registrar, in addition to any other report that may be required under this Section, a report setting forth full particulars of the accident, the names and addresses of the persons involved, the extent of the personal injuries or property damage, if any, and such other information as may enable the Registrar to determine whether any driver involved in or contributing to the accident should be prosecuted, and where the peace officer or any other person has laid an information against a driver of a vehicle in connection with such accident, such fact shall be stated in the report.

(5) The Registrar may require any person involved in an accident, or having knowledge of an accident, or the parties thereto, or of any personal injuries or property damage resulting therefrom, to furnish, and any peace officer to secure, such additional information and make such supplementary reports of the accident as he may deem necessary to complete his records, and to establish, as far as possible, the cause of the accident, the persons responsible, and the extent of the personal injuries and property damage, if any, resulting therefrom.

(6) Except as provided in subsections (7) and (7B), all reports made pursuant to the provisions of this Section shall be for the information only of

- (a) the Registrar;
- (b) the Department;
- (c) where there is no vehicle safety division of the Department, the vehicle safety division of any department of the Government;
- (d) the police force to which the reports are made; or
- (e) the vehicle safety division of the municipality to which the reports are made,

and no such report or any part thereof or any statement contained therein shall be open to public inspection or admissible in evidence in any trial, civil or criminal, arising out of such accident except as evidence that such a report has been made or in connection with a prosecution for making a false statement therein in violation of subsection (11).

(7) Where a person, an insurance company or Her Majesty in right of the Province has paid or may be liable to pay for damages resulting from an accident in which a motor vehicle is involved, the person, the insurance company or a public officer responsible for risk management for the Government of the Prov-

ince, as the case may be, and any solicitor, agent or other representative of the person, company or public officer authorized by the person, company or public officer in writing, may obtain from the Registrar a copy of any report made pursuant to this Section and, in furnishing a copy of any such report, the Registrar is authorized, subject to subsection (7A), to disclose any personal information contained in the report.

(7A) Before furnishing a copy of a report pursuant to subsection (7), the Registrar shall remove from the report any personal information that the Register considers to be appropriate to remove.

(7B) The Registrar may provide data derived from reports made pursuant to this Section to any person conducting research respecting traffic safety or motor vehicle safety.

(8) A medical examiner or other official performing like functions shall make a report to the Registrar with respect to any death found to have been the result of a motor vehicle accident.

(9) The Registrar may require an insurer or other person who pays damages for injury to person or property caused by a motor vehicle to report the same to the Department within seven days after the date of such payment and to furnish proof thereof if required by the Department.

(10) Any person who fails to report or furnish any information or written statement required by this Section shall be guilty of an offence.

(11) Every person who knowingly makes any false statement in any report made pursuant to this Section shall be liable to a penalty. R.S., c. 293, s. 98; 1994-95, c. 12, s. 6; 2013, c. 10, s. 12; 2015, c. 45, s. 8.

#### **Duty of garage to report damaged vehicle**

99 (1) The person in charge of any garage or repair shop to which is brought a motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or peace officer within twenty-four hours after such motor vehicle is received, giving the make, serial number, registration number and the name and address of the owner or operator of the vehicle and of the person who brought it to or left it in the garage or repair shop.

(2) An additional report need not be made under this Section when the owner of the vehicle is also the owner of the garage or repair shop and such owner has made a report under Section 98 which includes the information required by this Section. R.S., c. 293, s. 99.

#### **Salvage or non-repairable vehicle**

99A (1) In this Section,

(a) “non-repairable vehicle” means a vehicle that is incapable of operation or use on the highway and that has no resale value except as a source of parts or scrap;

(b) “rebuilt vehicle” means any salvage vehicle that has been rebuilt and that has been inspected for the purpose of registration;

(c) “salvage vehicle” means any vehicle that is damaged by collision, fire, flood, accident, trespass or other occurrence to the extent that the cost of repairing the vehicle for legal operation on the highway exceeds its fair market value immediately before the damage.

(2) Where

(a) an insurer has paid a claim in respect of damage to a vehicle; and

(b) the insurance adjuster who examined the vehicle has certified that it is a salvage vehicle or a non-repairable vehicle,

the insurer shall, within five days of the date of payment of the claim, report the particulars thereof to the Registrar in such form and manner as the Registrar may determine.

(3) Where an insurer takes physical possession of a vehicle for the purpose of disposal, the insurer shall enter on the certificate of registration for the vehicle the designation “salvage” or “non-repairable”, as the case may be.

(4) Where the owner of a self-insured fleet of vehicles declares a vehicle to be a salvage vehicle or a non-repairable vehicle, the owner shall report the particulars thereof to the Registrar within five days in such form as the Registrar may determine.

(5) Where a vehicle suffers such serious damage as to render the vehicle a salvage vehicle or a non-repairable vehicle, the owner shall report the particulars thereof to the Registrar within five days of the damage being suffered.

(6) Where a salvage vehicle has been rebuilt and has passed the inspection required by this Act for registration as a rebuilt vehicle, the Registrar shall, on payment of the prescribed fee, enter the designation “rebuilt” on the certificate of registration for that vehicle.

(7) A person who fails to report or furnish any information required by this Section is guilty of an offence. 1999, c. 11, s. 4.

## PRUDENT DRIVING AND SPEED RESTRICTIONS

**Duty to drive carefully**

**100 (1)** Every person driving or operating a motor vehicle on a highway or any place ordinarily accessible to the public shall drive or operate the same in a careful and prudent manner having regard to all the circumstances.

**(2)** Any person who fails to comply with this Section shall be guilty of an offence.

**(3)** The court or judge by whom a person is convicted of a violation of this Section may, in addition to any other penalty that may be imposed, make an order suspending the driver's license or the privilege of having a driver's license of the person convicted for such period, not exceeding one year, as the court or judge thinks proper.

**(4)** When a court or judge has made an order under subsection (3) the person whose license is suspended by the order shall forthwith deliver the license to the court or judge.

**(5)** When an order has been made under subsection (3) the clerk of the court or the judge shall forthwith transmit to the Registrar a true copy of the order and any license that has been delivered to the court or judge pursuant to subsection (4).

**(6)** Where an order is made under subsection (3), the order shall be stayed pending the determination of any appeal as provided in Section 285. R.S., c. 293, s. 100.

**Consumption of alcohol by novice drivers**

**100A (1)** Where a peace officer believes on reasonable and probable grounds that any person who is a novice driver

(a) is operating or having care and control of a motor vehicle, whether it is in motion or not; or

(b) at any time within the preceding two hours, has operated or had care and control of a motor vehicle, whether it was in motion or not,

having consumed alcohol in such a quantity that the concentration in the person's blood exceeds zero milligrams of alcohol in one hundred millilitres of blood, the peace officer may make a demand pursuant to subsection (2).

**(2)** Where a peace officer believes that subsection (1) applies with respect to a person, the peace officer may, by demand made to that person forthwith or as soon as practicable, require that person to provide then or as soon thereafter as is practicable

(a) such samples of the person's breath as in the opinion of a qualified technician; or

(b) where the peace officer has reasonable and probable grounds to believe that, by reason of any physical condition of the person,

(i) the person may be incapable of providing a sample of his breath, or

(ii) it would be impracticable to obtain a sample of the person's breath,

such samples of the person's blood, under the conditions referred to in subsection (3), as in the opinion of the qualified medical practitioner or qualified technician taking the samples,

are necessary to enable proper analysis to be made in order to determine the concentration, if any, of alcohol in the person's blood, and to accompany the peace officer for the purpose of enabling such samples to be taken.

(3) Samples of blood may only be taken from a person pursuant to a demand made by a peace officer pursuant to subsection (2) if the samples are taken by or under the direction of a qualified medical practitioner and the qualified medical practitioner is satisfied that the taking of those samples would not endanger the life or health of the person.

(4) *repealed 2014, c. 53, s. 8.*

(5) Where, upon demand by a peace officer made pursuant to section 320.27 of the *Criminal Code* (Canada), a driver who is a novice driver provides a sample of the person's breath that, on an analysis by an approved screening device, registers "Pass" but the peace officer reasonably suspects that the driver has alcohol in his or her body, the peace officer may, for the purpose of subsection (2), demand that the driver provide, within a reasonable time, such further sample of breath as, in the opinion of the peace officer or qualified technician, is necessary to enable the proper analysis of the breath to be made by means of an approved instrument and, if necessary, to accompany the peace officer for the purpose of enabling such a sample of breath to be taken. 1994, c. 24, s. 5; 1999, c. 11, s. 5; 2014, c. 53, s. 8; 2018, c. 3, s. 52.

#### **Twenty-four hour revocation and suspension of license**

**100B (1)** In this Section,

(a) "provincially approved screening device" means a device prescribed by regulation;

(b) "qualified technician" means a qualified technician as defined in section 320.11 of the *Criminal Code* (Canada).

(2) Subsection (3) applies and subsection (4) does not apply if a peace officer making a demand of a novice driver uses one screening device for the

purpose of Section 279C and another screening device for the purpose of this Section, and subsection (4) applies and subsection (3) does not apply if the peace officer uses one screening device for the purpose of both Section 279C and this Section.

(3) A peace officer may request a novice driver to surrender the person's license if, upon demand of the officer made pursuant to Section 100A, the novice driver fails or refuses to provide a sample of breath or provides a sample of breath that, on analysis by a provincially approved screening device, produces a result indicating, in the manner prescribed by regulation, the presence of alcohol.

(4) A peace officer may request a novice driver to surrender the person's license if, upon demand made by the peace officer under section 320.27 of the *Criminal Code* (Canada), the driver

- (a) fails or refuses to provide a sample of breath; or
- (b) provides a sample of breath that, on analysis, produces a result indicating, in the manner prescribed by regulation, the presence of alcohol.

(5) A novice driver whose license has been requested pursuant to subsection (3) or (4) shall surrender the license to the peace officer requesting it forthwith and, whether or not the novice driver is unable or fails to surrender the license to the peace officer, the license is suspended and the novice driver's driving privilege is suspended for a period of twenty-four hours from the time the request is made.

(5A) Notwithstanding subsection (3), (4) or (5), where a license is suspended under this Section for a period of twenty-four hours,

- (a) a peace officer may not request the license be surrendered;
- (b) a novice driver whose license is suspended is not required to surrender the license; and
- (c) for greater certainty, notwithstanding the license not being surrendered, the license is suspended and the novice driver's driving privilege is suspended for a period of twenty-four hours.

(6) Where an analysis of the breath of a novice driver is made under Section 100A or subsection (4) and produces a result indicating, in the manner prescribed by regulation, the presence of alcohol, the novice driver may require a further analysis to be made by means of a provincially approved screening device, in which case the result obtained on the second analysis governs and any revocation and suspension resulting from an analysis under Section 100A or subsection (4) continues or terminates accordingly.

(7) Where an analysis of the breath of a novice driver is made pursuant to Section 100A or subsection (4) and produces a test result indicating, in the manner prescribed by regulation, the presence of alcohol, the peace officer who

made the demand for the sample of breath shall advise the novice driver of the right under subsection (6) to a further analysis.

(8) The revocation of a license and the suspension of a driving privilege pursuant to this Section are in addition to and not in substitution for any other proceeding or penalty arising from the same circumstances.

(9) Every peace officer who requests the surrender of a license from a novice driver pursuant to Section 279C or this Section shall

(a) keep a written record of the suspension with the name, address and license number of the novice driver and the date and time of the suspension;

(b) provide the novice driver with a written statement setting out the time at which the suspension takes effect, the length of the period during which the license is suspended and the place where the license may be recovered upon the termination of the suspension and acknowledging receipt of the license that is surrendered; and

(c) forward to the Registrar forthwith a written report setting out the name, address and license number of the novice driver and such particulars respecting the taking of the sample of breath and the conduct and results of the analysis as the Registrar may require in relation to the matter.

(10) Where the motor vehicle driven by a novice driver whose license is suspended and whose driving privilege is suspended pursuant to this Section is in a location from which, in the opinion of a peace officer, it should be removed and there is no person easily available who may lawfully remove the vehicle with the consent of the novice driver, the peace officer may remove and store the vehicle or cause it to be removed and stored and shall notify the novice driver of its location.

(11) The costs and charges incurred in moving and storing a vehicle pursuant to subsection (10) shall be paid, before the vehicle is released, by the person to whom the vehicle is released.

(12) *repealed 2014, c. 53, s. 9.*

(13) Where an analysis of the sample of breath of a novice driver has been made for the purpose of Section 279C or this Section by means of any device prescribed by regulation for the purpose of this subsection and has produced a result indicating, in the manner prescribed by regulation, the presence of alcohol, that result shall be, in the absence of evidence to the contrary, proof that the novice driver has breached a condition of a license referred to in Section 70A.

(14) Subsection (13) shall not be construed by any person, court, tribunal or other body to limit the generality of the nature of proof that a novice



driver has breached a condition of a license referred to in Section 70 or 70A, as the case may be.

(15) The Governor in Council may make regulations

(a) prescribing devices for the purpose of the definition “provincially approved screening device” in subsection(1);

(b) prescribing the manner in which the analysis results produced by provincially approved screening devices or other screening devices may indicate the presence of alcohol in samples of breath;

(c) prescribing devices for the purpose of subsection (13).  
1998, c. 32, s. 2; 1999, c. 11, s. 6; 2004, c. 42, s. 8; 2014, c. 53, s. 9; 2018, c. 3, s. 53.

### Intention of suspension

**100C** The suspension of a license or the suspension of a driving privilege resulting from a conviction of a breach of a condition of a license referred to in Section 70 or 70A or by reason of the operation of Section 100B is intended

(a) to ensure that the novice driver acquire experience and develop or improve safe driving skills in controlled conditions; and

(b) to safeguard the holder of the license and the public. 1998, c. 32, s. 2; 2004, c. 42, s. 9; 2014, c. 53, s. 10.

### Cellular telephones

**100D (1)** It is an offence for a person to use a hand-held cellular telephone or engage in text messaging on any communications device while operating a vehicle or an electric kick-scooter on a highway or operating a personal transporter on a roadway or a sidewalk.

(2) This Section does not apply to a person who uses a hand-held cellular telephone or other communications device to report an immediate emergency situation. 2007, c. 45, s. 7; 2015, c. 46, s. 5; 2022, c. 21, s. 6.

### Careful and prudent speed

**101** A person operating or driving a vehicle on a highway shall operate or drive the same at a careful and prudent rate of speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of all other conditions at the time existing, and a person shall not operate or drive a vehicle upon a highway at such a speed or in such a manner as to endanger the life, limb or property of any person. R.S., c. 293, s. 101.

### Prima facie speed limit

**102 (1)** Subject to Sections 101 and 104 and except where a lower rate of speed is specified in this Act or the regulations made thereunder it shall be *prima facie* lawful for the driver of a vehicle to drive the same at a rate of speed not exceeding the rate in subsection (2), and it shall be *prima facie* unlawful to exceed such rate of speed.

(2) The rate of speed referred to in subsection (1) is fifty kilometres per hour

- (a) *repealed 2011, c. 46, s. 2.*
- (b) when passing a church or the grounds thereof while the congregation is going to or leaving the church;
- (c) when approaching and within 30 metres of a grade crossing of a steam, electric or street railway;
- (d) in a danger zone as defined herein;
- (e) in a business district as defined herein;
- (f) upon approaching within 15 metres in traversing an intersection or highways where the driver's view in either direction along any intersecting highway within a distance of 60 metres is obstructed, except when travelling upon a through street or highway or at traffic controlled intersections;
- (g) in a residence district as defined herein; or
- (h) in public parks within cities or towns unless a different rate of speed is indicated by local authorities or traffic authorities and duly posted. R.S., c. 293, s. 102; 1994-95, c. 12, s. 7; 2011, c. 46, s. 2.

#### **School area and school bus**

**103 (1)** Subject to the regulations, a traffic authority may designate a school area on a portion of a highway by placing traffic signs to indicate the beginning and end of the school area.

(2) Where a traffic authority designates a school area, the traffic authority shall

- (a) reduce the speed limit in the school area to
    - (i) thirty kilometres per hour, if the speed limit in effect immediately before the start of the school area is fifty kilometres per hour, or
    - (ii) fifty kilometres per hour, if the speed limit in effect immediately before the start of school area is greater than fifty kilometres per hour;
  - (b) place a traffic sign at the beginning of the school area to notify drivers of the reduced speed limit in the school area; and
  - (c) place a traffic sign at the end of the school area to notify drivers of the speed limit in effect immediately after the school area ends.
- (2A)** A driver shall not exceed the speed limit in a school area by
- (a) between one and fifteen kilometres per hour, inclusive;

- (b) between sixteen and thirty kilometres per hour, inclusive; or
- (c) thirty-one kilometres per hour or more.

**(2B)** The speed limits fixed pursuant to this Section are subject to any regulations limiting the application of school area speed limits by times, dates or other conditions.

**(2C)** The Minister may make regulations

- (a) setting conditions that must exist before a traffic authority may designate a portion of a highway as a school area;
- (b) requiring a traffic authority to designate a school area on a portion of a highway that is specifically identified in the regulations or that meets the specifications for a mandatory school area set out in the regulations;
- (c) limiting the application of the school area speed limits in this Section by times, dates or other conditions;
- (d) defining any word or expression used in this Section and not defined in this Act;
- (e) respecting any matter or thing the Minister considers necessary or advisable to effectively carry out the intent and purpose of this Section.

**(2D)** The exercise by the Minister of the authority contained in subsection (2C) is regulations within the meaning of the *Regulations Act*.

**(3)** Notwithstanding any other provision of this Act, the driver of a vehicle shall stop the vehicle before passing a school bus that is exhibiting flashing red lights and is stopped on or near a highway and shall remain stopped until the school bus proceeds.

**(4)** When a school bus is equipped with and exhibits flashing amber lights, the driver of a motor vehicle intending to pass the school bus shall proceed with caution.

**(5)** For the purpose of subsections (3) and (4), “exhibiting flashing red lights” and “exhibits flashing amber lights” have the meaning determined by the Governor in Council by regulation.

**(6)** *repealed 1995-96, c. 23, s. 3.*

R.S., c. 293, s. 103; 1995-96, c. 23, s. 3; 2011, c. 46, s. 3.

**Fixing maximum speed rate**

**104 (1)** Notwithstanding Sections 101 and 102, but subject to Section 103, the Minister or a traffic authority with the approval of the Provincial Traffic Authority may fix such maximum rates of speed as he may see fit to approve for motor vehicles traversing any part or portion of a highway and may erect and maintain signs containing notification of such rate of speed so fixed and approved by him, and thereafter while such signs remain so erected and displayed the operator or driver of any vehicle exceeding the rate of speed so fixed and approved shall be guilty of an offence.

**(2)** *repealed 1994-95, c. 12, s. 8.*

R.S., c. 293, s. 104; 1994-95, c. 12, s. 8; 2011, c. 46, s. 4.

**Posted higher rate of speed**

**105 (1)** The speed limitations provided in subsection (2) of Section 102 shall not apply where the traffic authority has indicated a higher rate of speed by erecting and maintaining appropriate signs giving notice of such increased rate of speed.

**(2)** The traffic authority is hereby authorized to erect and maintain such signs upon through highways or upon highways or portions thereof where there are no intersections or between widely spaced intersections. R.S., c. 293, s. 105.

**Maximum speed limit**

**106 (1)** Notwithstanding any other provision of this Act, but subject to subsection (2) and Section 109, no person shall drive a motor vehicle at a speed in excess of eighty kilometres per hour on any highway at any time.

**(2)** The Minister or the Provincial Traffic Authority may fix rates of speed in excess of eighty kilometres per hour, but not in excess of one hundred and ten kilometres per hour, for certain highways and may erect and maintain signs containing notification of such rate of speed, and the driver of a motor vehicle who exceeds the rate of speed so fixed shall be guilty of an offence.

**(3)** No person shall at any time operate a personal transporter at a speed in excess of

- (a) twenty kilometres per hour on a roadway; or
- (b) seven kilometres per hour on a sidewalk.

**(4)** No person shall at any time operate an electric kick-scooter on a municipal highway at a speed in excess of the lower of

- (a) thirty-two kilometres per hour; and
- (b) the maximum speed prescribed by municipal by-law.

R.S., c. 293, s. 106; 1996, c. 34, s. 3; 2015, c. 46, s. 6; 2022, c. 21, s. 7.

**Exceeding speed limit**

**106A** A person commits an offence who contrary to ~~Sections~~ [Section] 104 or 106 exceeds the speed limit by

- (a) between one and fifteen kilometres per hour, inclusive;
- (b) between sixteen and thirty kilometres per hour, inclusive; or
- (c) by thirty-one kilometres per hour or more. 2001, c. 12, s. 3.

**Temporary work area**

**106B (1)** A person commits an offence who exceeds the speed limit in a temporary work area by

- (a) between one and fifteen kilometres per hour, inclusive;
- (b) between sixteen and thirty kilometres per hour, inclusive; or
- (c) thirty-one kilometres per hour or more.

**(2)** The Governor in Council may make regulations defining a temporary work area and its limits or the manner in which a temporary work area is to be designated for the purpose of this Section. 2007, c. 45, s. 8; 2009, c. 20, s. 1.

**Sign for temporary work area**

**106C** The Minister or the traffic authority shall erect a sign in or approaching a temporary work area advising drivers that the fines under this Act for speeding in a temporary work area are double. 2008, c. 22, s. 1.

**Interpretation of Sections 106E and 106F**

**106D (1)** In Sections 106E and 106F, “emergency vehicle” means

- (a) an ambulance;
- (b) a police vehicle;
- (ba) a public-safety vehicle;
- (bb) a tow truck at the scene of a fire or an accident or while assisting a vehicle;
- (c) a fire department vehicle or fire patrol vehicle, including a fire suppression vehicle or fire vehicle operated by the Department of Natural Resources and Renewables;
- (d) a vehicle being used by the chief or deputy chief of a volunteer fire department when acting in an emergency arising from a fire or an accident;
- (e) a vehicle being used by a conservation officer appointed under an enactment when the conservation officer is performing the officer’s duties as a conservation officer;

(f) a vehicle being used by a motor vehicle inspector or a motor carrier inspector when the inspector is performing the inspector's duties as an inspector;

(g) any other vehicle designated by the regulations made pursuant to this Section.

(2) The Minister may make regulations

(a) designating a vehicle as an emergency vehicle;

(b) defining any word or expression used but not defined in subsection (1).

(3) The exercise by the Minister of the authority contained in subsection (2) is regulations within the meaning of the *Regulations Act*. 2009, c. 20, s. 2; 2014, c. 20, s. 2; 2018, c. 15, s. 1; O.I.C. 2018-188; O.I.C. 2021-2010.

### Regulations

**106DA (1)** The Minister may make regulations prescribing a class of persons who are public-safety officers.

(2) The exercise by the Minister of the authority contained in subsection (2) is regulations within the meaning of the *Regulations Act*. 2014, c. 20, s. 3.

### Speed limit when passing emergency vehicle

**106E (1)** No person shall drive a vehicle on a highway past an emergency vehicle, that is stopped on the roadway or a shoulder adjacent to it and exhibiting a flashing light, at a speed in excess of

(a) the speed limit but for this Section; or

(b) sixty kilometres per hour,

whichever is less.

(2) A person commits an offence who contrary to subsection (1) exceeds the speed limit referred to in clause (1)(a) or (b) by

(a) between one and fifteen kilometres per hour, inclusive;

(b) between sixteen and thirty kilometres per hour, inclusive; or

(c) thirty-one kilometres per hour or more.

(3) Where a highway is divided into separate roadways by a median, this Section only applies to a vehicle being driven on the same roadway as the emergency vehicle is stopped on or beside. 2009, c. 20, s. 2.

**Lane use when passing emergency vehicle**

**106F (1)** The driver of a vehicle that is approaching an emergency vehicle, that is stopped and exhibiting a flashing light, shall not

- (a) drive in a traffic lane occupied, or partly occupied, by the emergency vehicle; or
- (b) drive in the traffic lane closest to the emergency vehicle and not occupied, or partly occupied, by the emergency vehicle,

if there is another traffic lane, for traffic moving in the same direction as the vehicle and further from the emergency vehicle, into which the vehicle can move safely.

**(2)** Where the traffic on a highway is divided into separate roadways by a median, this Section only applies to a vehicle being driven on the same roadway as the emergency vehicle is stopped on or beside. 2009, c. 20, s. 2.

**Exemption of public safety vehicle**

**106G (1)** Where the driver of a public-safety vehicle is displaying the vehicle's flashing lights and operating the vehicle's siren, the driver of the public-safety vehicle is not required to obey Section 93 with respect to traffic signals, Section 133 with respect to stop signs or any of the speed limitations in this Act if it is reasonable and safe in the circumstances not to do so.

**(2)** Notwithstanding any other provision of this Act, the driver of a public-safety vehicle shall

- (a) drive with due regard for the safety of all persons using the highway; and
- (b) obey the directions of a peace officer on a highway.

2014, c. 20, s. 4.

**Slow driving**

**107 (1)** Except when necessary for safe operation or to comply with this Act, no person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable flow of traffic.

**(2)** Where a person is driving a motor vehicle at such a slow speed as to impede or block the normal and reasonable flow of traffic, he shall stop where it is reasonably safe to do so and permit traffic so impeded or blocked to pass his motor vehicle.

**(3)** The Minister may fix minimum rates of speed for motor vehicles traversing any part or portion of a highway and may erect and maintain signs containing notification of such rate of speed so fixed, and thereafter while such signs remain so erected and displayed, the driver of any vehicle who wilfully drives at a rate of speed less than such minimum rate of speed shall be guilty of an offence. R.S., c. 293, s. 107.

**Signage for temporary work area and Department vehicle**

**107A** Notwithstanding anything contained in this Act,

- (a) where a portion of a highway is designated as a temporary work area by the erection of signs, regulatory signs may be placed on temporary sign supports adjacent to the travelled portion of the highway; and
- (b) the driver of a vehicle shall stop the vehicle and remain stopped when approaching a Department vehicle exhibiting flashing red lights and an illuminated “STOP DO NOT PASS” sign. 2001, c. 44, s. 3.

**Traffic control person**

**107B (1)** In this Section, “traffic control person” means a person qualified and accredited by the Provincial Traffic Authority to direct the movement of traffic along or across a highway within an area designated as a temporary work area for the purpose of construction, maintenance or utility operation.

**(2)** A traffic control person may direct traffic only at a temporary work area in a manner consistent with standards contained in the latest edition of the Nova Scotia Temporary Workplace Traffic Control Manual.

**(3)** It is an offence for the driver of a vehicle to fail to obey a traffic control person directing traffic within a temporary work area. 2001, c. 44, s. 3.

**Restrictions on bridge**

**108 (1)** No person shall drive a vehicle whose combined weight and load exceed 11,000 kilograms upon any bridge while a commercial motor vehicle or other heavy laden vehicle is already upon the bridge.

**(2)** The Department may erect and maintain signs upon any bridge, causeway or viaduct or on the approaches thereto, requiring the drivers of vehicles or any class or classes of vehicles to stop before entering such bridge, causeway or viaduct or setting forth the maximum speed at which drivers of vehicles or any class or classes of vehicles may drive over such bridge, causeway or viaduct.

**(3)** It shall be an offence for the driver of a vehicle to fail to comply with a direction set forth on a sign erected and maintained pursuant to subsection (2). R.S., c. 293, s. 108.

**Exemption of police or emergency vehicle**

**109 (1)** The speed limitations as set forth in this Act shall not apply to vehicles when operated with due regard to safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire departments or fire patrol vehicles when travelling in response to a fire alarm, nor to public or private ambulances when travelling in emergencies and the drivers thereof sound audible signal by bell, siren or exhaust whistle.



(2) This Section shall not relieve the driver of any such vehicle from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others. R.S., c. 293, s. 109; revision corrected.

## RULES OF THE ROAD

### Duty to drive on right

**110 (1)** Upon all highways of sufficient width, except upon one-way streets, the operator or driver of a vehicle shall operate or drive the same upon the right half of the highway and, subject to Section 131A, shall drive a slow-moving vehicle as closely as possible to the right-hand edge or curb of such highway, unless it is impracticable to travel on such side of the highway except when overtaking and passing another vehicle subject to the rules applicable in overtaking and passing set forth in Section 115.

(2) In approaching any bridge, viaduct or tunnel, if the bridge, viaduct or tunnel is less than 6 metres in width or approaching or crossing a railroad right of way or an intersection of highways, the driver of a vehicle shall at all times cause the vehicle to travel on the right half of the highway unless the right half is out of repair and for such reason impassable.

(3) Subsection (2) shall not apply upon a one-way street.

(4) In driving upon a one-way street the driver shall drive as closely as practicable to the right-hand edge or curb of the highway except when overtaking or passing or travelling parallel with another vehicle or when placing a vehicle in position to make a left turn. R.S., c. 293, s. 110; 2010, c. 59, s. 3.

### Rules for laned traffic

**111** Whenever a street or highway has been divided into clearly marked lanes for traffic, drivers of vehicles shall obey the following regulations:

(a) a vehicle shall normally be driven in the lane nearest the right-hand edge or curb of the highway when such lane is available for travel except when overtaking another vehicle or in preparation for a left turn or as permitted in clause (d);

(b) a vehicle shall be driven as nearly as is practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that the movement can be made with safety;

(c) upon a highway which is divided into three lanes a vehicle shall not be driven in the centre lane except when overtaking and passing another vehicle or in preparation for a left turn or unless the centre lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation;

(d) the traffic authority may designate right-hand lanes for slow-moving traffic and inside lanes for traffic moving at the speed indicated for

the district under this Act, and when such lanes are sign-posted or marked to give notice of such designation a vehicle may be driven in any lane allocated to traffic moving in the direction the vehicle is proceeding, but when travelling within the inside lanes vehicles shall be driven at approximately the speed authorized in such lanes, and speed shall not unnecessarily be decreased so as to block, hinder or retard traffic. R.S., c. 293, s. 111.

**Rule for lane merge**

**111A (1)** Where two lanes of a street or highway merge into one lane, the driver of a vehicle in the left lane shall yield the right of way to a vehicle in the right lane unless the driver of the vehicle in the right lane is directed by a sign to yield to the vehicle in the left lane.

**(2)** For greater certainty, nothing in subsection (1) applies to vehicles in merging from an entrance ramp. 2008, c. 23, s. 1.

**Highway divided into two separate roadways**

**112 (1)** Where a highway is divided into two separate roadways, no person shall

(a) drive or park a vehicle upon the left-hand roadway, having regard to the direction in which the vehicle is being driven;

(b) drive a vehicle from one roadway to the other roadway except at an intersection.

**(2)** Clause (b) of subsection (1) does not apply to police, fire or emergency vehicles, public safety vehicles or vehicles operated by employees of the Department while acting in the course of their employment or to vehicles designated by regulation.

**(2A)** The Minister may make regulations designating classes of vehicles to which clause (b) of subsection (1) does not apply.

**(2B)** The exercise by the Minister of the authority contained in subsection (2A) is regulations within the meaning of the *Regulations Act*.

**(3)** Where a highway is divided in the manner described in subsection (1), the Registrar may erect appropriate signs in the highway or require the traffic authority of the city or town in which the highway lies to erect appropriate signs at the entrances to the highway that is so divided. R.S., c. 293, s. 112; 2008, c. 62, s. 1; 2014, c. 20, s. 5.

**Passing in opposite directions**

**113** Subject to clause (b) of subsection (1) of Section 118, drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one half of the main travelled portion of the roadway as nearly as possible. R.S., c. 293, s. 113.

**Overtaking and passing**

**114 (1)** Except as otherwise provided in Section 115, the following rules shall govern the overtaking and passing of vehicles:

(a) the driver of a vehicle overtaking another vehicle proceeding in the same direction shall not pass until after he has given a suitable and audible signal, and shall pass to the left of the overtaken vehicle at a safe distance and shall not again drive to the right side of the highway until safely clear of the overtaken vehicle;

(b) the driver of an overtaken vehicle shall give way to the right in favour of the overtaking vehicle on suitable and audible signal and shall not increase the speed of his vehicle, until completely passed by the overtaking vehicle;

(c) in the event vehicles on a street or highway are moving in two or more substantially continuous lines, clauses (a) and (b) shall not be considered as prohibiting the vehicles in one such line overtaking or passing the vehicles in another such line either upon the right or the left, nor shall clauses (a) and (b) be construed to prohibit a driver overtaking and passing upon the right another vehicle which is making or about to make a left turn.

**(2)** Notwithstanding Section 85 and clause (1)(a), a cyclist operating on the far right side or the right-hand shoulder of the roadway may pass to the right of the overtaken vehicle if it is safe to do so. R.S., c. 293, s. 114; 2010, c. 59, s. 4.

**Driving on left of centre line**

**115 (1)** The driver of a vehicle shall not drive to the left side of the centre line of a highway

(a) when overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit the overtaking and passing to be completely made without impeding the safe operation of any vehicle approaching from the opposite direction or of any overtaken vehicle;

(b) when upon a grade in the highway or approaching the crest of a grade in the highway where in either case the driver's view along the highway is obstructed within a distance of 150 metres; or

(c) when approaching or upon a curve in the highway where in either case the driver's view along the highway is obstructed within a distance of 150 metres.

**(2)** Notwithstanding subsection (1) and subject to subsection (3), where a highway is divided into lanes for the movement of vehicles in the opposite direction by lines upon the highway, and

(a) where the highway is marked with a solid double line, the driver of a vehicle shall drive the vehicle to the right of the line only;

(b) where the highway is marked with a double line consisting of a broken line and a solid line,

(i) the driver of a vehicle proceeding along the highway on the side of the broken line shall drive the vehicle to the right of the double line, except when passing a vehicle proceeding in the same direction, and

(ii) the driver of the vehicle proceeding along the highway on the side of the solid line shall drive the vehicle to the right of the double line; and

(c) where the highway is marked with one single line, broken or solid, the driver of a vehicle shall drive the vehicle to the right of the line, except only when passing a vehicle proceeding in the same direction.

**(3)** Subsection (2) shall not apply

(a) where a vehicle is entering or leaving the highway at a place other than an intersection;

(b) where a vehicle is completing a passing manoeuvre begun in accordance with subsection (2); or

(c) where the lines are not clearly visible or where it is reasonable and prudent to drive to the left of the lines due to weather or other conditions. R.S., c. 293, s. 115.

#### **Sign or mark prohibiting passing**

**116** Notwithstanding Section 114 or 115, a vehicle on a highway is prohibited from overtaking or passing another vehicle headed in the same direction, either on the left or right, where a sign is posted or the pavement is marked in a manner approved by the Minister to indicate that passing is prohibited. R.S., c. 293, s. 116.

#### **Minimum following distance and slow-moving vehicle**

**117 (1)** The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

**(2)** The driver of a commercial motor vehicle other than a police patrol or the driver of a vehicle towing a trailer or a mobile home when travelling upon a highway outside of a business or residence district shall not follow another vehicle within 60 metres except for the purpose of overtaking and passing the other vehicle.

(3) No person shall drive upon a highway a farm tractor unless the farm tractor has exhibited in the rear of the tractor or a vehicle drawn by the tractor a sign, emblem or device prescribed by the Minister warning motorists of the slow movement of the vehicle.

(4) No person shall drive upon a highway a motor vehicle that is not capable of maintaining a rate of speed in excess of forty kilometres per hour under normal conditions unless the motor vehicle has exhibited in the rear of the motor vehicle or a vehicle drawn by the motor vehicle a sign, emblem or device prescribed by the Minister warning motorists of the slow movement of the vehicle.

(5) No person shall drive upon a highway at a rate of speed in excess of forty kilometres per hour a farm tractor or other motor vehicle exhibiting at the rear of the farm tractor or motor vehicle or of a vehicle drawn by the farm tractor or motor vehicle a sign, emblem or device prescribed by the Minister warning motorists of the slow movement of a vehicle. R.S., c. 293, s. 117; 2006, c. 35, s. 2.

#### **Rules respecting intersection**

**118 (1)** Wherever practicable the driver of a vehicle intending to turn at an intersection shall do so as follows:

(a) approach for a right turn shall be made in the lane for traffic nearest to the right-hand side of the highway and the right turn shall be made as closely as practicable to the right-hand curb or edge of the highway;

(b) approach for a left turn shall be made in the lane for traffic to the right of and nearest to the centre line of the highway and the left turn shall be made by passing to the right of the centre line where it enters the intersection, and upon leaving the intersection by passing to the right of the centre line of the highway then entered and when practicable by making the left turn in the portion of the intersection to the left of the centre of the intersection;

(c) where one or more of the highways is a one-way street, approach for a left turn in the extreme left lane or part of the highway lawfully available to traffic moving in the same direction and, after entering the intersection, turn left into the extreme left lane or part of the highway lawfully available to traffic moving in the same direction on the highway being entered.

(2) Traffic authorities may, by placing markers, buttons or signs within intersections, require and direct that a course be travelled by vehicles turning left different from that specified in clause (b) of subsection (1), and it shall be an offence for the driver of a vehicle to make a left turn otherwise than so directed and required by such markers, buttons or signs. R.S., c. 293, s. 118.

**Signal required**

**119 (1)** The driver of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn if the vehicle is required to be equipped with a horn under this Act, and, whenever the operation of any other vehicle may be affected by such movement, shall give a signal as required in this Section plainly visible to the driver of such other vehicle of the intention to make such movement.

**(2)** The signal required by this Section shall be given either by means of the hand and arm in the manner specified in subsection (3) or by a mechanical or electrical signalling device, but when a vehicle is so constructed or loaded

(a) as to prevent the hand and arm signal from being visible both to the front and rear of the vehicle; or

(b) that any portion of the body or load of the vehicle extends more than 600 millimetres to the left of the centre of the steering wheel of the vehicle,

the signal shall be given by a mechanical or electrical signalling device.

**(3)** When a driver of a vehicle gives a signal by the hand and arm he shall do so from the left side of the vehicle and shall signify his intention

(a) to turn left, by extending his hand and arm horizontally from the vehicle;

(b) to turn right, by extending his hand and arm out and upward from the vehicle;

(c) to stop or decrease speed, by extending his hand and arm out and downward from the vehicle. R.S., c. 293, s. 119.

**Backing and turning around**

**120 (1)** The driver of a vehicle shall not back the vehicle unless such movement can be made in safety.

**(2)** The driver of a vehicle shall not turn the vehicle around so as to proceed in the opposite direction upon a curve or upon the approach to or near the crest of a grade or at any place upon a highway where the view of the vehicle is obstructed within a distance of 150 metres along the highway in either direction.

**(3)** It shall be an offence for the driver of a vehicle within a business or residence district to turn the vehicle so as to proceed in the opposite direction unless such movement can be made in safety and without backing or otherwise interfering with other traffic.

**(4)** It shall be an offence for the driver of any vehicle to fail to comply with the directions displayed on signs prohibiting right or left turns at inter-

sections or prohibiting turning around in any block or specified area of the highway. R.S., c. 293, s. 120.

**Prohibited use of exit ramp**

**121** No person shall turn a vehicle across a roadway at an interchange for the purpose of using an exit ramp intended solely for the use of vehicles proceeding in the opposite direction to the turning vehicle. R.S., c. 293, s. 121.

**Right of way or left turn at intersection**

**122 (1)** The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection, and when two vehicles enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield to the driver on the right.

**(2)** The driver of a vehicle who has stopped as required by law at the entrance to a through highway shall yield to other vehicles within the intersection or approaching so closely on the through highway as to constitute an immediate hazard, but said driver having so yielded may proceed, and other vehicles approaching the intersection on the through highway shall yield to the vehicle so proceeding into or across the through highway.

**(3)** The driver of a vehicle within an intersection intending to turn to the left shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver having so yielded and having given a signal when and as required by law may make the left turn, and other vehicles approaching the intersection from the opposite direction shall yield to the driver making the left turn.

**(4)** The driver of a vehicle on a highway intending to turn to the left, other than within an intersection, shall yield to any vehicle approaching from the opposite direction which is so close to his vehicle as to constitute an immediate hazard, but, said driver having so yielded and having given a signal when and as required by law may make the left turn, and the drivers of other vehicles approaching the turning vehicle from the opposite direction shall yield to the driver making the left turn.

**(5)** Subject to subsection (3), no driver shall enter an intersection or a marked crosswalk except to make a left or a right turn unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. R.S., c. 293, s. 122.

**Entering a highway and emergency vehicles**

**123 (1)** The driver of a vehicle entering a highway shall yield the right of way to all vehicles approaching on the highway.

(2) The driver of a vehicle upon a highway shall yield the right of way to a police or fire department vehicle, public-safety vehicle or ambulance if the driver of any such vehicle is displaying the vehicle's flashing lights and operating the vehicle's bell, siren or exhaust whistle.

(3) Subsection (2) shall not operate to relieve the driver of a police or fire department vehicle, public-safety vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway, nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way. R.S., c. 293, s. 123; 2014, c. 20, s. 6.

