

The Traffic Safety Act

being

Chapter T-18.1* of the *Statutes of Saskatchewan, 2004* (effective July 1, 2006) as amended by the *Statutes of Saskatchewan, 2005, c.M-36.1; 2006, c.9; 2008, c.12; 2009, c.2, c.30, c.35 and c.S-46.002; 2010, c.E-9.22; 2013, c.27 and c.37; 2014, c.19 and c.29; 2015, c.I-9.11, c.21, c.23 and c.33; 2016, c.11, c.31 and c.32; 2017, cP-30.011 and c5; and 2018, c.V-3.2, c.21, c.42 and c.45.*

***NOTE:** Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the Consequential Amendment sections, schedules and/or tables within this Act have been removed. Upon coming into force, the consequential amendments contained in those sections became part of the enactment(s) that they amend, and have thereby been incorporated into the corresponding Acts. Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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295 Transitional – certain documents continued
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300 S.S. 1990-91, c.F-22.01, section 23 amended
301 S.S. 1997, c.H-3.01, section 66 amended
302 R.S.S. 1978, c.M-22, section 15 amended
303 S.S. 1989-90, c.R-1.2 amended
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SCHEDULE

CHAPTER T-18.1

An Act respecting Traffic Safety, Vehicles and Drivers, Owners and Operators of Vehicles and making consequential amendments to other Acts

PART I

Short title and Interpretation

Short title

1 This Act may be cited as *The Traffic Safety Act*.

Interpretation

2(1) In this Act:

- (a) **“administrator”** means the person designated as the administrator in section 3;
- (b) **“animal”** does not include a horse with a rider or driver;
- (c) **“board”** means the Highway Traffic Board continued pursuant to section 14;
- (c.1) **“business day”** means a day other than a Saturday, Sunday or holiday;
- (d) **“certificate of registration”** means a valid certificate of registration issued to a person pursuant to section 64;
- (e) **“dealer”** means:
 - (i) a vehicle dealer who is licensed pursuant to *The Consumer Protection and Business Practices Act* and the regulations made pursuant to that Act; or
 - (ii) a trailer dealer;
- (f) **“deductible amount”** means the deductible amount fixed by the regulations made pursuant to *The Automobile Accident Insurance Act* for a vehicle;
- (g) **“deductible finance agreement”** means an agreement between a person and the insurer in which the person agrees to pay the insurer, by those instalments that are determined in the agreement:
 - (i) that part of the deductible amount that the insurer has paid to a third party on behalf of the person as a consequence of damage to the person’s vehicle caused by a motor vehicle arising out of an accident; and
 - (ii) any administrative costs and interest charges set out in the agreement;

- (h) **“driver’s licence”** means a valid licence issued pursuant to section 40;
- (h.01) **“drug”** means a drug or substance that causes or could cause a driver to be unable to safely operate a motor vehicle;
- (h.1) **“farm implement”**, subject to the regulations, means:
 - (i) a self-propelled or towed implement or tool designed to be used in an agricultural, horticultural or livestock operation;
 - (ii) a trailer or semi-trailer that is towed by a self-propelled implement if the trailer or semi-trailer and self-propelled implement are both used in an agricultural, horticultural or livestock operation; or
 - (iii) a prescribed vehicle or class of vehicles;
- (h.2) **“field sobriety test”** means a prescribed test or prescribed group of tests;
- (i) **“financial responsibility card”** means a card issued by the administrator and showing that the person named is maintaining in effect proof of financial responsibility as required by Part XII;
- (i.1) **“golf cart”** means a prescribed vehicle;
- (j) **“gross vehicle weight”** means:
 - (i) the combined weight of a vehicle and the load carried on that vehicle; or
 - (ii) the combined weight of two or more vehicles coupled or joined together and the combined weight of the loads carried on each of those vehicles;
- (j.1) **“hamlet”** means a hamlet or an organized hamlet as defined in *The Municipalities Act*;
- (k) **“highway”** means a road, parkway, driveway, square or place designed and intended for or used by the general public for the passage of vehicles, but does not include any area, whether privately or publicly owned, that is primarily intended to be used for the parking of vehicles and the necessary passageways on that area;
- (l) **“the insurer”** means the insurer as defined in *The Automobile Accident Insurance Act*;
- (m) **“IRP”** means the International Registration Plan, being an agreement between jurisdictions in North America, as amended from time to time, respecting commercial motor vehicle registration;
- (n) **“loading lamp”** means a fixed lamp that emits a white light and that provides illumination to the rear of a vehicle for the purpose of loading or unloading cargo or for coupling or uncoupling a trailer or semi-trailer;

- (o) “**manufacturer**” means a person who manufactures or assembles vehicles;
- (o.1) “**median**” means a physical barrier or area that separates lanes of traffic on a highway;
- (p) “**minister**” means the member of the Executive Council to whom for the time being the administration of this Act or any provision of this Act is assigned;
- (q) “**motorcycle**” means a prescribed vehicle;
- (r) “**motor vehicle**” means a vehicle propelled or driven by any means other than by muscular power;
- (s) “**motor vehicle liability insurance card**” means a card, in the form and containing the particulars designated by the administrator, that:
- (i) is issued:
 - (A) by an insurer duly licensed pursuant to *The Insurance Act* to carry on, in Saskatchewan, the business of automobile insurance; or
 - (B) if the person named in the card is a non-resident, by an insurer that:
 - (I) is authorized in the jurisdiction in which that person resides or formerly resided, as the case may require, to carry on the business of vehicle insurance; and
 - (II) has filed with the Superintendent of Insurance, in the form directed by the Superintendent, the power of attorney and undertakings mentioned in subsection 126(4); and
 - (ii) evidences the issue by the insurer mentioned in subclause (i) to the person named in the card of a motor vehicle liability policy insuring that person to the extent of not less than the amounts mentioned in section 125;
- and includes a motor vehicle liability insurance card issued pursuant to subsection 12(3) of *The Automobile Accident Insurance Act*;
- (t) “**municipality**” includes the City of Lloydminster;
- (u) “**official sign**” means a sign, pavement marking, barricade or object that is authorized by the minister responsible for the administration of *The Highways and Transportation Act, 1997* pursuant to another Act or by that minister or any other person pursuant to this Act to be erected, placed, used or painted on the roadway or right of way of a highway for the legal control, warning, guidance, direction or information of traffic on the highway;

- (v) **“one-way highway”** means a highway designated as one-way by signs on or erected or posted along the highway directing traffic to proceed in only one direction;
- (w) **Repealed.** 2018, c 45, s.3.
- (x) **“owner”** includes:
 - (i) a lessee of a motor vehicle; or
 - (ii) a person who is in possession of a motor vehicle under a contract by which that person may become the owner of the motor vehicle on full compliance with the terms of the contract;
- (y) **“parking”** means the standing of a vehicle, whether occupied or not, on a highway, other than standing temporarily:
 - (i) for the purpose of and while actually engaged in loading or unloading; or
 - (ii) in obedience to traffic regulations, traffic control devices or the directions of a peace officer;
- (z) **“peace officer”** means:
 - (i) a member of a police service in Saskatchewan;
 - (ii) a person or class of persons designated by the Lieutenant Governor in Council as traffic officers; or
 - (iii) any person appointed pursuant to *The Police Act, 1990* as a special constable for the enforcement of this Act;
- (aa) **“pedestrian”** includes a person in a wheelchair;
- (aa.1) **“power-assisted bicycle”** means a prescribed vehicle;
- (bb) **“power unit”** means a motor vehicle designed and used primarily for pulling a semi-trailer;
- (bb.1) **“practitioner”** means:
 - (i) a physician or surgeon;
 - (ii) an occupational therapist;
 - (iii) a physical therapist;
 - (iv) an optometrist;
 - (v) a psychologist;
 - (vi) an ophthalmologist;
 - (vii) an addictions counsellor;
 - (viii) a nurse practitioner; or
 - (ix) any other prescribed practitioner;