#### **Duty on approach of emergency vehicle**

**124 (1)** Upon the approach of a police or fire department vehicle or ambulance giving audible signal by bell, siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in that position unless otherwise directed by a peace officer until the police or fire department vehicle or ambulance has passed, and the motorman of every street car shall immediately stop such car clear of any intersection and keep it in that position until the police or fire department vehicle or vehicles or ambulance has passed unless otherwise directed by a peace officer.

(2) Upon the approach of a public-safety vehicle that has the vehicle's flashing lights displayed and siren operating, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in that position unless otherwise directed by a peace officer until the public-safety vehicle has passed. R.S., c. 293, s. 124; 2014, c. 20, s. 7.

#### **Duty respecting transit bus**

**124A (1)** In this Section, "transit bus" means a transit bus of a class prescribed by the regulations.

(2) The driver of a vehicle on a highway with a speed limit of sixty kilometres per hour or less shall yield the right of way to allow a transit bus that is stopped, standing or parked at or immediately adjacent to the edge of the roadway to enter the closest lane of traffic flow adjacent to the right-hand edge of the roadway if

- (a) the driver of the transit bus has signalled an intention to enter the lane of traffic;
- (b) the transit bus is displaying the signage prescribed by the regulations; and
- (c) yielding to the transit bus does not constitute an immediate hazard.



(3) Subsection (2) does not apply to the driver of an emergency vehicle, as defined in Section 106D, when the emergency vehicle is exhibiting a flashing light.

(4) Nothing in this Section relieves a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the highway.

(5) The Minister may make regulations

(a) prescribing classes of transit buses for the purpose of this Section;

(b) prescribing standards, specifications and locations of signs or signals for the purpose of this Section;

(c) respecting any matter or thing the Minister considers necessary or advisable to carry out effectively the intent and purpose of this Section.

(6) The exercise of the Minister of the authority contained in subsection (5) is regulations within the meaning of the *Regulations Act*, 2010, c. 63, s. 1.

## PEDESTRIANS

### Pedestrian and vehicle rights of way

**125** (1) Where pedestrian movements are not controlled by traffic signals,

(a) the driver of a vehicle shall yield the right of way to a pedestrian lawfully within a crosswalk or stopped facing a crosswalk;  
or

(b) where the traffic on a highway is divided into separate roadways by a median, the driver of a vehicle shall yield the right of way to a pedestrian lawfully within a crosswalk or stopped facing the crosswalk on the roadway on which the vehicle is travelling.

(2) Where a vehicle has stopped at a crosswalk to yield to a pedestrian pursuant to subsection (1), it is an offence for the driver of any other vehicle approaching from the rear to overtake and pass the stopped vehicle.

(3) A pedestrian shall not leave a curb or other place of safety and walk or run into the path of a vehicle that is so closely approaching that it is impractical for the driver of the vehicle to stop.

(4) Where a pedestrian is crossing a roadway at a crosswalk that has a pedestrian-activated beacon, the pedestrian shall not leave a curb or other place of safety unless the pedestrian-activated beacon has been activated.

(5) A pedestrian crossing a roadway at any point other than within a crosswalk shall yield the right of way to vehicles upon the roadway.

(6) This Section does not relieve a pedestrian or a driver of a vehicle from the duty to exercise due care. 2007, c. 45, s. 9.

#### **Crossing guard**

**125A (1)** A crossing guard may direct children across a roadway only at a marked crosswalk and as part of the crossing guard's employment.

(2) Before directing children across a roadway, a crossing guard shall

(a) display an approved stop sign in an upright position so that it is visible to all approaching vehicular traffic;

(b) enter into the middle of the intersection while continuing to display the stop sign; and

(c) ensure that all approaching vehicles have stopped.

(3) When a stop sign is displayed as required by subsection (2), the driver of any vehicle approaching the crosswalk shall stop no closer than five metres from the crosswalk.

(4) It is an offence for a driver of a vehicle to fail to obey a crossing guard who is directing children in a crosswalk. 2001, c. 12, s. 5.

#### **Surrender and revocation of licence**

**125B (1)** Where a peace officer is satisfied that a motor vehicle is being or has been operated in the course of committing an offence contrary to subsection (1) or (2) of Section 125 or subsection (3) or (4) of Section 125A, the peace officer shall request that the person surrender the person's driver's license.

(2) Upon a request being made under subsection (1), the person to whom the request was made shall forthwith surrender the person's driver's license to the peace officer and, whether or not the person is unable or fails to surrender the person's driver's license to the peace officer, the person's driver's license is revoked and the person's driving privilege is suspended for a period of seven days from the time the request is made.

(3) The suspension of a driver's license or the suspension of a driving privilege pursuant to this Section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

(4) Where a driver's license is suspended or a driving privilege is suspended pursuant to this Section, the peace officer who requested the surrender of the driver's license shall

(a) keep a written record of the suspension with the name and address of the person and the date and time of the suspension; and

(b) provide the person with a written statement of the time at which the suspension takes effect, the length of the period during which the person's driver's license or driving privilege is suspended, the place where the driver's license may be recovered upon the termination of the suspension and acknowledging receipt of the driver's license that is surrendered. 2007, c. 45, s. 10.

**Offence to disobey traffic signal**

**126** At an intersection where traffic is controlled by traffic signals, it shall be an offence for a pedestrian to disobey the instruction of any traffic signal placed in accordance with this Act unless otherwise directed by a peace officer. R.S., c. 293, s. 126.

**Movement of pedestrians**

**127 (1)** Pedestrians shall move whenever practicable upon the right half of crosswalks.

**(2)** Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent highway.

**(3)** Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction. R.S., c. 293, s. 127.

**Standing in roadway to hitch-hike or board streetcar**

**128 (1)** It shall be an offence for a person to stand in a roadway for the purpose of soliciting a ride from the driver of a private vehicle.

**(2)** It shall be an offence for a person about to board a street car to stand upon the roadway either within or without a crosswalk except when a safety zone has been established, until the street car which he is about to board has been brought to a standstill. R.S., c. 293, s. 128.

**STREET CARS AND VEHICLES****Boarding, alighting from or riding in vehicle**

**129 (1)** It shall be an offence for the driver of a vehicle to stop the vehicle on the street or highway for the purpose of letting off or taking on any person or persons, other than at the curb or side of the road or highway, or knowingly to permit any person or persons to alight from or to enter upon the vehicle while the same is in motion.

**(2)** No person shall board or alight from a vehicle while the vehicle is in motion.

(3) It shall be an offence for a person to ride or for the driver to permit a person to ride on a vehicle upon any portion thereof not designed or intended for the use of passengers when the vehicle is in motion.

(4) Subsection (3) shall not apply

(a) to an employee engaged in the necessary discharge of a duty; or

(b) in the case of persons being transported in trucks in space intended for merchandise if the trucks have secure seating accommodation and all such persons are seated while being so transported.

(5) It shall be an offence for a person to ride or for the driver of the towing vehicle to permit a person to ride in a travel trailer or mobile home while the travel trailer or mobile home is being towed on the highway.

(6) It shall be an offence for a person to ride or for the driver to permit a person to ride in a truck camper while the truck camper is being operated on the highway except in a regular passenger seat or in a seat permanently mounted on the lower part of the body of the truck camper.

(7) No person shall drive a motor vehicle on a highway if

(a) the control of the driver over the driving mechanism of the vehicle; or

(b) the view of the driver to the front or sides of the vehicle, is obstructed or interfered with by reason of the load or the number of persons in the front seat.

(8) It shall be an offence for a passenger in a vehicle to ride in such position as to interfere with the driver's or operator's view ahead or to the sides, or to interfere with the driver's or operator's control over the driving mechanism of the vehicle. R.S., c. 293, s. 129.

#### **No driving bus with open door**

**130** The driver of a bus or a trolley coach shall not knowingly operate the bus or trolley coach while a door of the bus or trolley coach is open. R.S., c. 293, s. 130.

### **SAFETY ZONES AND COMPULSORY STOPS**

#### **Safety zone**

**131** The driver of a vehicle shall not at any time drive through or over a safety zone as defined in Section 2. R.S., c. 293, s. 131.

**Bicycle lanes**

**131A** The driver of a vehicle shall not operate the vehicle in a bicycle lane unless

- (a) it is necessary to do so to go around a vehicle or a bicycle immediately in front of the driver's vehicle that has signalled its intention to turn left;
- (b) it is necessary to do so to complete a lawful manoeuvre; or
- (c) the driver has encountered a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard that makes it impracticable not to do so,

but in that event shall yield the right of way to any cyclist lawfully in the bicycle lane. 2010, c. 59, s. 5.

**Railway crossing**

**132 (1)** Whenever a person driving a vehicle approaches a highway and railway grade crossing and a clearly visible or positive signal gives warning of the immediate approach of a railway engine, train or car, it shall be an offence for the driver of the vehicle to fail to stop the vehicle before traversing such grade crossing.

**(2)** No driver shall enter a highway and railway grade crossing unless there is sufficient space on the other side to accommodate the vehicle he is operating without obstructing the passage of railroad trains. R.S., c. 293, s. 132.

**Stop sign**

**133 (1)** Subject to Section 86, the traffic authority may designate main travelled or through highways by erecting at the entrances thereto from intersecting highways signs notifying drivers of vehicles to stop before entering or crossing such designated highways, or may designate particular intersections and erect stop signs at one or more entrances thereto, and whenever any such signs have been so erected it shall be an offence for the driver of a vehicle or the motorman of a street car to fail to stop in obedience thereto, except where directed to proceed by a peace officer or traffic control signal.

**(2)** Such signs shall be placed as nearly as practicable to, and the stop shall be made at, the place where the cross street meets the prolongation of the nearest property line of the through highway.

**(3)** Every such sign shall bear the word "stop" in letters of a size to be clearly legible from a distance of at least 30 metres and shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

**(4)** This Section shall not apply in the case of police and fire department vehicles and ambulances when the same are operating in emergencies and the drivers sound an audible signal by bell, siren, compression or exhaust whis-

tle, but this proviso shall not operate to relieve the driver of a police or fire department vehicle or ambulance from the duty to drive with due regard for the safety of all persons using the highway. R.S., c. 293, s. 133; 2014, c. 20, s. 8.

**Yield sign**

**134 (1)** Subject to Section 86, a traffic authority may erect at any intersection a yield sign or signs.

**(2)** A yield sign shall be of such design and specification as may be determined by the Minister pursuant to Section 88 and shall be of a size to be clearly discernible from a distance of 30 metres and shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

**(3)** The driver of a vehicle approaching an intersection at which there is a yield sign and facing the sign shall enter the intersection with caution and shall yield the right of way to all other traffic within the intersection or approaching so closely on the intersecting highway as to constitute an immediate hazard. R.S., c. 293, s. 134.

**Rotary or roundabout**

**135 (1)** The driver of a vehicle entering a roadway in or around a rotary or roundabout shall yield the right of way to traffic already on the roadway in the circle and approaching so closely to the entering highway as to constitute an immediate hazard.

**(2)** The driver of a vehicle passing around a rotary or roundabout shall drive the vehicle in a counter-clockwise direction around the island or the centre of the circle. 2004, c. 42, s. 10.

**Driveway**

**136 (1)** The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop the vehicle immediately prior to driving on a sidewalk or on the sidewalk area extending across an alley way.

**(2)** The driver of a vehicle entering an alley, driveway or building or driving across a sidewalk shall yield the right of way to a pedestrian who is crossing the entrance to the alley, driveway or building or who is on the sidewalk at the point where the vehicle is crossing. R.S., c. 293, s. 136.

**Application of Sections 131 to 136**

**137 (1)** In Section 131 and Sections 132 to 136, “vehicle” includes a bicycle, a personal transporter and an electric kick-scooter and “driver” includes a cyclist, the operator of a personal transporter and the operator of an electric kick-scooter.

(2) For greater certainty, Section 131A does not apply to bicycles, personal transporters, electric kick-scooters or their operators. 2022, c. 21, s. 8.

## PARKING

### Parking on highway

**138 (1)** No person shall park or leave standing a vehicle, whether attended or unattended, upon the paved or improved or main travelled portion of any highway, outside of a business or residence district, when it is practicable to park or leave the vehicle standing off the paved or improved or main travelled portion of the highway, provided, in no event shall any person park or leave standing a vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than 4.5 metres upon the main travelled portion of the highway opposite the standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of the vehicle may be obtained from a distance of 60 metres in each direction upon the highway.

(2) Whenever a peace officer finds a vehicle standing upon a highway in violation of this Section, he may move the vehicle or require the driver or person in charge of the vehicle to move the vehicle to a position permitted under this Section.

(3) This Section shall not apply to the driver of a vehicle which is disabled while on the paved or improved or main travelled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. R.S., c. 293, s. 138.

### Winter parking

**139 (1)** Notwithstanding Section 138, no person wilfully shall park or leave standing a vehicle whether attended or unattended, upon a highway or any part thereof in such manner that it might interfere with or obstruct snow removal or winter maintenance operations on the highway.

(2) Where a vehicle is parked or left standing on a highway in such manner that it interferes with or obstructs snow removal or winter maintenance operations, the Department or a peace officer may cause the vehicle to be moved or towed to some other place.

(3) Any cost incurred by the Department or a peace officer in moving or towing a vehicle under subsection (2) may be recovered from the owner of the vehicle and such debt shall constitute a lien against the vehicle. R.S., c. 293, s. 139.

### Warning flare or reflector

**140 (1)** Notwithstanding any of the provisions of this Act, where a commercial motor vehicle that has a registered weight of 3,500 kilograms or more or a travel trailer or a motorized home is so disabled on a highway outside a city or

incorporated town at any time during the period from one half hour after sunset to one half hour before sunrise that it cannot be removed from the highway, the driver of the vehicle shall, while the vehicle is so disabled on the highway during the said period place and maintain a flare, of the “pot flame” type, so called, at the front of the vehicle and a similar flare at the rear of the vehicle.

(2) The driver of every commercial vehicle that has a registered weight of 3,500 kilograms or more or a travel trailer or a motorized home shall have in the vehicle at all times when it is operated on the highway no less than two flares of the “pot flame” type, so called, both of which are charged with fuel and in good working order.

(3) Where a commercial vehicle of the class described in subsection (1) or (2) is equipped and is being used for the transportation of gasoline, fuel oil or other similar volatile inflammable substance the driver may have and if occasion requires may use portable red reflectors that are visible for a distance of 150 metres under normal atmospheric conditions, electric lamps or lights that are operated from a battery or batteries other than a battery of the vehicle in place of the flares described in those subsections. R.S., c. 293, s. 140.

#### **Service truck**

141 (1) Where a motor vehicle service, repair or towing truck, on which a crane is permanently mounted, is stopped on a highway outside a city or incorporated town at any time during the period from one half hour after sunset to one half hour before sunrise for the purpose of rendering service to a disabled motor vehicle or of taking a motor vehicle in tow from a position on or near the highway, the driver of the truck shall, while the truck is so stopped, place and maintain at least four retro-reflective pylons meeting specifications prescribed by the Minister at a sufficient distance to the front and the rear of the truck to give warning to approaching vehicles in time to enable them to stop before reaching the place where the truck is and the pylon farthest from the truck shall be not less than 150 metres from the truck.

(2) The Minister shall from time to time publish in one or more issues of the Royal Gazette the specifications of pylons that may be used as required by this Section, and the production of a copy of the Royal Gazette shall be *prima facie* evidence of the matters stated or represented in the specifications. R.S., c. 293, s. 141.

#### **Alternative to pot flame flare**

142 Where by virtue of Section 140 or 141 a flare of the “pot flame” type is required to be used, a person may in lieu thereof use a red emergency reflector, lighted fuse or electrically operated red lantern. R.S., c. 293, s. 142.

#### **No stopping, standing or parking**

143 (1) It shall be an offence for the driver of a vehicle to stop, stand or park the vehicle, whether attended or unattended, except when necessary to avoid



conflict with other traffic or in compliance with the directions of a peace officer or traffic control signal or sign, in any of the following places:

- (a) within an intersection;
- (b) on or within 5 metres of a crosswalk;
- (c) between a safety zone and the adjacent curb or within 10 metres of points on the curb immediately opposite the ends of a safety zone, unless local or traffic authorities shall indicate a different length by signs or markings;
- (d) within 7.5 metres from the intersection of curb lines, or, if none, then within 5 metres of the intersection of property lines at an intersection within a business or residence district, except at alleys;
- (e) within 10 metres upon the approach to any official flashing beacon, stop sign, yield sign, or traffic control signal located at the side of the roadway;
- (f) within 5 metres of the driveway entrance to any fire station;
- (g) within 5 metres of a fire hydrant;
- (h) in front of a private driveway;
- (i) on a sidewalk;
- (j) alongside or opposite any street or highway excavation or obstruction when the stopping, standing or parking would obstruct traffic;
- (k) on the roadway side of any vehicle stopped or parked at the edge or curb of a highway;
- (l) at any place where official traffic signs have been erected prohibiting standing and parking;
- (m) within 15 metres of the nearest rail of a railway crossing;
- (n) on the crest of a grade where the view of an approaching driver is obstructed.

(2) It shall be an offence for the driver of a vehicle to park the vehicle, whether attended or unattended, in a bicycle lane, except in compliance with the directions of a peace officer. R.S., c. 293, s. 143; 2010, c. 59, s. 7.

**Passenger or loading zone**

- 144 (1) The traffic authority may determine
- (a) the location of passenger zones;
  - (b) the location of loading zones;

(c) the days and hours when the passenger zones and loading zones shall be in effect,

and may erect and maintain or cause to be erected and maintained appropriate signs indicating these zones and their effective times.

(2) Unless the sign erected and maintained by the traffic authority indicates otherwise, a passenger zone or a loading zone shall be in effect from six o'clock in the morning to six o'clock in the afternoon on Monday through Friday except holidays.

(3) It shall be an offence for the driver of a vehicle to stop, stand or park the vehicle in a place marked as a passenger zone for a period longer than is necessary for the expeditious loading or unloading of passengers.

(4) It shall be an offence for the driver of a vehicle to stop, stand or park the vehicle in a place marked as a loading zone for a period of time longer than is necessary for the expeditious loading or unloading of passengers or materials and in no case shall the stop for loading or unloading of passengers or materials exceed thirty minutes.

(5) It shall be an offence for the driver of a vehicle to stop, stand or park the vehicle in a passenger zone or loading zone if passengers or materials are not being loaded or unloaded. R.S., c. 293, s. 144.

#### **Parking by mobility disabled**

145 (1) The Governor in Council may make regulations

- (a) defining “mobility-disabled person”;
- (b) respecting issuance of an identification permit to a mobility-disabled person;
- (ba) recognizing an identification permit or number plate bearing the international symbol of access issued by a province, state or country;
- (c) respecting the manner in which an identification permit shall be displayed on a vehicle;
- (d) respecting cancellation of an identification permit;
- (e) respecting signs to be used for the designation of accessible-parking zones.

(2) The traffic authority may establish accessible-parking zones and every accessible-parking zone shall be designated by an approved sign.

(3) A person who stops, leaves standing or parks a vehicle in an accessible-parking zone is guilty of an offence unless there is displayed on the vehicle an identification permit or number plate issued or recognized pursuant to the regulations.

(4) Where a parking place on private property is marked for use by a mobility-disabled person, by an approved sign, a person who stops, leaves standing or parks a vehicle in the parking place is guilty of an offence unless there is displayed on the vehicle an identification permit or number plate issued pursuant to the regulations.

(5) For the purpose of this Section, an identification permit or plate issued by a province or state which has a reciprocal agreement with the Province respecting accessible parking is deemed to be an identification permit or number plate issued pursuant to the regulations.

(6) Regulations made pursuant to subsection (1) shall be regulations within the meaning of the *Regulations Act*. R.S., c. 293, s. 145; 1990, c. 36, s. 2; 1994-95, c. 12, s. 10.

#### **Bus stop or taxi stand**

**146** (1) The traffic authority is hereby authorized to establish bus stops, taxicab stands and hack stands on such highways in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, taxicab stand or hack stand shall be designated by appropriate signs.

(2) It shall be an offence for the driver of any vehicle other than a bus to stand or park in any officially designated bus stop, or for any vehicle other than a taxicab to stand or park in an officially designated taxicab stand, or for any vehicle other than a hack to stand or park in an officially designated hack stand, except that the driver of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.

(3) Whenever the traffic authority has established bus stops, taxicab stands or hack stands as provided in this Section, it shall be an offence for the driver of any bus, taxicab or hack to stand or park upon any street in any business district at any place other than at a bus stop, taxicab stand or hack stand respectively, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers. R.S., c. 293, s. 146.

#### **Trolley coach stop**

**147** (1) The traffic authority shall establish such trolley coach stops on such highways, in such places and in such number as the Board of Commissioners of Public Utilities shall direct and every trolley coach stop shall be designated by appropriate signs.

(2) It shall be an offence for the driver of any vehicle other than a trolley coach to stand or stop in any officially designated trolley coach stop, provided, notwithstanding the prohibition in this subsection contained, the traffic

authority may permit commercial vehicles to stop within the limits of any such trolley coach stop for the purpose of loading and unloading goods, wares, and merchandise from and to business premises abutting on any such trolley coach stop, on such terms and conditions as the traffic authority may determine.

(3) For the purpose of this Section, “trolley coach” includes a bus operated in connection with a transit system that uses trolley coaches. R.S., c. 293, s. 147.

#### **Business or residence district or alley**

148 (1) It shall be an offence for any driver to stop, stand or park a vehicle upon a highway, other than an alley, within a business or residence district, in such a manner or under such conditions as to leave available less than 3 metres of the width of the roadway for free movement of vehicular traffic, except that a driver may stop temporarily during the actual loading or unloading of passengers or when necessary in obedience to traffic regulations or traffic signs or signals of a peace officer.

(2) It shall be an offence for any driver to park a vehicle within an alley in such a manner or under such conditions as to leave available less than 3 metres of the width of the roadway for the free movement of vehicular traffic. R.S., c. 293, s. 148.

#### **Private property**

149 (1) No person shall leave a vehicle standing on property of which he is not the owner or tenant without the consent of the owner or tenant of the property.

(2) When a peace officer is satisfied that a vehicle has been left standing on property for one hour or longer in violation of subsection (1), he may, on the request of the owner or tenant of the property, remove the vehicle and detain it until the expense of removal and detention are paid to him. R.S., c. 293, s. 149.

#### **Fire lane**

150 (1) The traffic authority, with the permission of the owner of private property, may set apart an area of the private property as a fire lane and may cause signs to be erected and maintained designating the fire lane.

(2) Where an area of private property is marked as a fire lane by an approved sign, a person who stops, leaves standing or parks a vehicle in the fire lane is guilty of an offence. R.S., c. 293, s. 150.

#### **Signs**

151 The traffic authority is hereby authorized to erect and maintain signs prohibiting or restricting the parking or leaving standing of vehicles upon sections of the highway, and it shall be an offence for the driver of a vehicle to fail to comply with the directions set forth on those signs. R.S., c. 293, s. 151.

**Parking and parking meter regulations for city or town**

**152 (1)** The traffic authority may make regulations prohibiting or restricting the parking or leaving standing of vehicles upon any highway or part thereof within the limits of the city or incorporated town for which the traffic authority is appointed.

**(2)** Such regulations may provide a system whereby a person who is alleged to have violated the regulations is given notice of the alleged violation and may pay a penalty of a fixed sum in lieu of prosecution but such payment shall be a full satisfaction, release and discharge of all penalties and imprisonments incurred by the person for the violation.

**(3)** Such regulations may prohibit or restrict the parking or leaving standing of vehicles except in accordance with a sign or device on a parking meter.

**(4)** The Governor in Council may exempt from the provisions of such regulations the stopping, parking or leaving standing of vehicles in respect of which identification permits have been issued pursuant to Section 145.

**(5)** Such regulations shall come into force upon and not before the approval thereof by the Minister and the publication thereof within one month of the Minister's approval thereof, once in the Royal Gazette, and twice in a newspaper circulating in such city or incorporated town, and the publication in the Royal Gazette shall be proof of approval by the Minister.

**(6)** Such regulations shall remain in force only until the expiry date if any be mentioned therein or the date of repeal thereof by the traffic authority or the date of revocation thereof by the Minister, whichever of the three said dates shall occur first.

**(7)** Notice of any such repeal shall be published forthwith in a newspaper circulating in such city or incorporated town and such repeal may be proved by production of a copy of any such newspaper containing such notice.

**(8)** Notice of any such revocation shall be published forthwith in the Royal Gazette and such revocation may be proved by production of a copy of the Royal Gazette containing such notice.

**(9)** Any person who violates any such regulation shall be liable for a first offence to a penalty of not more than five dollars and in default of payment to imprisonment for a term of not more than two days, and for a subsequent offence to a penalty of not more than ten dollars and in default of payment to imprisonment for a term of not more than four days. R.S., c. 293, s. 152.

**Municipal parking meter by-law**

**153 (1)** Notwithstanding Section 152, the council of a city, town or municipality may by by-law prohibit or restrict the parking or leaving standing of vehicles except in accordance with a sign or device on a parking meter.

**(2)** Where the council of a city, town or municipality makes a by-law pursuant to subsection (1),

(a) the traffic authority of the city or town shall not make parking meter regulations pursuant to Section 152;

(b) the by-law may repeal or amend parking meter regulations theretofore made by the traffic authority;

(c) the by-law may provide that a person commits a separate offence for each additional period of one hour that an offence continues;

(ca) the by-law may provide that the owner of a motor vehicle shall incur the fine provided for a violation of the by-law unless at the time of such violation the motor vehicle was in the possession of some person other than the owner without the owner's consent, either expressed or implied, and may provide that the driver of a motor vehicle not being the owner shall also incur the fine provided for a violation of the by-law;

(d) the by-law may provide the penalty for each offence;

(e) the by-law may provide a system whereby a person who is alleged to have violated the by-law is given a notice of the alleged violation and may pay a penalty of a fixed sum in lieu of prosecution;

(f) subsection (4) of Section 152 applies *mutatis mutandis* to the by-law. R.S., c. 293, s. 153; 1994-95, c. 12, s. 11; 1995-96, c. 22, s. 3.

**Exemption from parking restrictions**

**154** A council of a city, town or municipality may make a by-law exempting persons or vehicles from parking restrictions within the city, town or municipality and providing for permits to be issued to those who are exempted. R.S., c. 293, s. 154; 1995-96, c. 22, s. 4.

**Vehicle parking time limit**

**155 (1)** It shall be an offence for the driver of a vehicle to park or leave standing the vehicle on any highway for a period of time longer than twenty-four hours.

**(2)** It shall be an offence for any driver of a commercial motor vehicle having a registered weight in excess of 3,000 kilograms, to park or leave standing the vehicle on a highway within the limits of any city or incorporated town for a period of time longer than two consecutive hours in any one day. R.S., c. 293, s. 155.

**Allowable manner of stopping, standing or parking**

**156 (1)** Except when necessary in obedience to traffic regulations or traffic signs or signals, the driver of a vehicle shall not stop, stand or park the vehicle in a roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curb-side wheels of the vehicle within 150 millimetres of the edge of the roadway, except as provided in the following clauses:

(a) upon those highways which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such marks or signs;

(b) in places where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads, when the owner of such vehicle holds a permit granting him such special privilege, and provided further that such permit shall be either in the possession of the driver or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be an offence for any owner or driver to violate any of the special terms or conditions of any such special permit.

**(2)** Nothing in this Section shall prevent the driver of a vehicle from backing his vehicle into the curb for purposes of loading or unloading provided that the vehicle remains in such position for a period of time not greater than fifteen minutes and provided that there is a clear and unobstructed width of not less than 4.5 metres upon the main travelled portion of the said highway between the vehicle and the opposite curb or edge of the roadway for the free passage of other vehicles thereon.

**(3)** The traffic authority shall determine upon what highways angle parking shall be permitted and shall mark or sign such highways or cause the same to be marked or signed.

**(4)** The traffic authority is hereby authorized to issue to any owner of a vehicle used to transport merchandise or materials, a special permit, renewable annually, and to state therein the terms and conditions thereof, allowing the driver of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb, if in the opinion of the traffic authority such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic. R.S., c. 293, s. 156.

**Exemption for emergency vehicle**

**157** The provisions of this Act respecting the parking and standing of vehicles do not apply to a police or fire department vehicle or an ambulance when the vehicle or ambulance is being used in an emergency. R.S., c. 293, s. 157.

**Abandonment of vehicle**

**158 (1)** Any person who wilfully abandons a motor vehicle or parts of a motor vehicle within the limits of a highway or upon property other than his own without the consent of the owner thereof for a period longer than twenty-four hours shall be guilty of an offence.

**(2)** Any official of the Department or any peace officer upon discovery of a motor vehicle apparently abandoned, whether situated within or without a highway of this Province, or of a motor vehicle without proper registration or of a motor vehicle that apparently has been involved in an accident and that is a menace to traffic, shall take the motor vehicle into his custody and may cause the same to be taken to and stored in a suitable place.

**(3)** There shall be no liability attached to such official or peace officer for any damages to such motor vehicle while in his custody. R.S., c. 293, s. 158.

**Parking of vehicle displayed for sale**

**159 (1)** It shall be an offence for a person to park upon a highway a vehicle displayed for sale.

**(2)** It shall be an offence for a person to park on a highway a vehicle for the primary purpose of displaying advertising. R.S., c. 293, s. 159.

**Unattended vehicle**

**160 (1)** No person having control or charge of a motor vehicle shall allow the vehicle to stand on any highway unattended without first effectively setting the brakes thereon and stopping the motor of the vehicle, and when standing upon any perceptible grade without turning the front wheels of the vehicle to the nearest curb or side of the highway.

**(2)** It shall not be a violation of this Section for a person having control or charge of a motor vehicle to allow it to stand unattended without first stopping the motor if the motor vehicle has tanks mounted upon it and the use of its motor is required for pumping liquids from those tanks for delivery and if the person having control or charge of it places adequate chocks against the rear wheels of the vehicle in addition to taking the precautions prescribed by this Section other than that of stopping the motor. R.S., c. 293, s. 160.

**MISCELLANEOUS TRAFFIC PROVISIONS****Fire apparatus**

**161 (1)** It shall be an offence for the driver of a vehicle other than one on official business to follow any fire apparatus travelling in response to a fire alarm closer than 150 metres or to drive into or park the vehicle within 150 metres of the place where fire apparatus has stopped in answer to a fire alarm.



(2) No street car or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway or street-car track, to be used at any fire or alarm of fire, without the consent of the fire marshal or fire department official in command. R.S., c. 293, s. 161.

**Coasting in neutral**

**162** The driver of a motor vehicle when travelling upon a down grade upon any highway shall not coast with the gears of the vehicle in neutral. R.S., c. 293, s. 162.

**Racing, parade or sporting event**

**163 (1)** Any person who operates a motor vehicle on a highway in a race, in a contest, while performing a stunt or on a bet or wager shall be guilty of an offence.

(2) Notwithstanding subsection (1), the Minister or a person designated by the Minister may close a highway for the purpose of the conduct of a parade or sporting event upon the highway.

(3) Notwithstanding any other provision of this Act or the regulations, the Minister or a person designated by the Minister may authorize a bicycle race upon a highway that has not been closed for that purpose, and the Minister or a person designated by the Minister may prescribe terms and conditions with which the participants in the bicycle race and the organizers must comply. R.S., c. 293, s. 163; 1999, c. 4, s. 26; 2007, c. 45, s. 11.

**Detention of vehicle and surrender and revocation of licence**

**163A (1)** Where a peace officer is satisfied that a motor vehicle is being operated in the course of committing an offence contrary to Section 163, the peace officer shall

- (a) detain the motor vehicle until it is impounded under Section 273A; and
- (b) request that the person surrender the person's driver's license.

(2) Upon a request being made under clause (1)(b), the person to whom the request was made shall forthwith surrender the person's license to the peace officer and, whether or not the person is unable or fails to surrender the person's driver's license to the peace officer, the person's driver's license is revoked and the person's driving privilege is suspended for a period of seven days from the time the request is made.

(3) The suspension of a driver's license or the suspension of a driving privilege pursuant to this Section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

(4) Where a driver's license is suspended or a driving privilege is suspended pursuant to this Section, the peace officer who requested the surrender of the driver's license shall

(a) keep a written record of the suspension with the name and address of the person and the date and time of the suspension; and

(b) provide the person with a written statement of the time at which the suspension takes effect, the length of the period during which the person's driver's license or driving privilege is suspended, the place where the driver's license may be recovered upon the termination of the suspension and acknowledging receipt of the driver's license that is surrendered. 2007, c. 45, s. 12.

### Regulations

**163B** (1) The Governor in Council may make regulations

(a) defining "race", "contest" and "stunt" for the purpose of Section 163;

(b) exempting any class of persons or vehicles from Section 163;

(c) respecting any records or reports required by Section 163A.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2007, c. 45, s. 12.

### Driving on sidewalk

**164** (1) Subject to subsections (2) and (3), the driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

(2) Snow clearance equipment may be driven within any sidewalk area for the purpose of clearing snow or ice.

(3) When operating a personal transporter on a sidewalk, the operator shall yield to all pedestrians not riding on a personal transporter. R.S., c. 293, s. 164; 2015, c. 46, s. 8.

### Driving into procession

**165** (1) No person shall drive a vehicle or street car through or into a funeral procession or other lawful procession.

(2) This Section shall not apply where traffic is controlled by traffic control lights or peace officers. R.S., c. 293, s. 165.

**Vehicle in public park**

**166** The traffic authority may erect and maintain signs in public parks or the entrances thereto, prohibiting any vehicle or class of vehicles from entering the public park, or regulating the speed of vehicles or their operation or parking, and it shall be an offence for any person to fail to comply with the directions displayed upon any such sign. R.S., c. 293, s. 166.

**Horse on highway or sidewalks**

**167 (1)** No horse shall be left unattended in any highway unless securely fastened or unless the wheels of the vehicle to which he is harnessed are securely tied, fastened or chained, and the vehicle is of sufficient weight to prevent it being dragged at a dangerous speed with the wheels so secured.

**(2)** No horse shall be unbitted in any highway unless secured by a halter.

**(3)** No person shall remove a wheel, pole, shaft, whiffletree, swinglebar, or any part of a vehicle or any part of a harness likely to cause an accident if the horse starts, without first unhitching the horse or horses attached to the vehicle.

**(4)** No person shall at any time fasten any horse or horses in such a manner that the tie rope, reins or lines shall be an obstruction to the free use of any sidewalk or crosswalk.

**(5)** No horse shall be hitched or fastened to any shade tree or its protecting box or casing, nor to any water hydrant in any highway.

**(6)** No person shall run or race a horse on a highway, whether the running, racing or trotting be for trial of speed or for the purpose of passing another horse or vehicle.

**(7)** No person shall ride or lead a horse on any sidewalk except for the purpose of crossing the sidewalk. R.S., c. 293, s. 167.

**Unattended animal on highway**

**168 (1)** The owner of a domestic animal, other than a cat or a dog, shall not permit the animal to be unattended on a highway.

**(2)** In any prosecution under this Section, evidence that an animal is unattended on a highway is *prima facie* proof that its owner permitted it to be unattended on the highway. R.S., c. 293, s. 168.

**Riding on frame or clinging to moving vehicle**

**169 (1)** It shall be an offence for a cyclist or the operator of a motorcycle, when upon the street to carry any other person upon the handlebar, frame or

tank of any such vehicle or side-saddle on any such vehicle, or for any person to so ride upon any such vehicle.

(2) It shall be an offence for any person travelling upon a bicycle, motorcycle, coaster, sled, roller skates, skis, or any toy vehicle to cling to or attach himself or his vehicle to any other moving vehicle or street car upon a highway or for the driver of any such moving vehicle or street car to allow or permit any such person to cling to or attach himself or his vehicle to said moving vehicle or street car. R.S., c. 293, s. 169; 2010, c. 59, s. 8; revision corrected.

#### **Headgear when riding motorcycle or motor scooter**

**170 (1)** No person shall operate or ride as a passenger on a motorcycle or motor scooter on a highway unless he is wearing adequate protective headgear of a kind prescribed by regulation of the Governor in Council.

(2) Regulations made under subsection (1) may adopt by reference or otherwise standards or specifications established or approved by the Canadian Standards Association or other testing organization with or without modifications or variations or may require that any headgear conform to the standards or specifications established or approved by the Canadian Standards Association or other testing organization or bear the approval of the Canadian Standards Association or other testing organization. R.S., c. 293, s. 170.

#### **Helmet for bicycle, electric kick-scooter and personal transporter**

**170A (1)** In this Section, “bicycle” includes any device designated to transport passengers and to be drawn by a bicycle and includes a personal transporter and an electric kick-scooter.

(2) No person shall ride on or operate a bicycle unless the person is wearing a bicycle helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin.

(3) No parent or guardian of a person under sixteen years of age shall authorize or knowingly permit that person to ride on or operate a bicycle unless the person is wearing a bicycle helmet as required by subsection (2).

(4) Every person who is sixteen years of age or older who violates a provision of this Section is guilty of an offence.

(5) A peace officer may seize and detain, for a period not to exceed thirty days, a bicycle that is being ridden on or operated by a person not wearing a helmet as required by subsection (2).

(6) The Governor in Council may make regulations

- (a) prescribing standards and specifications for helmets;
- (b) providing for and requiring the identification and marking of helmets;

(c) exempting any person or class of persons from the requirements of this Section and prescribing conditions for exemptions.

(7) The exercise by the Governor in Council of the authority contained in subsection (6) is regulations within the meaning of the *Regulations Act*. 1996, c. 35, s. 1; 2002, c. 10, s. 12; 2006, c. 37, s. 1; 2015, c. 46, s. 9; 2022, c. 21, s. 9.

**Helmet for scooter, skate board, in-line skates, roller skates, etc.**

**170B (1)** No person shall ride on or operate a scooter, skate board, in-line skates, roller skates or other device prescribed by the regulations unless the person is wearing a helmet that complies with the regulations and the chin strap of the helmet is securely fastened under the chin.

(2) No parent or guardian of a person under sixteen years of age shall authorize or knowingly permit that person to ride on or operate a scooter, a skate board, in-line skates, roller skates or other device prescribed by the regulations unless the person is wearing a helmet as required by subsection (1).

(3) For greater certainty, nothing in this Section authorizes any person to ride on or operate a scooter, a skate board, in-line skates, roller skates or other device prescribed by the regulations if otherwise prohibited by this Act or another enactment.

(4) Every person who is sixteen years of age or older who violates a provision of this Section is guilty of an offence and liable on summary conviction to a fine of not less than twenty-five dollars.

(5) A peace officer may seize and detain, for a period not to exceed thirty days, a scooter, a skate board, in-line skates, roller skates or other device prescribed by the regulations that is being ridden on or operated by a person not wearing a helmet as required by subsection (1).

(6) The Governor in Council may make regulations

- (a) prescribing standards and specifications for helmets;
- (b) providing for and requiring the identification and marking of helmets;
- (c) prescribing devices for the purpose of this Section;
- (d) exempting any person or class of persons from the requirements of this Section and prescribing conditions for exemptions.

(7) The exercise by the Governor in Council of the authority contained in subsection (6) is regulations within the meaning of the *Regulations Act*. 2002, c. 20, s. 3; 2006, c. 37, s. 2.

**Prohibited conduct on or place to ride bicycle**

**171 (1)** A cyclist shall not allow the same to proceed in a highway by inertia momentum, with his feet removed from the pedals, nor shall a cyclist remove both hands from the handlebars while riding the bicycle nor practise any trick or fancy riding on a highway.

**(2)** No person shall ride a bicycle, tricycle, or similar machine on a sidewalk, provided, nothing in this Section shall be deemed or construed to prevent the use of velocipedes or similar machines by children on a sidewalk in a public square, park, city or town.

**(3)** Where a roadway has a bicycle lane for bicycles travelling in the same direction that a cyclist is travelling, the cyclist shall ride in the bicycle lane unless it is impracticable to do so.

**(4)** A cyclist who is not riding in a bicycle lane shall ride as far to the right side of the roadway as practicable or on the right-hand shoulder of the roadway unless the cyclist is

(a) in the process of making a left turn in the same manner as a driver of a motor vehicle[;]

(b) travelling in a rotary or roundabout[;]

(c) passing a vehicle on the vehicle's left[;] or

(d) encountering a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard that prevents the person from safely riding to the right side of the roadway[.]

**(5)** A cyclist on a highway shall ride in the same direction as the flow of traffic.

**(6)** Except when passing another cyclist, cyclists on a highway shall ride in single file. R.S., c. 293, s. 171; 2010, c. 59, s. 9; revision corrected.

**Designation of sidewalk as trail**

**171A** Notwithstanding Section 171, a traffic authority appointed pursuant to Section 86 may

(a) designate a sidewalk or any portion thereof as a trail; and

(b) authorize and regulate the use of bicycles on such trails,

and, for greater certainty, a sidewalk so designated is subject to all other provisions of this Act. 1997, c. 5, s. 1.

**Motor vehicle passing bicycle**

**171B (1)** A driver of a vehicle shall not pass a bicycle travelling in the same direction as the vehicle that is being ridden to the far right of the driver of the vehicle on the roadway, on the shoulder or in an adjacent bicycle lane unless

- (a) there is sufficient space to do so safely; and
- (b) the driver leaves at least one metre open space between the vehicle and the cyclist.

**(2)** Notwithstanding subsection 115(2), a driver of a motor vehicle may cross a line to pass a bicycle in accordance with subsection (1) if the driver can do so safely as required by Section 100. 2010, c. 59, s. 10.

**Roller skates or skate board**

**172 (1)** Subject to subsection (2), it shall be an offence for a person upon roller skates or a skate board to go on a roadway except while crossing on a crosswalk or unless on a roadway authorized by the Minister.

**(2)** The council of a city or an incorporated town may exempt from subsection (1) any roadway within that city or town that is not a highway to which the *Public Highways Act* applies. R.S., c. 293, s. 172.

**Operation of personal transporter**

**172A (1)** Only one person at a time may be on a personal transporter while it is being operated.

**(2)** A person operating a personal transporter shall stand when the personal transporter is in motion.

**(3)** A personal transporter shall not tow another person or vehicle or any device. 2015, c. 46, s. 10.

**Restriction on operation**

**172B (1)** A personal transporter shall not be operated on

- (a) a roadway with a posted speed limit greater than sixty kilometres per hour;
- (b) a controlled-access highway;
- (c) a highway on which bicycles or on which personal transporters are prohibited by this Act or the regulations;
- (d) on a specified sidewalk or roadway within a municipality if not part of a highway to which the *Public Highways Act* applies and prohibited by a municipal by-law; or
- (e) private property if it is prohibited.

(2) Where a sidewalk or roadway within a municipality is not part of a highway to which the *Public Highways Act* applies, the municipality may make a by-law prohibiting the operation of a personal transporter on that sidewalk or roadway.

(3) A personal transporter shall be operated

(a) where a highway includes a sidewalk, on the sidewalk unless it is impracticable to do so;

(b) where the highway does not include a sidewalk or where it is impracticable to operate the personal transporter on the sidewalk, on the roadway in a bicycle lane travelling in the same direction that the operator of the personal transporter is travelling; or

(c) where the highway does not include a sidewalk or there is no bicycle lane for travelling in the same direction that the operator of the personal transporter is travelling or where it is impracticable to operate the personal transporter on the sidewalk or in the bicycle lane, on the far right side of the roadway.

(4) Subsections (2) and (3) of Section 127 and subsection (1) of Section 164 do not apply to personal transporters.

(5) Except when passing a cyclist, an operator of another personal transporter or an operator of an electric kick-scooter, the operator of a personal transporter on a highway shall operate the personal transporter in a single file with bicycles, electric kick-scooters and other personal transporters.

(6) The operator of a personal transporter shall not make a left turn on a roadway except by crossing the roadway in a crosswalk and, for greater certainty, Section 125 applies to the operator as a pedestrian. 2015, c. 46, s. 10; 2022, c. 21, s. 10.

#### **Operation of electric kick-scooter**

**172C (1)** An operator of an electric kick-scooter shall not remove both hands from the handlebars while riding the electric kick-scooter nor practise any trick or fancy riding on a highway.

(2) Where a roadway has a bicycle lane for bicycles travelling in the same direction that a cyclist is travelling, the operator of an electric kick-scooter shall ride in the bicycle lane unless it is impracticable to do so.

(3) An operator of an electric kick-scooter who is not riding in a bicycle lane shall ride as far to the right side of the roadway as practicable or on the right-hand shoulder of the roadway unless the operator is

(a) in the process of making a left turn in the same manner as a driver of a motor vehicle;

(b) travelling in a rotary or roundabout;



(c) passing a vehicle on the vehicle's left; or

(d) encountering a condition on the roadway, including a fixed or moving object, parked or moving vehicle, pedestrian, animal or surface hazard that prevents the person from safely riding to the right side of the roadway.

(4) An operator of an electric kick-scooter on a highway shall ride in the same direction as the flow of traffic.

(5) Except when passing a cyclist, personal transporter or other electric kick-scooter, an operator of an electric kick-scooter on a highway shall ride in single file with bicycles, personal transporters and other electric kick-scooters. 2022, c. 21, s. 11.

#### **Operation of electric kick-scooter**

**172D (1)** Only one person at a time may be on an electric kick-scooter while it is being operated.

(2) A person operating an electric kick-scooter shall stand when the electric kick-scooter is in motion.

(3) An electric kick-scooter shall not tow another person or vehicle or any device.

(4) An electric kick-scooter being operated must be equipped with

(a) a brake system that acts independently on the steerable wheel and the back wheel using separate hand levers;

(b) an emergency stop switch to cut electrical supply to the motor in case of failure of the scooter's control system;

(c) a battery with terminals that are completely insulated and covered and that is securely fastened to the electric kick-scooter to prevent movement while in motion; and

(d) a headlamp and a rear light or reflector that meet the requirements set out in subsection 174(6). 2022, c. 21, s. 11.

#### **Restriction on operation**

**172E** No person shall operate an electric kick-scooter

(a) on a provincial highway;

(b) on a highway on which bicycles, electric kick-scooters or personal transporters are prohibited by this Act or the regulations;

(c) on a highway if electric kick-scooters are not permitted by municipal by-law;

- (d) if prohibited by an official traffic sign; or
- (e) on private property if prohibited. 2022, c. 21, s. 11.

**Throwing object at vehicle or on highway**

**173 (1)** No person shall throw any object at a motor vehicle or at a person in a motor vehicle or on a highway which may cause injury to such vehicle or to any person therein.

**(2)** No person shall throw, deposit, or knowingly leave on a highway any glass, nails, tacks, scraps of metal, or other materials that are liable to injure tires of motor vehicles.

**(3)** Subsection (2) does not apply to a police officer when using hollow spike belts to stop a motor vehicle where other reasonable methods of pursuit and apprehension have failed.

**(4)** No person shall throw or otherwise deposit from any vehicle on the highway any litter, refuse, garbage, rubbish or other matter.

**(5)** *repealed 2002, c. 10, s. 13.*

**(6)** In addition to any other penalty imposed by this Act, a person who violates any of the provisions of subsection (1), (2) or (4) is liable for the expense of removing the litter, refuse, garbage or other objects or material. R.S., c. 293, s. 173; 2002, c. 10, s. 13; revision corrected.

**Selling or soliciting on a roadway**

**173A (1)** No person, while on a roadway, shall stop, attempt to stop or approach a motor vehicle for the purpose of offering, selling or providing any commodity or service to or soliciting the driver or any other person in the motor vehicle.

**(2)** Subsection (1) does not apply to the offer, sale or provision of towing or repair services or any other commodity or service in an emergency.

**(3)** Subsection (1) does not apply to fund-raising activities that are

(a) permitted by a by-law of the municipality in which the activities are conducted; and

(b) approved by the traffic authority responsible for the roadway on which the activities are conducted. 2007, c. 45, s. 13.

**EQUIPMENT****Lights or reflector**

**174 (1)** Except as provided in this Section, every vehicle upon a highway within this Province during the period from a half hour after sunset to a half hour before sunrise and at any other time when visibility is so limited by fog, rain,

snow or other atmospheric condition or by insufficiency of light as to render not clearly discernible any person on the highway at a distance of 300 metres ahead shall be equipped with lighted head lamps and lighted rear lamps as in this Section respectively required for different classes of vehicle and subject to exemption with reference to lights on parked vehicles as declared in subsection (10).

(2) Every motor vehicle other than a motorcycle, road-roller, road machinery, or farm tractor shall be equipped with not fewer than two head lamps, at the front of and on opposite sides of the motor vehicle which head lamps shall comply with the requirements and limitations set forth in Section 178 or any regulations that may be made under Section 200.

(3) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations set forth in Section 178 or any regulations that may be made under Section 200.

(4) Every motor vehicle and every trailer or semi-trailer that is being drawn at the end of a train of vehicles shall be equipped at the rear with

(a) a lamp that exhibits a red light plainly visible under normal atmospheric conditions from a distance of 150 metres to the rear of the vehicle, and that is so constructed and placed that the number plate carried on the rear of the vehicle is, under the same conditions, so illuminated by a white light that it can be read from a distance of 15 metres to the rear of the vehicle; or

(b) a lamp that exhibits a red light plainly visible under normal atmospheric conditions from a distance of 150 metres to the rear of the vehicle and a lamp that so illuminates with a white light the number plate carried on the rear of the vehicle that under the same conditions the number plate can be read from a distance of 15 metres to the rear of the vehicle.

(5) Every vehicle, other than a standard passenger motor vehicle, road-roller, road machinery or farm tractor, having a width at any part in excess of 2 metres shall carry two clearance lamps on the left side of the vehicle, one located at the front and displaying a white or yellow light visible under normal atmospheric conditions, from a distance of 150 metres to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red light visible under like conditions from a distance of 150 metres to the rear of the vehicle, a vehicle requiring clearance lamps hereunder may in lieu of such clearance lights be equipped with adequate reflectors conforming as to colour and marginal location to the requirements for clearance lights, and of a type which has been approved by the Department, and no such reflector shall be deemed adequate unless it is so designed, located as to height and maintained as to be visible for at least 150 metres when opposed by a motor vehicle displaying lawful undimmed headlights at night on an unlighted highway.

(6) Every bicycle, electric kick-scooter and personal transporter shall be equipped with a lighted lamp on the front thereof visible under normal

atmospheric conditions from a distance of at least 100 metres in front of the bicycle or personal transporter and shall also be equipped with a reflex mirror or lamp on the rear exhibiting a red light visible under like conditions from a distance of at least 60 metres to the rear of such bicycle or personal transporter.

(7) All vehicles not heretofore in this Section required to be equipped with specified lighted lamps shall carry one or more lighted lamps or lanterns displaying a white light visible under normal atmospheric conditions from a distance of not less than 150 metres to the front and rear of the vehicle or displaying white lights to the front and a red light to the rear, each visible under like conditions from a distance of not less than 150 metres from the vehicle.

(8) The Department may by regulation permit a reflector of a type approved by the Minister to be substituted for the lighted lamps required by subsection (7).

(9) The Department may by regulations permit a reflector of a type approved by the Minister to be substituted for the lighted lamps required by this Section on any vehicle engaged in transporting inflammable or explosive loads provided that the driver of the vehicle shall at all times mentioned in subsection (1) carry a special permit issued by the Registrar, setting forth the conditions under which the vehicle may be operated with reflectors in place of lights.

(10) Whenever a vehicle is parked or stopped upon a highway whether attended or unattended during the times mentioned in subsection (1), there shall be displayed upon the vehicle one or more lamps one of which shall be on the roadway side and project a white, amber or yellow light visible under normal atmospheric conditions from a distance of 150 metres to the front of the vehicle and one of which lamps shall project a red light visible under like conditions from a distance of 150 metres to the rear, except that no lights need be displayed upon a vehicle when parked upon a highway where there is sufficient light to reveal any person within a distance of 60 metres upon the highway.

(11) A vehicle exceeding 7.5 metres in length shall display a white marker light of not to exceed 4 candela, or a white reflector, meeting the requirements as to visibility of subsection (4), on both the right and left sides, and any combinations of vehicles exceeding 6 metres in length shall display on both the right and left sides such marker lights or reflectors at intervals of not to exceed 6 metres, and other vehicles may but are not required to display such marker lights or reflectors. R.S., c. 293, s. 174; 2015, c. 46, s. 11; 2022, c. 21, s. 12.

#### **Lighted headlamps or daytime running lights**

**174A (1)** Notwithstanding Section 174, every motor vehicle equipped with one or more headlamps must be equipped with lighted daytime running lights or lighted headlamps at all times while being operated upon a highway within the Province.

(2) Subsection (1) does not apply to a motor vehicle registered as an antique vehicle. 2008, c. 62, s. 2.

### Seat belts

175 (1) In this Section,

- (a) “child restraint system” means a child’s car seat of a type prescribed for a child of a prescribed age, height or weight;
- (b) “prescribed” means prescribed by the regulations;
- (c) “seat belt” means the complete seat belt assembly or other restraint system for a seating position specified for the vehicle by the *Motor Vehicle Safety Act* (Canada) at the time the vehicle was manufactured, assembled or imported.

(2) While a motor vehicle is being operated on a highway other than in reverse, the driver of the motor vehicle shall wear a seat belt if a seat belt is available to the driver.

(3) No person shall operate a motor vehicle on a highway unless every passenger in the motor vehicle who is under sixteen years of age is secured

- (a) in the prescribed manner in a child restraint system, where the passenger is of an age, height or weight for which such a system is prescribed; or
- (b) where the passenger is not of an age, height or weight for which a child restraint system is prescribed, in a seat belt if a seating position with a seat belt is available to that passenger.

(4) While a motor vehicle is being operated on a highway, every passenger in the motor vehicle who is sixteen years of age or older shall wear a seat belt if a seating position with a seat belt is available to that passenger.

(5) Every registered owner of a motor vehicle shall maintain all seat belts for the vehicle in good condition.

(6) No person shall modify a seat belt in any way which reduces its effectiveness or remove a seat belt except for maintenance or if the seating position has been removed.

(7) This Section does not apply to

- (a) a person who is unable to wear a seat belt or child restraint system because of the person’s size, build or other physical characteristic, in respect of the use of a seat belt by that person;
- (b) a person who in the opinion of a legally qualified medical practitioner is unable to wear a seat belt or child restraint system for medical reasons, in respect of the use of a seat belt by that person;

- (c) a peace officer engaged in the lawful performance of his duty;
- (d) a fireman while in or on a vehicle of a fire fighting organization;
- (e) a driver operating a taxicab for hire, in respect of the use of a seat belt by the driver or a passenger;
- (f) a driver operating a public transit bus of a bus line service operated or subsidized by a municipality or a regional transit authority;
- (g) a medical attendant in an ambulance transporting a patient;
- (h) a person while engaged in work which requires the person to leave and enter his seating position in the vehicle at frequent intervals.

**(8)** The Governor in Council may make regulations

- (a) approving a child's car seat and prescribing the manner in which a child is to be secured in it;
  - (b) governing the type of child's car seat for children based on age, height or weight, or any combination of them;
  - (c) adopting by reference, in whole or in part, any code, standard or specification respecting child restraint systems;
  - (d) exempting from any of the provisions of this Section or the regulations made pursuant to this Section
    - (i) any class of motor vehicle,
    - (ii) any class of driver or passenger, or
    - (iii) drivers carrying any prescribed class of passenger,
- and prescribing conditions for any such exemption.

**(9)** Every person who contravenes a provision of this Section is guilty of an offence. R.S., c. 293, s. 175; 2002, c. 10, s. 14.

**Regulations respecting lighting equipment**

**176** The Governor in Council may make regulations prescribing or regulating the number, colour, type, strength, location, direction, focus, use and all other matters with reference to clearance lamps, reflectors, side-marker lamps and other lighting equipment to be fitted, carried or displayed by all or any class or classes of motor vehicle. R.S., c. 293, s. 176.

**Spot, fog, signal or brake lights**

**177 (1)** Any motor vehicle may be equipped with not more than two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the centre of the highway nor more than 30 metres ahead of the vehicle.

**(2)** Any motor vehicle may be equipped with not more than two auxiliary driving lamps or fog lamps mounted on the front at a height not less than 300 millimetres above the level surface on which the vehicle stands, and every such lamp or lamps shall meet the requirements and limitations set forth in subsection (3) of Section 178.

**(3)** All motor vehicles required to be registered under this Act except farm tractors shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle, or on a combination of vehicles, on the side of the vehicle or combination toward which the turn is to be made.

**(4)** The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signalling, shall emit white or amber light, or any shade of light between white and amber.

**(5)** The lamps showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signalling, shall emit a red or amber light, or any shade of colour between red and amber.

**(6)** Turn signal lamps on vehicles 2.05 metres or more in over-all width shall be visible from a distance of not less than 150 metres to the front and rear in normal sunlight.

**(7)** Turn signal lamps on vehicles less than 2.05 metres wide shall be visible a distance of not less than 100 metres to the front and rear in normal sunlight.

**(8)** Turn signal lamps may, but need not be incorporated in other lamps on the vehicle.

**(9)** All motor vehicles required to be registered under this Act shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red light visible from a distance of not less than 100 metres to the rear in normal sunlight, and which shall be actuated upon application of one braking system, and which may be incorporated with one or more other rear lamps.

**(10)** Any device, other than head lamps, spot lamps or auxiliary lamps, which projects a beam of light of an intensity greater than 25 candela, shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than 15 metres from the vehicle. R.S., c. 293, s. 177; revision corrected.

**Type of light**

**178 (1)** The head lamps of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection (3) they will at all times mentioned in Section 174 and under normal atmospheric conditions and on a level road produce a driving light that is colourless and sufficient to render clearly discernible a person 60 metres ahead, but shall not project a glaring or dazzling light to persons in front of the head lamp.

**(2)** Head lamps shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if none of the main bright portion of the head lamp beams rises above a horizontal plane passing through the lamp centres parallel to the level road upon which the loaded vehicle stands, and in no case higher than 1 metre 20 metres ahead of the vehicle.

**(3)** Whenever a motor vehicle is being operated upon a highway, or a portion thereof, which is sufficiently lighted to reveal a person on the highway at a distance of 60 metres ahead of the vehicle it shall be permissible to dim the head lamps or to tilt the beams downward or to substitute therefor the light from an auxiliary driving lamp or pair of such lamps, subject to the requirement that the tilted head lamp or auxiliary lamp or lamps shall give sufficient illumination under normal atmospheric conditions and on a level road to render clearly discernible a person 25 metres ahead, but shall not project a glaring or dazzling light to persons in front of the vehicle, provided that at all times required in Section 174 at least two lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle, road-roller, road machinery or farm tractor.

**(4)** On approaching another vehicle proceeding in an opposite direction on any highway the driver of a motor vehicle shall, when within not less than 150 metres of the other vehicle, dim or depress the beam from the headlights of his motor vehicle so that the main bright portion of the beam is not projected into the eyes of the driver of the other vehicle.

**(5)** On approaching another vehicle proceeding in the same direction on any highway the driver of a motor vehicle shall, while following within 60 metres of the other vehicle, dim or depress the beam from the headlights of his motor vehicle so that the main bright portion of the beam is not projected on the other vehicle. R.S., c. 293, s. 178.

**Red, blue or flashing lights**

**179 (1)** No person shall drive or move on a highway a vehicle with a red light visible from directly in front of the vehicle unless the vehicle is

- (a) an ambulance or school bus;
- (b) a police, fire department or fire patrol vehicle;
- (ba) a public-safety vehicle;



(c) a vehicle being used by the chief or deputy chief of a volunteer fire department when acting in an emergency arising from a fire or an accident; or

(d) a vehicle being used by a conservation officer appointed pursuant to an enactment when the conservation officer is performing duties as a conservation officer.

**(1A)** In this Section, “fire patrol vehicle” includes a fire suppression or fire vehicle operated by the Department of Natural Resources and Renewables.

**(2)** In this Section, “red light” includes a red reflector or other device that gives or is capable of giving the effect of a red light.

**(3)** No person shall drive or move on a highway a vehicle with a blue light visible in any direction unless the vehicle is a police vehicle, a public-safety vehicle used by a Bridges patrol officer or a sheriff or a vehicle being used by a conservation officer appointed pursuant to an enactment when the conservation officer is performing duties as a conservation officer.

**(4)** In this Section, “blue light” includes a blue reflector or other device that gives or is capable of giving the effect of a blue light.

**(5)** Subject to subsections (1) and (3), the display of flashing or revolving lights shall be permitted on vehicles driven upon a highway where the vehicle is

(a) an ambulance;

(b) a school bus;

(c) a police vehicle;

(d) a fire department or fire patrol vehicle;

(da) a public-safety vehicle;

(e) a vehicle being used by the chief or deputy chief of a volunteer fire department when acting in an emergency arising from a fire or an accident;

(ea) a vehicle being used by a conservation officer appointed pursuant to an enactment when the conservation officer is performing duties as a conservation officer;

(f) a motor vehicle service, repair or towing truck, which is equipped for lifting and towing vehicles, when being engaged on the highway for the purpose of rendering service to a disabled motor vehicle or when towing a motor vehicle away from an accident or place at which it became disabled;

(g) a vehicle of the Department, a city or town that is being used in connection with the maintenance or repair of a highway or the removal of snow therefrom;

(h) a vehicle transporting explosives;

(i) a motor vehicle towing a wide trailer; or

(j) a vehicle engaged in the construction, maintenance or repair of communication or power systems.

(6) The flashing or revolving lights permitted under subsection (5) shall be designed to show only one color of light in all directions.

(7) Flashing or revolving lights on vehicles operated upon a highway are prohibited except as authorized or required by this Act or regulations made pursuant to this Act. R.S., c. 293, s. 179; 1993, c. 31, s. 1; 1994, c. 25, s. 1; 2014, c. 20, s. 9; O.I.C. 2018-188; O.I.C. 2021-210.

#### **Regulations respecting lighting equipment**

**180** The Governor in Council may prescribe rules and regulations regarding lighting equipment and the use of lights, supplementing or curtailing the preceding Sections regarding lighting equipment. R.S., c. 293, s. 180.

#### **Brakes**

**181 (1)** Every motor vehicle other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle, having two separate means of application, each of which means shall be effective to apply brakes to at least two wheels, and so constructed that no part which is liable to failure shall be common to the two.

(2) Every motorcycle shall be equipped with at least one brake.

(3) Every motorcycle shall be equipped with a braking system capable of being operated on not fewer than two wheels where the motorcycle was originally equipped with such a braking system or where the motorcycle was sold new after the first day of June, 1972.

(4) All such brakes shall be maintained in good working order and shall conform to regulations which may from time to time be made by the Department, and any peace officer, or any officer appointed to carry out this Act may at any time inspect, or cause to be inspected the brakes of any motor vehicle on the highway, and may, if the brakes do not conform to the regulations of the Department, require the driver of the motor vehicle to proceed forthwith to make or to have brakes made to comply with those regulations.

(5) Any combination of motor vehicle, trailer, semi-trailer or other vehicle shall be equipped with brakes upon one or more of the vehicles adequate to stop the combination of vehicles within the distance specified for motor

vehicles under regulations that may be made by the Department, and the Department may, by regulations, require any type, class or weight of trailer or semi-trailer to be equipped with brakes to be approved by the Department.

(5A) Subsection (5) does not apply to an implement of husbandry without motive power if the implement of husbandry exhibits a slow moving sign as required by Section 117 or the regulations.

(5B) Notwithstanding anything contained in this Section, no person shall, upon a highway, propel or move at a speed greater than twenty kilometres per hour an implement of husbandry, unless the implement of husbandry can be stopped within ten metres when travelling at a speed of twenty kilometres per hour.

(6) The Minister, with the approval of the Governor in Council, may make regulations respecting the standards for hydraulic brake fluid and making it an offence to sell, offer for sale, or possess hydraulic brake fluid that does not conform to the standards. R.S., c. 293, s. 181, 2006, c. 35, s. 3.

#### **Diesel engine enhanced braking system**

181A (1) No person shall use a diesel engine enhanced braking system while operating a vehicle on a highway for which the speed limit is fifty kilometres per hour or less unless the use of the braking system is required by an emergency.

(2) Subsection (1) does not apply to fire department or other emergency vehicles. 2000, c. 14, s. 1; 2001, c. 44, s. 4.

#### **Speedometer and odometer**

182 Every motor vehicle originally equipped with a speedometer and an odometer shall be equipped with a speedometer and an odometer which work properly. R.S., c. 293, s. 182.

#### **Radar-warning device**

182A (1) In this Section, “radar-warning device” means any device or equipment designed or intended for use in a motor vehicle to warn the driver of the presence of radar speed-measuring equipment in the vicinity and includes any device or equipment designed or intended for use in a motor vehicle to interfere with the effective operation of radar speed-measuring equipment.

(2) No person shall drive on a highway a motor vehicle that is equipped with or that carries or contains a radar-warning device.

(3) A police officer may at any time, without a warrant, stop, enter and search a motor vehicle that the police officer has reasonable grounds to believe is equipped with or carries or contains a radar-warning device contrary to subsection (2) and may seize and take away any radar-warning device found in or upon the motor vehicle.

(4) Where a person is convicted of an offence pursuant to this Section, any device seized pursuant to subsection (3) by means of which the offence was committed is forfeited to Her Majesty in right of the Province.

(5) Subsection (2) does not apply to a person who is transporting radar-warning devices in sealed packages in a motor vehicle from a manufacturer to a consignee.

(6) *repealed 2002, c. 10, s. 15.*

1994-95, c. 12, s. 12; 2002, c. 10, s. 15.

### **Horn, siren or bell**

**183 (1)** Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions from a distance of not less than 60 metres, and such horns shall be sounded whenever it shall be reasonably necessary.

(2) Every police department and fire department vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren or exhaust whistle.

(3) A vehicle used by the chief or deputy chief of a volunteer fire department, when acting in an emergency arising from a fire or an accident, may be equipped with a bell, siren or exhaust whistle.

(3A) A vehicle being used by a conservation officer appointed pursuant to an enactment, when the conservation officer is performing duties as a conservation officer, may be equipped with a bell, siren or exhaust whistle.

(3B) A fire suppression or fire vehicle operated by the Department of Natural Resources and Renewables, used in an emergency arising from a fire or accident, may be equipped with a bell, siren or exhaust whistle.

(3C) A public-safety vehicle may be equipped with a siren.

(3D) The driver of a vehicle authorized to be equipped with a bell, siren or exhaust whistle pursuant to this Section, other than a police vehicle, is only authorized to use the bell, siren or exhaust whistle in an emergency situation or as directed by a peace officer.

(4) It shall be an offence, except as otherwise provided in this Section, for any vehicle to be equipped with, or for any person to use upon a vehicle, any bell, siren, compression or exhaust whistle, or for any person, at any time, to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonable loud or harsh sound by means of a horn or other warning device.

(5) Every bicycle shall be equipped with a bell or horn in good working order, and it shall be an offence for any person to install or use upon a bicycle any siren or whistle.

(5A) Every personal transporter shall be equipped with a bell or horn in good working order and the operator of a personal transporter shall use it to give notice of its approach, including overtaking, on a roadway or a sidewalk.

(5B) Every electric kick-scooter shall be equipped with a bell or horn in good working order and the operator of an electric kick-scooter shall use it to give notice of its approach, including overtaking on a roadway or a sidewalk, if permitted.

(6) Every vehicle on runners drawn by a horse or other animal on a highway, shall carry at least two bells attached to the harness or to the vehicle in such a manner as to give ample warning sound and capable of being heard under normal conditions from a distance of not less than 60 metres. R.S., c. 293, s. 183; 1993, c. 31, s. 2; 1994, c. 25, s. 2; 2014, c. 20, s. 10; 2015, c. 46, s. 12; O.I.C. 2018-188; O.I.C. 2021-210; 2022, c. 21, s. 13.

#### **Mirror, windshield or television**

**184 (1)** Every motor vehicle shall be equipped with a mirror securely attached to the vehicle and so located as to reflect to the driver a view of the highway from a distance of at least 60 metres to the rear of the vehicle.

(2) Where the view afforded by the mirror required under subsection (1) is obstructed or interfered with by a trailer attached to the motor vehicle, the construction or the loading of the motor vehicle, an outside rear-vision mirror shall be attached to each side of the motor vehicle and placed in such a position as to afford the driver a clear view to the rear of at least 60 metres on each side of the vehicle, but no vehicle shall continue to be so equipped with such mirror where the view ceases to be obstructed or interfered with by a towed vehicle or load.

(3) Every motor vehicle operated on a highway, except a motorcycle, construction equipment or farm equipment, shall be equipped with a windshield.

(4) No person shall on any highway drive a motor vehicle when there is in or upon the windshield, sidewings, side or rear windows, or the openings for the same or any of them, any sign, poster or other nontransparent material other than a certificate, sticker or other device required by or pursuant to this Act to be displayed thereon or a sticker approved by the Minister that is positioned as directed by the Minister.

(5) No person shall drive on a highway a motor vehicle having attached therein or thereon any ornament, decoration, novelty or other thing that is so located that it obstructs or is likely to obstruct the vision or distract the attention of the driver of the vehicle.

(6) Every windshield on a motor vehicle being driven on a highway shall be equipped with a device for clearing rain, snow, or other moisture therefrom, which device shall be so constructed as to be controlled or operated by the driver of the vehicle and shall be kept in operation whenever necessary.

(7) No person shall drive on a highway a motor vehicle equipped with a television viewer, screen or other means of visually receiving a television broadcast that is located in the vehicle at a point forward of the back of the driver's seat or that is visible to the driver while he is operating the vehicle. R.S., c. 293, s. 184.

#### **Flag or light at end of load**

**185** Whenever the load of a vehicle extends more than 1 metre beyond the rear of the bed or body thereof, there shall be displayed at the end of the load in such position as to be clearly visible at all times from the rear of the load a red flag not less than 300 millimetres both in length and width, except that between one half hour after sunset and one half hour before sunrise there shall be displayed at the end of any such load a yellow or red light plainly visible under normal atmospheric conditions at least 60 metres from the rear of the vehicle or a reflector as provided in Section 174. R.S., c. 293, s. 185.

#### **Truck with open tail gate**

**186** No person shall drive on a highway a commercial motor vehicle with the tail-board of the vehicle open or in a horizontal position unless the tail-board is then required for the support of all or part of the load that is being carried in the vehicle. R.S., c. 293, s. 186.

#### **Muffler or fumes**

**187 (1)** Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, by-pass or similar device upon a vehicle on a highway.

(2) The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. R.S., c. 293, s. 187.

#### **Excessive noise**

**188** No person shall start, drive, turn or stop any motor vehicle, or accelerate the vehicle engine while the vehicle is stationary, in a manner which causes any loud and unnecessary noise in or from the engine, exhaust system, braking system or from the contact of the tires with the roadway. R.S., c. 293, s. 188.

#### **Personal transporter damaged or modified**

**189** No person shall operate a personal transporter that

- (a) is not in good working order;

(b) is missing a component, equipment or other feature that was part of the personal transporter when it was manufactured or that is required by this Act or has such feature rendered wholly or partly inoperable; or

(c) has been modified after it is manufactured except to attach a basket, bag or similar accessory or to add equipment required by this Act. 2015, c. 46, s. 13.

#### **Electric kick-scooter damaged or modified**

**189A** No person shall operate an electric kick-scooter that

(a) is not in good working order;

(b) is missing a component, equipment or other feature that was part of the electric kick-scooter when it was manufactured or that is required by this Act or has such feature rendered wholly or partly inoperable;

(c) has been modified after it is manufactured except to attach a basket, bag or similar accessory or to add equipment required by this Act;

(d) has pedals attached to it;

(e) has a seat or structure that could be used as a seat; or

(f) has any structure to enclose the electric kick-scooter. 2022, c. 21, s. 14.

#### **More than one trailer or towing**

**190 (1)** A motor vehicle shall not be operated upon any highway drawing or having attached thereto more than one other vehicle, without written permission from the Registrar.

**(2)** The draw bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed 5 metres in length from one vehicle to the other, except that the connection between any two vehicles transporting poles may exceed 5 metres but shall not exceed 8 metres, and whenever such connection consists of a chain, rope or cable there shall be displayed upon the connection a red flag or other signal or cloth not less than 300 millimetres both in width and length. R.S., c. 293, s. 190.

#### **Weights and loads**

**191 (1)** Subject to the approval of the Governor in Council, the Minister may make regulations

(a) governing the weight of any vehicle or class of vehicle which may be operated on a highway, the weight of the load which may be carried by such vehicle and the combined weight of any such vehicle, and the load carried by it, and the ascertaining of the weight of such load and the vehicle;

(aa) prescribing the maximum length, width and height of vehicles or a combination of vehicles;

(ab) respecting equipment attached to a vehicle and loads on a vehicle;

(ac) respecting the internal dimensions of vehicles and combinations of vehicles;

(ad) respecting special permits for the operation of a vehicle that does not conform with the regulations;

(ae) incorporating by reference standards relating to vehicle weights and dimensions;

(b) prescribing special conditions subject to which any such vehicle or class of vehicle may be operated on a highway;

(c) requiring that any such vehicle or class of vehicle shall be furnished with and display a special weight plate or plates in addition to any other plates in this Act required to be furnished to and displayed by any such vehicle or class of vehicle;

(d) prescribing the size and design of any such special weight plate or plates and the words, letters and figures to be shown thereon, the manner in which such weight plate or plates are to be fastened to any such vehicle or class of vehicle and any other conditions with respect to the furnishing, use and display of such special weight plate or plates;

(e) respecting the use of any vehicle or class of vehicle on a highway or any part thereof during the whole or any portion or portions of a year;

(f) prescribing special conditions applicable to the transportation of dangerous goods in motor vehicles upon the highway, which may incorporate in whole or in part regulations made pursuant to an Act of the Parliament of Canada;

(g) prescribing penalties for the violation of such regulations;

(h) prescribing the classes of highways to which such regulations or any of them apply.

**(1A)** The Minister may make regulations prescribing highways or portions of highways that are included in any of the classes of highways that are prescribed in regulations made pursuant to subsection (1).

**(2)** A person, who violates any regulation made under subsection (1) limiting the weights or axle weights of vehicles, shall pay, in addition to any other penalty prescribed by this Act or the regulations, a further penalty of

(a) one dollar and twenty-five cents for each 50 kilograms by which the weight or the overweight of the vehicle exceeds the weight limit fixed by the regulation by not more than 2,500 kilograms or ten dollars, whichever amount is greater;



(b) two dollars and fifty cents for each 50 kilograms by which the weight or the axle weight of the vehicle exceeds the said weight limit by more than 2,500 kilograms but by not more than 5,000 kilograms;

(c) three dollars and seventy-five cents for each 50 kilograms by which the weight or the axle weight of the vehicle exceeds the said weight limit by more than 5,000 kilograms but by not more than 7,500 kilograms; and

(d) ten dollars for each 50 kilograms by which the weight or the axle weight of the vehicle exceeds the said weight limit by more than 7,500 kilograms,

and, in default of payment of the said penalty, to imprisonment for not more than six months.

(3) For the purposes of calculating a penalty under subsection (2), a fraction of 50 kilograms that is greater than one half shall be counted as 50 kilograms.

(4) The exercise by the Minister of the authority contained in subsections (1) and (1A) is regulations within the meaning of the *Regulations Act*. R.S., c. 293, s. 191; 1990, c. 36, s. 4; 1994-95, c. 12, s. 14; 2001, c. 12, s. 6; 2010, c. 21, s. 1.

#### **Requirement for vehicle to be weighed**

**192 (1)** Any peace officer having reason to believe that the weight of a vehicle and load is in excess of the maximum permitted by any regulations made under this Act, the *Public Highways Act* or any Act or regulation is authorized to weigh the vehicle either by means of portable or stationary scales, and may require that the vehicle be driven to the nearest scales, in the event such scales are within a distance of 8 kilometres.

(2) The officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross or axle weight of the vehicle to the maximum therefor specified in the regulations.

(3) In lieu of proceeding to such scales, the weight of the load may be determined by a portable weighing device provided by the peace officer and it shall be the duty of the driver of the vehicle to facilitate the weighing of the vehicle and load by any such device.

(4) Any driver who, when so required to proceed to such scales or to assist in the weighing of a vehicle in his charge, refuses or fails to do so shall be guilty of an offence. R.S., c. 293, s. 192.

#### **Proof of scale reading as prima facie evidence**

**193** In a prosecution proof of the reading of any scale or weighing device is *prima facie* evidence of the accuracy of the scale or weighing device and of the reading. R.S., c. 293, s. 193.

**Temporary weight restriction or truck route**

**194 (1)** Local authorities may by resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period of not more than ninety days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible, whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced.

**(2)** When local authorities have made any such resolution the traffic authority may erect or cause to be erected and maintained signs designating the provisions of the resolution at each end of that portion of any highway affected thereby, and the resolution shall not be effective until or unless such signs are erected and maintained.

**(3)** Local authorities may also, by resolution, prohibit or regulate the operation of trucks or other commercial vehicles at all times or between specified hours, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

**(4)** Local authorities may by by-law limit the operation of trucks or other commercial vehicles, by class, weight or otherwise, to certain designated highways at all times or between specified hours and may prohibit or regulate the operation of these trucks or other commercial vehicles upon any highway and at any time not so designated except for purposes specified in the by-law.

**(5)** Where a local authority has designated highways pursuant to subsection (4), it shall cause appropriate signs to be placed on the designated highways.

**(6)** This Section shall not apply to any main travelled or through highway passing through a city or town unless permission has first been obtained from the Minister.

**(7)** The Minister may determine what constitutes a main travelled or through highway and may designate any highway as a main travelled highway or a through highway. R.S., c. 293, s. 194.

**Regulation of trucks by Provincial Traffic Authority**

**195** The Provincial Traffic Authority, with the approval of the Minister, may make regulations relating to the operation of trucks and other commercial vehicles upon highways within its jurisdiction to the same extent as a local authority may regulate such vehicles under Section 194. R.S., c. 293, s. 195.

**Application of Sections 194 and 195 to trucks**

**196** The provisions of Sections 194 and 195 do not apply to trucks having a registered weight of three thousand kilograms or less. R.S., c. 293, s. 196.

**Powers of peace officer**

**196A (1)** A peace officer may stop and detain a commercial motor vehicle for the purpose of determining whether a by-law made pursuant to Section 194 or a regulation made pursuant to Section 195 has been contravened and, for that purpose, may require the operator of the vehicle to produce a bill of lading or other document.

**(2)** A peace officer may examine and make copies and extracts of any document referred to in subsection (1). 1996, c. 34, s. 4.

**Transportation of dangerous goods**

**197 (1)** In this Section, “dangerous goods” means dangerous goods as defined in the *Dangerous Goods Transportation Act*.

**(2)** Subject to any regulations under subsection (1) of Section 191, a local authority may by resolution with respect to any highway under the jurisdiction of and for the maintenance of which such local authority is responsible

(a) designate the route and time of travel of vehicles transporting dangerous goods; and

(b) prohibit the carriage of dangerous goods on any highway specified in the resolution.

**(3)** Subject to any regulations under subsection (1) of Section 191, the Provincial Traffic Authority may make regulations with respect to any highway within its jurisdiction

(a) designating the route and time of travel of vehicles transporting dangerous goods; and

(b) prohibiting the carriage of dangerous goods on any highway specified in the regulations.

**(4)** A resolution or regulation under subsection (2) or (3) shall not be effective until it is approved by the Minister.

**(5)** Where a local authority or the Provincial Traffic Authority has made a resolution or regulation under subsection (2) or (3), the local authority or Provincial Traffic Authority respectively may cause appropriate signs to be placed on the route or highway specified in the resolution or regulation. R.S., c. 293, s. 197.

**Solid rubber, metal or studded tires**

**198 (1)** Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least 25 millimetres thick above the

edge of the flange of the entire periphery, and no motor vehicle, trailer or semi-trailer having any steel or other metal tire in contact with the roadway shall be operated on any highway.

(2) Unless permitted by regulations, no tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

(3) The traffic authority may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery.

(4) The Governor in Council may make regulations permitting the use on a highway of tires of one or more of the types referred to in subsection (2) that conform to specifications set out in the regulations and prescribing the terms and conditions under which they may be used. R.S., c. 293, s. 198.

#### **Dropping contents of vehicle and mudguards**

199 (1) No vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, shifting, leaking or otherwise escaping therefrom.

(2) Every motor vehicle and every trailer shall be equipped with mudguards, fenders or flaps adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear of the vehicle or trailer, unless the spray or splash is effectively reduced by the body of the vehicle or trailer or by a trailer drawn by the vehicle.

(3) The Governor in Council may make regulations

(a) respecting the securing of loads on vehicles;

(b) adopting by reference a document or incorporating by reference, as amended from time to time, any Act of the Parliament of Canada or regulations made pursuant to such an Act or any classification, standard, procedure or other specification. R.S., c. 293, s. 199; 2004, c. 42, s. 11.

#### **Regulations respecting equipment**

200 (1) The Governor in Council may make regulations

(a) requiring the use or incorporation of any equipment, material or device, in or on any vehicle, that may affect the safe oper-

ation of the vehicle on the highway or that may reduce or prevent injury to persons in a vehicle on a highway or to persons using the highway, and prescribing the specifications thereof;

(b) designating any equipment, material or device and designating an organization to test and mark its approval of any equipment, material or device so designated, and prohibiting the incorporation or use in or on a vehicle of any equipment, material or device so designated that is not marked as approved by the testing organization;

(c) prohibiting the sale or use of any equipment, material or device.

(2) Regulations made under subsection (1) may adopt by reference or otherwise standards or specifications established or approved by the Canadian Standards Association or other testing organization with or without modifications or variations or may require that any equipment conforms to the standards or specifications established or approved by the Canadian Standards Association or other testing organization or bear the approval of the Canadian Standards Association or other testing organization.