- (cc) **“predecessor Act”** means *The Highway Traffic Act, The Motor Carrier Act* or *The Vehicle Administration Act*, as the case may be, as those Acts existed on the day before the coming into force of section 1 of this Act;
- (dd) **“prescribed”** means prescribed by the Lieutenant Governor in Council in the regulations;
- (ee) **“province”** means a province of Canada and includes the Yukon and Northwest Territories and Nunavut;
- (ff) **“public service vehicle”** means a public service vehicle as defined in the regulations;
- (gg) **“rate”** means a fee charged or collected for the carriage of passengers or goods by a public service vehicle;
- (hh) **“record”** includes any information that is recorded or stored in any medium or by means of any device, including by computer or electronic media;
- (ii) **“red light camera system”** means a device that is installed at an intersection with a traffic control signal and that is capable of photographing a vehicle or part of a vehicle and recording data related to the vehicle and the traffic control signal;
- (jj) **“registration permit”** means a valid registration permit issued by the administrator pursuant to section 73;
- (kk) **“resident”** means a resident as defined in the regulations;
- (ll) **“safety fitness certificate”** means a safety fitness certificate issued pursuant to section 100;
- (mm) **“semi-trailer”** means a vehicle that is at any time drawn on a highway by a motor vehicle and that is designed for the conveyance of goods or as living quarters for persons and so that its weight and the weight of its load is carried partly on its own axles and partly on another vehicle, but does not include:
- (i) a farm implement;
 - (ii) a timber or metal beam with wheels attached used for the purpose of moving buildings;
 - (iii) an asphalt distributor used for the construction or maintenance of bituminous surfaced highways; or
 - (iv) an axle unit with a fifth wheel assembly used to convert a semi-trailer to a trailer;
- (mm.1) **“service vehicle”** means a motor vehicle used exclusively for rendering assistance to another vehicle suffering from a defect or disability in its means of motion;
- (nn) **“snowmobile”** means a snowmobile as defined in *The Snowmobile Act*;
- (oo) **“special mobile machine”** means a prescribed vehicle;

- (oo.1) **“speed monitoring device”** means a prescribed speed monitoring device that is capable of photographing or capturing the image of a motor vehicle while accurately and simultaneously measuring and recording the vehicle’s speed;
- (pp) **“state”** means a state of the United States of America and includes the District of Columbia;
- (qq) **“stop”** means:
- (i) when required, a complete cessation from movement; and
 - (ii) when prohibited, any stopping, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a peace officer or a traffic control device;
- (rr) **“student”** means a student as defined in the regulations;
- (ss) **“Superintendent of Insurance”** means the Superintendent of Insurance appointed pursuant to *The Insurance Act*;
- (tt) **“tow dolly”** means an apparatus that is designed exclusively to carry one axle of a motor vehicle for the purpose of towing that motor vehicle behind another motor vehicle;
- (uu) **“tow truck”** means a motor vehicle used exclusively for towing or rendering assistance to another vehicle suffering from a defect or disability in its means of motion;
- (vv) **“towing vehicle”** means the lead motor vehicle in a combination of vehicles that draws, pulls or tows any other vehicle or vehicles in that combination of vehicles;
- (ww) **“traffic control device”** means a sign, signal, marking or device that is placed, marked or erected for the purpose of regulating, warning or guiding traffic;
- (xx) **“traffic control signal”** means a traffic control device, whether manually, electrically or mechanically operated, by which traffic is directed to stop and to proceed;
- (yy) **“traffic lane”** means a longitudinal division of a highway of sufficient width to accommodate the passage of a single line of vehicles;
- (zz) **“trailer”** means a vehicle, other than a semi-trailer, that is at any time drawn on a highway by a motor vehicle and that is designed for the conveyance of goods or as living quarters for persons, but does not include:
- (i) a motor vehicle towed for sale, storage or repair purposes;
 - (ii) a farm implement;