(3) Any person who violates a provision of any regulations made under this Section is guilty of an offence. R.S., c. 293, s. 200; 2002, c. 10, s. 16.

### **Vehicle inspection**

**201 (1)** No person shall conduct, maintain, operate, manage or hold himself or herself out as operating an official testing station unless the person is licensed to do so and the license has not expired or been cancelled or suspended.

(2) A person may apply to the Minister, in the manner prescribed by the regulations, for a license to operate an official testing station.

(2A) Subject to this Act and the regulations, the Minister may issue or renew a license and the license is valid for the person, location and type of vehicle indicated on the license.

(2B) The Minister or a person designated by the Minister may cancel, suspend or refuse to issue or renew a license if the Minister or a person designated by the Minister is satisfied that the licensee or an agent or employee of the licensee has violated this Act or the regulations.

(2C) A license is cancelled when the licensee ceases to operate or own the official testing station for which the license was issued.

(3) The Minister may from time to time order that any vehicle or class or classes of vehicles or all vehicles be tested at official testing stations at such time or times or within such time or times as the Minister prescribes and may give notice of any order by publishing a copy of the order in the Royal Gazette.

(4) Notwithstanding subsection (3), the Minister may from time to time order that any vehicle or class of vehicle be tested by an inspector under the *Motor Carrier Act* at such time or times and within such time or times as the Minister prescribes.

(5) Notice of an order made pursuant to subsection (4) may be given by publishing a copy of the order in the Royal Gazette.

(6) The Registrar, a motor vehicle inspector or a peace officer may order the owner or driver of a vehicle to take the vehicle forthwith to an official testing station and to have the equipment of the vehicle or such part of the equipment as is prescribed by the Registrar, inspector or officer tested at the station and to have repaired any equipment that upon testing is found not to comply with any requirements of this Act or the regulations.

(7) With the approval of the Governor in Council, the Minister may make regulations

(a) prescribing minimum standards of premises and equipment and other requirements to be possessed by official testing stations;

(b) prescribing the qualifications to be possessed by persons employed as testers at official testing stations;

(c) respecting the nature and scope of tests and inspections to be made at official testing stations;

(d) respecting the duties of persons making tests and inspections;

(e) prescribing the records to be kept and the reports and returns to be made by operators of official testing stations;

(f) prescribing the fees to be charged for tests and inspections made at official testing stations;

(g) prescribing the design, form and content of certificates, stickers and other documents to be used or issued by licensees and employees of official testing stations and the fees or charges payable to the Department for supplying forms of certificates, stickers or documents;

(h) requiring the issue of certificates or stickers following the testing or inspection of vehicles;

(i) requiring owners and operators of vehicles to display certificates or stickers issued at official testing stations and prescribing the time or times and manner in which they shall be displayed;

(j) requiring owners and operators of vehicles to have their vehicles repaired or the equipment of their vehicles brought into conformity with the requirements of this Act and the regulations;

- (k) prohibiting the operation of vehicles having equipment that has not been certified at an official testing station to be in conformity with any requirement of this Act or the regulations;
- (l) prohibiting the operation of vehicles that do not bear evidence of having been tested at an official testing station;
- (m) establishing official testing stations and designating a garage as an official testing station;
- (n) prescribing the duration of licenses issued pursuant to this Section and requiring the payment of annual or other periodic fees by licensees;
- (o) prescribing the manner and fees for applying for a license;
- (p) prescribing the term and fees for a tester's license;
- (q) respecting the duties of persons who have been issued a license to operate an official testing station;
- (r) permitting the recognition of an out-of-Province inspection sticker or certificate based upon a reciprocal agreement;
- (s) prescribing the requirements of a person applying for a license;
- (t) incorporating by reference any classification, standard, procedure or other specification relating to motor vehicle inspections as it is amended from time to time;
- (u) prescribing penalties for a violation of the regulations made pursuant to this Section.

(8) Every person who operates an official testing station without a license is guilty of an offence.

(9) Every person who fails to have the person's vehicle inspected or repaired as required by subsection (6) is guilty of an offence. R.S., c. 293, s. 201; 2001, c. 12, s. 7; 2002, c. 10, s. 17; 2004, c. 42, s. 12.

#### EMERGENCY REGULATIONS

##### **Emergency or special conditions or flammable cargo**

202 (1) The traffic authority is hereby empowered to make and enforce temporary regulations to cover emergencies or special conditions.

(2) Such regulations may prohibit or restrict the parking of vehicles between the fifteenth day of November and the fifteenth day of April.

(3) The traffic authority is hereby empowered to make and enforce regulations not inconsistent with this Act or any Act of the Parliament of

Canada respecting the movements, parking, loading and storage of vehicles carrying explosives or other flammable cargo.

(4) A copy of any regulations made under this Section shall be immediately forwarded to the Provincial Traffic Authority and shall be subject to cancellation at any time by the Minister. R.S., c. 293, s. 202.

## PART VI

### FINANCIAL RESPONSIBILITY OF OWNERS AND DRIVERS

#### Preservation of remedies

203 (1) Nothing in Sections 204 to 246 shall prevent the plaintiff in any action from proceeding upon any other remedy or security available at law.

(2) Sections 204 to 246 shall only apply to offences and violations of law committed and to convictions and judgments arising out of motor vehicle accidents occurring, and to motor vehicle liability policies issued or in force, after the first day of September, 1932. R.S., c. 293, s. 203.

#### Liability insurance card

204 (1) Every insurer that issues an owner's or driver's policy shall, at the time of issue thereof, also issue and deliver to the named insured a card, to be known as "a motor vehicle liability insurance card", and shall on request by the named insured issue and deliver to him an additional card, being a copy of the card delivered to him, for each person who commonly drives the motor vehicle, if any, in respect of which the policy is issued.

(2) The card issued under this Section shall be in a form approved by the Registrar and shall set forth such particulars as he may prescribe.

(3) The cards may be supplied to insurers by the Registrar in such quantity as he considers requisite, and no insurer shall issue a card that is not in a form approved by the Registrar.

(4) The Registrar may supply cards to an insurer that issues owners' policies outside the Province for issue in respect of such policies, but

(a) in the case of an insurer that is licensed to carry on in the Province the business of automobile insurance, every card issued by it shall show that the policy thereon mentioned provides insurance coverage for the purposes and to amounts not less than those mentioned in Section 125 of the *Insurance Act*; and

(b) in the case of an insurer that is not so licensed, before any such cards are issued the insurer shall comply with the provisions of subsection (4) of Section 236.



(5) Before supplying cards to an insurer pursuant to subsection (4), the Registrar shall require the insurer to file with him an undertaking that it will issue cards only to persons who are non-residents of the Province and who are insured under policies that are owners' policies within the meaning of this Act. R.S., c. 293, s. 204.

#### **Suspension of license and permit**

**205 (1)** The Registrar or, in his absence or incapacity, the Director of Highway Safety shall forthwith suspend the driver's license or privilege of obtaining a driver's license and owner's permit or permits of every person who has been convicted of or who has forfeited his bail after arrest on a charge of any of the following offences, namely:

- (a) any offence against Sections 101, 102 or 104 if injury to a person or property occurs in connection therewith;
- (b) an accident having occurred, failing to remain at, or return to the scene of the accident in violation of Section 97;
- (c) an offence against Section 230;
- (d) such offence against public safety on highways as may be designated by the Governor in Council.

(2) Upon receipt by the Registrar of official notice that the holder of a driver's license or privilege of obtaining a driver's license or owner's permit under this Act, has been convicted, or forfeited his bail, in any other province or state in respect of an offence, which, if committed in the Province would have been, in substance and effect, an offence under, or a violation of the provisions of law mentioned in subsection (1), the Registrar shall suspend every driver's license or privilege of obtaining a driver's license and owner's permit or permits, of such person issued pursuant to this Act.

(3) Every license or privilege of obtaining a driver's license and every permit suspended pursuant to this Section shall remain so suspended, and shall not thereafter be renewed, nor shall any new license be thereafter issued to, or a permit for the same or any other motor vehicle be thereafter issued to a person so convicted or who has so forfeited his bail until he has satisfied any penalty imposed by the court in respect of such offence, and until two years have elapsed from the date of the suspension or until he has given proof of financial responsibility to the satisfaction of the Registrar or until his conviction has been quashed.

(4) If any person to whom subsection (1) applies is not a resident of the Province, the privilege of operating a motor vehicle within the Province, and the privilege of operation within the Province of a motor vehicle owned by him, is suspended and withdrawn forthwith, by virtue of such conviction or forfeiture of bail, until he has given proof of financial responsibility, provided that the judge of the provincial court or justice of the peace before whom the person was charged may, in his discretion, by a written permit signed by him, authorize the operation of such motor vehicle to the boundaries of the Province by such route and by such person as the permit may describe.

(5) The giving by any person of proof of financial responsibility pursuant to subsection (3) shall not alter or affect in any way any disqualification to hold a license or a suspension or cancellation of a driver's license, or of a registration of a motor vehicle under any other provision of this Act.

(6) Where proof of financial responsibility is required to be given by any person, it shall be given by him to the Registrar except where it is by this Act expressly required to be given to some other person. R.S., c. 293, s. 205.

#### **Financial responsibility card**

**206 (1)** Where a person

(a) gives proof of financial responsibility to the amounts and in any of the forms mentioned in Sections 235 and 236; or

(b) being a corporation produces to the Registrar a certificate issued by the Superintendent of Insurance for the Province showing that

(i) the corporation maintains a separate insurance fund for the purpose of satisfying therefrom, *inter alia*, liabilities it may incur resulting from bodily injury to, or the death of, any person or damage to property occasioned by, or arising out of, the ownership, maintenance, operation, or use, of a motor vehicle by the corporation, and

(ii) in the opinion of the Superintendent, the insurance fund is adequate to satisfy all such liabilities that the corporation is likely to incur, subject, for each motor vehicle registered in the name of the corporation, to the limits as to amount stated in Section 207,

the Registrar shall issue and deliver to him a card, to be known as "a financial responsibility card", and shall, on request by him if he is the owner of the motor vehicle, issue and deliver to him an additional card, being a copy of the card delivered to him as aforesaid,

(c) for each person who commonly drives the motor vehicle to which the card refers;

(d) for each motor vehicle in respect of which the proof of financial responsibility is given; or

(e) in the case of a corporation to which the Superintendent of Insurance issues a certificate under clause (b) for each motor vehicle registered in the name of the corporation.

(2) A financial responsibility card shall set forth the following particulars:

(a) the name of the person or corporation giving the proof of financial responsibility;

(b) the particulars of the motor vehicle as set forth in the permit referred to in Section 16; and

(c) *repealed 2015, c. 45, s. 9.*

(d) any other particulars required by the Registrar.

(3) A financial responsibility card shall be in such form as may from time to time be prescribed by the Registrar.

(4) Where a person to whom the Registrar has issued a financial responsibility card ceases to maintain the proof of financial responsibility in respect of which the card was issued, he shall forthwith deliver the card and all copies thereof to the Registrar.

(5) Where a person is insured under a policy of the type commonly known as “a garage and sales agency policy”, whereby he is insured against liability for loss or damage to persons or property occasioned by, or arising out of the ownership, maintenance, operation or use, by him, or his employees, of a motor vehicle that is either owned by him or in his charge, if, in the opinion of the Registrar, the amount in which he is insured under the policy is adequate to satisfy all such liabilities that he is likely to incur, subject for each motor vehicle that at any one time may be operated or used by him or his employees to the limits as to amount stated in Section 207, the insurer that issues the policy shall at the time of the issue thereof, also issue and deliver to the named insured a card, to be known as “a financial responsibility card”, and shall, on request by the named insured issue and deliver to him an additional card, being a copy of the card delivered to him, for each of his employees who commonly drives the motor vehicle owned by him or in his charge.

(6) A card issued under subsection (5) shall be in a form approved by the Registrar and shall set forth

(a) the name and address of the insurer;

(b) the name of the insured;

(c) the policy number;

(d) the date upon which the insurance expires; and

(e) any other particulars required by the Registrar,

and shall be signed in handwriting and in ink, with his usual signature, by the person for whose use the card or additional card is issued, and shall bear the number of the driver's license held by him as at the date on which the card is issued.

(7) The cards issued under subsection (5) by all insurers shall be uniform in size, colour and form and the date of expiry of the policy of insurance to which the card refers shall be prominently noted thereon, and the card shall be in such form as may from time to time be prescribed by the Registrar.

(8) Cards issued under subsection (5) shall be supplied to each insurer by the Registrar in such quantity as the Registrar deems requisite, and no insurer shall prepare or issue a card under subsection (5) except on a form supplied as in this Section provided. R.S., c. 293, s. 206; 2015, c. 45, s. 9.

#### **Amount of security**

207 Where security is required to be given by any person pursuant to clause (a) of subsection (5) of Section 231 or clause (a) of subsection (4) of Section 232, it shall be given by him to the Registrar in the amount required by the Registrar but not in any case exceeding two hundred thousand dollars in respect of any one accident. R.S., c. 293, s. 207.

#### **Form of security**

208 (1) Where security is required to be given by any person pursuant to clause (a) of subsection (5) of Section 231 or clause (a) of subsection (4) of Section 232 it shall be given by the certificate of the Minister of Finance and Treasury Board that the person named therein

(a) has deposited with him the sum of money fixed by the Registrar;

(b) has deposited with him securities for money approved by the Minister of Finance and Treasury Board in the amount fixed by the Registrar; or

(c) has deposited with him a bond of a guarantee or surety company in the amount fixed by the Registrar or a bond with personal sureties in the amount fixed by the Registrar approved as adequate security by a judge of the county court of the county in which the sureties reside.

(2) Any bond given pursuant to subsection (1) shall be conditioned upon the satisfaction of any judgment that may thereafter be recovered against the person by whom or on whose behalf it is deposited as a result of the accident giving rise to the suspension of his permit or license and the payment of any sum that may be agreed upon as liquidated damages as a result of that accident. R.S., c. 293, s. 208; O.I.C. 2013-348.

#### **Purpose of security**

209 (1) Any money or security deposited with the Minister of Finance and Treasury Board pursuant to Section 208 shall be held by the Minister of Finance and Treasury Board as security for the payment of any sum that may be agreed upon as liquidated damages, or any judgment that may thereafter be recovered against the person making the deposit in an action for damages resulting from bodily injury to or the death of another, or damages of one hundred dollars or more to property caused by an accident

(a) by reason of the occurrence of which the deposit of security is required; and

(b) which was occasioned by, or arose out of the ownership, maintenance, operation or use, of a motor vehicle by the person making the deposit or by another person for whose negligence the person making the deposit is liable.

(2) Money and securities deposited with the Minister of Finance and Treasury Board shall be paid over by him, on the order of the court or of a judge thereof, to satisfy a judgment recovered as set out in subsection (1) or to satisfy any sum that may be agreed upon as liquidated damages occasioned by, or arising out of, the accident.

(3) Where a bond has been deposited with the Minister of Finance and Treasury Board pursuant to Section 208, if a judgment of the sort described in subsection (1) is recovered or if a sum is agreed upon as liquidated damages occasioned by or arising out of the accident and such judgment or sum is not satisfied or paid within fifteen days after it has become final or has been agreed upon, as the case may be, the judgment creditor or the person entitled to such sum agreed upon may, for his own use and benefit bring an action on the bond in the name of the Minister against the persons executing the bond, but the Minister shall not be liable for costs in any such action.

(4) A bond, money or security, deposited with the Registrar or the Minister of Finance and Treasury Board pursuant to Sections 207 and 208 shall not in the hands of the Registrar or the Minister of Finance and Treasury Board respectively, be subject to any other claim or demand.

(5) Where the Minister of Finance and Treasury Board is satisfied that a sum has been agreed upon as liquidated damages occasioned by, or arising out of, the accident, upon request of the person making the deposit he may, from the money or securities so deposited, pay to the person entitled thereto the sum agreed upon, and, if he is satisfied that the sum agreed upon has been paid, he may pay to the person making the deposit the money or securities so deposited with him or the balance thereof remaining in his hands after making payment as aforesaid of the sum agreed upon. R.S., c. 293, s. 209; O.I.C. 2013-348.

### **Offences respecting card**

#### **210 Any person who**

- (a) produces to the Registrar or to a peace officer
  - (i) a financial responsibility card or a motor vehicle liability insurance card purporting to show that there is in force a policy of insurance that is, in fact, not in force,
  - (ii) a financial responsibility card or a motor vehicle liability insurance card purporting to show that he is at the time maintaining in effect proof of financial responsibility as required by this Act when such is not the case, or

- (iii) a financial responsibility card or a motor vehicle liability insurance card purporting to show that the person named in the card as the insured is, at the time of an accident in which a motor vehicle is in any manner, directly or indirectly involved, insured in respect of loss resulting from that accident and occasioned by the operation or use of that motor vehicle, when such is not the case;
- (b) fails to deliver to the Registrar as required by subsection (4) of Section 206, a financial responsibility card or any additional card issued to him pursuant to that Section; or
- (c) gives or loans to a person not entitled to have the same any card issued under subsection (5) of Section 206,

shall be guilty of an offence. R.S., c. 293, s. 210.

### Unsatisfied Judgment Fund

**211 (1)** Subject to the provisions of subsection (2), the Governor in Council may, at any time after the first day of December, 1949, direct that every person who obtains a driver's license under this Act, shall, in addition to any other fee for which provision is made in this Act, annually pay to the Registrar a fee of one dollar and all such fees shall constitute a fund, which shall be known as the "Unsatisfied Judgment Fund" hereinafter in this Part referred to as the "Fund".

**(2)** If, on the first day of December in any registration year, the amount of the Fund exceeds one hundred and fifty thousand dollars, the Governor in Council may by order in council suspend the requirement for payment of the fee set out in subsection (1), and may, on or after the first day of December in any year, reimpose the provisions of subsection (1) for the next ensuing registration year when the amount of the Fund is less than one hundred thousand dollars, and so from time to time suspend and reimpose the requirements and provisions of subsection (1) according as the amount of the Fund from time to time exceeds one hundred and fifty thousand dollars or is less than one hundred thousand dollars.

**(3)** The Minister of Finance and Treasury Board shall maintain an account known as the "Unsatisfied Judgment Fund" into which shall be paid or credited all sums from time to time provided for the purpose by the Governor in Council and all sums from time to time paid over by the Registrar pursuant to this Section.

**(4)** The Governor in Council may from time to time transfer or pay from the Special Reserve Account established pursuant to the *Provincial Finance Act* to the Unsatisfied Judgment Fund such amounts as he may deem necessary.

**(5)** The Registrar shall pay to the Minister of Finance and Treasury Board any fees collected for the Fund pursuant to subsection (1).

**(6)** Notwithstanding any other provisions of this Section, no person shall be liable to pay a fee under this Section in respect of the registration year

commencing on the first day of January, 1959, or of any subsequent registration year until the Governor in Council so orders. R.S., c. 293, s. 211; O.I.C. 2013-348.

### Payment from Fund

**212 (1)** Where in any court in the Province a judgment is recovered for damages on account of bodily injury to or the death of any person or damage to property and such injury, death or damage was occasioned by or arose out of the ownership, maintenance, operation or use of a motor vehicle within the Province after the first day of November, 1949, then upon the determination of all proceedings, including appeals, and upon notice to the Minister, the judgment creditor may apply to a judge of the Trial Division of the Supreme Court or a judge of the county court for an order directing payment of the amount of the judgment, or the unsatisfied portion thereof, out of the Fund.

**(2)** Where any person recovers any such judgment, he shall not make an application for an order directing payment out of the Fund unless he has

(a) joined as a defendant or brought an action against any person, including the Crown, against whom he has a cause of action for damages for the bodily injuries or death or the damage to property and proceeded to judgment in the action; or

(b) made a settlement in respect of his cause of action with every such person whom he has not joined as a defendant or against whom he has not brought an action and proceeded to judgment therein, which settlement, in the opinion of the judge and taking into account the circumstances of the case, is reasonable,

provided that this subsection shall not apply with respect to a person mentioned in clause (a) if the applicant satisfies the court that he has been unable to find that person after making or causing to be made all such inquiries and searches, and taking or causing to be taken all such measures, for the purpose of finding him as the court deems reasonable in the circumstances.

**(3)** Upon the hearing of the application the applicant shall show

(a) that he has obtained a judgment as set out in subsection (1), stating the amount thereof and the amount owing thereon at the date of the application;

(b) that he has caused to be issued a writ of *fieri facias* or an execution order, and that

(i) the sheriff has made a return showing that no goods of the judgment debtor liable to be seized in satisfaction of the judgment debt could be found, or

(ii) the amount realized on the sale of goods seized, or otherwise realized, under the writ or order was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application thereon of the amount realized;

- (c) that he has
  - (i) caused the judgment debtor to be examined pursuant to the law for that purpose provided, touching his estate and effects and his property and means and in particular as to whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment, or
  - (ii) where, because of the death or absence from the Province of the judgment debtor, or for any other reason which the judge on the hearing of the application shall deem sufficient, it is impossible or impractical to cause the judgment debtor to be examined as aforesaid, made exhaustive searches and inquiries touching the estate and effects and the property and means of the judgment debtor, and in particular whether the judgment debtor is insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment;
- (d) that he has made exhaustive searches and inquiries to ascertain whether the judgment debtor is possessed of assets, real or personal, liable to be sold or applied in satisfaction of the judgment;
- (e) that by such searches, inquiries and examination
  - (i) he has learned of no assets, real or personal, possessed by the judgment debtor and liable to be sold or applied in satisfaction of the judgment debt, or
  - (ii) he learned of certain assets, describing them, owned by the judgment debtor and liable to be seized or applied in satisfaction of the judgment, and has taken all necessary actions and proceedings for the realization thereof, and that the amount thereby realized was insufficient to satisfy the judgment, stating the amount so realized and the balance remaining due on the judgment after application of the amount realized;
- (f) whether he has either
  - (i) recovered a judgment in an action against, or
  - (ii) made a settlement in respect of his cause of action with,any other person against whom he has a cause of action for damages for the bodily injury or death or the damage to property;
- (g) that, where he has recovered judgment against another person as aforesaid, he has taken all measures and proceedings with respect to that other person, or under that judgment, that he is required to take under that judgment, with respect to whom or which application is made under this Section;



(h) that, where he has recovered such a judgment, either

(i) he has received, and is likely to receive, nothing thereunder, or

(ii) he has received, and is likely to receive, thereunder no more than an amount stated in the application;

(i) that, where he has made a settlement as mentioned in clause (f), he is entitled to receive thereunder no more than an amount stated in the application, and that the settlement is one that, in the opinion of the judge and taking into account the circumstances of the case, is reasonable;

(j) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of Part VI of the *Insurance Act*;

(k) that no part of the amount sought to be paid out of the Fund is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of Part VI of the *Insurance Act*; and

(l) that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of Part VI of the *Insurance Act*.

(4) The Minister may appear and be heard on the application and may show cause why the order should not be made.

(5) If the judge is satisfied

(a) of the truth of the matters shown by the applicant as required by subsection (3);

(b) that the applicant has taken all reasonable steps to learn what means of satisfying the judgment are possessed by the judgment debtor; and

(c) that there is good reason for believing that the judgment debtor

(i) has no assets liable to be sold or applied in satisfaction of the judgment or of the balance owing thereon, and

(ii) is not insured under a policy of insurance by the terms of which the insurer is liable to pay, in whole or in part, the amount of the judgment,

the judge may make an order directed to the Minister of Finance and Treasury Board requiring him, subject to subsections (9), (12) and (13) to pay from the Fund

the amount of the judgment or the balance owing thereon, and subject as herein provided the Minister of Finance and Treasury Board shall comply with the order.

(6) In making an order under subsection (5), the judge shall reduce the amount that he would otherwise require to be paid from the Fund by a sum equal to any amount or amounts that the applicant has received or, in the opinion of the judge, is likely to receive, under or in respect of a judgment that he has recovered against, or a settlement that he has made with, any other person against whom he has or had a cause of action for damages for the bodily injury or death or the damage to property mentioned in subsection (1).

(7) If the judge is of the opinion that, having regard to the amount of the judgment and costs and the means and income of the judgment debtor, the judgment creditor can recover the amount of the judgment and costs from the judgment debtor within a reasonable period by proceeding under the *Collection Act* or any other law relating to the payment of judgments by instalments, the judge may, instead of granting or refusing an order, adjourn the application *sine die* subject to the right of the judgment creditor to renew his application if such recovery cannot be effected, and except as provided in this subsection, the possibility that the judgment creditor may be able to recover all or part of the judgment and costs under the *Collection Act* or any other law relating to the payment of judgments by instalments shall not be a ground for refusing an order under subsection (5).

(8) An order made under subsection (5) shall be subject to appeal by the applicant or by the Minister.

(9) The Minister of Finance and Treasury Board shall not be required to pay from the Fund under an order

(a) more than ten thousand dollars, exclusive of costs, on account of injury to or the death of one person, and subject to such limit for any one person so injured or killed, not more than twenty thousand dollars, exclusive of costs, on account of injury to or the death of two or more persons in any one accident; and

(b) for payment of a judgment for damage to property resulting from any one accident

(i) any amount where the judgment exclusive of costs is two hundred dollars or less, or

(ii) more than the amount by which the judgment exceeds two hundred dollars exclusive of costs and in no event more than the sum of five thousand dollars.

(10) The Minister of Finance and Treasury Board shall, subject to a deductible of two hundred dollars with respect to any claim arising out of damage to property, not be liable to pay from the Fund under an order more than thirty-five thousand dollars, exclusive of interest and costs, for loss or damage resulting from bodily injury to or the death of one or more persons and damage to property, and

where in any one accident loss or damage results from bodily injury or death and loss of or damage to property

(a) any claims arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to an amount of thirty thousand dollars; and

(b) any claim arising out of loss or damage to property shall have priority over claims arising out of bodily injury or death to an amount of five thousand dollars.

(11) Subject to subsection (21), subsection (9) shall apply where the cause of action arises before the first day of January, 1965, and subsection (10) shall apply where the cause of action arises on or after the first day of January, 1965.

(12) Where any amount is recovered by the judgment creditor from any other source in partial discharge of the judgment debt the maximum amount prescribed in subsection (9) shall be reduced by the amount so recovered and any amount paid out of the Fund in excess of the amount authorized by this Section may be recovered by action brought by the Minister.

(13) The Minister of Finance and Treasury Board shall not be required to pay out of the Fund any amount in respect of a judgment in favour of a person who ordinarily resides outside of the Province unless that person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Section is afforded to residents of the Province.

(14) The Minister of Finance and Treasury Board shall not be required to pay from the Fund under an order for costs of an action, including costs of the application made under this Section, more than the actual disbursements incurred and the fees payable in respect of the action and application, as taxed on a party and party basis.

(15) This Section shall not apply with respect to a judgment recovered for damages caused to a motor vehicle owned by the judgment creditor while in the possession of the judgment debtor with or without the consent of the judgment creditor.

(16) Notice of an application for an order directing payment of any amount out of the Fund shall be served on the Minister not less than fourteen days before the application.

(17) Where, upon an application for an order directing payment out of the Fund of the amount of a judgment or an unsatisfied portion of it, it is made to appear that the judgment was entered in an action in which

- (a) the defendant did not enter an appearance;
- (b) the defendant did not file a statement of defence;

(c) the defendant did not appear in person or by counsel at the trial or on the assessment of damages; or

(d) judgment was signed upon the consent or with the agreement of the defendant,

and that the defendant may have had a defence to the action or that the amount of damages awarded may have been excessive, the judge, upon such terms as to costs or otherwise, including the payment of costs out of the Fund, as the judge thinks fit, may set aside the judgment and grant leave to the Minister to intervene in the action in which the judgment was entered at any stage of the action and to take on behalf of and in the name of the defendant any steps that the defendant himself might have taken in the action.

(18) Where, pursuant to an order made under subsection (17), the Minister intervenes in an action he may, on behalf of and in the name of the defendant, enter an appearance, file a statement of defence, conduct the defence, consent to judgment in such amount as he deems proper, or do any other act that the defendant himself might do and all acts done by the Minister shall be deemed to be the acts of the defendant.

(19) Notwithstanding any other provision of this Act, when pursuant to subsection (17) a judge orders payment of costs out of the Fund, the Minister of Finance and Treasury Board may comply with the order.

(20) Until the Governor in Council otherwise orders, this Section shall not apply to judgments for damages arising out of the ownership, maintenance, operation or use of a motor vehicle on or after the first day of January, 1959.

(21) Notwithstanding Section 19 of Chapter 39 of the Acts of 1961, subsections (1) and (9) of this Section in the form in which those subsections existed immediately prior to the twenty-fourth day of March, 1961, shall apply to every judgment for damages arising out of the ownership, maintenance, operation or use of a motor vehicle before the first day of January, 1959, whether such judgment was recovered before, on or after the thirteenth day of April, 1962. R.S., c. 293, s. 212; O.I.C. 2013-348.

#### **Judgment Recovery (N.S.) Ltd.**

**213 (1)** Where in any court in the Province a judgment is recovered in an action for damages resulting from bodily injury to or the death of any person or for damage to property and such injury, death or damage was occasioned by or arose out of the operation, ownership, maintenance or use of a motor vehicle by the judgment debtor within the Province, the judgment creditor may, subject to the provisions of this Act, make application for payment of such judgment to Judgment Recovery (N.S.) Ltd.

(1A) Notwithstanding subsection (1), no application for payment of a judgment may be made pursuant to that subsection where the judgment is recov-

ered in an action for damages and the damages arose out of the operation, ownership, maintenance or use of a motor vehicle on or after July 1, 1996.

(2) Subject to the other provisions of this Act, Judgment Recovery (N.S.) Ltd. within seven days after an application is made to it under this Section shall pay to the judgment creditor the amount of the judgment or the balance owing thereon, together with one half of the solicitor's costs of the action, as taxed on a party and party basis, and the actual disbursements of the judgment creditor incurred in making his application to Judgment Recovery (N.S.) Ltd., provided that if Judgment Recovery (N.S.) Ltd. appeals from the original judgment, Judgment Recovery (N.S.) Ltd. shall pay to the judgment creditor the costs of any appeal as taxed on a party and party basis, and the actual disbursements of the judgment creditor in relation to the appeal without regard to the result of the said appeal.

(3) Judgment Recovery (N.S.) Ltd. is not liable for payment of any sum claimed by or on behalf of

(a) an insurer by reason of the existence of a policy of automobile insurance within the meaning of the *Insurance Act*;

(b) Her Majesty in right of the Province or of Canada, or any agent of Her Majesty, or any Crown corporation; or

(c) any corporation which maintains a separate insurance fund for the purposes set out in clause (b) of subsection (1) of Section 206.

(4) Judgment Recovery (N.S.) Ltd. shall not be liable to pay, in respect of damages

(a) more than ten thousand dollars, exclusive of costs, on account of injury to or the death of one person and, subject to such limit for any one person so injured or killed, not more than twenty thousand dollars, exclusive of costs, on account of injury to or the death of more than one person in one accident; and

(b) on account of damage to property resulting from any one accident

(i) any amount where the judgment exclusive of costs is two hundred dollars or less, or

(ii) more than the amount by which the judgment exceeds two hundred dollars exclusive of costs and in no event more than the sum of five thousand dollars.

(5) Judgment Recovery (N.S.) Ltd. shall, subject to a deductible of two hundred dollars with respect to any claim arising out of loss of or damage to property, not be liable to pay more than thirty-five thousand dollars, exclusive of interest and costs, for loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property, and where in any one accident loss or damage results from bodily injury or death and loss of or damage to property

(a) any claim arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to an amount of thirty thousand dollars; and

(b) any claims arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to an amount of five thousand dollars.

(6) Judgment Recovery (N.S.) Ltd. shall, subject to a deductible of two hundred dollars with respect to any claim arising out of loss or damage to property, not be liable to pay more than one hundred thousand dollars exclusive of interest and costs, for loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property, and where in any one accident loss or damage results from bodily injury or death and loss of or damage to property

(a) any claim arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to an amount of ninety-five thousand dollars; and

(b) any claim arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to an amount of five thousand dollars.

(7) Judgment Recovery (N.S.) Ltd. shall, subject to a deductible of two hundred dollars with respect to any claim arising out of loss or damage to property, not be liable to pay more than two hundred thousand dollars inclusive of interest, plus costs, for loss or damage resulting from bodily injury to or the death of one or more persons and loss of or damage to property, and where in any one accident loss or damage results from bodily injury or death and loss of or damage to property

(a) any claim arising out of bodily injury or death shall have priority over claims arising out of loss of or damage to property to an amount of one hundred and ninety thousand dollars; and

(b) any claim arising out of loss of or damage to property shall have priority over claims arising out of bodily injury or death to an amount of ten thousand dollars.

(8) Where the cause of action arises

(a) before the first day of January, 1965, subsection (4) applies;

(b) on or after the first day of January, 1965, and before the first day of December, 1979, subsection (5) applies;

(c) on or after the first day of December, 1979, and before the first day of January, 1985, subsection (6) applies;

(d) on and after the first day of January, 1985, subsection (7) applies.

(9) Judgment Recovery (N.S.) Ltd. shall not be liable to pay any sum to a judgment creditor until the judgment creditor assigns the judgment to Judgment Recovery (N.S.) Ltd., and, such assignment having been made, the Registrar shall be subrogated to all rights of the judgment creditor and of Judgment Recovery (N.S.) Ltd. to the amount of two hundred dollars mentioned in ~~subsection~~ [subsections] (4) and (5).

(10) When a copy of the assignment to Judgment Recovery (N.S.) Ltd., certified by its appointee to be a true copy, is filed with the prothonotary or the county court clerk or the clerk of the municipal court, as the case may be, of the court in which the judgment was obtained, Judgment Recovery (N.S.) Ltd. shall, for all purposes related to recovery of the amount due on the judgment, be deemed to be the judgment creditor.

(11) This Section shall not apply with respect to a judgment recovered for damages caused after the first day of April, 1961, to a motor vehicle owned by the judgment creditor while in the possession of the judgment debtor with or without the consent of the judgment creditor. R.S., c. 293, s. 213; 1995-96, c. 20, s. 4.

#### Maximum payment

**214 (1)** The judgment creditor shall accompany his application with an affidavit setting out

(a) that he has received

(i) nothing under the judgment or as the result of the accident giving rise to the judgment, or

(ii) as a result of the accident from or on behalf of the judgment debtor, no more than an amount stated in the affidavit and the source or sources of that amount and the value of real property, goods or services so received as determined under subsection (4);

(b) that no part of the amount sought by him will be paid to an insurer to reimburse or otherwise indemnify the insurer in respect of any amount paid or payable by the insurer by reason of the existence of a policy of automobile insurance within the meaning of Part VI of the *Insurance Act*; and

(c) that no part of the amount sought from Judgment Recovery (N.S.) Ltd. is sought in lieu of making a claim or to the best of his knowledge, information and belief for the purposes of receiving a payment that is or may be payable by reason of the existence of a policy of automobile insurance within the meaning of Part VI of the *Insurance Act*.

(2) A judgment creditor, who fails to state correctly the amount received as required under clause (a) of subsection (1), is liable on summary conviction to a penalty of not more than one thousand dollars and, whether or not the judg-

ment creditor is charged under this subsection, Judgment Recovery (N.S.) Ltd. shall have a right of action for any amount not divulged as required under the said clause.

(3) Judgment Recovery (N.S.) Ltd. shall not be liable to pay the judgment creditor an amount greater than the amounts set out in Section 213 less any amount stated in the affidavit required by this Section.

(4) The judgment creditor shall pay Judgment Recovery (N.S.) Ltd. any amount, or the value in dollars, to be determined by a judge of the Trial Division of the Supreme Court or county court, of real property, goods or services that he recovers subsequent to payment by Judgment Recovery (N.S.) Ltd. from or on behalf of the judgment debtor as a result of such judgment, and Judgment Recovery (N.S.) Ltd. shall have a right of action against the judgment creditor to recover such amounts.

(5) Where Judgment Recovery (N.S.) Ltd. recovers any amount on a judgment that has been assigned to it, such amount shall become and remain its property unless and until the Governor in Council directs that, because of unusual or extreme circumstances, the original judgment creditor is entitled to receive the amount by which that recovered exceeds the amount paid out by Judgment Recovery (N.S.) Ltd. with interest thereon at four per cent per year from the date of such payment and all costs, including solicitor's costs on a solicitor and client basis, incurred by Judgment Recovery (N.S.) Ltd. in making the recovery.

(6) Judgment Recovery (N.S.) Ltd. shall not be required to pay any amount in respect of a judgment in favour of a person who does not ordinarily reside in the Province unless that person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Act is afforded to residents of the Province. R.S., c. 293, s. 214.

### Settlement

**215 (1)** Where, pursuant to this Section, a settlement is made in respect of a claim for damages for bodily injury to or death of any person or damage to property occasioned by or arising out of the operation, ownership, maintenance or use of a motor vehicle within the Province, then for the purposes of Sections 213, 214, 219 and 220 and subject to this Section the settlement shall be deemed to be a judgment, the settlement obligor shall be deemed to be judgment debtor, and the settlement obligee shall be deemed to be a judgment creditor.

(2) For the purposes of this Section any person who has attained the age of sixteen years and who has a claim for bodily injury to or the death of any person or damage to property occasioned by or arising out of the operation, ownership, maintenance or use of a motor vehicle within the Province may, whether or not an originating notice has been issued, negotiate a settlement of the claim with any person or persons against whom the claim exists who has attained the age of sixteen years.



(3) A settlement reached under subsection (2) is effective for the purposes of this Section if Judgment Recovery (N.S.) Ltd. is a party to the negotiations and consents to the settlement and takes effect

(a) where all parties to the settlement are of the full age of nineteen years, on the date when it is approved by a person appointed by the Minister; or

(b) where any party to the settlement has attained the age of sixteen years but has not attained the age of nineteen years, on the date when the settlement is approved by a judge of the Trial Division of the Supreme Court or a judge of a county court.

(4) Approval by a judge of a settlement described in clause (b) of subsection (3) may be granted on an *ex parte* application by Judgment Recovery (N.S.) Ltd., such application to be supported by such affidavit evidence as the judge may require, and if Judgment Recovery (N.S.) Ltd. does not make an application within fourteen days of the date on which the parties agree on the terms of the settlement, the approval may be granted upon the *ex parte* application of any party to the settlement.

(5) For all purposes of this Section, including the giving of a release, a person who has attained the age of sixteen years has the capacity of a person of the full age of nineteen years.

(6) If the consent of Judgment Recovery (N.S.) Ltd. mentioned in subsection (3) is given to at least the limits set out in Section 213 a larger amount may be agreed upon by the parties to the settlement other than Judgment Recovery (N.S.) Ltd., provided that nothing herein contained shall impose an obligation on Judgment Recovery (N.S.) Ltd. to pay any amount in excess of those limits.

(7) No costs shall be awarded or be payable under a settlement made pursuant to this Section but Judgment Recovery (N.S.) Ltd. may in its discretion grant such amount as it deems appropriate in lieu of costs, and the amount so granted shall be specifically stated in the terms of settlement.

(8) Should proceedings under this Section fail to result in a settlement, the person having the cause of action shall, if the time limited for instituting action has expired, have a further period of two weeks in which to issue an originating notice, such period to commence on the date notice of intention to withdraw from such proceedings is given by registered letter to the other parties by any one of the parties or from the date on which the person appointed by the Minister pursuant to clause (a) of subsection (3) refuses his approval, or, where one of the parties to the settlement has not attained the full age of nineteen years, a judge, pursuant to clause (b) of subsection (3), refuses his approval of the settlement.

(9) Statements or admissions made during negotiation of a settlement under this Section shall not be admissible against the parties to the settlement in any proceedings arising out of the same cause of action.

(10) Nothing in this Section precludes the settlement of claims as between persons of the full age of nineteen years in accordance with subsections (2) and (3) but settlements between those persons shall not prejudice the claim of any person under the age of nineteen years who is entitled in any event to receive from Judgment Recovery (N.S.) Ltd. the amount that he would have received if payment of all claims resulting from the accident giving rise to his claim had been held in abeyance until his claim had been settled in accordance with this Section or determined by judgment.

(11) Where

(a) a claim to which this Section applies is for damage to property only and is for an amount that does not exceed one thousand dollars;

(b) Judgment Recovery (N.S.) Ltd. has sent by registered mail a request in a form approved by the Superintendent of Insurance to the person alleged to be at fault addressed to his address as shown on the records of the Registry of Motor Vehicles or if he has a different address to the knowledge of Judgment Recovery (N.S.) Ltd. then to both such addresses, requesting that he negotiate a settlement of the claim or make a written denial of liability; and

(c) the person to whom the request is sent does not, within thirty days of the mailing of the request, either negotiate a settlement of the claim or deliver a written denial of liability to Judgment Recovery (N.S.) Ltd.,

Judgment Recovery (N.S.) Ltd. may on behalf of and in the name of the person alleged to be at fault take any steps that he might have taken under this Section and enter into negotiations with the claimant and make a settlement under this Section. R.S., c. 293, s. 215.