- (iii) an axle unit with a fifth wheel assembly used to convert a semi-trailer to a trailer;
- (iv) a timber or metal beam with wheels attached used for the purpose of moving buildings;
- (v) an asphalt distributor used for the construction or maintenance of bituminous surfaced highways;
- (vi) **Repealed.** 2018, c 45, s.3.
- (vii) a tow dolly;
- (zz.1) **“trailer dealer”** means a person who is engaged, in whole or in part, in the business of selling, moving or manufacturing new or used trailers or semi-trailers;
- (aaa) **“truck”** means a motor vehicle:
 - (i) that is designed for the conveyance of goods;
 - (ii) that is equipped with a lifting device; or
 - (iii) on which any machinery is permanently mounted;
- (bbb) **“unit”**, when used in reference to peace officers or police services, means a local detachment of the Royal Canadian Mounted Police that provides police services to a municipality;
- (ccc) **“vehicle”** means a device in, on or by which a person or thing is or may be transported or drawn on a highway and includes special mobile machines and farm implements but does not include vehicles running only on rails or solely on railway company property;
- (ddd) **“wheelchair”** means a device that is:
 - (i) mounted on wheels;
 - (ii) driven by muscular or any other kind of power; and
 - (iii) used solely by a person who requires the device for mobility by reason of a physical disability.
- (2) For the purposes of this Act, a trailer is deemed to be a separate vehicle and not part of the motor vehicle by which it is drawn.
- (3) **Repealed.** 2018, c 45, s.3.

2004, c.T-18.1, s.2; 2005, c.M-36.1, s.474; 2006, c.9, s.3; 2013, c.37, s.3; 2014, c.29, s.3; 2015, c.I-9.11, s.11-13; 2016, c32, s3; 2018, c21, s.3; 2018, c 45, s.3.

PART II
Administration of Act

Designation of administrator

3(1) Saskatchewan Government Insurance, in its capacity as administrator of the Saskatchewan Auto Fund, is designated as the administrator.

(2) The administrator shall perform the duties and may exercise the powers imposed or conferred on it by this Act and by any other Act.

2004, c.T-18.1, s.3.

Administrator's place of business

4 The administrator may conduct its business inside or outside Saskatchewan.

2004, c.T-18.1, s.4.

Administrator to keep records

5(1) The administrator shall keep any records necessary for the proper conduct of its business.

(2) The administrator may destroy any record kept pursuant to this section with respect to a driver after the expiration of five years from the date on which it was received, unless the record relates to matters that are unresolved.

2004, c.T-18.1, s.5.

Administrator's powers of inquiry and investigation

6(1) The administrator has the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*.

(2) In interviews, hearings and investigations before it, the administrator is not bound by the rules of evidence and may hear and determine all questions of law or fact.

2004, c.T-18.1, s.6; 2013, c.27, s.42.

Administrator's orders

7 An order of the administrator need not show on its face that any proceeding or notice was had or taken or that any circumstances existed necessary to give it jurisdiction.

2004, c.T-18.1, s.7.

Administrator may authorize reports

8(1) The administrator may authorize or engage any person to report to the administrator on any question or matter arising in connection with the business of the administrator.

(2) A person authorized or engaged pursuant to subsection (1) has all the powers of the administrator for the purposes of taking evidence or acquiring the necessary information for the purposes of the report.

(3) When a report is made to the administrator pursuant to subsection (1), the administrator may adopt or otherwise deal with it in any manner that the administrator considers appropriate.

2004, c.T-18.1, s.8.

Administrator may delegate powers

9 The administrator may:

- (a) authorize any person to exercise any powers or fulfil any duties of the administrator that the administrator may delegate to that person; and
- (b) impose any terms and conditions on the exercise of powers or fulfilment of duties that the administrator considers appropriate.

2004, c.T-18.1, s.9.

Delegate to comply with terms and conditions imposed by administrator

10 Every person who is authorized to exercise powers or fulfil duties pursuant to clause 9(a) shall comply with any terms or conditions imposed pursuant to clause 9(b).

2004, c.T-18.1, s.10.

Administrator may appoint Registrar of Motor Vehicles

11(1) The administrator may appoint a person as Registrar of Motor Vehicles.

(2) The Registrar of Motor Vehicles is deemed to be the person responsible for the registration of motor vehicles in Saskatchewan for the purposes of subsection 320.32(6) of the *Criminal Code*.

2018, c.21, s.5.

Administrator may accept delegation of powers

12 The administrator has the capacity to accept and exercise any powers conferred on it pursuant to any agreement that is:

- (a) entered into by a member of the Executive Council pursuant to this Act or any other Act; and
- (b) designated by the Lieutenant Governor in Council in the regulations.

2004, c.T-18.1, s.12.

PART III

Power of Minister respecting Agreements

Power to enter into agreements

13(1) The minister may enter into any agreements on behalf of the Government of Saskatchewan for any purpose related to the exercise of any of the powers or the carrying out of any of the duties imposed on the minister or the administrator by this Act or for any prescribed purpose with:

- (a) the government of Canada or the government of any other province of Canada, or a minister, agent or official of that government;
- (b) the government of any other country or any jurisdiction within that country; or

- (c) any person, agency, organization, association, enterprise, institution or body within or outside Saskatchewan.
- (2) The minister shall obtain the approval of the Lieutenant Governor in Council before entering into any agreement pursuant to subsection (1) if the Government of Saskatchewan is liable to make any expenditure that is greater than \$50,000 in any fiscal year.

2004, c.T-18.1, s.13.

PART IV
Highway Traffic Board
 DIVISION 1
Organization

Board continued

- 14(1) The Highway Traffic Board continued pursuant to *The Highway Traffic Act* is continued.
- (2) The board consists of at least five persons appointed by the Lieutenant Governor in Council.

2004, c.T-18.1, s.14.

Board responsible to minister

- 15 The board is responsible to the minister in the carrying out of the duties and exercise of the powers imposed or conferred on it.

2004, c.T-18.1, s.15.

Board a corporation

- 16(1) The board is a corporation.
- (2) The head office of the board is to be at any place in Saskatchewan that the minister may approve.

2004, c.T-18.1, s.16.

Membership and quorum

- 17(1) Subject to subsection (2), each member of the board holds office at pleasure for a term not exceeding three years and until a successor is appointed.
- (2) The Lieutenant Governor in Council may appoint a person to act as a member of the board for a limited period or with respect to a particular matter.
- (3) Subject to subsection (5), a majority of the members of the board constitutes a quorum.

- (4) A vacancy in the membership of the board does not impair the power of the remaining members to act.
- (5) If, after a matter before the board has been heard and stands for decision, one of the members who heard the matter resigns his or her office, dies or is absent through any cause, the remaining members constitute a quorum and may render a decision as if that member were present.

2004, c.T-18.1, s.17.

Chairperson and vice-chairperson

- 18(1)** The Lieutenant Governor in Council shall designate one member of the board as chairperson and one or more other members as vice-chairperson or vice-chairpersons of the board.
- (2) The chairperson is the chief executive officer of the board and shall direct and supervise all of its activities.
- (3) If the chairperson is absent or unable to act for any reason or if the position of chairperson is vacant, a vice-chairperson or other member of the board designated by the minister shall act as chairperson and, while so acting, may exercise all of the powers and shall carry out all of the duties of the chairperson.
- (4) Whenever it appears that a member of the board other than the chairperson has acted for and in place of the chairperson, it is to be conclusively presumed that the member has acted in the absence or disability of the chairperson.