**Hearing to determine obligation of insurer**

**216 (1) Where**

(a) an application is made to Judgment Recovery (N.S.) Ltd. for payment of a claim for loss or damages occasioned by or arising out of the operation, ownership, maintenance or use of a motor vehicle, whether or not an originating notice has been issued or a judgment has been entered;

(b) it appears or is alleged that an insurer may be obligated under a policy of automobile insurance within the meaning of Part VI of the *Insurance Act* to respond to the claim; and

(c) the insurer denies that it is so obligated,

Judgment Recovery (N.S.) Ltd. shall within a reasonable period of time but not to exceed sixty days from the date of such application make an *ex parte* application to a judge of the Trial Division of the Supreme Court or a judge of a county court to set a date for a hearing to determine whether the insurer has such an obligation.

(2) Judgment Recovery (N.S.) Ltd. shall, at least fourteen days before the date set for the hearing, give notice of the hearing by serving a copy of the order in the manner provided in the order on

- (a) the insurer appearing or alleged to be obligated to respond to the claim;
- (b) the owner and the driver of the motor vehicle referred to in clause (a) of subsection (1); and
- (c) the person making the claim.

(3) Not later than seven days before the date of the hearing an insurer that has been served with a copy of an order pursuant to subsection (2) shall deliver to Judgment Recovery (N.S.) Ltd. and file with the prothonotary or clerk of the court a statement of the grounds upon which it bases its denial of an obligation to respond to the claim.

(4) On the date fixed for the hearing the judge shall hear such evidence as may be adduced by Judgment Recovery (N.S.) Ltd., the insurer and the person or persons referred to in subsection (2) and shall determine whether or not the insurer is obligated to respond to the claim referred to in subsection (1), and the judge may adjourn the hearing and require additional evidence to be called or that the notice of the hearing be served on such additional persons as may be necessary to enable the court to determine the question of the insurer's obligation.

(5) Subject to subsection (6), on a hearing under this Section no evidence, argument or finding shall be adduced or made respecting the liability of an owner or driver of a motor vehicle or the amount or extent of that liability or the amount of the liability or obligation of an insurer.

(6) Evidence or arguments purporting to establish any defence referred to in Section 133 of the *Insurance Act* may be adduced or made at a hearing under this Section and if they are adduced or made the judge shall make a finding whether such defences or any of them constitute an effective defence or defences under said Section 133 against the person alleged to be insured but not effective as against a claimant but nothing herein prejudices the right of an insurer subsequently to require a judgment relating to the liability of its insured as a condition precedent to making payment to a claimant.

(7) Where a finding under this Section is that an insurer is not obligated to respond to a claim, Judgment Recovery (N.S.) Ltd. shall respond to the claim in accordance with all statutory provisions relating to Judgment Recovery (N.S.) Ltd.

(8) Judgment Recovery (N.S.) Ltd. and the insurer are not entitled to their costs in connection with a hearing by a judge under this Section but shall bear other costs of the hearing equally unless by reason of special circumstances the judge otherwise orders, and this subsection does not apply to costs of an appeal from a finding or order made under this Section.

(9) Where a hearing is ordered to be held under this Section, further proceedings with respect to the claim that is the subject of the hearing are stayed until the obligation of an insurer or of Judgment Recovery (N.S.) Ltd. to respond to the claim has been finally determined by the judge or on appeal and a further ten days have elapsed.

(10) The Appeal Division of the Supreme Court shall be the final court of appeal from a finding or order made pursuant to this Section. R.S., c. 293, s. 216; revision corrected.

**Actions begun before July 1, 1961**

**217 (1)** Where in an action in any court in the Province for damages resulting from bodily injury to or the death of any person or damage to property

- (a) the defendant does not file a statement of defence;
- (b) the defendant does not appear in person or by counsel at the trial or on the assessment of damages; or
- (c) the defendant is prepared to consent or to agree to the entry of judgment against him,

judgment shall not be entered by default or upon consent or agreement and damages shall not be assessed until notice of intention to enter judgment or to assess damages, as the case may be, has been given to Judgment Recovery (N.S.) Ltd. and Judgment Recovery (N.S.) Ltd. has not, within thirty days after giving of that notice, applied to the court for leave to intervene in the action.

(2) When Judgment Recovery (N.S.) Ltd. receives notice under subsection (1), it may, with leave of the court or a judge, intervene in the action and take on behalf of and in the name of the defendant any steps that the defendant himself might have taken in the action.

(3) Where, pursuant to leave granted under subsection (2), Judgment Recovery (N.S.) Ltd. intervenes in an action, it may, on behalf of and in the name of the defendant, file a statement of defence, conduct the defence, consent to judgment in such amount as it considers proper, or do any other act that the defendant himself might have done, and all acts of Judgment Recovery (N.S.) Ltd. shall be deemed to be the acts of the defendant. R.S., c. 293, s. 217.

**Actions begun on or after July 1, 1961**

**218 (1)** Where in an action in any court in the Province for damages resulting from bodily injury to or the death of any person or damage to property, the defendant does not file a defence, Judgment Recovery (N.S.) Ltd. shall not be liable to pay any judgment entered by default unless notice of intention to enter judgment has been given to Judgment Recovery (N.S.) Ltd. and thirty days have elapsed after giving that notice.

(2) When Judgment Recovery (N.S.) Ltd. receives notice under subsection (1), it may file a defence on behalf of and in the name of the defendant and may take any steps that the defendant might take in an action.

(3) Where in an action in any court in the Province for damages resulting from bodily injury to or the death of any person or damage to property, the defendant files a defence but

(a) the defendant does not appear in person or by counsel at the trial or on the assessment of damages; or

(b) the defendant is prepared to consent or to agree to the entry of judgment against him,

Judgment Recovery (N.S.) Ltd. shall not be liable to pay any judgment entered by default or upon consent or agreement or damages assessed unless notice of intention to enter judgment or to assess damages, as the case may be, has been given to Judgment Recovery (N.S.) Ltd. and Judgment Recovery (N.S.) Ltd. has not within thirty days after giving of that notice applied to the court for leave to intervene in the action.

(4) When Judgment Recovery (N.S.) Ltd. receives notice under subsection (3) it may, with leave of the court or a judge, intervene in the action and take on behalf of and in the name of the defendant any steps that a defendant might take in an action.

(5) Where Judgment Recovery (N.S.) Ltd. files a defence pursuant to subsection (2) or intervenes in an action pursuant to subsection (4), it may, on behalf of and in the name of the defendant, whether or not the defendant is an infant, conduct the defence, consent to judgment in such amount as it considers proper, or do any other act that a defendant might do and all acts of Judgment Recovery (N.S.) Ltd. shall be deemed to be the acts of the defendant, provided, however, that where the defendant is an infant no judgment by consent shall be entered without the approval of the court or a judge thereof.

(6) This Section shall apply to actions commenced on and after the first day of July, 1961, and Section 217 shall apply to actions commenced prior to the first day of July, 1961. R.S., c. 293, s. 218.

#### **Restoration of license or permit**

**219** Where the driver's license of any person, or the permit of a motor vehicle registered in his name, has been suspended or cancelled under this Act, and Judgment Recovery (N.S.) Ltd. has paid any amount in or towards satisfaction of a judgment and costs, or either of them, recovered against that person, the cancellation or suspension shall not be removed, nor the license be issued or granted to, or registration be permitted to be made, by that person until he has satisfied all requirements of this Act in respect of giving proof of financial responsibility and

(a) has paid to the Registrar, notwithstanding that the original judgment creditor has assigned the judgment to Judgment Recovery (N.S.)

Ltd. the full amount of the deductible of two hundred dollars, if applicable, referred to in subsections (9) and (10) of Section 212 and in subsections (4) and (5) of Section 213;

(b) has repaid in full to Judgment Recovery (N.S.) Ltd. the amount so paid by it, together with interest thereon at a rate to be determined by the Governor in Council from time to time upon the recommendation of the Minister of Finance and Treasury Board from the date of such payment; or

(c) has entered into and is carrying out an arrangement for repayment to Judgment Recovery (N.S.) Ltd. the amount so paid by it in instalments calculated by Judgment Recovery (N.S.) Ltd. in the manner set out in Section 225, or in instalments at such other rate as is satisfactory to it; or

(d) has received from Judgment Recovery (N.S.) Ltd. a satisfaction piece or release of the judgment in respect of which Judgment Recovery (N.S.) Ltd. has made payment. R.S., c. 293, s. 219; O.I.C. 2013-348.

### **Deductible**

**220 (1)** Judgment Recovery (N.S.) Ltd. shall, with respect to judgments assigned to it, inform the Registrar of the amount of any deductible in a policy of automobile insurance within the meaning of the *Insurance Act* held by the original judgment creditor at the time of the accident out of which the judgment arose which provided coverage against damage to the motor vehicle of the judgment creditor involved in such accident.

**(2)** The Minister of Finance and Treasury Board shall, if the Registrar has received the two hundred dollars referred to in clause (a) of Section 219, pay to the original judgment creditor the amount of the deductible referred to in subsection (1) up to two hundred dollars. R.S., c. 293, s. 220; O.I.C. 2013-348.

### **Effective date of Sections 213 to 219**

**221** Sections 213 to 219 apply to or in respect of judgments or claims for damages arising out of the ownership, maintenance, operation or use of a motor vehicle on or after the first day of January, 1959, and before such later date as the Governor in Council declares to be the date from which these Sections shall no longer apply. R.S., c. 293, s. 221.

### **Quebec**

**222 (1)** For the purposes of subsection (6) of Section 214, the Province of Quebec is and is deemed to be “a jurisdiction in which recourse of a substantially similar character to that provided by this Act is afforded to residents in the Province”.

**(2)** Notwithstanding the provisions of Sections 213 and 214, the Régie de l'assurance automobile du Québec may, in the exercise of its rights of subrogation under the *Automobile Insurance Act* (Quebec), claim from Judgment Recovery (N.S.) Ltd. any amount which a resident of Quebec would be entitled to

receive from Judgment Recovery (N.S.) Ltd. if the Régie had paid nothing to the Quebec resident.

(3) Except as provided by Section 256, for the purpose of asserting its rights under subsection (2) against Judgment Recovery (N.S.) Ltd., the Régie shall commence a proceeding in its own name against the person liable for the damages, and the Régie, the defendant and Judgment Recovery (N.S.) Ltd. shall deal with the claim as provided in Sections 213 to 220 as if the proceeding were commenced by the Quebec resident.

(4) This Section comes into force on and not before the effective date of an agreement between the Régie and the Province entered into pursuant to Section 319 of the *Insurance Act*, and applies to accidents occurring on, from and after that date. R.S., c. 293, s. 222.

#### **Assignment of judgment to Minister of Finance and Treasury Board**

**223** (1) The Minister of Finance and Treasury Board shall not pay from the Fund any sum in compliance with an order until the judgment creditor assigns the judgment to him.

(2) When a copy of the assignment of judgment to the Minister of Finance and Treasury Board certified by him to be a true copy, is filed with the prothonotary or the county court clerk, as the case may be, of the court in which the judgment was obtained, the Minister of Finance and Treasury Board shall, for all purposes related to recovery of the amount due on the judgment, be deemed to be the judgment creditor.

(3) Where the Minister of Finance and Treasury Board recovers any amount on a judgment that has been assigned to him, he shall pay over to the judgment creditor or his personal representative any amount by which the amount recovered exceeds the amount paid out of the Fund by the Minister of Finance and Treasury Board, together with interest thereon at four per cent per year from the date of such payment and all costs, including solicitor's costs on a solicitor and client basis, incurred by the Minister of Finance and Treasury Board in making the recovery. R.S., c. 293, s. 223; O.I.C. 2013-348.

#### **Restoration of license or permit**

**224** Where the driver's license of any person, or the permit of a motor vehicle registered in his name, has been suspended or cancelled under this Act, and the Minister of Finance and Treasury Board has paid from the Fund any amount in or towards satisfaction of a judgment and costs, or either of them, recovered against that person, the cancellation or suspension shall not be removed, nor the license, or permit restored, nor shall any new license be issued or granted to, or registration be permitted to be made by, that person until he has

(a) repaid in full to the Minister of Finance and Treasury Board the amount so paid by him, together with interest thereon at a rate to be determined by the Governor in Council from time to time upon the recom-

mentation of the Minister of Finance and Treasury Board from the date of such payment; and

(b) satisfied all requirements of this Act in respect of giving proof of financial responsibility. R.S., c. 293, s. 224; O.I.C. 2013-348.

### **Repayment to Fund by instalments**

**225 (1)** Where the Minister of Finance and Treasury Board has paid from the Unsatisfied Judgment Fund an amount in or towards satisfaction of a judgment and costs, or either of them, recovered against a person, the Minister of Finance and Treasury Board may, on the application of that person, make an order permitting him to repay to the Minister of Finance and Treasury Board in instalments the amount so paid out of the Fund and interest on that amount.

**(2)** Payments shall not be permitted to be made under this Section

(a) in instalments at less frequent intervals than every three months; or

(b) in instalments that in a period of one year equal a smaller percentage of the total amount paid out of the Fund than that shown in the following table:

Amount paid out of Fund		Minimum annual payment per cent of amount paid out of Fund
	up to \$500.00	50 %
\$ 500.01	- \$100,000.00	33⅓ %
1,000.01	- 3,000.00	25 %
3,000.00	- 5,000.00	20 %
5,000.01	- 10,000.00	10 %
10,000.01	- 20,000.00	7½ %

**(3)** When the Minister of Finance and Treasury Board has made an order under this Section and the person in whose favour the order has been made is not in default in complying with the terms of the order and has complied with the requirements referred to in clause (b) of Section 224, the Minister may, notwithstanding Section 224, but subject to all other provisions of this Act, restore the driver's license and owner's permits of the person, or issue a license and owner's permits to him.

**(4)** When a person in whose favour an order has been made under this Section fails to make any payment permitted by the order or within the time prescribed by the order, the Minister shall forthwith suspend the driver's license and the owner's permits of that person and the person shall thereafter be subject in all respects to the provisions of Section 224.

**(5)** Any judgment debtor may apply on summary application to the judge of the county court for the district in which the applicant resides or to the Judge of The County Court of District Number One within three months of an appli-



cation filed for a finding as to the ability of the applicant to repay the Minister of Finance and Treasury Board and if it is then made to appear to the Minister of Finance and Treasury Board that such judge has found that the applicant cannot make payment in instalments of the amounts required by clause (b) of subsection (2) without thereby causing a severe hardship to himself or to members of his immediate family, the Minister of Finance and Treasury Board may, notwithstanding such subsection, make an order permitting the applicant to make payments at a lower rate than the rate required by that clause. R.S., c. 293, s. 225; O.I.C. 2013-348.

### **Regulations respecting Sections 203 to 246**

**226** Subject to the approval of the Governor in Council, the Minister may make regulations for the more effective carrying out of Sections 203 to 246. R.S., c. 293, s. 226.

### **Failure to pay judgment**

**227 (1)** Subject to Section 239, the driver's license or privilege of obtaining a driver's license and owner's permit or permits, of every person who fails to satisfy a judgment rendered against him, by any court in the Province, or in any other province of Canada, which has become final by affirmation on appeal, or by expiry without appeal of the time allowed for appeal, for damages of one hundred dollars or more on account of damage to property, or damages on account of bodily injury to, or the death of, any person, occasioned by a motor vehicle, within fifteen days from the date upon which such judgment became final, shall be forthwith suspended by the Registrar, upon receiving a certificate of such final judgment from the court in which the same is rendered, and shall remain so suspended, and shall not at any time thereafter be renewed, nor shall any new driver's license or owner's permit be thereafter issued to such person until such judgment is satisfied or discharged, otherwise than by a discharge in bankruptcy, to the extent of the minimum level of financial responsibility required at the time of the accident which gave rise to the judgment and until such person gives proof of his financial responsibility.

**(2)** The Governor in Council, upon the report of the Minister that a province or state has enacted legislation similar in effect to subsection (1) and that the legislation extends and applies to judgments rendered and become final against residents of that province or state by any court of competent jurisdiction in the Province, may, by proclamation, declare that subsection (1) shall extend and apply to judgments rendered and become final against residents of the Province by any court of competent jurisdiction in such province or state.

**(3)** If, after such proof of financial responsibility has been given, any other judgment against such person, for any accident, which occurred before such proof was furnished, and after the first day of September, 1932, is reported to the Registrar, the driver's license and owner's permit or permits of such person shall again be, and remain, suspended until such judgment is satisfied and discharged, otherwise than by a discharge in bankruptcy, to the extent set out in subsection (1).

**(4)** If any person to whom subsection (1) applies is not a resident in the Province, the privilege of operating any motor vehicle in the Province, and

the privilege of operation in the Province of any motor vehicle registered in his name, shall be, and is, suspended and withdrawn forthwith by virtue of such judgment until he has complied with subsection (1).

(5) Subsection (1) in the form in which it appeared prior to the eighteenth day of March, 1964, shall apply to judgments resulting from causes of action arising before the first day of January, 1965.

(6) Subsection (1) as it appears in this Section shall apply to judgments resulting from causes of action arising on or after the first day of January, 1965. R.S., c. 293, s. 227.

### **Commercial vehicle insurance**

**228 (1)** The Minister may require commercial motor vehicles or certain commercial motor vehicles to be covered with public liability, property damage, cargo or passenger hazard insurance or any or all such insurance, and such insurance shall be a condition precedent to the issuance of any permit or license for such commercial motor vehicles.

(2) Subject to the approval of the Governor in Council, the Minister may make regulations governing

- (a) commercial motor vehicles to be so insured;
- (b) the form and kind of insurance policy or policies;
- (c) the amount of insurance;
- (d) any other matter or thing in connection with such insurance;
- (e) the imposition of penalties for the violation of such regulations.

(3) Such regulations shall be published in the Royal Gazette and shall thereupon become effective and have the same force as if enacted by this Act. R.S., c. 293, s. 228.

### **Proof of financial responsibility**

**229** The Minister may require proof of financial responsibility before issue of an owner's permit or driver's license or the renewal thereof to any person. R.S., c. 293, s. 229; 2003 (2nd Session), c. 1, s. 28.

### **Liability policy**

**230 (1)** No person shall drive a motor vehicle registered or required to be registered under this Act unless there is in force in respect of the motor vehicle or in respect of the driver of the motor vehicle a motor vehicle liability policy.

(2) In a prosecution for a violation of subsection (1), where the court is satisfied that the defendant failed to produce forthwith upon the request of a

peace officer a motor vehicle liability insurance card issued pursuant to Section 204 for a policy as required by subsection (1) that was valid and subsisting at the time of driving, such failure is proof, in the absence of evidence to the contrary, that there was not in force at the time of driving a motor vehicle liability policy as required by subsection (1).

(3) No person shall be convicted of a violation of subsection (1) if the person establishes that at the time the motor vehicle was driven,

(a) proof of financial responsibility in the amounts and to the limits required by Section 235 and in one of the forms permitted by Section 236 has been given; or

(b) a financial responsibility card was issued under Section 206,

in respect of the person or the motor vehicle. R.S., c. 293, s. 230; 1999, c. 11, s. 7.

#### **Liability policy for motor vehicle registered in another jurisdiction**

**230A (1)** No person shall drive a motor vehicle registered in another province of Canada or in a state unless there is in force in respect of the motor vehicle or in respect of the driver of the motor vehicle a motor vehicle liability policy.

(2) In a prosecution for a violation of subsection (1), where the court is satisfied that the defendant failed to produce forthwith upon the request of a peace officer a motor vehicle liability insurance card issued pursuant to the law of the jurisdiction in which the motor vehicle is registered for a policy as required by subsection (1) that was valid and subsisting at the time of driving, such failure is proof, in the absence of evidence to the contrary, that there was not in force at the time of driving a motor vehicle liability policy as required by subsection (1).

(3) No person shall be convicted of a violation of subsection (1) if the person establishes that at the time the motor vehicle was driven,

(a) proof of financial responsibility in the amounts and to the limits required by the law of the jurisdiction in which the motor vehicle is registered; or

(b) a financial responsibility card was issued under the law of the jurisdiction in which the motor vehicle is registered,

in respect of the person or the motor vehicle. 2004, c. 6, s. 23.

#### **Suspension of license after accident**

**231 (1)** Subject to subsections (2) and (3), where damage to property in an amount apparently of fifty dollars or more or bodily injury to, or the death of, any person results from an accident in which a motor vehicle is in any manner, directly or indirectly involved, if the motor vehicle is, or is required to be, registered under this Act, the Registrar, on receipt of notice in writing of the accident, shall suspend the license or the privilege of obtaining a license of the driver and the permit of every motor vehicle registered in the name of the owner and of the driver.

(2) Where a person whose permit, license or privilege of obtaining a license is subject to suspension under this Section satisfies the Registrar that

- (a) at the time of the accident the motor vehicle was a stolen vehicle; or
- (b) the only damage resulting from the accident is to the person or property of the owner and of the driver and of passengers in the vehicle,

if the suspension has not already become effective, the Registrar shall not suspend the permit, license or privilege of obtaining a license, and if it has become effective he shall reinstate the permit, license or privilege of obtaining a license so suspended.

(3) Where a person whose permit, license or privilege of obtaining a license is subject to suspension under this Section produces to the Registrar a financial responsibility card or a motor vehicle liability insurance card in respect of the motor vehicle involved in the accident and in full force at the time of the accident or where the Registrar is satisfied that at the time of the accident a financial responsibility card or a motor vehicle liability insurance card is in full force in respect of such motor vehicle, then if the suspension has not already become effective the Registrar shall not suspend the permit, license, or privilege of obtaining a license, and if it has become effective he shall reinstate the permit, license, or privilege of obtaining a license so suspended.

(4) Where a person whose driver's license or the privilege of obtaining a license is subject to suspension under this Section produces to the Registrar a financial responsibility card or a motor vehicle liability insurance card in respect of a motor vehicle liability policy issued to or for the benefit of that person as a driver that is in full force at the time of the accident or where the Registrar is satisfied that at the time of the accident there was in full force a motor vehicle liability insurance policy in the amount specified in Section 235 issued to or for the benefit of that person as a driver then if the suspension has not already become effective the Registrar shall not suspend the license or the privilege of obtaining a license, or if it has become effective he shall reinstate the license or the privilege of obtaining a license so suspended.

(5) Subject to subsections (2) and (3), every license, privilege of obtaining a license, and every permit suspended pursuant to subsection (1) shall remain so suspended, nor shall any new license be thereafter issued to or permit for the same or any other motor vehicle be permitted to be made by, the person whose license, privilege of obtaining a license, or permit has been so suspended until the person gives proof of financial responsibility to the amounts and in any of the forms mentioned in Sections 235 and 236, and

- (a) gives security, sufficient in the opinion of the Registrar, to satisfy any judgment that may thereafter be recovered against such person as a result of the accident, or any sum that may be agreed upon as liquidated damages, but subject to the limits as to amount stated in Section 207; or

(b) produces to the Registrar proof satisfactory to the Registrar that he has satisfied all claims against him for damage to property in an amount of fifty dollars or more and for damages for bodily injury to, or the death of, any person, resulting from the accident, up to the limits as to amount stated in Section 207.

**(6) Where**

(a) one year has elapsed since the date of an accident and the owner or driver, respectively, of a motor vehicle in any manner, directly or indirectly, involved therein

(i) has neither paid or agreed to pay any sum as damages in respect of bodily injury to, or the death of, any person, or any sum of fifty dollars or more for damages to property, resulting from the accident,

(ii) has not been named as defendant in an action for damages as a result of the accident, and

(iii) is not required to give proof of financial responsibility under another Section of this Act; or

(b) judgment in an action for damages resulting from the accident brought against such owner or driver has been given in his favour, and he is not required to give proof of financial responsibility under another Section of this Act,

such owner or driver, as the case may be, shall not thereafter be required to maintain proof of financial responsibility, and the Registrar shall return to him any security given by him pursuant to subsection (5).

**(7)** Where a person whose permit, license, or privilege of obtaining a license is suspended under this Section satisfies the Registrar that he has satisfied all claims against him for damage to property in an amount of fifty dollars or more and for damages for bodily injury to, or the death of, any person, resulting from the accident, and that person is not required to give proof of financial responsibility under another Section of this Act, he shall not, after the expiration of two years from the date of the accident, be required to maintain proof of financial responsibility, and the Registrar shall return to him any security given by him pursuant to subsection (5). R.S., c. 293, s. 231.

**Suspension of non-resident**

**232 (1)** Subject to subsections (2) and (3) and Section 233 where a person, who is not a resident of the Province, is the driver or owner of a motor vehicle that is in any manner directly or indirectly involved in an accident causing damage to property in an amount apparently of fifty dollars or more or bodily injury to or the death of, any person, that person's privilege of driving a motor vehicle in the Province and the privilege of using or having in the Province a motor vehicle registered in another province, state or country in the name of that person, other than to remove it from the Province, are forthwith suspended and withdrawn.

(2) Where a person whose privileges are subject to suspension and withdrawal under this Section satisfies the Registrar that

- (a) at the time of the accident the motor vehicle was a stolen vehicle; or
- (b) the only damage resulting from the accident is to the person or property of the owner and of the driver and of passengers in the vehicle,

the Registrar shall restore the privileges so suspended or withdrawn.

(3) Where a person whose privileges are subject to suspension and withdrawal under this Section

- (a) produces to the Registrar a financial responsibility card or a motor vehicle liability insurance card in respect of the motor vehicle involved in the accident and in full force at the time of the accident; or
- (b) where the Registrar is satisfied that at the time of the accident there was in force a motor vehicle liability policy issued to that person or for his benefit by an insurer
  - (i) licensed to do business in the Province, or
  - (ii) who complies with the conditions set out in subsection (4) of Section 236, or
  - (iii) authorized to do business in any province or territory of Canada in which there is in force, in the opinion of the Registrar, legislation to the same effect as Section 126 of the *Insurance Act*,

the Registrar shall restore the privileges so suspended or withdrawn.

(4) Subject to subsections (2) and (3) and Section 233, any privilege suspended or withdrawn under subsection (1) shall remain suspended and withdrawn until the person gives proof of financial responsibility to the amounts and in any of the forms mentioned in Sections 235 and 236, and

- (a) gives security, sufficient in the opinion of the Registrar, to satisfy any judgment that may thereafter be recovered against such person as a result of the accident, or any sum that may be agreed upon as liquidated damages, but subject to the limits as to amount stated in Section 207; or
- (b) produces to the Registrar proof satisfactory to the Registrar that he has satisfied all claims against him for damage to property in an amount of fifty dollars or more and bodily injury to, or the death of, any person, resulting from the accident up to the limits as to amount stated in Section 207. R.S., c. 293, s. 232.

**Voluntary filing of proof of financial responsibility**

**233 (1)** An owner's permit and driver's license, or, in the case of a person not resident in the Province, the privilege of operating any motor vehicle in the Province, and the privilege of operation within the Province of any motor vehicle owned by such non-resident, shall not be suspended or withdrawn under Sections 203 to 246 if such owner, driver or non-resident has voluntarily filed or deposited with the Registrar, prior to the offence or accident, out of which any conviction, judgment or order arises, proof of financial responsibility, which, at the date of such conviction, judgment, or order, is valid and sufficient for the requirements of this Act.

**(2)** The Registrar shall receive and record proof of financial responsibility voluntarily offered, and if any conviction or judgment against such person is thereafter notified to the Registrar which, in the absence of such proof of financial responsibility would have caused the suspension of the driver's license or owner's permit under this Act, the Registrar shall forthwith notify the insurer or surety of such person of the conviction or judgment so reported. R.S., c. 293, s. 233.

**Failure to maintain financial responsibility**

**234 (1)** Where proof of financial responsibility is given by any person required to give proof of financial responsibility pursuant to the provisions of Section 205 or 231 and such proof of financial responsibility is no longer maintained and such person has not been subsequently exempted from maintaining proof of financial responsibility, the Registrar shall suspend every driver's license or privilege of obtaining a driver's license and owner's permit or permits of such person issued pursuant to this Act until such proof of financial responsibility is again maintained.

**(2)** If any person to whom subsection (1) applies is not a resident of the Province, the privilege of operating a motor vehicle within the Province and the privilege of operation within the Province of a motor vehicle owned by him is suspended and withdrawn forthwith until he again maintains proof of financial responsibility. R.S., c. 293, s. 234.

**Amount of financial responsibility**

**235** Except as otherwise provided, where proof of financial responsibility is required to be given by any person pursuant to Sections 203 to 246, inclusive, it shall be given in the amount of five hundred thousand dollars by a driver and, in the case of an owner, in the amount of five hundred thousand dollars for each motor vehicle registered in the person's name. 2003 (2nd Sess.), c. 1, s. 29; 2015, c. 45, s. 10.

**Manner of proof of financial responsibility**

**236 (1)** Subject to subsection (3), proof of financial responsibility may be given in any one of the following forms:

- (a) the written certificate or certificates, filed with the Registrar, of any authorized insurer that it has issued, to or for the benefit of the person named therein, a motor vehicle liability policy

or policies in form hereinafter prescribed that, at the date of the certificate or certificates, is in full force and effect and that designates therein, by explicit description, or by other adequate reference, all motor vehicles to which the policy applies, and any such certificate or certificates shall be in the form approved by the Registrar and shall cover all motor vehicles registered in the name of the person furnishing such proof, and the said certificate or certificates, shall certify that the motor vehicle liability policy or policies therein mentioned shall not be cancelled or expire, except upon ten days prior written notice thereof to the Registrar, and until such notice is duly given the said certificate or certificates shall be valid and sufficient to cover the term of any renewal of such motor vehicle liability policy by the insurer, or any renewal or extension of the term of such driver's license or owner's permit by the Minister or the Department;

(b) the bond of an approved guarantee or surety company, or a bond with personal sureties, approved as adequate security hereunder;

(c) the certificate of the Treasurer that the person named therein has deposited with him a sum of money or securities for money approved by him in the amount or value of five hundred thousand dollars for each motor vehicle registered in the name of such person, the Treasurer shall accept any such deposits and issue a certificate therefor, if such deposit is accompanied by evidence that there are no unsatisfied executions against the depositor registered in the office of the sheriff for the county in which the depositor resides;

(d) where the owner of a trolley coach is a corporation, the written certificate of the Superintendent of Insurance for the Province showing that the corporation maintains an accident reserve or separate insurance fund for the purpose of satisfying therefrom *inter alia* liabilities it may incur resulting from the death of or bodily injuries to any person or damage to property occasioned by or arising out of the ownership, maintenance, operation or use of a motor vehicle by the corporation and indicating that, in the opinion of the Superintendent of Insurance, the reserve or fund is adequate to satisfy all such liabilities that the corporation is likely to incur.

(2) The Minister may, in his discretion, at any time, require additional proof of financial responsibility, to that filed or deposited by any driver or owner pursuant to this Act, and the Registrar may suspend the driver's license and owner's permit or permits pending such additional proof.

(3) *repealed 2003 (2nd Session), c. 1, s 31.*

(4) A person who is not a resident of the Province may, for the purposes of this Act, give proof of financial responsibility as provided in subsection (1), or by filing a certificate of insurance in a form approved by the Registrar issued by any insurer authorized to transact insurance in the province or state in



which the person resides, provided the insurer has filed with the Registrar, in the form prescribed by him,

- (a) a power of attorney authorizing the Registrar to accept service of notice or process for itself and for its insured in any action or proceeding arising out of a motor vehicle accident in the Province;
- (b) an undertaking to appear in any such action or proceeding of which it has knowledge; and
- (c) an undertaking not to set up as defence to any claim, action or proceeding under a motor vehicle liability policy issued by it, a defence which might not be set up if such policy had been issued in the Province in accordance with the law of the Province relating to motor vehicle liability policies, and to satisfy up to the limits of liability stated in the policy, any judgment rendered and become final against it or its insured by a court in the Province in any such action or proceeding.

(5) If an insurer which has filed the documents described in subsection (4) defaults thereunder, certificates of the insurer shall not thereafter be accepted as proof of financial responsibility under this Act so long as the default continues, and the Registrar shall forthwith notify the registrar of motor vehicles or other officer, if any, in charge of registration of motor vehicles and the licensing of operators in all provinces and states where the certificates of the insurer are accepted as proof of financial responsibility. R.S., c. 293, s. 236; 2003 (2nd Session), c. 1, ss. 30, 31.

#### **Use of security**

**237 (1)** The bond filed with the Registrar and the money or securities deposited with the Minister of Finance and Treasury Board shall be held by him in accordance with this Act, as security for any judgment against the owner or driver filing the bond or making the deposit, in any action arising out of damage caused after such filing or deposit, by the operation of any motor vehicle.

(2) Money and securities so deposited with the Minister of Finance and Treasury Board shall not be subject to any claim or demand, except an execution on a judgment for damages, for personal injuries, or death, or injury to property occurring after such deposit, as a result of the operation of a motor vehicle.

(3) If a judgment to which Sections 203 to 246 apply is rendered against the principal named in the bond filed with the Registrar, and the judgment is not satisfied within fifteen days after it has been rendered, the judgment creditor may, for his own use and benefit, and at his sole expense, bring an action on the bond in the name of the Minister of Finance and Treasury Board, against the persons executing the bond. R.S., c. 293, s. 237; O.I.C. 2013-348.

**Chauffeur or family member**

**238** If the Registrar finds that any driver to whom Sections 203 to 246 apply, was, at the time of the offence for which he was convicted, employed by the owner of the motor vehicle involved therein as chauffeur, or motor vehicle operator, whether or not so designated, or was a member of the family or household of the owner, and that there is no motor vehicle registered in the Province in the name of such driver as an owner, then, if the owner of such motor vehicle submits to the Registrar, who is hereby authorized to accept it, proof of his financial responsibility, as provided by this Act, such chauffeur, operator or other person, shall be relieved of the requirement of giving proof of financial responsibility on his own behalf. R.S., c. 293, s. 238.

**Payment of judgment by instalment**

**239 (1)** A judgment debtor to whom Sections 203 to 246 apply may, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained for the privilege of paying the judgment in instalments, and the court may, in its discretion, so order, fixing the amounts and times of payment of the instalments.

**(2)** While the judgment debtor is not in default in payment of such instalments, he shall be deemed not in default for the purposes of this Act in payment of the judgment, and upon proof of financial responsibility for future accidents pursuant to this Act, the Minister may restore the driver's license or privilege of obtaining a driver's license and owner's permits, of the judgment debtor, but such driver's license or privilege of obtaining a driver's license and owner's permits shall again be suspended and remain suspended, as provided in Section 227, if the Registrar is satisfied of default made by the judgment debtor, in compliance with the terms of the court order. R.S., c. 293, s. 239.

**Report to Registrar of judgment or conviction**

**240 (1)** It shall be the duty of the clerk or prothonotary of the court, or of the court where there is no clerk or prothonotary, in which any final order, judgment, or conviction to which Sections 203 to 246 apply, is rendered, to keep an adequate record of any such final order, judgment or conviction and to forward by prepaid registered post to the Registrar, immediately after the date upon which the order, judgment, or conviction becomes final by affirmation upon appeal, or by expiry without appeal of the time allowed for appeal a certified copy of the order, judgment, or conviction, or a certificate thereof, in form prescribed by the Registrar.

**(2)** Any such copy or certificate shall be *prima facie* evidence of the order, judgment, or conviction.

**(3)** The clerk or other official charged with this duty of reporting to the Registrar, shall be entitled to collect and receive a fee of one dollar for each copy or certificate hereby required, which fee shall be paid as part of the court costs, in case of a conviction, by the person convicted, and, in case of an order or judgment, by the person for whose benefit judgment is issued.

(4) If the defendant is not resident in the Province, it shall be the duty of the Registrar, to transmit to the registrar of motor vehicles or other officer, if any, in charge of the registration of motor vehicles and the licensing of operators in the province or state in which the defendant resides, a certificate of the said order, judgment or conviction. R.S., c. 293, s. 240.

#### **Abstract of record**

**241 (1)** The Registrar shall, upon request, and on payment of the prescribed fee, furnish to any insurer, surety or other person, a certified abstract of the operating record of any person subject to this Act, which abstract shall fully designate the motor vehicles, if any, registered in the name of such person, and the record of any conviction of such person for a violation of any provision of any statute relating to the operation of motor vehicles, any suspension under Section 279C or 279K, or any judgment against such person for any injury or damage caused by such person, according to the records of the Registrar, and if there is no record of any such conviction, suspension or judgment in the office of the Registrar, the Registrar shall so certify.

(2) The Registrar, upon written request, shall furnish any person who may have been injured in person or property by any motor vehicle with all information of record in his office pertaining to the proof of financial responsibility of any owner or driver of any motor vehicle furnished pursuant to this Act. R.S., c. 293, s. 241; 2009, c. 21, s. 1; 2018, c. 3, s. 54.

#### **Return of license and permit and plates**

**242 (1)** Any owner or driver whose permit or license has been suspended, as herein provided, or whose policy of insurance or surety bond, has been cancelled or terminated as herein provided, or who neglects to furnish additional proof of financial responsibility upon the request of the Registrar as herein provided, shall immediately return to the Registrar his driver's license, his motor vehicle permit or permits, and all number plates issued thereunder.

(2) If any such person fails to return his license, permits and plates as provided herein the Registrar may direct any peace officer to secure possession thereof and return the same to the office of the Registrar.

(3) Any person failing to return his license, permits and plates when so required, or refusing to deliver the same when requested to do so by the peace officer, shall be guilty of an offence. R.S., c. 293, s. 242; 2002, c. 10, s. 18.

#### **Transfer of suspended permit or registration**

**243** If an owner's permit has been suspended under Sections 203 to 246, the permit shall not be transferred nor the motor vehicle in respect of which the permit was issued, registered in any other name until the Registrar is satisfied that the transfer or registration is proposed in good faith and not for the purpose, or with the effect, of defeating the purposes of this Act. R.S., c. 293, s. 243.

**Period of maintaining proof**

**244** Where proof of financial responsibility is required pursuant to Section 227 before the issuance of an owner's permit or driver's license or the renewal thereof, such proof shall be maintained for a period of three years or such longer period as the Minister directs. R.S., c. 293, s. 244.

**Cancellation of bond or return of security**

**245 (1)** The Minister may cancel any bond or return any certificate of insurance, or the Minister of Finance and Treasury Board may, at the request of the Minister, return any money or securities deposited pursuant to Sections 203 to 246, as proof of financial responsibility, at any time after three years from the date of the original deposit thereof, provided that the owner or driver on whose behalf such proof was given has not, during the said period, or any three-year period immediately preceding the request, been convicted of any offence mentioned in Section 205 and provided that no action for damages is pending and no judgment is outstanding and unsatisfied in respect of damage to property in an amount of fifty dollars or more or bodily injury to, or the death of any person resulting from the operation of a motor vehicle, and a statutory declaration of the applicant under this Section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Registrar.

**(2)** The Minister may direct the return of any bond, money or securities, to the person who furnished the same, upon the acceptance and substitution of other adequate proof of financial responsibility, pursuant to this Act.

**(3)** The Minister may direct the return of any bond, money or securities deposited under this Act to the person who furnished the same at any time after three years from the date of the expiration or surrender of the last owner's permit or driver's license issued to such person, if no written notice has been received by the Registrar within such period of any action brought against such person in respect of the ownership, maintenance, or operation of a motor vehicle, and upon the filing by such person with the Registrar of a statutory declaration that such person no longer resides in the Province, or that such person had made a *bona fide* sale of any and all motor vehicles owned by him, naming the purchaser thereof, and that he does not intend to own or operate any motor vehicle in the Province within a period of one or more years. R.S., c. 293, s. 245; O.I.C. 2013-348.

**Motor vehicle liability policy and certificate**

**246 (1)** A motor vehicle liability policy referred to in this Act shall be in the form prescribed by Part VI of the *Insurance Act* for an owner's policy or a driver's policy, as the case may be, and approved thereunder by the Registrar for the purposes of this Act.

**(2)** Any insurer which has issued a motor vehicle liability policy shall, as and when the insured may request, deliver to him for filing or file direct with the Registrar, a certificate for the purposes of this Act.

(3) A certificate filed with the Registrar for the purposes of this Act shall be deemed to be a conclusive admission by the insurer that a policy has been issued in the form prescribed by subsection (1) and in accordance with the terms of the certificate.

(4) An insurer shall, at the request of the Registrar, notify the Registrar of the cancellation or expiry of the motor vehicle liability policy to which the request relates and the date on which the policy was cancelled or expired.

(5) Where a person, who is not a resident of the Province, is a party to an action for damages arising out of a motor vehicle accident in the Province for which indemnity is provided by a motor vehicle policy, the insurer named in the policy shall, as soon as it has knowledge of the action from any source, and whether or not liability under such policy is admitted, notify the Registrar in writing, specifying the date and place of the accident and the names and addresses of the parties to the action and of the insurer, which notification shall be open to inspection by parties to the action.

(6) Notwithstanding anything in this Act contained, the Registrar may decline to accept as proof of financial responsibility the certificates of any insurer which fails to comply with subsection (5). R.S., c. 293, s. 246; 2003 (2nd Session), c. 1, s. 32; 2015, c. 45, s. 13.

#### DEMERIT RATING

##### Driver record

**247 (1)** The Minister may require the Registrar to keep records of or classify persons who have been convicted for a violation of any statute relating to the operation of motor vehicles, or who have been responsible for accidents or who have been required to prove their financial responsibility under this Act, or whose operating record has otherwise shown them to be extra hazardous risks for the purpose of motor vehicle liability insurance.

(2) Upon request of the Registrar any authorized insurer shall certify to him the premium rate which has been charged any person for motor vehicle liability insurance and furnish him with a certified copy of any motor vehicle liability insurance policy issued to the person. R.S., c. 293, s. 247.

#### LIABILITY OF OWNER

**248 to 255** *repealed 2011, c. 35, s. 12.*

##### Hit and run claim

**256 (1)** Subject to the other provisions of this Section, where the death of or personal injury to any person is occasioned in the Province on or after the first day of January, 1959, by reason of ownership, maintenance, operation or use of a

motor vehicle and the person having a cause of action in respect of the death or injury cannot establish

- (a) the identity of the motor vehicle and of the driver and owner thereof; or
- (b) the identity of the driver, where at the time the death or injury was caused the vehicle was in the possession or charge of a person without the consent of the owner,

the person having the cause of action in respect of the death or injury may bring an action in the Trial Division of the Supreme Court or in a county court against the Registrar in his name of office.

(2) No action shall be brought against the Registrar under this Section unless two months previous notice in writing of intention to bring the action has been given to the Registrar, which notice contains the name and residence of the intended plaintiff and a statement of the cause of action, and is accompanied by an affidavit of the intended plaintiff or some person on his behalf that there exist in the case the circumstances set out in clauses (a) to (d) of subsection (5).

(3) No action shall be brought under this Section after the expiry of one year from the date on which the cause of action arose.

(4) In any action brought under this Section, the Registrar shall, for the purposes of the action, be deemed to be the defendant, but shall not be liable personally or in his official capacity for payment of any judgment rendered in the action.

(5) If, on the trial of an action brought under this Section, the court is satisfied

- (a) that the plaintiff would have a cause of action against the owner or driver of the motor vehicle in respect of the death or personal injury occasioned by the motor vehicle;
- (b) that all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof;
- (c) that the identity of the motor vehicle and the owner and driver thereof cannot be established, or where the vehicle was in the possession or charge of a person without the consent of the owner, that the identity of the driver cannot be established; and
- (d) that the action is not brought by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of Part VI of the *Insurance Act* and that no part of the amount sought to be recovered in the action is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of that Act and that no part of the amount so sought will be paid to an insurer to reim-

burse or otherwise indemnify the insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of that Act,

the court may order the entry against the Registrar of any judgment for damages that it might have ordered against the owner or driver of the motor vehicle in an action by the plaintiff.

(6) No costs or disbursements shall be allowed or awarded against the Registrar in an action under this Section.

(7) A judgment against the Registrar shall not include any amount for compensation or indemnity for damages in respect of which the plaintiff has received or is entitled to receive compensation or indemnity from any person other than the driver or owner of the motor vehicle which occasioned the personal injury or death.

(8) For the purpose of exercising its rights of subrogation under the *Automobile Insurance Act* (Quebec), the Régie de l'assurance automobile du Québec may commence a proceeding in its own name against the Registrar and obtain a judgment in respect of any matter concerning which a resident of Quebec is entitled to commence a proceeding and obtain a judgment under this Section.

(9) The Régie, the Registrar and Judgment Recovery (N.S.) Ltd. shall deal with the claim and any judgment under subsection (8), and the Régie may recover against Judgment Recovery (N.S.) Ltd., as if the proceeding were commenced by the Quebec resident in respect of whom the Régie has its rights of subrogation.

(10) Subsections (8) and (9) come into force on and not before the effective date of an agreement between the Régie and the Province entered into pursuant to Section 319 of the *Insurance Act*, and apply to accidents occurring on, from and after that date. R.S., c. 293, s. 256.

257 *repealed 2011, c. 35, s. 12.*

#### Identifying person in charge of vehicle

258 (1) When a motor vehicle is operated in violation of any of the provisions of this Act or of the regulations made under this Act, the registered owner of the vehicle on the request of the Registrar or of any peace officer shall, within forty-eight hours of the request, supply the Registrar or the peace officer with the name and address of the person in charge of the vehicle at the time of such violation.

(2) A registered owner, who refuses, fails, neglects or is unable to supply the name and address of the person in charge of the vehicle within forty-eight hours after being so requested, shall be liable on summary conviction to the penalty prescribed for the offence of the driver.

(3) Where under this Section the registered owner of a motor vehicle, at the request of the Registrar or a peace officer, supplies the name of a person who had the motor vehicle with the consent of the owner, that person on the request of the Registrar or of any peace officer shall, within forty-eight hours of the request, supply the Registrar or the peace officer with the name and address of the person in charge of the vehicle at the time of the violation.

(4) A person who is requested pursuant to subsection (3) to supply the name and address of the person in charge of a vehicle and who refuses, fails, neglects or is unable to supply the name and address of the person in charge of the vehicle within forty-eight hours after being so requested is liable on summary conviction to the penalty prescribed for the offence of the driver.

(5) In lieu of imprisonment in default of payment of a fine pursuant to subsections (2) and (4), Sections 272 and 276 apply except that

(a) a reference to “Minister” or “Crown” shall be read and construed to include a reference to a city, town or municipality to which the proceeds of the fine are payable; and

(b) a reference to “Registrar” shall be read and construed to include a reference to the clerk of that city, town or municipality.

(6) In any prosecution under this Section it shall be a defence if the registered owner or the person who had the vehicle with the consent of the registered owner, as the case may be, can prove that the vehicle was being operated at the time of the violation without his knowledge or consent, either expressed or implied.

(7) For the purpose of this Section, “registered owner” includes, in the case of a vehicle registered in another jurisdiction, the person who is the registered owner of that vehicle in that jurisdiction. R.S., c. 293, s. 258; revision corrected.

#### **Liability of owner and driver**

**259 (1)** The owner of a motor vehicle shall incur the fine provided for any violation of this Act or of any rule or regulation made by the Governor in Council, unless at the time of such violation the motor vehicle was in the possession of some person other than the owner without the owner’s consent either expressed or implied, and the driver of a motor vehicle not being the owner shall also incur the penalties or other consequences provided for any such violation.

(2) In lieu of imprisonment in default of payment by the owner of a motor vehicle of the fine referred to in subsection (1), Sections 272 and 276 apply except that

(a) a reference to “Minister” or “Crown” shall be read and construed to include a reference to a city, town or municipality to which the proceeds of the fine are payable; and

(b) a reference to “Registrar” shall be read and construed to include a reference to the clerk of that city, town or municipality.



(3) If the owner of a motor vehicle is present therein at the time of the violation of any of the provisions of this Act, by another person operating the motor vehicle, the owner as well as the other person shall be guilty of the offence. R.S., c. 293, s. 259.

**Operation in illegal manner or when illegally equipped**

**260 (1)** It shall be an offence for the owner, lessor or lessee of a motor vehicle, or for any person employing or otherwise directing the driver of a motor vehicle to require the operation of a motor vehicle upon a highway when the vehicle is equipped otherwise than as required or permitted by law, or is in excess of a weight permitted by law, or the operation of any vehicle in any manner contrary to law.

(2) No person shall operate or have in his charge upon a highway a vehicle which is not equipped in the manner required by this Act or the regulations or which is equipped in a manner prohibited by this Act or the regulations. R.S., c. 293, s. 260.

PART VII

PROCEDURE

**Arrest without warrant**

**261 (1)** A peace officer may arrest without warrant a person whom he finds committing an offence or has reason to believe has recently committed an offence against this Act.

(2) A peace officer making such arrest without warrant shall with reasonable diligence take the person arrested before a judge of the provincial court or justice of the peace to be dealt with according to law. R.S., c. 293, s. 261.

**Regulations respecting voluntary penalty**

**262 (1)** The Minister, with the approval of the Governor in Council, may make regulations providing for the voluntary payment of a penalty not less than the minimum penalty for a violation of this Act and providing for the persons or offices to or at which the voluntary penalty may be paid and providing generally as to the conditions which must exist before a voluntary payment of a penalty may be permitted.

(2) Such payment shall be a full satisfaction, release and discharge of all penalties and imprisonments incurred by the person for the violation.

(3) A payment shall not be accepted pursuant to this Section for a violation of this Act for which points are required to be entered pursuant to Section 282 unless the person signs a statement at the time payment is made in the following form:

The undersigned who is alleged to be guilty of  
(describe offence) . . . . . acknowledges that by virtue

of the payment of \$ . . . . . made pursuant to Section 262 of the *Motor Vehicle Act*, the points required to be entered on the record of a person convicted of the described offence will be entered on the record of the undersigned pursuant to Section 282 of the *Motor Vehicle Act*.

R.S., c. 293, s. 262.

#### **Prior conviction**

**263 (1)** A conviction may in any case be made under this Act as for a first offence notwithstanding that there has been a prior conviction for a first or any other offence or that the charge is for a second or third or a subsequent offence.

**(2)** If it is disclosed during any trial that the accused person has been convicted previously of the same offence, the judge of the provincial court or justice of the peace, if he finds such person guilty, shall impose the penalty prescribed for a second, third or subsequent offence as the case may be whether or not the second, third or subsequent offence is stated in the charge. R.S., c. 293, s. 263; revision corrected.

#### **Evidence**

**264 (1)** In any proceedings in any court it shall not be necessary to produce the original of any book, document, regulation or register kept in the possession of the Department, but a copy or an extract, certified by the Registrar, under the seal of the Department or a certificate signed by the Registrar as to certain facts appearing on the records of the Department, shall be received in evidence as sufficient proof of the contents of the original without proof of such seal or of such signature or of the official character of the person appearing to have signed the same.

**(2)** A certificate under the signature of the Registrar and the seal of the Department that a certificate, a permit or a license has or has not been issued to a certain person, that a certain person is or is not the owner or the registered owner of a certain motor vehicle or that number plates have been issued to and are owned by an individual shall be sufficient proof of the matters contained therein, and such certificate shall be received in evidence without proof of such seal or of such signature or of the official character of the person appearing to have signed the same.

**(3)** A certificate purporting to be signed by the Registrar and to bear the seal of the Department that the Registrar has not received a report of an accident shall be received in evidence without proof of the signature or seal or of the official character of the person who appears to have signed the certificate and shall be *prima facie* proof that the driver of the vehicle involved in the accident did not report the accident as required by subsection (1) of Section 98.

**(4)** An abstract of the driving record of a driver that purports to be signed by the Registrar and bear the seal of the Department shall be received in evidence without proof of the signature, seal or official character of the person who appears to have signed the abstract, and is *prima facie* proof of its contents.

(5) Any document referred to in subsection (1), (2) or (4) certified by, under the signature of or purporting to be signed by an official in another province performing duties similar to those of the Registrar and bearing the seal of a department in another province, or a facsimile of the document, shall be received in evidence in the same manner and has the same effect as a document received in evidence pursuant to subsection (1), (2) or (4) and Section 265 applies *mutatis mutandis*. R.S., c. 293, s. 264; 1995-96, c. 23, s. 4; 2002, c. 20, s. 5.

#### **Facsimile signature**

**265** Where the Minister, the Registrar, Deputy Registrar, Director of Highway Safety or any other officer of the Department is required or authorized to sign a document of any kind or affix his signature, the document shall be deemed to be signed or the signature affixed where the signing is carried out or the signature affixed by means of an engraving, lithograph, stamp or other facsimile. R.S., c. 293, s. 265.

#### **Notice of conviction or appeal to Registrar**

**266 (1)** In this Section, “court” means a judge, justice, prothonotary, clerk of the court, clerk of the Crown or a person acting in any such capacity.

(2) Where a conviction is entered or an appeal is concluded upon a charge under this Act or under any provision of the *Criminal Code* (Canada) having particular relation to a motor vehicle, the court shall certify the same to the Registrar and, where an appeal is commenced in respect of such a charge, the court appealed from shall certify the same to the Registrar immediately upon being notified of the appeal.

(3) For the purpose of subsection (2), the Registrar may furnish a form setting out details of information required and where one is so furnished the court shall make its certificate in that form.

(3A) Notwithstanding subsections (2) and (3) the court, in lieu of certifying a conviction to the Registrar, may cause the details of the conviction to be entered directly into the electronic data processing system of the Registrar.

(4) For the purpose of subsection (2), an appeal is deemed to be concluded when a decision or opinion allowing or dismissing the appeal is handed down, the appeal is abandoned, or the right to proceed with the appeal is extinguished and it shall not depend on whether a final order has been granted.

(5) Where a court being appealed to directs that an order made pursuant to section 320.18 of the *Criminal Code* (Canada) be stayed pending the final disposition of the appeal or until further ordered by that court, the court shall certify the same to the Registrar.

(6) Where a conviction is entered, or where a conviction is confirmed on appeal, for a charge under this Act or any provision of the *Criminal Code* (Canada) having particular relation to a motor vehicle, the judge or justice may rec-

commend to the Registrar that the driver's license or privilege of obtaining a driver's license of the convicted person be suspended for a period of time.

(7) Where a person pleads guilty to or is found guilty of an offence against section 320.14 or 320.15 of the *Criminal Code* (Canada) and an order directing that the accused be discharged is made under section 730 of that Act, this Section applies in the same manner as if the person were convicted of the offence. R.S., c. 293, s. 266; 1990, c. 36, s. 5; 2018, c. 3, s. 55.

### **Penalties and imprisonment**

**267 (1)** The penalties and imprisonments prescribed for the violation of any of the provisions of this Act shall be recovered or enforced under the *Summary Proceedings Act*, provided, however, that where any pecuniary penalty either with or without imprisonment is prescribed for the violation of any of the provisions of this Act, such pecuniary penalty in lieu of being recovered as aforesaid may be recovered with costs by civil action or proceeding by and in the name of the Minister in any court having jurisdiction in cases of simple contract to the amount of the pecuniary penalty, but the imprisonment prescribed, if any, shall not be imposed or enforceable in such action.

(2) Such action may be brought and prosecuted by the Minister in his name of office and may be continued by his successor in office as if no change had occurred. R.S., c. 293, s. 267.

### **Collection and disposition of penalty**

**268 (1)** Whenever a judge of the provincial court or justice of the peace has imposed any pecuniary penalty for a violation of any of the provisions of this Act and such pecuniary penalty is required to be paid over to the Registrar under subsection (2), such pecuniary penalty shall be paid into court at the time sentence is imposed or within seven days thereafter and if such pecuniary penalty is not so paid the judge of the provincial court or justice of the peace shall

(a) obtain from the Registrar within seven days of the date of sentence, written authority to extend the time of payment of the said pecuniary penalty to such date as may be satisfactory to the Registrar; or

(b) issue a warrant of commitment for the term of imprisonment imposed in default of payment.

(2) Any pecuniary penalty prescribed for the violation of any of the provisions of this Act shall when recovered be appropriated as follows:

(a) where the prosecutor is a police officer, constable or other officer of a city or town, the penalty shall belong to the city or town;

(b) in all other cases the penalty shall belong to the Province and shall form part of the General Revenue Fund of the Province and shall be paid over to the Registrar within forty-eight hours.

**(3)** Where

(a) a person is convicted of a violation of subsection (2) of Section 191 or of any regulation made under clause (a) of subsection (1) of Section 191;

(b) the registered weight of the vehicle with which the violation was committed was at the time of the violation less than the maximum weight for which it could be registered under this Act or the regulations;

(c) the person and the owner of the vehicle had not been convicted before of a violation of the sort referred to in clause (a);

(d) the person has paid the pecuniary penalty imposed for the violation; and

(e) the pecuniary penalty has been paid over to the Registrar,

the Registrar, on the written request of the person, may apply the pecuniary penalty so far as it will extend toward payment to the Department on behalf of the person or of the owner of the vehicle of the difference between the registration fees already paid for the registration of the vehicle for the current year and the amount of fees required to permit the registration of the vehicle for the maximum weight permitted for it under this Act and the regulations, and shall thereupon amend the registration of the vehicle for that year to show that its registered weight is the weight for which it would have been registered upon payment of a fee equal to the aggregate of the fee already paid for the registration of the vehicle for the current year and the amount so applied by the Registrar. R.S., c. 293, s. 268; 2010, c. 2, s. 84.

**Default of payment of fine or costs**

**269 (1)** Where a person is in default of payment of all or part of a fine and costs imposed upon conviction for

(a) an offence under this Act or the regulations;

(aa) an offence under a municipal by-law involving the unlawful parking, standing or stopping of a motor vehicle;

(b) an offence under another enactment of the Province where the offence involves the operation of a motor vehicle; or

(c) an offence under a Federal enactment where the offence involves the operation of a motor vehicle,

the justice, judge or clerk of the court in which the fine and costs were imposed shall prepare and forward to the Registrar a certificate of the default, in the form and within the time prescribed by the Attorney General.

**(2)** Where a person is in default of payment pursuant to subsection (1), the Registrar may refuse to renew a driver's license or owner's permit or transfer or register a vehicle of such person or refuse to issue a document to that per-

son or provide any other service until the fine and costs imposed have been paid in full.

(3) Where a person pays the fine and costs imposed pursuant to subsection (1), the justice, judge or clerk of the court in which the fine was imposed shall immediately certify to the Registrar that the fine and costs have been paid in full.

(4) Where a person is in default of payment of all or part of a fine and costs imposed upon conviction for an offence under an enactment of another province of Canada where the offence involves the operation of a motor vehicle and the Registrar has been notified of the default, the Registrar may refuse to renew a driver's license or owner's permit or transfer or register a vehicle of such person or refuse to issue a document to that person or provide any other such service until the fine and costs imposed have been paid in full.

(5) to (9) *repealed 1990, c. 36, s. 6.*

R.S., c. 293, s. 269; 1990, c. 36, s. 6; 1994, c. 24, s. 6; 1994-95, c. 18, s. 3.

#### **Misconduct by court official**

270 It shall be an offence for any judge of the provincial court, justice of the peace or any clerk or prothonotary of a court to fail, refuse or neglect to comply with Section 240, 266 or 268 and such failure, refusal or neglect shall constitute misconduct in office and shall be ground for removal therefrom. R.S., c. 293, s. 270.

#### **Certificate of reversal upon appeal**

271 (1) Whenever any person is convicted of an offence against this Act or against a provision of the *Criminal Code* (Canada) having particular relation to motor vehicles and the person appeals from the decision of the judge of the provincial court or justice of the peace and the decision is reversed on appeal such person may obtain from the court a certificate of such reversal.

(2) Such certificate shall be forwarded to the Department and upon receipt of the certificate the Registrar shall enter the same upon the records of the Department. R.S., c. 293, s. 271.

### **LIENS, SEIZURES AND SALES**

#### **Lien on vehicle for fine and costs**

272 (1) The Minister shall have a first and paramount lien upon a vehicle for the amount of any fine and costs imposed upon the owner or driver of the vehicle under this Act.

(2) If such fine and costs are not paid the Registrar may seize, impound and take into custody any such vehicle.

(3) If such fine and costs or any part thereof remains unpaid for a period of ninety days after the date of seizure, impounding and taking into custody, the Minister shall have the right in addition to all other remedies provided by law, to sell such vehicle as provided in Section 276 and the amount of said fine and costs may be deducted from any proceeds of such sale. R.S., c. 293, s. 272.

#### Seizure of vehicle involved in offence

**273 (1)** The Registrar, any official of the Department or any peace officer may seize a motor vehicle with which an offence has been committed under this Act or under any section of the *Criminal Code* (Canada) having particular relation to motor vehicles and may detain the same until the final disposition of any prosecution instituted for such offence but such motor vehicle may be released on such security for its production being furnished as the Registrar may require.

(2) Any peace officer may cause a vehicle parked in a tow-away zone or a no stopping zone to be removed and impounded until claimed by the person in charge of the vehicle and Section 275 shall apply to vehicles impounded under this subsection. R.S., c. 293, s. 273.

#### Seizure of vehicle involved in racing or betting

**273A (1)** Where a peace officer is satisfied that a motor vehicle is being operated in the course of committing an offence under Section 163, the peace officer shall

- (a) notify the Registrar or cause the Registrar to be notified of the fact; and
- (b) seize and impound the motor vehicle.

(2) Any personal property present in the motor vehicle that is seized and impounded pursuant to subsection (1), other than personal property attached to or used in connection with the operation of the motor vehicle, shall be released to the owner of the personal property upon request, unless it is required as evidence in a prosecution or in connection with an investigation of an offence under this Act.

(3) Except as otherwise provided by this Section, no person shall remove or release, or permit the removal or release of, a motor vehicle impounded under subsection (1) where

- (a) the driver of the motor vehicle is charged with a first offence, for a period of seven days; or
- (b) the driver of the motor vehicle is charged with a second or subsequent offence, for, subject to Section 274, a period of thirty days.

(4) Where a motor vehicle is seized and impounded, a peace officer may authorize the removal or release of the motor vehicle if the peace officer is satisfied that

- (a) the vehicle is stolen;
- (b) at the time the motor vehicle was detained, the driver was in possession of it without the knowledge and consent of the owner; or
- (c) the owner could not reasonably have known that the vehicle would be operated in the course of committing an offence under Section 163.

(5) The owner of a motor vehicle impounded under subsection (1) may, where the owner is not charged with the offence in respect of which the vehicle was detained, apply to the Registrar for the release of the vehicle by

- (a) making an application in the form and manner required by the Registrar; and
- (b) paying the prescribed application fee.

(6) Where the Registrar receives an application and payment of the application fee described in subsection (5) and is satisfied that

- (a) at the time the motor vehicle was impounded, the driver was in possession of it without the knowledge and consent of the owner; or
- (b) the owner could not reasonably have known that the vehicle was being operated in the course of committing an offence under Section 163,

the Registrar shall authorize the release or removal of the motor vehicle to the owner.

(7) Section 275 applies to motor vehicles seized and impounded under subsection (1) except that no lien attaches to a stolen vehicle.

(8) The Governor in Council may make regulations prescribing fees for the purpose of this Section.

(9) The exercise by the Governor in Council of the authority contained in subsection (8) is regulations within the meaning of the *Regulations Act*. 2005, c. 32, s. 4; 2007, c. 45, s. 17.

#### **Seizure of vehicle upon third offence**

**274 (1)** In the event of a third conviction being entered against a person under this Act, the motor vehicle which was being operated by the person so convicted at the time of the commission of such third offence may be seized, impounded and taken into the possession of any peace officer and held at the discretion of the Minister, for such period as the Minister may deem expedient.

(2) If the person so convicted gives a bond satisfactory to the Minister that such motor vehicle shall not be operated upon any highway during



such period as the Minister may direct, such motor vehicle may be returned to the person convicted or to the owner of such motor vehicle, and if such motor vehicle shall be operated on the highway during the period designated by the Minister as the time during which it is not to be operated, such bond shall be forfeited and such motor vehicle shall be deemed to have been operated without permit. R.S., c. 293, s. 274.

#### **Lien on seized vehicle**

**275 (1)** Whenever any motor vehicle is seized, taken into custody or possession or impounded under this Act by an official of the Department or a peace officer or upon an order of the Minister or the Registrar, all charges necessarily incurred by the official, officer or person acting under that order in the performance of such duty are a lien upon the motor vehicle.

**(2)** Any person who is designated by an official of the Department, a peace officer or upon an order of the Minister or the Registrar to tow, store or perform other services in connection with the seizure, taking into custody or possession or impoundment of a motor vehicle has a lien on the vehicle for the charges for those services.

**(2A)** Whenever any motor vehicle is impounded under this Act by an impoundment facility by order of the Minister, the Registrar, an official of the Department or a peace officer, any towing and storage costs incurred by the impoundment facility under this Act, the ~~Warehouseman's~~ [Warehousemen's Lien] Act or the *Liens Act* are a lien upon the motor vehicle.

**(3)** Where the motor vehicle has been impounded for a period of thirty days, the official of the Department or peace officer who seized or impounded the motor vehicle or the person who ordered the seizure, taking into custody or possession, or impoundment of the motor vehicle may order the sale of the motor vehicle. 2001, c. 12, s. 8; 2015, c. 45, s. 14.

#### **Disclosure of registered owner**

**275A** Where an impoundment facility is authorized under this Act, the ~~Warehouseman's~~ [Warehousemen's Lien] Act or the *Liens Act* to sell an impounded vehicle after providing notice to the registered owner, the Registrar or any peace officer may disclose the name, address and telephone number of the registered owner to the impoundment facility. 2015, c. 45, s. 15.

#### **Sale of vehicle by tender or public auction**

**276 (1)** Whenever a motor vehicle is sold by the Minister, the Registrar, the Department or a person who has a lien on the motor vehicle under this Act, the sale shall be by tender or by public auction and, at least seven days before the sale, notice of the sale shall be published in one or more newspapers published and circulated in the Province and at the same time mailed to the registered owner of the motor vehicle by registered mail addressed to the owner at the owner's name and address as they appear on the records of the Department.

(2) The proceeds of a sale referred to in subsection (1) shall be applied to the payment of any debt, lien or charge incurred in connection with the seizure, towing, taking into custody or possession, storage or impoundment of the motor vehicle and, where the proceeds are insufficient to pay all such debts, liens or charges, the proceeds shall be paid to the persons entitled thereto *pari passu*.

(3) Any proceeds remaining after payment of the debts, liens or charges referred to in subsection (2) shall be held by the Department for one month after the sale, and any claim or claims to the proceeds, or any portion thereof, must be established within the one-month period, and, after the one-month period has elapsed, where no claim to the proceeds has been established, the proceeds so held by the Department escheat to Her Majesty in right of the Province and all claims for interest in the motor vehicle or in the proceeds derived from the sale of the motor vehicle are forever barred. 2001, c. 12, s. 8.

#### CANCELLATION OF REGISTRATION AND REVOCATION OF PERMIT OR LICENSE

##### Cancellation or revocation by Minister

277 (1) The Minister whenever he deems it expedient may cancel the registration of any vehicle registered under this Act.

(2) The Minister whenever he deems it expedient may revoke any permit or license issued under this Act. R.S., c. 293, s. 277.

##### Revocation upon conviction

278 (1) Subject to subsections (3) and (4), a person's driver's license or privilege of obtaining a driver's license is revoked upon the person's conviction, in the Province, for any of the following crimes or offences:

(a) manslaughter resulting from the operation of a motor vehicle, in violation of section 236 of the *Criminal Code* (Canada);

(b) an offence against section 220, 221 ~~or~~ 320.13, 320.14, 320.15, 320.16, 320.17, 320.18, 333.1 or 335 of the *Criminal Code* (Canada);

(c) theft of a motor vehicle or theft of gasoline or diesel oil as defined in the *Revenue Act* in violation of section 334 of the *Criminal Code* (Canada);

(d) any offence against the *Criminal Code* (Canada) designated by the Governor in Council;

(da) any offence against the *Criminal Code* (Canada) where the person used a motor vehicle in the commission of an offence, other than an offence referred to in this subsection, except where the *Criminal Code* (Canada) provides for the revocation of a driver's license upon conviction;

- (e) making a false affidavit, declaration or statement to the Department or the Registrar in violation of this Act; or
- (f) a violation of Section 287 of this Act.

(1A) For greater certainty and for the purpose of clause (da) of subsection (1), a person uses a motor vehicle in the commission of an offence when the person uses a motor vehicle to drive to or from the scene of a crime or to commit a crime.

(2) For greater certainty, where a person's driver's license or privilege of obtaining a driver's license is revoked at the time of the person's conviction for a crime or offence to which subsection (1) applies, the revocation pursuant to subsection (1) is a second or subsequent revocation, as the case may be.

(3) Except where an order prohibiting the operation of a motor vehicle pursuant to section 320.24 of the *Criminal Code* (Canada) is in force, when a person appeals against a conviction for an offence mentioned in subsection (1) in the manner prescribed by law, the person shall be deemed not to be convicted for the purpose of subsections (1) and (2) and the provisions of this Act until the appeal is heard, determined and dismissed or is abandoned or the right to proceed with the appeal extinguished and the driver's license or the privilege of obtaining a driver's license shall be thereupon and hereby revoked and shall remain revoked.

(4) Except where an order prohibiting the operation of a motor vehicle pursuant to section 320.24 of the *Criminal Code* (Canada) is in force, a person whose driver's license is revoked under this Section may drive a motor vehicle until noon the third day after the date of his conviction as will permit him to return to his place of residence or to sell or dispose of a motor vehicle registered in his name.

(5) When a court or judge convicts a person of any of the crimes or offences mentioned in subsection (1), the court or judge shall communicate to the person the effect of this Section, but the failure to do so shall not affect in any way the validity of the revocation.

(6) When a court or judge convicts a person of any of the crimes or offences mentioned in subsection (1) the person whose license is revoked shall produce the license forthwith to the court or judge who shall make thereon an endorsement in the following words or words to the like effect:

not valid as of (state "noon" where applicable) the . . . . .  
day of . . . . ., 19. . . .

and he shall sign the endorsement, but the failure to do so shall not affect the validity of the revocation.

(7) When a person appeals against a conviction for an offence mentioned in subsection (1) in the manner prescribed by law, the court or judge whose conviction is appealed from may endorse the driver's license using the following words or words to like effect:

Revocation stayed pending appeal  
and he shall date and sign the endorsement.

(8) Where an appeal is heard, determined and dismissed or is abandoned or the right to proceed with the appeal is extinguished, the court to which the appeal was made or the Registrar may order the person to appear and surrender his driver's license and the order may be enforced by a peace officer.

(9) Where by reason of any amendment to the *Criminal Code* (Canada),

(a) the reference to any offence mentioned in this Section is changed; or

(b) an offence involving directly or indirectly motor vehicles or the operation of motor vehicles is added either as a new offence or in substitution for an offence in this Section,

the Governor in Council may designate an offence against the *Criminal Code* (Canada) to which clause (a) or (b) applies for the purposes of clause (d) of subsection (1) and the Governor in Council may declare the period of time applicable to a designated offence for the purposes of subsection (5) of Section 67.

(10) Where a person pleads guilty to or is found guilty of an offence against section 320.14 or 320.15 of the *Criminal Code* (Canada) and an order directing that the accused be discharged is made under section 730 of that Act, this Section applies in the same manner as if the person were convicted of the offence. R.S., c. 293, s. 278; 2002, c. 20, s. 6; 2005, c. 38, s. 2; 2007, c. 45, s. 18; 2013, c. 10, s. 13; 2018, c. 3, s. 56.

#### **Maintenance enforcement**

**278A** Upon receipt of a request from the Director of Maintenance Enforcement pursuant to subsection 30(1) of the *Maintenance Enforcement Act*,

(a) the Registrar shall suspend or revoke a payor's driver's licence, owner's permit, registration of a vehicle or permit, any other licence issued to the payor, the privilege of obtaining a driver's licence or the right to operate a motor vehicle;

(b) the Registrar shall refuse to issue or renew a payor's licence or owner's permit, to transfer or register a payor's vehicle; and

(c) the Registrar may refuse to issue a document or provide any other service to the payor, pursuant to this Act. 2016, c. 24, s. 27.

#### **16, 17 and 18 year olds**

**278B** The Registrar or the Director of Highway Safety shall revoke the driver's license or the privilege of obtaining a license of a person who is sixteen, seventeen or eighteen years of age if the person is found guilty of any of the crimes or offences referred to in subsection (1) of Section 278 and that Section applies *mutatis mutandis* to the revocation. 2001, c. 44, s. 6; 2002, c. 20, s. 7.

**Immediate suspension by Registrar**

**278C (1)** The Registrar may immediately suspend the driver's license or privilege of obtaining a driver's license of any person, without a hearing, if the Registrar is satisfied that the person is not able to safely operate a motor vehicle on a highway based on

- (a) a failed examination of the person's driving ability ordered pursuant to Section 279 or 280; or
- (b) a medical opinion or the results of a medical examination.

**(2)** The Registrar shall rescind an order of suspension made pursuant to clause (a) of subsection (1) if

- (a) the Registrar is satisfied, based on the results of a successfully completed examination of the person's driving ability, that the person is able to safely operate a motor vehicle on a highway; and
- (b) the person has paid the required fees.

**(3)** In making an order of suspension pursuant to clause (b) of subsection (1), the Registrar may rely on a letter or an oral or written report from a person who is licensed in the Province or any other province of Canada as

- (a) a medical practitioner;
- (b) an optometrist;
- (c) a psychologist;
- (d) a nurse practitioner;
- (e) an occupational therapist; or
- (f) a member of a healthcare profession that is designated by the regulations.

**(4)** Before making a decision pursuant to clause (b) of subsection (1), the Registrar may refer information that concerns a person's medical condition or a person's medical report or visual screening report to the Medical Advisory Committee or a member of the Committee for an opinion on the ability of the person to safely operate a motor vehicle.

**(5)** Where the Registrar suspends a person's driver's license or privilege of obtaining a driver's license pursuant to subsection (1), the Registrar shall give the person written notice of

- (a) the order of suspension; and
- (b) with respect to a suspension ordered pursuant to clause (b) of subsection (1), the review process pursuant to Section 278D.

**(6)** The Minister may make regulations designating health care professions for the purpose of clause (f) of subsection (3).

(7) The exercise by the Minister of the authority contained in subsection (6) is regulations within the meaning of the *Regulations Act*. 2011, c. 67, s. 4.

#### **Review of suspension**

**278D (1)** Where a person whose driver's license or privilege of obtaining a driver's license is suspended pursuant to clause (b) of subsection (1) of Section 278C provides to the Registrar medical information that was not available or not provided to the Registrar at the time the suspension was ordered, the person may request that the Registrar review whether the order of suspension should be rescinded.

(2) Where a review is requested pursuant to this Section, the Registrar may refer any information that concerns a person's medical condition or a person's medical report or visual screening report to the Medical Advisory Committee or a member of the Committee for an opinion on the ability of the person to safely operate a motor vehicle.

(3) Upon completing a review pursuant to this Section, the Registrar may

- (a) rescind the order of suspension; or
- (b) where satisfied that there are grounds to continue the suspension, sustain the order of suspension.

(4) Where the Registrar rescinds an order of suspension pursuant to clause (a) of subsection (3), the Registrar shall

- (a) reinstate the driver's license or privilege of obtaining a driver's license that was suspended, with or without conditions; and
- (b) where a driver's licence was cancelled or surrendered due to the suspension, reissue or return the driver's licence.

(5) The Registrar may impose such conditions as the Registrar deems proper on a driver's license or privilege of obtaining a driver's license reinstated pursuant to this Section.

(6) Subject to subsection (7), the Registrar's decision pursuant to subsection (3) is final and not subject to any further review or appeal.

(7) Where the Registrar sustains an order of suspension pursuant to subsection (3), the Registrar may permit the person who requested the review to request a further review of whether the order should be rescinded if the Registrar is satisfied that there has been a change in a medical condition that affects the ability of the driver to safely operate a motor vehicle. 2011, c. 67, s. 4.

#### **Opinion of Medical Advisory Committee or Committee member**

**278E (1)** The Medical Advisory Committee or a member of the Committee may provide an opinion concerning a person's information referred to the

Committee or member pursuant to Section 278C or 278D even if the Committee or any member of the Committee has already provided an opinion with respect to the same person.

(2) The Registrar is not bound by any opinion of the Medical Advisory Committee or a member of the Committee in making a decision pursuant to Section 278C or 278D.

(3) For greater certainty, any information or opinion provided to the Registrar by the Medical Advisory Committee or a member of the Committee for the purpose of Section 278C or 278D is for the exclusive use of the Registrar and may not be disclosed to any person that it concerns or, subject to subsection (6) of Section 7B, any other person. 2011, c. 67, s. 4.

#### **Appeal of certain orders made pursuant to Section 279**

**278F (1)** Where, before the coming into force of this Section, the Registrar has, pursuant to subsection (2) of Section 279, suspended or revoked the driver's license or privilege of obtaining a driver's license of a person whose driver's license or privilege of obtaining a driver's license was suspended pursuant to clause (a), (b), (d), (e) or (f) of subsection (1) of Section 279, the person may, within ninety days of the date this Section comes into force, appeal the decision of the Registrar to the Motor Vehicle Appeal Board.

(2) Where, at the time of or after the coming into force of this Section, the Registrar suspends or revokes the driver's license or privilege of obtaining a driver's license of a person pursuant to subsection (2) of Section 279, the person may, within ninety days of the date of the Registrar's decision pursuant to subsection (2) of Section 279, appeal the decision to the Motor Vehicle Appeal Board.

(3) An appeal pursuant to this Section may be made by

- (a) filing the appeal in accordance with this Act and the regulations; and
- (b) paying the fee prescribed by the regulations.

(4) In an appeal pursuant to this Section, the Motor Vehicle Appeal Board may consider

- (a) the written decision of the Registrar, if any;
- (b) any information relied upon by the Registrar in making the decision, including the driving record of the appellant;
- (c) submissions from the appellant;
- (d) submissions from the Registrar; and
- (e) such other information that the Board determines is necessary to make a decision.

(5) In deciding an appeal pursuant to this Section, the Motor Vehicle Appeal Board may

- (a) confirm the suspension or revocation;
- (b) rescind the suspension or revocation;
- (c) vary the suspension, revocation or any conditions for reinstatement required by the Registrar; or
- (d) require that reinstatement of the appellant's driver's license or privilege of obtaining a driver's license be subject to conditions.

(6) Except where the suspension or revocation of a driver's license or privilege of obtaining a driver's license made pursuant to subsection (2) of Section 279 is rescinded pursuant to this Section, a driver's license or privilege of obtaining a driver's license that was suspended or revoked remains suspended or revoked as decided pursuant to subsection (2) of Section 279 or varied pursuant to this Section, as the case may be, until any conditions for reinstatement required pursuant to this Act have been satisfied. 2011, c. 67, s. 4.

**Immediate suspension or revocation by Registrar**

**279** (1) to (2A) *repealed 2011, c. 67, s. 5.*

(3) The Registrar may suspend or revoke the driver's license or the privilege of obtaining a driver's license of a person upon receipt of a recommendation to that effect from a court, judge or justice.

(4) The Registrar is hereby authorized to suspend or revoke the right of any non-resident to operate a motor vehicle in this Province for any cause for which the license of a resident driver may be suspended or revoked, and any non-resident who operates a motor vehicle upon a highway when his right to operate has been suspended or revoked by the Registrar shall be guilty of an offence and upon conviction shall be punished as provided in Section 295.

(5) The Registrar is hereby authorized to suspend or revoke the license of any resident of this Province upon receiving notice of the conviction of such person in another province or state of an offence therein which, if committed in this Province, would be grounds for the suspension or revocation of the license of a driver, and the Registrar is further authorized, upon receiving a record of the conviction in this Province of a non-resident driver of a motor vehicle of any offence under the motor vehicle laws of this Province, to forward a certified copy of such record to the motor vehicle administrator in the province or state wherein the person so convicted is a resident.

(6) When the Registrar has reason to believe that the holder of a driver's license is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for him to drive a motor vehicle upon the highways, the Registrar may, by notice in writing, require that person



within ten days after the date of the notice to submit to examination by an examiner and by a qualified medical practitioner or practitioners and to furnish the Registrar with the reports of the examiner and the medical practitioners.

(7) Every qualified medical practitioner, optometrist, nurse practitioner or occupational therapist may report to the Registrar the name and address of any patient attending upon him for medical services who, in the opinion of such qualified medical practitioner, optometrist, nurse practitioner or occupational therapist, is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such patient to drive a motor vehicle upon the highways.

(8) Every registered psychologist may report to the Registrar the name of any person who, in the opinion of the registered psychologist, is afflicted with an emotional or mental disability that may interfere with the safe operation of a motor vehicle by that person.

(9) No action shall be brought against a qualified medical practitioner, an optometrist, a nurse practitioner, an occupational therapist or a registered psychologist for making a report in accordance with subsection (7) or (8).

(9A) *repealed 2015, c. 45, s. 16.*

(10) The Registrar may suspend or revoke the driver's license of a person who fails or refuses to submit to an examination when required so to do under subsection (6). R.S., c. 293, s. 279; 1999, c. 11, s. 8; 2001, c. 12, s. 9; 2011, c. 67, s. 5; 2015, c. 45, s. 16.

#### **Suspension of licence by peace officer**

##### **279A (1) Where**

(a) a peace officer

(i) by reason of an analysis of the breath or blood of a person, has reason to believe that the person has consumed alcohol in such a quantity that the concentration thereof in the person's blood equals or exceeds 80 milligrams of alcohol in 100 millilitres of blood,

(ii) has reason to believe that a person failed or refused to comply with a demand made on that person under section 320.27 or 320.28 of the *Criminal Code* (Canada),

(iii) has reason to believe a person operated or had the care or control of a motor vehicle while impaired by alcohol, a drug or both alcohol and a drug contrary to paragraph (a) of subsection (1) of section 320.14 of the *Criminal Code* (Canada),

(iv) by reason of an analysis of the blood or other bodily substance of a person, has reason to believe that the person has consumed a drug in such quantity that the concen-

tration thereof in the person's blood exceeds the blood concentration for the drug that is prescribed by the regulations, or

(v) by reason of an analysis of the blood of a person, has reason to believe that the person has consumed alcohol and a drug in such quantity that the concentration thereof in the person's blood exceeds the blood concentration for alcohol and the drug that is prescribed by regulation; and

(b) the occurrence is in relation to the operation of or having care or control of a motor vehicle as defined in the *Criminal Code* (Canada),

the peace officer on behalf of the Registrar shall

(c) where the person holds a valid driver's license issued pursuant to this Act to operate the motor vehicle, suspend the person's driver's license by serving on the person an order of suspension, which is effective immediately;

(d) where the person holds a valid temporary driver's license issued pursuant to subclause (c)(i),

(i) take possession of the person's temporary driver's license, and

(ii) immediately suspend the person's driver's license by serving on the person an order of suspension;

(e) where the person holds a valid driver's license to operate a motor vehicle issued other than pursuant to this Act, suspend the person's right to operate a motor vehicle in the Province and privilege of obtaining a driver's license by serving an order of suspension on the person, which is effective immediately; or

(f) where the person does not hold a valid driver's license to operate a motor vehicle, immediately suspend the person's right to operate a motor vehicle in the Province and privilege of obtaining a driver's license by serving an order of suspension, which is effective immediately, on the person.

(2) A peace officer who serves a notice and order pursuant to subsection (1) shall, without delay, forward to the Registrar

(a) the person's driver's license, if one has been surrendered;

(b) a copy of the temporary driver's license, if one has been issued;

(c) a copy of the completed notice and order;

(d) a report signed by the peace officer; and

(e) a copy of any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of

section 320.32 of the *Criminal Code* (Canada) with respect to the person referred to in subsection (1).

(3) The notice of intention and order of suspension, the report of the peace officer referred to in this Section and temporary driver's license shall be in the form, contain the information and be completed in the manner required by the Registrar.

(4) Where a person who holds a valid driver's license does not surrender it, the driver's license is nevertheless suspended.

(5) Unless otherwise ordered in a review pursuant to Section 279B, a driver's license is suspended pursuant to this Section and a person without a driver's license is disqualified pursuant to this Section from applying for or holding a driver's license or operating a motor vehicle for 90 days from the effective date of the suspension.

(6) Unless otherwise ordered in a review pursuant to Section 279B, a person holding a driver's license issued to a person other than pursuant to this Act is disqualified pursuant to this Act from applying for or holding a driver's license or from operating a motor vehicle in the Province for 90 days from the effective date of the suspension.

(7) A person whose driver's license or privilege of obtaining a driver's license has been suspended pursuant to this Section shall, to have the driver's license or privilege of obtaining a driver's license reinstated, apply to the Registrar in the form and manner required by the Registrar.

(8) The Registrar shall not reinstate a driver's license or the privilege of obtaining a driver's license pursuant to subsection (7) until the Registrar is satisfied that all requirements pursuant to this Act have been completed by the applicant.

(9) Where more than one suspension under this Section would arise from the same occurrence, only one suspension has effect.

(10) The Governor in Council may make regulations

(a) prescribing the maximum blood concentration of a drug for the purpose of subclause (iv) of clause (a) of subsection (1);

(b) prescribing the maximum blood concentration of alcohol and a drug for the purpose of subclause (v) of clause (a) of subsection (1).

(11) A regulation made under subsection (10) may apply in respect of individual drugs, classes of drugs or types of drugs.

(12) A ~~regulations~~ [regulation] made under subsection (10) may incorporate by reference regulations made under the *Criminal Code* (Canada), as amended from time to time.

(13) The exercise by the Governor in Council of the authority contained in subsection (10) is regulations within the meaning of the *Regulations Act*. 1994-95, c. 12, s. 15; 1996, c. 34, s. 5; 1999, c. 11, s. 9; 2001, c. 44, s. 7; 2018, c. 3, s. 57; 2021, c. 32, s. 2.

#### Review of suspension

**279B (1)** A person may apply for review of an order of suspension pursuant to Section 279A by

- (a) filing an application for review with the Registrar;
- (b) paying the prescribed fee and, where an oral hearing is requested, the prescribed oral hearing fee;
- (c) obtaining a date and time for a hearing; and
- (d) surrendering the person's driver's license if it has not previously been surrendered, unless the person certifies to the Registrar that the driver's license has been lost or destroyed.

(2) The application for review shall be in the form, contain the information and be completed in the manner required by the Registrar.

(3) The application for review may be accompanied by sworn statements or other evidence that the person wishes the Registrar to consider.

(4) An application does not stay the suspension.

(5) The Registrar is not required to hold an oral hearing unless the applicant requests an oral hearing at the time of filing the application and pays the prescribed fees.

(6) In a review pursuant to this Section, the Registrar shall consider

- (a) any relevant sworn or solemnly affirmed statements and any other relevant information;
- (b) the report of the peace officer;
- (c) a copy of any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32 of the *Criminal Code* (Canada) without proof of the identity and official character of the person appearing to have signed the certificate or that the copy is a true copy; and
- (d) where an oral hearing is held, in addition to the matters referred to in clauses (a), (b) and (c), any relevant evidence and information given or representations made at the hearing.

(7) The sole issue before the Registrar in a review pursuant to this Section is whether it is established to the Registrar's satisfaction that

(a) the person operated or had care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed alcohol in such a quantity that the concentration thereof in the person's blood equalled or exceeded 80 milligrams of alcohol in 100 millilitres of blood;

(b) the person, while having alcohol or a drug in the person's body, failed or refused to comply with a demand made on that person to supply a sample of the person's breath or blood under section 320.27 or 320.28 of the *Criminal Code* (Canada);

(c) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) while impaired by alcohol, a drug or both alcohol and a drug contrary to paragraph (a) of subsection (1) of section 320.14 of that Act;

(d) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed a drug in such quantity that the concentration thereof in the person's blood exceeded the blood concentration for the drug that is prescribed by the regulations; or

(e) the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed alcohol and a drug in such quantity that the concentration thereof in the person's blood exceeded the blood concentration for alcohol and the drug that is prescribed by the regulations.

(8) The Registrar shall

(a) where no oral hearing is requested, consider the application within ten days of compliance with clauses (1)(a), (b) and (d); and

(b) where an oral hearing is requested, hold the hearing within twenty days of compliance with subsection (1),

but failure of the Registrar to consider the application or hold the hearing within the required times does not affect the jurisdiction of the Registrar to consider or hear the application or to make a decision with respect to it.

(9) Where the evidence before the Registrar supports an affirmative determination on the issue referred to in subsection (7), the Registrar shall sustain the order of suspension.

(10) Where the evidence supports a negative determination on the issue referred to in subsection (7), the Registrar shall

(a) rescind the order of suspension;

(b) return any driver's license surrendered to the Registrar;

and

(c) direct that the fees paid for the application for review be refunded.

(11) Where the appellant who requests an oral hearing fails to appear without prior notice to the Registrar, the right to a hearing is deemed to have been waived by the appellant.

(12) The decision of the Registrar shall be in writing and a copy of the decision shall be sent within seven days of the date the application was considered or the hearing was held by the Registrar by registered mail to the person at the person's last known address as shown in the records maintained by the Registrar and to the address shown in the application, if that address is different from the address of record. 1994-95, c. 12, s. 15; 1999, c. 11, s. 10; 2001, c. 44, s. 8; 2018, c. 3, s. 58.

**Appeal of decision made pursuant to Section 279B**

**279BA(1)** A person may appeal the decision of the Registrar made pursuant to Section 279B sustaining an order of suspension made pursuant to Section 279A to the Motor Vehicle Appeal Board by

(a) filing an appeal in accordance with this Act and the regulations; and

(b) paying the fee prescribed by the regulations.

(2) The appeal must be filed within thirty days of the date of the Registrar's decision pursuant to Section 279B.

(3) An appeal pursuant to this Section must be conducted by the Motor Vehicle Appeal Board in accordance with this Act and the regulations.

(4) In an appeal pursuant to this Section, the sole issue before the Motor Vehicle Appeal Board is whether it is established to the Board's satisfaction that the person to whom the order of suspension was issued

(a) operated or had care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed alcohol in such a quantity that the concentration thereof in the person's blood equalled or exceeded 80 milligrams of alcohol in 100 millilitres of blood;

(b) failed or refused to comply with a demand made on that person pursuant to section 254 of the *Criminal Code* (Canada) in respect of the operation or having care or control of a motor vehicle as defined in that Act;

~~(b)~~(c) the person, while having alcohol or a drug in the person's body, failed or refused to comply with a demand made on that person to supply a sample of the person's breath or blood under section 320.27 or 320.28 of the *Criminal Code* (Canada);

~~(e)~~[(d)] the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) while impaired by alcohol, a drug or both alcohol and a drug contrary to paragraph (a) of subsection (1) of section 320.14 of that Act;

~~(d)~~[(c)] the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed a drug in such quantity that the concentration thereof in the person's blood exceeded the blood concentration for the drug that is prescribed by the regulations; or

~~(e)~~[(f)] the person operated or had the care or control of a motor vehicle as defined in the *Criminal Code* (Canada) having consumed alcohol and a drug in such quantity that the concentration thereof in the person's blood exceeded the blood concentration for alcohol and the drug that is prescribed by the regulations.

(5) In an appeal pursuant to this Section, the Motor Vehicle Appeal Board shall consider

(a) any relevant sworn or solemnly affirmed statements and any other relevant information;

(b) the report of the peace officer who issued the order of suspension pursuant to Section 279A;

(c) a copy of any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32 of the *Criminal Code* (Canada) with respect to the occurrence without proof of the identity and official character of the person appearing to have signed the certificate or that the copy is a true copy; and

(d) where an oral hearing was held under Section 279B or this Section, any relevant evidence and information given or representations made at the oral hearing.

(6) In an appeal pursuant to this Section, the Motor Vehicle Appeal Board may consider the status of any criminal charges laid in relation to the occurrence that resulted in the order of suspension pursuant to Section 279A.

(7) In deciding an appeal pursuant to this Section, the Motor Vehicle Appeal Board has the same authority to make an order or take action that the Registrar has pursuant to Section 279B. 2011, c. 67, s. 6; 2018, c. 3, s. 59.

#### **Surrender and suspension of license**

**279C (1)** Where, upon demand of a peace officer made pursuant to section 320.27 of the *Criminal Code* (Canada), a person provides a sample of the person's breath which, on analysis by an approved screening device, registers "Warn", the peace officer shall request the person to surrender the person's license.

(2) Where, upon demand of a peace officer made under section 320.28 of the *Criminal Code* (Canada),

(a) *repealed 2018, c. 3, s. 60.*

(b) a person provides a sample of the person's breath that, on analysis by an approved instrument or approved screening device, indicates that the concentration of alcohol in the person's blood equals or exceeds fifty milligrams and is less than eighty milligrams of alcohol in one hundred millilitres of blood,

a peace officer shall request the person to surrender the person's license.

(3) *repealed 2009, c. 21, s. 2.*

(4) Upon a request being made pursuant to subsection (1) or (2), the person to whom the request is made shall forthwith surrender the person's license to the peace officer and, whether or not the person is unable or fails to surrender the person's license to the peace officer, the person's license is suspended and the person's driving privilege is suspended for a period of

(a) seven days in the case of a first suspension under this Section or Section 279K within the last ten years;

(b) fifteen days in the case of a second suspension under this Section or Section 279K within the last ten years; or

(c) thirty days in the case of a third or subsequent suspension under this Section or Section 279K within the last ten years,

from the time the request is made.

(5) The suspension of a license or the suspension of a driving privilege pursuant to this Section is in addition to and not in substitution for any proceeding or penalty arising from the same circumstances.

(6) Where an analysis of the breath of a person is made under subsection (1) and registers "Warn", the person may require a further analysis to be performed in the manner provided in subsection (2), in which case the result obtained on the second analysis governs and any suspension resulting from an analysis under subsection (1) continues or terminates accordingly.

(7) Where an analysis of the breath of a person is made under subsection (1) and registers "Warn", the peace officer who made the demand under subsection (1) shall advise the person of the person's right under subsection (6) to a further analysis.

(8) For the purpose of subsection (1), the approved screening device shall not be calibrated to register "Warn" when the concentration of alcohol in the blood of the person whose breath is being analyzed is less than fifty milligrams of alcohol in one hundred millilitres of blood.



(9) It shall be presumed, in the absence of evidence to the contrary, that any approved screening device used for the purpose of subsection (1) has been calibrated as required under subsection (8).

(10) Where a license is suspended or a driving privilege is suspended pursuant to this Section, the peace officer who requested the surrender of the license under subsection (1), (2) or (3), shall

(a) keep a written record of the suspension with the name and address of the person and the date and time of the suspension;

(b) provide the person with an order of suspension which is effective immediately and acknowledging receipt of the person's driver's license that is surrendered and provide the person with such other information as prescribed by the Registrar; and

(c) advise the Registrar of the suspension in the form and manner prescribed by the Registrar.

(10A) The Registrar shall record every suspension under this Section on the operating record of the person whose license is suspended.

(10B) The peace officer who requested the surrender of a license under this Section shall

(a) issue an order of suspension to the driver in accordance with subsection (4); and

(b) seize and dispose of the license as directed by the Registrar.

(10C) At the end of the suspension period, a person may apply in the form and manner prescribed by the Registrar for reinstatement of the person's license upon payment of the reinstatement fee prescribed by the regulations.

(11) Where a license is suspended or a driving privilege is suspended pursuant to this Section, if the motor vehicle is in a location from which, in the opinion of a peace officer, it should be removed, and there is no person with a license easily available to remove the motor vehicle with the consent of the person whose license or privilege is suspended, the peace officer may remove and store the motor vehicle or cause it to be removed and stored and shall notify the person of its location.

(12) The costs and charges incurred in moving or storing a vehicle pursuant to subsection (11) shall be paid, before the vehicle is released, by the person to whom the vehicle is released. 1998, c. 32, s. 3; 1999, c. 11, s. 11; 2004, c. 42, s. 13; 2009, c. 21, s. 2; 2014, c. 53, s. 11; 2018, c. 3, s. 60.

#### **Report that child present at time of alleged offence**

**279D (1)** In this Section and Sections 279E to 279H, "child" means a person under the age of sixteen years.

(2) Where a peace officer has reason to believe that a person committed an offence under section 320.14 or subsection (1) of section 320.15 of the *Criminal Code* (Canada) in relation to operating or having care and control of a motor vehicle and that a child was present in the motor vehicle at the time of the alleged offence, the peace officer shall prepare and submit to the Registrar a report of the matter.

(3) A report under subsection (2) must include the driver's name and, where available, the child's name and date of birth and must be in such form and include such other matters as may be prescribed by the Registrar. 2011, c. 22, s. 2; 2018, c. 3, s. 61.

#### Notice of review

**279E (1)** Where the Registrar receives a report under Section 279D, the Registrar shall provide a copy of the report to the person named in the report together with a written notice advising that

(a) the Registrar will review the matter to determine whether the Registrar is satisfied a child was present in the vehicle at the time of the alleged offence;

(b) the person has a right to participate in the review by providing a written submission within thirty days of receipt of the notice;

(c) where the person fails to provide a written submission within thirty days of the receipt of notice, the Registrar will make a determination based upon the report provided by the peace officer;

(d) the decision made by the Registrar cannot be appealed; and

(e) where the person is convicted, pleads guilty or is found guilty of the alleged offence and Registrar is satisfied that a child was present in a motor vehicle at the time of the offence, the person is subject to an increased period of revocation of the person's driver licence or privilege of obtaining a driver's licence and, where the offence involves alcohol, to mandatory participation in an ignition interlock program established under this Act.

(2) A notice under subsection (1) must be delivered by mail or delivery service to the person's address on file with the Registry of Motor Vehicles and, in the absence of the evidence to the contrary, is deemed to be received by the person five days after the date of mailing or delivery to the delivery service. 2011, c. 22, s. 2; 2018, c. 3, s. 62.

#### Participation in review

**279F (1)** Unless otherwise permitted by the Registrar, a review must be done by consideration of written submissions.

(2) A person who is issued a notice under Section 279E may participate in the review by providing a written submission to the Registrar within thirty days of receiving the notice.

(3) The submission of the person must include

- (a) any prescribed fee;
- (b) a written statement, including sworn or solemnly affirmed statements to be considered during the review;
- (c) the person's full name, current mailing address, telephone number and fax number, if any; and
- (d) contact information for the person's legal counsel or agent, if any.

(4) Where the submission states that person is represented by legal counsel or an agent, the Registrar shall communicate with the person through the legal counsel or agent, as the case may be.

(5) A submission and any related documents may be delivered to the Registrar's office by hand, mail, courier or facsimile.

(6) A document that is received outside the Registrar's business hours is deemed to be delivered on the next day that the Registrar's office is open for business.

(7) Where the person fails to make a submission within thirty days of delivery of the notice, the participation of that person is deemed to be waived by that person and the Registrar may proceed to make any decision that the Registrar could make following a review. 2011, c. 22, s. 2.

#### **Conduct of review**

**279G (1)** In conducting a review, the Registrar shall consider

- (a) the report from the peace officer;
- (b) the submission, if any, of the person with respect to whom the review is being made; and
- (c) where the review is done in person or by telephone, information delivered verbally.

(2) In conducting a review, the Registrar may do any or all of the following:

- (a) request additional information from the person in the form and within the time period determined by the Registrar, including sworn or solemnly affirmed statements;
- (b) request or permit a request to receive a submission in person or by telephone or other electronic means if the Registrar

determines that it would be more efficient than a review by written submission only or there may be issues of credibility;

- (c) allow additional time for information to be submitted;
- (d) request additional information from the peace officer that prepared the report or any other person.

(3) In conducting a review, the sole question for determination by the Registrar is whether a child was in the motor vehicle at the time of the alleged offence. 2011, c. 22, s. 2.

#### **Decision**

**279H (1)** On completion of a review, where the Registrar is satisfied a child was present in a vehicle at the time of the alleged offence, the Registrar shall make a note of that finding on the record of the person with respect to whom the review was made.

- (2) The Registrar's decision must
  - (a) be in writing; and
  - (b) state the reason for the decision.
- (3) The Registrar's decision must be delivered by mail or delivery service to
  - (a) the person's address as indicated in the person's submission;
  - (b) the person's legal counsel or agent if one is designated; or
  - (c) where no submission was received, to the last address on file with the Registry of Motor Vehicles.
- (4) The Registrar's review decision is final and is not subject to any review or appeal. 2011, c. 22, s. 2.

#### **Twenty-four hour suspension**

**279I (1)** A peace officer may, on behalf of the Registrar, suspend the license of a driver for up to twenty-four hours by serving an order of suspension on the driver if there are reasonable grounds to believe that the driver is unfit to drive for any reason, including a medical reason.

(2) For greater certainty, a suspension under this Section is not a revocation for the purpose of Section 67, subsection (6A) of Section 70 or subsection (4) of Section 70A.

(3) A copy of an order of suspension issued under this Section must be forwarded to the Registrar.

(4) The order of suspension must be in the form, contain the information and be completed in the manner required by the Registrar.

(5) Where a license is suspended under this Section, the license may not be physically seized or destroyed. 2018, c. 3, s. 63.

**Demand where suspected drug impairment**

**279J (1)** Where a peace officer reasonably suspects that a person's ability to drive may be affected by the introduction of drugs into the person's body, the peace officer shall demand that the person take a physical coordination test and the person shall comply with that demand.

(2) The purpose of demanding a test or evaluation under subsection (1) is to promote road safety. 2018, c. 3, s. 63; 2018, c. 38, s. 4.

**Order of suspension where suspected drug impairment**

**279K (1)** A peace officer shall, on behalf of the Registrar, issue an order of suspension if the peace officer has a reasonable suspicion that a person's ability to drive is adversely affected by the introduction of drugs into the person's body based upon

- (a) the person's failure of a physical coordination test; or
- (b) the inability of the person to follow instructions of the peace officer intended to determine the sobriety and physical ability of the person.

(2) Upon issuing an order of suspension under subsection (1), the peace officer shall

- (a) where the person holds a valid driver's license issued pursuant to this Act to operate the motor vehicle, take possession of the license and suspend the person's driver's license by serving on the person an order of suspension effective immediately;
- (b) where the person holds a valid temporary driver's license,
  - (i) take possession of the person's temporary driver's license, and
  - (ii) immediately suspend the person's temporary driver's license by serving on the person an order of suspension;
- (c) where the person holds a valid driver's license to operate a motor vehicle issued other than pursuant to this Act, suspend the person's right to operate a motor vehicle in the Province and privilege of obtaining a driver's license by serving an order of suspension on the person effective immediately; or

(d) where the person does not hold a valid driver's license to operate a motor vehicle, immediately suspend the person's right to operate a motor vehicle in the Province and privilege of obtaining a driver's license by serving an order of suspension on the person.

**(3)** An order of suspension issued under subsection (1) applies for

(a) seven days in the case of a first suspension under this Section or Section 279C within the last ten years;

(b) fifteen days in the case of a second suspension under this Section or Section 279C within the last ten years; or

(c) thirty days in the case of a third or subsequent suspension under this Section or Section 279C within the last ten years.

**(3A)** For greater certainty,

(a) a peace officer issuing an order of suspension under Section 279C or subsection (3) may only issue one suspension under either Section 279C or subsection (3) per occurrence;

(b) a peace officer shall not issue an order of suspension under either Section 279C or subsection (3) if an order of suspension under Section 279A or subsection (3) of Section 279I has been issued for the same occurrence; and

(c) subject to clauses (a) and (b) and subsection (9) of Section 279A, a peace officer may issue an order of suspension under Section 279A or subsection (3) of Section 279I in addition to any other suspension or sanction authorized by this Act or the *Criminal Code* (Canada).

**(4)** A peace officer who serves an order pursuant to subsection (1) shall, without delay, forward to the Registrar

(a) the person's driver's license, if one has been surrendered;

(b) the temporary driver's license, if one has been issued;

(c) the completed order of suspension;

(d) a report signed by the peace officer;

(e) the results of any physical coordination test with respect to a person referred to in clause (a) of subsection (1);

(f) any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32 of the *Criminal Code* (Canada), if applicable; and

(g) any certificate of an analyst, qualified medical practitioner or qualified technician referred to in subsection (1) of section 320.32 of the *Criminal Code* (Canada), if applicable.

(5) The order of suspension, report of the peace officer referred to in this Section and temporary driver's license must be in the form, contain the information and be completed in the manner required by the Registrar.

(6) Where a person who holds a valid driver's license does not surrender it, the driver's license is nevertheless suspended.

(7) The revocation of a license and the suspension of a driving privilege pursuant to this Section are in addition to and not in substitution for any other proceeding or penalty arising from the same circumstances.

(8) Every peace officer who requests the surrender of a license from a person pursuant to this Section shall

(a) keep a written record of the suspension with the name, address and license number of the person and the date and time of the suspension;

(b) provide the person with a written statement setting out the time at which the suspension takes effect, the length of the period during which the license is suspended and acknowledging receipt of the license that is surrendered; and

(c) forward to the Registrar forthwith a written report setting out the name, address and license number of the person and such particulars as the Registrar may require in relation to the matter.

(9) The peace officer who requested the surrender of a license under this Section shall

(a) issue an order of suspension to the driver in accordance with subsection (1); and

(b) seize and dispose of the license as directed by the Registrar.

(10) At the end of the suspension period, a person may apply in the form and manner prescribed by the Registrar for reinstatement of the person's license upon payment of the reinstatement fee prescribed by the regulations.

(11) Where the motor vehicle driven by a person whose license is suspended or whose driving privilege is suspended pursuant to this Section is in a location from which, in the opinion of a peace officer, it should be removed and there is no person easily available who may lawfully remove the vehicle with the consent of the person, the peace officer may remove and store the vehicle or cause it to be removed and stored and shall notify the person of its location.

(12) The costs and charges incurred in moving and storing a vehicle pursuant to subsection (11) must be paid, before the vehicle is released, by the person to whom the vehicle is released. 2018, c. 3, s. 63; 2018, c. 38, s. 5.

**Demand of novice driver where suspected drug impairment**

**279KA(1)** Where a peace officer believes on reasonable and probable grounds that any person who is a novice driver

(a) is operating or having care and control of a motor vehicle, whether it is in motion or not; or

(b) at any time within the preceding two hours, has operated or had care and control of a motor vehicle, whether it was in motion or not,

having consumed drugs such that there is the presence of a drug in the person's body, the peace officer may make a demand pursuant to subsection (2).

**(2)** Where a peace officer believes that subsection (1) applies with respect to a person, the peace officer may, by demand made to that person forthwith or as soon as practicable, require that person to provide then or as soon thereafter as is practicable

(a) such samples of bodily substances as in the opinion of a qualified technician are required for the use of an approved drug screening equipment; or

(b) where the peace officer has reasonable and probable grounds to believe that, by reason of any physical condition of the person,

(i) the person may be incapable of providing a sample, or

(ii) it would be impracticable to obtain a sample from the person, under the conditions referred to in subsection (3),

such other samples of bodily substances as in the opinion of the qualified medical practitioner or qualified technician taking the samples, are necessary to enable proper analysis to be made in order to determine the presence of a drug in the person's body and the concentration of the drug,

and accompany the peace officer for the purpose of enabling such samples to be taken.

**(3)** Samples of blood may only be taken from a person pursuant to a demand made by a peace officer pursuant to subsection (2) if the samples are taken by or under the direction of a qualified medical practitioner and the qualified medical practitioner is satisfied that the taking of those samples would not endanger the life or health of the person. 2018, c. 38, s. 6.

**Twenty-four hour suspension of novice driver**

**279L (1)** Where approved drug screening equipment indicates the presence of a drug in the system of a novice driver, a peace officer may, on behalf of the registrar, suspend the novice driver's license for a period of twenty-four hours.



(2) Subsection (1) does not apply [to] a person who is legally authorized to use a drug for medical purposes and the presence of that drug was indicated.

(3) Every peace officer who requests the surrender of a license from a novice driver pursuant to this Section shall

(a) keep a written record of the suspension with the name, address and license number of the novice driver and the date and time of the suspension;

(b) provide the novice driver with a written statement setting out the time at which the suspension takes effect and the length of the period during which the license is suspended; and

(c) forward to the Registrar forthwith a written report setting out the name, address and license number of the novice driver and such particulars respecting the approved drug screening equipment and the conduct and results of the analysis as the Registrar may require in relation to the matter.

(4) Where a license is suspended under this Section, the license may not be physically seized or destroyed.

(5) Where the motor vehicle driven by a person whose license is suspended and whose driving privilege is suspended pursuant to this Section is in a location from which, in the opinion of a peace officer, it should be removed and there is no person easily available who may lawfully remove the vehicle with the consent of the person, the peace officer may remove and store the vehicle or cause it to be removed and stored and shall notify the person of its location.

(6) The costs and charges incurred in moving and storing a vehicle pursuant to subsection (5) must be paid, before the vehicle is released, by the person to whom the vehicle is released. 2018, c. 3, s. 63.

#### **Purpose of suspension**

**279M** The suspension of a license or the suspension of a driving privilege by reason of the operation of Section 279K or 279L or the breach of a condition of a license referred to in Section 70 or 70A is intended

(a) to ensure road safety for the public;

(b) to safeguard the holder of the license and the public; and

(c) in the case of a novice driver, to assist that driver to acquire experience and develop or improve the driver's safe driving skills in controlled conditions. 2018, c. 3, s. 63.

#### **Suspension may not be appealed**

**279N** A suspension under Section 279I, 279K or 279L may not be appealed to the Motor Vehicle Appeal Board. 2018, c. 3, s. 63.

**Request for information and re-examination**

**280 (1)** The Registrar by written notice may, from time to time, require the holder of a driver's license to furnish the Registrar, within ten days after the date of the notice, with information respecting the age of the person, his driving experience, his physical condition and such other matters relevant to his driving ability or his fitness to be licensed as the Registrar requires.

**(2)** The Registrar by written notice may require the holder of a driver's license to submit himself to examination or re-examination by an examiner or such other person designated by the Registrar within ten days after the date of the notice.

**(3)** No person shall fail or refuse to furnish the Registrar with information or to submit himself to examination or re-examination when required so to do by the Registrar under this Section.

**(4)** When a person fails or refuses to furnish the Registrar with information required by him under this Section or fails or refuses to submit himself to examination or re-examination when required by the Registrar to do so, the Registrar may suspend the driver's license of the person until he furnishes the required information or submits to examination or re-examination, as the case may be.

**(5)** The Registrar may require a person to attend and successfully complete a driver improvement program or to attend and successfully complete a course of instruction in driver training specified by the Registrar and may suspend the driver's license of a person who fails to attend or successfully complete the course or program required by the Registrar.

**(6)** A certificate signed or purporting to be signed by the Registrar and sealed with the seal of the Department that a person has or has not furnished the Registrar with information required by the Registrar under this Section or has or has not submitted himself for examination or re-examination by an examiner, as required by the Registrar under this Section, shall be received in evidence in any prosecution under this Section without proof of the signature or seal on the certificate, and shall be *prima facie* proof of the facts stated therein. R.S., c. 293, s. 280; 1994, c. 24, s. 7; 2011, c. 67, s. 7.

**Ignition interlock program**

**280A (1)** The Registrar may by written notice, from time to time, require the holder of a driver's license to participate in an ignition interlock program established pursuant to the regulations and may suspend the driver's license of any person who fails to participate in such program.

**(2)** The Registrar may require an applicant for a driver's license to participate in an ignition interlock program established pursuant to the regulations as a condition of being granted a license and may suspend the driver's license of any person who fails to participate in such program where required to by such a condition. 2006, c. 36, s. 2; 2010, c. 20, s. 3.

**Cancellation of registration or permit by Registrar**

**281** The Registrar may suspend or cancel the registration of a vehicle and may suspend or revoke any permit

- (a) when the Department determines that the vehicle is unsafe or unfit to be operated or is not equipped as required by law;
- (b) when the vehicle is used for any unlawful purpose or when the owner permits it to be used by a person not entitled thereto;
- (c) when the driver's license of the owner has been suspended or revoked; or
- (d) when the Registrar determines that the applicant for the registration or permit provided false information to the Department in the course of obtaining the registration or permit. R.S., c. 293, s. 281; 2015, c. 45, s. 18.

**Suspension or revocation where misleading information**

**281A** The Registrar may suspend or revoke the driver's license of any person if the Registrar determines that the person provided misleading information to the Department in the course of obtaining the driver's license. 2015, c. 45, s. 19.

**Record of convictions and point system**

**282 (1)** The Registrar shall maintain a written record of the convictions of every person for violations of the provisions of this Act referred to in subsection (2).

**(1A)** Where a person licensed pursuant to this Act is convicted of an offence in another province of Canada equivalent to an offence set out in the table in subsection (2) and the Registrar has received from that other province a record of the conviction, the Registrar shall maintain a written record of the conviction.

**(2)** The Registrar shall enter on the record of each person maintained pursuant to subsection (1) or (1A) in respect of each such conviction the number of points specified in the following table:

POINT SYSTEM TABLE

	Conviction	Section(s) Violated	Number of Points
1.	Careless and imprudent driving	100	6
2.	Speeding or dangerous driving	101	6
3.	Failing to stop at an accident or to perform any duty imposed by Section 97	97	6

4.	<i>repealed 2002, c. 20, s. 8.</i>		
5.	Racing	163	6
5A.	<i>repealed 2014, c. 53, s. 12.</i>		
5B.	<i>repealed 2014, c. 53, s. 12.</i>		
6.	Passing school bus or failure to obey crossing guard	103(3), 125A	6
7.	Improper passing	114, 115(1)(a)	4
8.	Speeding in excess of <i>prima facie</i> speed limit	102	4
9.	<i>repealed 2011, c. 46, s. 5.</i>		
9A.	Speeding in excess of posted limit by 31 kilometres per hour and over	103(2A)(c), 106A(c), 106B(1)(c)	4
9B.	Speeding in excess of posted limit by between 16 and 30 kilometres per hour, inclusive	103(2A)(b), 106A(b), 106B(1)(b)	3
9C.	Speeding in excess of posted limit by between 1 and 15 kilometres per hour, inclusive	103(2A)(a), 106A(a), 106B(1)(a)	2
9D.	Failure to yield to pedestrian	125(1), (2)	4
9E.	Failure to obey a traffic control person	107B	4
10.	Failing to obey traffic signs or signals or yield right of way	83(2), 93(2), 122, 132, 133, 134	2
11.	Driving to left of centre line	110, 115(1)(b), 115(1)(c), 115(2)	2
12.	Operating motor vehicle without adequate brakes	181	2
13.	Offences involving the use of a motor vehicle in motion under the following sections	69A, 70, 70A, 70B, 75(5), 107, 111, 112, 117, 118, 119, 120, 123, 164, 165, 169(2), 175(2), 175(3), 175(4), 178, 185	2

<del>15-</del> [14.]Using hand-held cellular telephone or engaging in text messaging on communication device while operating vehicle on highway	100D	4
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(3) *repealed 2010, c. 62, s. 1.*

(4) When six or more, but less than ten, points are entered on the record of a person the Registrar may require him to attend before the Registrar, or an examiner or other person designated by the Registrar, at a place and within a period prescribed by the Registrar for an interview with a view to assisting the person to improve his driving habits.

(5) If a person fails or refuses to attend and to participate in an interview when requested to do so by the Registrar pursuant to subsection (4), the Registrar may suspend his driver's license, or the privilege of obtaining a driver's license until he attends and participates in an interview with the Registrar or an examiner or other person designated.

(6) Subject to subsection (7), when ten or more points are entered on the record of a person in respect of convictions for violations of this Act entered against him within a period of twenty-four months, the Registrar shall suspend the driver's license, or the privilege of obtaining a driver's license, of the person for a period of six months.

(7) A suspension of a driver's license or privilege of obtaining a driver's license pursuant to subsection (6) shall not be made until after thirty days from the date of the conviction that increased the total number of points entered on the record of the driver to ten or more points or until the conviction has been affirmed on appeal, or the appeal is dismissed or discontinued, unless the driver notifies the Registrar that he is not appealing the conviction.

(7A) A person whose driver's license or privilege of obtaining a driver's license has been suspended pursuant to this Section shall, to have the driver's license or privilege of obtaining a driver's license reinstated, apply to the Registrar in the form and manner required by the Registrar.

(7B) The Registrar shall not reinstate a driver's license or the privilege of obtaining a driver's license pursuant to subsection (7A) until the Registrar is satisfied that all requirements pursuant to this Act have been completed by the applicant.

(8) When twenty-four months have elapsed from the date of a conviction for a violation of this Act that led to an entry of points on the record of a person, the Registrar shall deduct from the record the number of points entered on it in respect of that violation.

(9) When the driver's license, or the privilege of obtaining a driver's license, of a person has been suspended under this Section and the period of

suspension has expired, the Registrar shall remove from the record of that person all points that were entered on it in respect of the period before the date of the suspension.

(10) Any driver's license or renewal thereof issued to a person after the expiration of a period of suspension imposed pursuant to this Section shall be a probationary license for a period of twelve months from the date that a license was first issued to him after the said suspension period, and if three or more points are entered in the record of that person by reason of a conviction or convictions entered against him within the said period of twelve months the Registrar shall suspend his driver's license or his privilege of obtaining a driver's license for a further period of six months.

(11) For the purpose of this Section, where a person makes a voluntary payment pursuant to Section 262, the person shall be deemed to be convicted of the offence or violation that he was alleged to have committed and for which he made the voluntary payment.

(12) The Registrar may deduct up to four points from the record of a person upon being satisfied that such person has successfully completed a self-improvement defensive driving course within the preceding year.

(13) Subsection (12) applies to points first entered and still existing on the person's driving record at the time when the Registrar acts.

(14) Notwithstanding subsection (12), the Registrar shall not deduct points from the record of a person who holds a class 7 or 8 driver's license as set out in regulations made pursuant to Section 66 or who is a newly licensed driver. R.S., c. 293, s. 282; 1994, c. 24, s. 8; 2001, c. 12, s. 10; 2001, c. 44, ss. 5, 9; 2002, c. 20, s. 8; 2007, c. 45, s. 19; 2008, c. 21, s. 10; 2010, c. 61, s. 4; 2010, c. 62, s. 1; 2011, c. 46, s. 5; 2014, c. 53, s. 12; revision corrected.

#### **Newly licensed driver**

**283 (1)** In this Section,

(a) "newly licensed driver" includes a person who was a newly licensed driver under this Act immediately prior to the coming into force of this Section and such person remains a newly licensed driver for the purpose of this Section until the expiry of the period established on the person's driver record maintained by the Registrar;

(b) "points" means points that are entered and remain on the record of a person pursuant to Section 282.

(1A) A person who has been issued a class 7 or 8 driver's license, as set out in regulations made pursuant to Section 66, immediately prior to the coming into force of this Section is a newly licensed driver for the purpose of this Section for four years commencing with the date the person qualifies for another class of driver's license.

(2) Where two or more points are entered on the record of a holder of a class 7 or 8 driver's license as set out in regulations made pursuant to Section 66 the Registrar may require him to attend before the Registrar or an examiner or other person designated by the Registrar, at a place and within a period prescribed by the Registrar for an interview with a view to assisting the person to improve his driving habits.

(3) Where four or more points are entered on the record of a holder of a class 7 or 8 driver's license as set out in regulations made pursuant to Section 66 the Registrar shall suspend for a period of six months the person's license and his privilege of obtaining a driver's license.

(4) Where three points are entered on the record of a newly licensed driver the Registrar may give him a warning notice.

(5) Where four or five points are entered on the record of a newly licensed driver the Registrar may require him to attend before the Registrar, or an examiner or other person designated by the Registrar, at a place and within a period prescribed by the Registrar for an interview with a view to assisting the person to improve his driving habits.

(6) Where six or more points are entered on the record of a newly licensed driver the Registrar shall suspend for a period of six months the person's driver's license and his privilege of obtaining a driver's license.

(7) Except as provided in this Section, all the provisions of Section 282 apply *mutatis mutandis* to persons and proceedings to which this Section applies.

(8) This Section applies only to persons who become holders of driver's licenses on or after the first day of July, 1966. R.S., c. 293, s. 283; 1994, c. 24, s. 9; revision corrected.

#### **Conditional license**

**284** (1) Where the Registrar has suspended the driver's license or the privilege of obtaining a driver's license, pursuant to subsection (6) of Section 282 or subsection (6) of Section 283, upon cause being shown to the satisfaction of the Registrar, he may issue a driver's license before the expiration of the period of suspension.

(2) The Registrar may impose such conditions as he deems proper on a driver's license issued under this Section.

(3) Where any points are entered on the record of a person to whom a driver's license has been issued under this Section, the Registrar shall suspend the driver's license and no further license shall be issued until the period of suspension imposed under subsection (6) of Section 282 or subsection (6) of Section 283 has expired.

(4) The Registrar shall not issue a driver's license under this Section unless the suspension pursuant to subsection (6) of Section 282 or subsection (6) of Section 283 is a first suspension.

(5) For the purposes of this Section, a suspension shall be deemed to be a first suspension if a driver's license or the privilege of obtaining a driver's license had not been suspended under either subsection (6) of Section 282 or subsection (6) of Section 283 within five years of the date of the suspension and a suspension shall be deemed to be a subsequent suspension if a driver's license or the privilege of obtaining a driver's license had been suspended under either subsection (6) of Section 282 or subsection (6) of Section 283 within five years of the date of suspension. R.S., c. 293, s. 284.

#### **Suspension of license by court**

**285 (1)** Notwithstanding any other provisions of this Act, when a court or judge convicts a person who holds a driver's license under this Act of a violation of Section 100, 101, 102 or 103, clause (b) or (c) of Section 106A or Section 163 the court or judge, shall by order suspend the driver's license of the person for a period of seven days in the case of a conviction for a first offence, for a period of fifteen days in the case of a conviction for a second offence, and for a period of thirty days in the case of a conviction for a third or subsequent offence.

(2) Subsection (1) does not affect the authority of the court or judge to order the convicted person to pay costs of the proceedings or to impose the pecuniary penalty provided by this Act.

(3) When a court or judge has made an order under subsection (1) the person whose license is suspended by the order shall forthwith produce the license to the court or judge who shall make thereon an endorsement of the fact of the suspension in the following word or words to the like effect:

suspended from noon of the . . . . . day of  
. . . . ., 19. . . . ., until noon of the . . . . . day  
of . . . . ., 19. . . . .

and shall sign the endorsement.

(4) When an order has been made under subsection (1) the clerk of the court or the judge shall forthwith transmit to the Registrar a true copy of the order.

(5) If a person whose license has been suspended under this Section by a judge serves the judge with notice of appeal from the conviction and enters into a recognizance or makes a deposit of money pursuant to the *Summary Proceedings Act* the order suspending the person's license shall be stayed pending the determinations of the appeal.

(6) Where an order suspending a person's license has been stayed by virtue of subsection (5) the order provided for in subsection (1) and the endorsement required by subsection (3) shall be made



(a) if the appeal is abandoned, by the court or judge that convicted the person; or

(b) if the appeal is dismissed, by the court or judge that heard the appeal,

and the court or judge may order the person to appear and present his license for endorsement and the order may be enforced by a peace officer. R.S., c. 293, s. 285; 2001, c. 12, s. 11.

#### **Evidence of cancellation, suspension or revocation**

**286** A certificate under the signature of the Minister or the Registrar and the seal of the Department that a registration has been suspended or cancelled or that a permit or a license or the privilege of obtaining a license has been suspended or revoked, or a certificate under the signature of a minister or an official in another province performing duties similar to the Registrar and under the seal of a department in another province that a registration has been suspended or cancelled or that a permit or a license or the privilege of obtaining a license has been suspended or revoked in that province, or a facsimile of that document, shall be conclusive evidence that such registration has been duly and lawfully suspended or cancelled or that such permit or license or privilege of obtaining a license has been duly and lawfully suspended or revoked, as the case may be, and such certificate shall be received in evidence without proof of such seal or of such signature or of the official character of the person appearing to have signed the same. R.S., c. 293, s. 286; 2002, c. 20, s. 9.

#### **Operating if cancelled, suspended or revoked**

**287 (1)** If the registration of a vehicle or the permit issued in respect of a vehicle has been cancelled, revoked or suspended in accordance with this Act it shall be an offence against this Act for a person other than the one designated by the Department to operate such motor vehicle on a highway, and if a person other than the one so designated operates such motor vehicle he shall be guilty of an offence and upon summary conviction shall be punished as provided in Section 295.

**(2)** A person shall not drive a motor vehicle while his license or privilege of obtaining a license is cancelled, revoked or suspended under this Act.

**(3)** *repealed 2002, c. 10, s. 19.*

R.S., c. 293, s. 287; 1994-95, c. 12, s. 16; 1999, c. 11, s. 12; 2002, c. 10, s. 19.

**288** *repealed 1994-95, c. 12, s. 17.*

#### **Return of plates, etc. upon suspension or revocation**

**289 (1)** When a registration is suspended or cancelled or when a permit is suspended or revoked the number plates shall be returned to the Department upon the order of the Registrar.

(2) When a permit or license is suspended or revoked the permit or license shall forthwith be returned to the Department by the person to whom the same was issued upon the order of the Registrar. R.S., c. 293, s. 289.

**Return of plates, etc. upon request**

290 (1) Every permit, license, certificate, registration number plate and dealer's number plate shall be and remain the property of the Crown and shall be returned to the Minister whenever required by him and it shall be an offence to fail or refuse to return to the Department such permit, license, certificate, registration number plate or dealer's number plate when required so to do by a letter sent in the manner prescribed by the Registrar.

(2) In any prosecution under this Section it shall be *prima facie* evidence that the defendant has failed or refused to return said permit, license, certificate, registration number plate or dealer's number plate by producing to the court a certificate from the Registrar to the effect that a letter was sent to said defendant to his address appearing on the Department's records ten days previous to the commencement of the prosecution and that such permit, license, certificate, registration number plate or dealer's number plate has not been so returned within the said ten days.

(3) The holder of any permit, license, certificate, registration number plate or dealer's number plate shall surrender the same on demand to any peace officer who exhibits an order signed by the Registrar and under the seal of the Department requiring the said permit, license, certificate, registration number plate or dealer's number plate to be delivered to the bearer of the order and upon failure or refusal so to do shall be guilty of an offence against this Act.

(4) Where a person fails or refuses to return to the Department a permit, license, certificate, registration number plate or dealer's number plate when required to do so by a letter sent from the Registrar, the Registrar or the Director of Highway Safety may revoke the permit or license and cancel the certificate, registration number plate or dealer's number plate. R.S., c. 293, s. 290; 2001, c. 12, s. 12.

**Approval of Minister for re-registration or re-issue**

291 Notwithstanding the provisions of Section 66 and except as provided in Sections 203 to 246 whenever any registration is cancelled or any permit or license is revoked, unless and until the Minister thinks fit

(a) a vehicle shall not be again registered if the registration respecting the same has been cancelled;

(b) a permit shall not be issued respecting any motor vehicle if a permit respecting the same has been revoked; and

(c) a person shall not be licensed under any provisions of this Act if a license issued under any such provisions has been so revoked. R.S., c. 293, s. 291.

## IMPOUNDING OF VEHICLE

**Detention by peace officer and impounding by Registrar**

**291A (1)** In this Section, “impound” means remove a vehicle to a secure storage facility or immobilize the vehicle with an approved device.

(2) Where a peace officer is satisfied that a person was driving a motor vehicle on a highway while the person’s driver’s license or the privilege of obtaining a license is revoked pursuant to this Act for a violation of the *Criminal Code*, including an impairment-related offence as defined in subsection (12) of Section 67, the peace officer shall

(a) notify the Registrar of the fact or cause the Registrar to be notified; and

(b) detain the motor vehicle that was being driven by the person whose driver’s license or the privilege of obtaining a license is revoked until the Registrar issues an order pursuant to subsection (3).

(3) Upon notification pursuant to subsection (2), the Registrar may, without a hearing, issue an order to release the motor vehicle or issue an order to impound the motor vehicle that was being driven by the driver whose driver’s license or privilege of obtaining a license is revoked, as follows:

(a) for ninety days, if an order to impound under this Section has not previously been made, within a prescribed period, with respect to any motor vehicle then owned by the owner of the vehicle currently being impounded;

(b) for one hundred and eighty days, if an order to impound under this Section has previously been made, within a prescribed period, with respect to any motor vehicle then owned by the owner of the vehicle currently being impounded.

(4) The order to impound issued pursuant to this Section is intended to promote compliance with this Act and to thereby safeguard the public and does not constitute an alternative to any proceeding or penalty arising from the same circumstances or around the same time.

(5) The Registrar shall notify a peace officer of an order made pursuant to subsection (3) and shall send notice of the order to the owner of the motor vehicle at the most recent address for the owner appearing in the records of the Registrar.

(6) Upon notification of the Registrar’s order to release the motor vehicle, a peace officer shall forthwith release the motor vehicle to its owner.

(7) Service of the order, or notice of it, on the driver of the motor vehicle is deemed to be service on and sufficient notice to the owner of the vehicle and the operator of the vehicle, if there is an operator.

(8) If the motor vehicle that is the subject of the order to impound contains goods, the peace officer may require the driver and any other person present who is in charge of the motor vehicle to surrender all documents in that person's possession or in the vehicle that relate to the operation of the vehicle or to the carriage of the goods and to furnish all information within that person's knowledge relating to the details of the current trip and the ownership of the goods.

(9) Upon being served, or being deemed to have been served, with the order to impound or notice of it, the operator of the motor vehicle, or if there is no operator, the owner, shall forthwith remove any vehicle drawn by the motor vehicle and any load from the motor vehicle.

(10) If the goods are dangerous goods within the meaning of the *Dangerous Goods Transportation Act*, the operator, or if there is no operator, the owner, shall remove the goods in accordance with that Act.

(11) If, in the opinion of the peace officer, the operator or owner fails to remove a drawn vehicle or load as required by subsection (9) within a reasonable time after being served or being deemed to have been served with the order to impound, the peace officer may cause the drawn vehicle or load to be removed and stored or disposed of at the cost and risk of the operator, or if there is no operator, the owner.

(12) If a peace officer is of the opinion that the operator or owner has not made appropriate arrangements for the removal of a drawn vehicle or load, having regard to the nature of the goods, including the fact that they are or appear to be dangerous goods, within the meaning of the *Dangerous Goods Transportation Act*, or are perishable, the peace officer may cause the drawn vehicle or load to be removed, stored or otherwise disposed of at the cost and risk of the operator, or if there is no operator, the owner.

(13) Upon service or deemed service of the order to impound or notice of it being effected, or, if the motor vehicle that is subject to the order was drawing a vehicle or had a load, once the drawn vehicle and load have been removed, the motor vehicle shall, at the cost of and risk to the owner, be

(a) removed to an impound facility as directed by the peace officer; and

(b) impounded for the period set out in the order to impound or until ordered to be released by the Motor Vehicle Appeal Board pursuant to Section 291B.

(14) Any personal property that is left in the impounded motor vehicle and that is not attached to or used in connection with its operation shall, upon request and proof of ownership, be made available, at reasonable times, to the owner of the property.

(15) Upon the expiry of the period of impoundment, the Registrar shall order that the motor vehicle be released to its owner from the impound facility.

(16) Notwithstanding being served with an order pursuant to subsection (15) by the owner of the motor vehicle, the person who operates the impound facility is not required to release the motor vehicle to the owner until the owner pays the removal and impound costs related to the Registrar's order to impound.

(17) The costs incurred by the person who operates the impound facility in respect of an order to impound pursuant to this Section constitute a lien on the motor vehicle.

(18) The costs incurred by the Crown in removing, storing or disposing of a drawn vehicle or load from a motor vehicle pursuant to subsection (9) or (12) are a debt due to the Crown and may be recovered by the Crown in any court of competent jurisdiction.

(19) Persons who provide removal services or load removal services or who operate impound facilities, and their subcontractors, are independent contractors and not agents of the Department for the purpose of this Section and such persons shall not charge more for their services in connection with this Section than is permitted by regulation.

(20) The owner of a motor vehicle that is subject to an order to impound pursuant to this Section may bring an action against the driver of the motor vehicle at the time the order was made to recover any costs or other losses incurred by the owner in connection with the order.

(21) No action or other proceeding for damages shall be instituted against the Registrar, any employee of the Department or any peace officer for any act done in good faith in the execution or intended execution of the person's duty under this Section or for any alleged neglect or default in the execution in good faith of that duty.

(22) Subsection (21) does not relieve the Crown of liability in respect of a tort committed by a person mentioned in that subsection to which it would otherwise be subject.

(23) Every person who fails to comply with subsection (9) or with a requirement of a peace officer under subsection (8) is guilty of an offence and is liable to a fine of not less than two hundred dollars and not more than twenty thousand dollars.

(24) Every person who drives or operates or removes a motor vehicle that is subject to an order to impound pursuant to this Section and every person who causes or permits such a motor vehicle to be driven, operated or removed is guilty of an offence and liable to a fine of not less than two hundred and not more than twenty thousand dollars.

(25) Every person who provides removal services or who operates an impound facility and who charges fees for services provided in connection with

this Section in excess of those permitted by regulation is guilty of an offence and liable to a fine of not less than one hundred dollars and not more than one thousand dollars.

(26) Every person who obstructs or interferes with a peace officer in the performance of the peace officer's duties under this Section is guilty of an offence and liable to a fine of not less than two hundred and not more than twenty thousand dollars or to imprisonment for a term of not more than six months, or to both.

(26A) The Registrar may prescribe

- (a) the manner in which orders may be issued and notifications of orders given pursuant to this Section; and
- (b) methods for and rules of service for any notice or orders required to be served pursuant to this Section.

(27) The Governor in Council may make regulations

- (a) prescribing the period for the purpose of subsection (3);
- (b) prescribing a schedule of fees that may be charged by independent contractors for services in connection with this Section;
- (c) and (d) *repealed 1999, c. 11, s. 13.*
- (e) classifying persons and motor vehicles and exempting any class of person or any class of motor vehicle from any provision of this Section or any regulation made pursuant to this Section and prescribing conditions for any such exemptions;
- (f) prescribing fees for the administration of this Section;
- (g) deemed necessary or advisable to carry out effectively the intent and purpose of this Section. 1998, c. 32, s. 4; 1999, c. 11, s. 13; 2011, c. 67, s. 8; 2018, c. 3, s. 64.

### Appeal

**291B (1)** The owner of a motor vehicle that is subject to an order to impound pursuant to Section 291A may, upon paying the prescribed fee, appeal the order to the Motor Vehicle Appeal Board.

(2) The only grounds on which an owner may appeal pursuant to subsection (1) and the only grounds on which the Motor Vehicle Appeal Board may set aside the order to impound are that

- (a) the motor vehicle that is subject to the order was taken without the consent of the owner at the time in respect of which the order was made;

(b) the driver's license of the driver of the motor vehicle at the time in respect of which the order was made was not then under revocation;

(c) the owner of the motor vehicle exercised due diligence in attempting to determine that the driver's license of the driver of the motor vehicle at the time in respect of which the order was made was not then under revocation;

(d) the order will result in exceptional hardship; or

(e) another ground of appeal prescribed in the regulations applies to the owner.

(3) Clause (d) of subsection (2) does not apply if an order to impound under Section 291A was previously made with respect to any motor vehicle then owned by the same owner.

(4) The Motor Vehicle Appeal Board may confirm or set aside an order to impound.

(5) The Motor Vehicle Appeal Board shall give written notice of the Board's decision to the owner.

(6) If the Motor Vehicle Appeal Board sets aside the order, the Board shall issue an order to release the vehicle.

(7) The decision of the Motor Vehicle Appeal Board under this Section is final and binding.

(8) The filing of an appeal pursuant to this Section does not suspend or terminate the order to impound pursuant to Section 291A. 1998, c. 32, s. 4; 1999, c. 11, s. 14; 2011, c. 67, s. 9.

#### **Appeal respecting commercial vehicle or trailer**

**291C (1)** The owner of a commercial motor vehicle or trailer that is subject to an order to impound under Section 291A may, upon paying the prescribed fee, appeal the order to the Motor Vehicle Appeal Board.

(2) The only grounds on which an owner may appeal pursuant to subsection (1) and the only grounds on which the Motor Vehicle Appeal Board may set aside the order to impound are that

(a) the motor vehicle that is subject to the order was taken without the consent of the owner at the time in respect of which the order was made;

(b) the driver's license of the driver of the motor vehicle at the time in respect of which the order was made was not then under revocation;

(c) the owner of the motor vehicle exercised due diligence in attempting to determine that the driver's license of the driver of the motor vehicle at the time in respect of which the order was made was not then under revocation;

(d) the order will result in exceptional hardship; or

(e) another ground of appeal prescribed in the regulations applies to the owner.

(3) Clause (d) of subsection (2) does not apply if an order to impound under Section 291A was previously made with respect to any motor vehicle then owned by the same owner.

(4) The Motor Vehicle Appeal Board may confirm or set aside the order to impound.

(5) The Motor Vehicle Appeal Board shall give written notice of the Board's decision to the owner.

(6) If the Motor Vehicle Appeal Board sets aside the order, the Board shall issue an order to release the vehicle.

(7) The decision of the Motor Vehicle Appeal Board pursuant to this Section is final and binding.

(8) The filing of an appeal pursuant to this Section does not suspend or terminate the order to impound under Section 291A. 1998, c. 32, s. 4; 1999, c. 11, s. 15; 2011, c. 67, s. 10.

### Regulations

**291D (1)** The Governor in Council may make regulations

(a) prescribing fees for the purpose of subsection (1) of Section 291B and subsection (1) of Section 291C;

(aa) prescribing grounds of appeal under clause (e) of subsection (2) of Section 291B and clause (e) of subsection (2) of Section 291C;

(b) respecting devices that may be required to be installed in or attached to vehicles to prevent the operation of the vehicle in certain circumstances.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 1998, c. 32, s. 4; 1999, c. 11, s. 16.



## PENALTIES

**Category A offences**

**292** Any person who violates any of the provisions of Section 14, 18, 30, 31, 34, 35 or 58, subsection (4) or (5) of Section 69, subsection (3) of Section 71, subsection (2) of Section 78, subsection (3) of Section 85B, Section 95, subsection (4) of Section 106, Section 127, 128, 143, 144, 146, 148, 149, 151, 155 or 156, subsection (1) of Section 158 or Section 159, 160, 162, 166, 167, 168, 169, 170A, 171, 172, 172C, 172D, 172E, 177, 182, 183, 189 or 189A is guilty of an offence and liable on summary conviction to the penalties provided for a category A offence in the *Summary Proceedings Act*. 2022, c. 21, s. 15.

**Category B offences**

**293** Any person who violates any of the provisions of Section 16, 28, 37, 38, 40, 50 or 62, subsection (1) or (2) of Section 69, subsection (2) of Section 83, subsections (2) and (3) of Section 85A, subsection (5) of Section 85B, Section 90, 93, 113, 118, 119, 120, 122, 123, 124A, 126, 129, 133, 134 or 135, subsection (1) of Section 136, Section 138, 139, 140, 141, 161, 165, 172A or 172B, subsection (1) of Section 173A or Section 174, 174A, 175, 178, 179, 181A, 184, 185, 186, 187, 198, 201, 202 or 246 is guilty of an offence and liable on summary conviction to the penalties provided for a category B offence in the *Summary Proceedings Act*. 2002, c. 10, s. 20; 2005, c. 8, s. 10; 2007, c. 20, s. 9; 2007, c. 45, s. 20; 2008, c. 62, s. 3; 2010, c. 61, s. 6; 2010, c. 63, s. 2; 2015, c. 46, s. 15; 2022, c. 21, s. 16.

**Category C offences**

**294** Any person who violates any of the provisions of Section 20, 23, 24, 26, 27, 29, 65, 69A, 70, 70A or 70B, subsection (1) of Section 83, Section 94 or 96, subsection (1) of Section 100D, clause (a) of Section 106A, Section 106G, 110, 111, 112, 116, 117, 121, 124, 130, 132, 145, 150, 164, 170, 181 or 188, subsection (1) of Section 191, subsection (4) of Section 192, Section 199 or 200, subsection (9) of Section 201 or Section 204, 242, 258, 260, 289 or 290 is guilty of an offence and liable on summary conviction to the penalties provided for a category C offence in the *Summary Proceedings Act*. 2002, c. 10, s. 20; 2005, c. 8, s. 11; 2010, c. 61, s. 7; 2014, c. 20, s. 11; 2014, c. 53, s. 13.

**Category D offences**

**295** Any person who violates any of the provisions of Section 6, 11, 13, 57, 60, 64, 75, 76 or 82, subsection (10) of Section 98, Section 99, 99A, 102, subsection (4) of Section 103, clause (b) of Section 106A, Section 107, 107A, 114, 115, 171B, 190 or 210, subsection (3) of Section 280 or Section 303 is guilty of an offence and liable on summary conviction to the penalties provided for a category D offence in the *Summary Proceedings Act*. 2002, c. 10, s. 20; 2005, c. 8, s. 12; 2007, c. 45, s. 21; 2010, c. 59, s. 11.

**Category E offences**

**296** Any person who violates any of the provisions of Section 47, 63 or 108 is guilty of an offence and liable on summary conviction to the penalties provided for a category E offence in the *Summary Proceedings Act*. 2002, c. 10, s. 20;

**Category F offences**

**297** Any person who violates any of the provisions of Section 32, 33, 97, 100 or 101, subsection (3) of Section 103, clause (c) of Section 106A, Section 107B, subsections (3) to (5) of Section 125, subsections (1) and (2) of Section 125A or Section 131, subsection (2) of Section 136 or Section 173, 182A, 199 or 303H is guilty of an offence and liable on summary conviction to the penalties provided for a category F offence in the *Summary Proceedings Act*. 2002, c. 10, s. 20; 2004, c. 42, s. 15; 2005, c. 8, s. 13; 2007, c. 45, s. 22; 2014, c. 53, s. 14.

**Category G offences**

**298** Any person who violates any of the provisions of Section 41, 43, 53, 56, 80 or 97, subsection (11) of Section 98, subsections (1) and (2) of Section 125, subsections (3) and (4) of Section 125A, Section 131A, subsection (8) of Section 201, Section 214, subsection (4) of Section 279, subsection (1) of Section 287 or Section 301 is guilty of an offence and liable on summary conviction to the penalties provided for a category G offence in the *Summary Proceedings Act*. 2002, c. 10, s. 20; 2005, c. 8, s. 14; 2007, c. 45, s. 23; 2008, c. 21, s. 8; 2010, c. 59, s. 12.

**Category H offences**

**299** Any person who violates any of the provisions of Section 230 or subsection (2) of Section 287 is guilty of an offence and liable on summary conviction to the penalties provided for a category H offence in the *Summary Proceedings Act*. 2002, c. 10, s. 20; 2008, c. 21, s. 9.

**Category I offences**

**299A** Any person who violates any of the provisions of Section 46, 49, 51 or 287 is guilty of an offence and liable on summary conviction to the penalties provided for a category I offence in the *Summary Proceedings Act*. 2002, c. 10, s. 20; 2005, c. 8, s. 15.

**Category K offence**

**299AA** Any person who violates any of the provisions of Section 163 is guilty of an offence and liable on summary conviction to the penalties provided for a category K offence in the *Summary Proceedings Act*. 2007, c. 45, s. 24.

**Default of payment**

**299B** An individual who is in default of payment of a fine imposed as a penalty pursuant to Sections 292 to 299AA or Section 300A may be imprisoned for

- (a) two days if the amount of the fine is less than one hundred dollars; or

(b) two days plus one day for each fifty dollars or part thereof over one hundred dollars if the amount of the fine is more than one hundred dollars, to a maximum of one hundred and eighty days. 2002, c. 10, s. 20; 2011, c. 46, s. 6.

**Penalty for failure to produce permit or license**

**300** Whenever any person is prosecuted for failure to produce a driver's license or a permit other than a dealer's permit on the request of a peace officer and such person produces in court a driver's license or permit, as the case may be, dated prior to the day the offence is alleged to have been committed, the pecuniary penalty provided for failure to produce such permit or license shall be reduced to a penalty of not more than one dollar for the first offence in any calendar year. R.S., c. 293, s. 300.

**Double fine in school area or temporary work area**

**300A (1)** Any person who violates any of the provisions of clause (a) of subsection (2A) of Section 103, clause (a) of subsection (1) of Section 106B, clause (a) of subsection (2) of Section 106E or Section 106F is guilty of an offence and liable on summary conviction to double the penalties provided for a category C offence in the *Summary Proceedings Act*.

**(2)** Any person who violates any of the provisions of clause (b) of subsection (2A) of Section 103, clause (b) of subsection (1) of Section 106B or clause (b) of subsection (2) of Section 106E is guilty of an offence and liable on summary conviction to double the penalties provided for a category D offence in the *Summary Proceedings Act*.

**(3)** Any person who violates any of the provisions of clause (c) of subsection (2A) of Section 103, clause (c) of subsection (1) of Section 106B or clause (c) of subsection (2) of Section 106E is guilty of an offence and liable on summary conviction to double the penalties provided for a category F offence in the *Summary Proceedings Act*. 2007, c. 45, s. 25; 2008, c. 21, s. 11; 2009, c. 20, s. 3; 2011, c. 46, s. 7.

**GENERAL****False statement or information**

**301 (1)** A person who knowingly makes any false statement of fact in an application, declaration, affidavit or paper writing required by this Act, or by the regulations of the Department in order to procure the issuance to him of a license, permit or certificate is guilty of an offence.

**(2)** A person who wilfully furnishes false information to a peace officer during the course of an investigation under this Act is guilty of an offence. R.S., c. 293, s. 301; 2002, c. 10, s. 21.

**Fees**

**302 (1)** There shall be paid to the Department such fees as the Governor in Council may determine for any registration, permit, license, certificate or other document issued under this Act or for any service performed or rendered by the Registrar or the Department and the payment of the fee so determined shall be a condition precedent to the issue of any such permit, license, certificate or other document and to the performing or rendering of any such service.

**(2)** Except as provided in subsection (4) or as otherwise provided all fees paid under this Act shall form part of the General Revenue Fund of the Province.

**(3)** If fees for a permit, license, certificate or other document issued by the Department are paid by a cheque which is dishonoured and reimbursement is not made within thirty days after a request has been mailed by certified mail to the person to whom the document is issued, any permit, license, certificate or other document issued to that person may be revoked.

**(4)** The fees associated with conservation license plates, less the portion of those fees that the Registrar determines relates to administrative costs, shall be paid into a conservation fund administered by the Department of Natural Resources and Renewables and designated by the Governor in Council.

**(5)** Notwithstanding any enactment, the fees for

(a) the issuance of a certificate of registration in the name of a licensed dealer on or after January 1, 1991, and before the coming into force of this subsection are the same as the fees set out in the *Schedule of Fees for Documents and Services* determined pursuant to subsection (1) for a certificate of registration; and

(b) the transfer of a motor vehicle permit and registration number plates to a licensed dealer on or after January 1, 1991, and before the coming into force of this subsection are the same as the fees set out in the *Schedule of Fees for Documents and Services* determined pursuant to subsection (1) for recording an applicant as the vehicle owner, initially or by way of transfer. R.S., c. 293, s. 302; 2002, c. 20, s. 10; 2009, c. 23; 2010, c. 2, s. 84; O.I.C. 2018-188; O.I.C. 2021-210.

**Regulations respecting commercial vehicles**

**303 (1)** Subject to the approval of the Governor in Council, the Minister may make regulations

(a) regulating and licensing all or any class or classes of persons transporting goods for hire upon provincial highways;

(b) regulating and licensing commercial carriers and motor vehicles operated upon provincial highways;

(c) prescribing the terms, conditions and requirements for obtaining any such licenses;

- (d) regulating the hours of labour for drivers or operators of commercial motor vehicles operated upon provincial highways;
- (e) prescribing the fees for any such licenses;
- (ea) incorporating by reference any document as it exists when the regulations are made and incorporating by reference, as amended from time to time, any Act of the Parliament of Canada or regulations made pursuant thereto or any classification, standard, procedure or other specification;
- (f) prescribing penalties for the violation of any such regulations.

(2) Such regulations shall not limit the number of persons so licensed nor grant any franchise or exclusive right. R.S., c. 293, s. 303; 2001, c. 12, s. 16; 2001, c. 44, s. 10.

#### **Interpretation of Sections 303B to 303J**

**303A** In Sections 303B to 303J,

- (a) “carrier” means a person who owns, leases or is otherwise responsible for the operation of a commercial vehicle;
- (b) “commercial vehicle” means a commercial motor vehicle as defined in clause (g) of Section 2 that has a gross weight exceeding four thousand five hundred kilograms and includes a bus with a seating capacity of more than ten passengers;
- (c) “reciprocating jurisdiction” means a province of Canada or state of the United States of America or the Republic of Mexico that is declared pursuant to Section 303I to be a reciprocating jurisdiction;
- (d) “safety fitness certificate” means a safety fitness certificate issued to a carrier pursuant to the regulations. 1993, c. 30, s. 1; 2001, c. 12, s. 17.

#### **Application of Sections 303C to 303J**

**303B** Sections 303C to 303J apply to

- (a) commercial vehicles registered in the Province or a reciprocating jurisdiction;
  - (b) drivers of commercial vehicles licensed pursuant to this Act; and
  - (c) carriers that operate commercial vehicles in the Province.
- 1993, c. 30, s. 1.

#### **Record of commercial drivers and carriers**

**303C (1)** The Registrar shall maintain a record on drivers and carriers for the purpose of monitoring commercial vehicles, drivers of commercial vehicles and carriers.

(2) The records maintained pursuant to subsection (1) may be disclosed by the Registrar to the appropriate authority in a reciprocating jurisdiction or to the carrier or an insurer authorized by the carrier to obtain such records. 1993, c. 30, s. 1; 2001, c. 12, s. 18.

**Records to be kept by carrier**

**303D (1)** A carrier shall keep records showing

(a) in respect of each driver employed by the carrier, an annual driver's abstract issued by the Department that includes the name and date of birth, class of license held, warnings, convictions, collisions and suspensions imposed in the Province or a reciprocating jurisdiction;

(b) qualifications and courses undertaken relevant to the driver's work; and

(c) particulars in respect of each commercial vehicle operated by the carrier, including number plates, vehicle identification numbers and trip inspection, safety inspection and maintenance reports.

(2) A carrier shall permit any person authorized by the Registrar to inspect, audit and make copies of the records maintained pursuant to subsection (1).

(3) The Registrar shall issue an identification number in respect of each carrier. 1993, c. 30, s. 1; 2004, c. 42, s. 15.

**Duty of driver of commercial vehicle and carrier**

**303E (1)** A driver of a commercial vehicle shall, within ten days thereof, inform the carrier employing the driver of all warnings, convictions and suspensions given or imposed in the Province or a reciprocating province.

(2) A carrier shall report to the Registrar all convictions imposed on a driver employed by the carrier in respect of offences in a reciprocating province. 1993, c. 30, s. 1.

**Grounds for suspension or cancellation**

**303F** The Registrar may suspend or cancel or refuse to issue

(a) the vehicle registration and number plate in respect of any commercial vehicle registered in the Province; or

(b) a driver's license or a class of driver's license authorizing a driver to drive a particular class of vehicle,

on the grounds of

(c) misconduct related to the operation or driving of a motor vehicle for which the holder is responsible directly or indirectly;

(d) conviction of the holder for an offence contrary to Section 303D or 303E or the regulations made pursuant to Section 303G; or

(e) any other cause appearing to the Registrar to be sufficient to warrant protection of the public. 1993, c. 30, s. 1; 2001, c. 12, s. 19.

### Regulations

**303G** The Governor in Council may make regulations

(a) respecting records and documents to be maintained by the carrier respecting commercial vehicles and the drivers of commercial vehicles;

(b) prescribing a system of rating the performance of commercial motor vehicle carriers and drivers with respect to warnings, cancellations, suspensions, at-fault collisions, facility audits, safety inspections, trip inspections and contraventions of enactments of the Province, another reciprocating province of Canada, the Parliament of Canada, the United States of America or the Republic of Mexico relating to motor vehicles, and prescribing penalties, including suspension, that may be assessed against those carriers and drivers having an unsatisfactory rating;

(ba) authorizing the issuance of a safety fitness certificate and prescribing a fee for the certificate;

(bb) prescribing an hourly rate for the auditing of a commercial carrier;

(c) requiring the attendance of the carrier before the Registrar to show cause why the carrier's vehicle registration should not be suspended or cancelled;

(d) classifying carriers, drivers and vehicles and exempting any class of carrier, driver or vehicle from any provision contained in Sections 303C to 303J and prescribing conditions for any such exemptions;

(e) providing for the safety and convenience of the public;

(f) providing for trip inspection reports. 1993, c. 30, s. 1; 1995-96, c. 23, s. 7; 2001, c. 12, s. 20; 2002, c. 5, s. 33; 2002, c. 20, s. 11.

### Offence and penalty

**303H** Every carrier or driver of a commercial vehicle who contravenes Section 303D or 303E or the regulations made pursuant to Section 303G is guilty of an offence and liable on summary conviction to a penalty of not more than one thousand dollars or to imprisonment for a term not exceeding thirty days. 1993, c. 30, s. 1.

### Power to declare reciprocating jurisdictions

**303I** The Governor in Council may, where the Governor in Council is satisfied that a province of Canada or state of the United States of America or the Republic of Mexico has laws that are substantially similar to Sections 303A to 303J, declare that province or state to be a reciprocating jurisdiction. 1993, c. 30, s. 1; 2001, c. 12, s. 21.

**Preservation of existing law**

**303J** Sections 303A to 303J are in addition to, and not in substitution for, any other provisions of law applicable to carriers, commercial vehicles and the drivers of commercial vehicles. 1993, c. 30, s. 1.

**Regulations respecting personal transporters**

**303K** The Governor in Council may make regulations respecting personal transporters and, without limiting the generality of the foregoing, defining “tour” for the purpose of subsection 69(4). 2015, c. 46, s. 16.

**Regulations respecting electric kick-scooters**

**303L** The Governor in Council may make regulations respecting electric kick-scooters. 2022, c. 21, s. 17.

**General rules and regulations**

**304 (1)** The Governor in Council on the recommendation of the Minister from time to time may make rules and regulations not inconsistent with this Act as he deems necessary or expedient for the purpose of fully carrying out the true intent, purpose and object of this Act.

**(2)** A violation of any such rules or regulations shall be deemed to be a violation of a provision of this Act. R.S., c. 293, s. 304.

**Regulation and licensing by municipal by-law**

**305 (1)** The council of a city, town or municipality may make regulations or by-laws regulating and licensing

(a) bicycles owned by residents of the city, town or municipality;

(b) persons transporting for hire by means of any vehicle, passengers or goods within the boundaries of said city, town or municipality except where such persons are public utilities as defined in the *Public Utilities Act* or are motor carriers who are required to be licensed under the *Motor Carrier Act*;

(c) the vehicles referred to in clause (b).

**(2)** Such regulations or by-laws may

(a) prescribe the amount of the fees for such licenses;

(b) provide penalties for any violation of such regulations or by-laws, but such penalties shall not be greater than the penalties mentioned in Section 299;

(c) provide minimum and maximum fares or rates that may be charged by any persons transporting for hire passengers or goods;



(d) determine various classes of vehicles transporting passengers for hire and provide special restrictions on certain classes;

(e) authorize the traffic authority or other official to revoke any license issued under such regulations or by-laws but an appeal from any revocation so authorized may be taken to the council of the city, town or municipality or to the police commission or other committee specified in such regulations or by-laws;

(ea) divide a city, town or municipality into zones for the purpose of regulating persons who or vehicles that transport passengers or goods for hire, or in any way change the boundaries of the zones;

(eb) license persons or vehicles to transport passengers or goods for hire within one or more zones;

(ec) license persons or vehicles to transport passengers or goods for hire between two or more zones and regulate the transportation for hire of passengers or goods between zones;

(f) limit the number of persons or vehicles licensed to transport for hire passengers or goods, or may provide that only one person shall be so licensed to transport passengers or goods with any class of vehicle;

(g) require that a person applying for a license under clause (b) of subsection (1), or holding such a license, place and maintain at all times while he holds such license public liability, property damage, cargo or passenger hazard insurance to such extent and in such amount as the by-law prescribes;

(h) require that a person licensed to transport passengers for hire install and maintain special safety equipment prescribed by the regulations or by-laws in all vehicles;

(i) require the successful completion of a prescribed course of instruction in matters relevant to the taxi industry in the city, town or municipality as a qualification for a taxi-driver license.

(3) Such regulations or by-laws referring to vehicles transporting passengers for hire may delegate to the traffic authority or other official of the city, town or municipality such authority as the council of the city, town or municipality may deem expedient and such regulations may require such vehicles when not actually hired to

(a) drive on certain streets only;

(b) move off or remain off certain streets;

(c) refrain from soliciting or taking passengers on certain streets or under certain conditions;

(d) park at certain taxicab or hack stands and to refrain from parking at any other or certain other places.

- (4) Such regulations or by-laws shall not
- (a) impose an annual license fee of over fifty dollars per vehicle in the case of cities, and twenty-five dollars per vehicle in the case of towns and municipalities;
  - (b) except as in this Section otherwise provided, limit the number of persons so licensed;
  - (c) apply to persons transporting for hire passengers or goods brought into the city, town or municipality from outside the limits of such city, town or municipality or to persons transporting for hire passengers or goods taken on within the limits of such city, town or municipality to be discharged or unloaded outside the limits of such city, town or municipality;
  - (d) with respect to accessible taxicabs, limit, either directly or indirectly, the number of vehicles or the number of drivers or restrict the types of passengers that may be carried in an accessible taxicab.

(5) A regulation made pursuant to clause (f) of subsection (2) may apply to one or more zones or to all zones established by or pursuant to this Section and there may be different limits for different zones.

(6) Where two or more cities, towns or municipalities have been amalgamated as a regional municipality, until the council of the regional municipality makes a regulation or by-law under the authority of clause (ea) of subsection (2) providing otherwise, each former city, town or municipality is deemed to be one zone for the purpose of this Section and, for greater certainty, in each such zone the regulations or by-laws of the former city, town or municipality, as the case may be, respecting the transport of passengers or goods for hire in effect when the former city, town or municipality, respectively, was amalgamated continue to apply as if the city, town or municipality, respectively, had not been amalgamated.

(7) A regulation or by-law passed pursuant to this Section does not require the approval of the Minister of Municipal Affairs and Housing. R.S., c. 293, s. 305; 1994-95, c. 12, s. 24; 1995-96, c. 23, s. 8; O.I.C. 2021-209

#### **Vehicle noise by-laws**

**305A** The council of a city, town or municipality may make regulations or by-laws respecting noise produced in connection with a vehicle, including

- (a) defining what constitutes an objectionable noise;
- (b) establishing a method of determining or measuring noise; and
- (c) prohibiting the use or operation of a vehicle if the noise produced in connection with that vehicle is objectionable noise. 2021, c. 32, s. 3.

**By-laws respecting electric kick-scooters**

**305B** The council of a municipality may make by-laws

- (a) regulating the use of electric kick-scooters on sidewalks, shared-use sidewalks, municipal highways, bicycle lanes, trails or in other public areas in the municipality that are not public highways;
- (b) prescribing the maximum allowable speed for the operation of electric kick-scooters, including prescribing different maximum speeds for different areas, roads or paths, or types of road or path;
- (c) regulating the use of privately owned and rented electric kick-scooters;
- (d) restricting the operation of electric kick-scooters during certain times of the year;
- (e) restricting the operation of electric kick-scooters when certain weather conditions are occurring or are expected to occur;
- (f) regulating the parking, docking or storage of electric kick-scooters;
- (g) creating offences and prescribing penalties for the violation of by-laws made under this Section. 2022, c. 21, s. 18.

**Restriction on municipal regulation of vehicles**

**306 (1)** Notwithstanding the provisions of any Act of the Legislature, the council of any city, town or municipality shall not, except as in this Act provided, have power to make any by-laws, rules, regulations or ordinances in relation to the regulation, registration, licensing or identification of vehicles or to the use of the highway by such vehicles, or in relation to any matter dealt with in this Act, and all by-laws, rules, regulations and ordinances of any city, town or municipality in relation to any of the said matters, except those mentioned in Section 305 or 305A, are hereby repealed and are declared to be inoperative.

**(2)** All regulations and by-laws made by the Minister, the council of a city or incorporated town, or by the Governor in Council under Chapter 2 of the Acts of 1928, shall in so far as they are not inconsistent with anything herein contained remain in force until altered or repealed by the Minister or the Governor in Council. R.S., c. 293, s. 306; 2021, c. 32, s. 4.

**Regulations authorizing projects**

**307 (1)** The Governor in Council may make regulations authorizing, for the period of time during which the regulations are in force, a project for research into or the testing or evaluation of any matter that is governed by this Act and relates to highway use, including regulations

- (a) in relation to such a project,
  - (i) authorizing any person or class of persons to do or use a thing that is prohibited or regulated pursuant to a pro-

vision of this Act that also relates to traffic or to not do or use a thing that is required or authorized pursuant to this Act,

(ii) authorizing or requiring the Department, the Minister or any other person authorized or required to do anything pursuant to this Act to do anything that

(A) is not authorized or required to be done pursuant to this Act, or

(B) is authorized or required to be done pursuant to this Act in a way that is different from the way it is authorized or required to be done,

(iii) limiting an authorization or requirement in the regulations to any person, class of persons, class or type of vehicles, equipment, devices or highways, parts of the Province, time of year or day, activities, matters or other things,

(iv) regulating or prohibiting the doing or use of anything, and

(v) requiring any person or class of persons to carry insurance of a kind and in the amount specified;

(b) prescribing penalties for the violation of such regulations;

(c) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Section.

(2) A regulation made pursuant to this Section is repealed five years after the date it comes into force or such earlier date as the regulation may provide.

(3) In the event of a conflict between a regulation made pursuant to this Section and any provision of this Act, the regulation prevails.

(4) The exercise by the Governor in Council of the authority contained in subsection (1) is regulations within the meaning of the *Regulations Act*. 2013, c. 4, s. 2; 2015, c. 46, s. 17.

## SCHEDULE

Form

19. . . . .

Number . . . . .

IN THE . . . . . COURT

BETWEEN:

A.B., .....

Plaintiff

and

C.D. or registration number of motor  
vehicle or description of motor vehicle,  
as the case may be

Defendant

ELIZABETH II, by the Grace of God, etc.

TO THE SHERIFF OF THE COUNTY OF .....

GREETING:

WE COMMAND you to attach, seize, take and safely keep motor vehicle (*here insert description of the motor vehicle to enable it to be identified*) to respond to the judgment which may be obtained against (....., the Defendant, *or* against the said motor vehicle, *as the case may be*) by ..... the Plaintiff in our ..... Court at .....

AND WE DO COMMAND YOU that immediately after the execution hereof you do return the writ or order into our ..... Court at ..... together with your doings thereon.

Issued this ..... day of ....., 19.....

Plaintiff's Solicitor  
whose address is  
.....

.....  
Prothonotary or Clerk,  
as the case may be

R.S., c. 293, Sch.

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