2004, c.T-18.1, s.18.

Committees of board members

- 19(1)** The board may designate any three or more of its members to sit as a committee of the board and may direct that committee to exercise any powers or carry out any duties that the board itself could exercise or perform.
- (2) A committee may not sit concurrently with the board, but any number of committees may sit concurrently.
- (3) Two members of a committee constitutes a quorum at any sitting of a committee.
- (4) A decision or action of a committee in relation to the exercise of any power or the carrying out of any duty delegated to the committee is the decision or action of the board.

2004, c.T-18.1, s.19.

Remuneration and travelling expenses

- 20(1)** The members of the board are entitled to be paid any remuneration that may be approved by the Lieutenant Governor in Council for performing their responsibilities.
- (2) The members of the board are entitled to be reimbursed for travel and incidental living expenses incurred in the performance of their responsibilities as members at any rates that may be approved for members of the public service of Saskatchewan.

2004, c.T-18.1, s.20.

DIVISION 2
General Powers and Duties

General powers of board

21 The board may:

- (a) exercise any powers given to the board by this Act or the regulations or by any legislation;
- (b) do any other thing that it considers necessary and in the public interest to perform its responsibilities; and
- (c) accept and exercise any powers conferred on it pursuant to any agreement that is:
 - (i) entered into by the minister pursuant to this Act or any other Act; and
 - (ii) designated by the Lieutenant Governor in Council in the regulations.

2004, c.T-18.1, s.21.

Board rules

22 The board may make rules:

- (a) governing the management and conduct of its business and the conduct of the meetings, investigations, inquiries and any other proceedings of the board and its committees;
- (b) subject to any prescribed terms and conditions, governing the management and conduct of hearings before the board and its committees; and
- (c) respecting forms, applications and other documents required to be used and the procedures to be followed in the conduct of its affairs.

2004, c.T-18.1, s.22.

Conduct of business and orders

23(1) The board:

- (a) may sit at any times and places, either within or outside Saskatchewan; and
 - (b) shall conduct its proceedings in any manner that, in its opinion, is most convenient for the speedy and effective dispatch of its business.
- (2) The board shall keep any records necessary for the proper conduct of its business.
- (3) An order of the board need not show on its face that any proceeding or notice was had or taken or that any circumstances existed necessary to give it jurisdiction.
- (4) Subject to subsection (5), the board may:
- (a) rehear or review any application; and
 - (b) on a hearing or review pursuant to clause (a), confirm, amend or cancel any decision or order made by it.

- (5) The board may rehear or review an application pursuant to subsection (4) only if it is satisfied that:
- (a) there is new evidence that:
 - (i) was not available at the time of the initial decision or order; and
 - (ii) is important and relevant to the initial decision or order; and
 - (b) it is important and in the public interest to rehear or review the initial decision or order.
- (6) A rehearing or review by the board does not operate to stay its original decision.

2004, c.T-18.1, s.23.

Reports to board

- 24(1)** The board may authorize or direct any member of the board or may appoint any other person to inquire into and report on behalf of the board on any question or matter before the board or over which it has jurisdiction pursuant to this Act, the regulations or any other legislation.
- (2) A member or person mentioned in subsection (1), when authorized or directed by the board, has all the powers of the board for taking evidence, acquiring the necessary information and otherwise conducting an inquiry.
- (3) A report of a member or a person mentioned in subsection (1) may:
- (a) by the direction of the board, be made or presented to any party to a hearing before the board who may examine the report or the person making the report;
 - (b) be adopted as the decision and order of the board; or
 - (c) be otherwise dealt with as the board considers advisable.
- (4) The board is not limited to considering the contents of any report mentioned in subsection (3) and may require and hear further evidence.

2004, c.T-18.1, s.24.

Powers respecting inquiries and investigations

- 25** Without limiting the powers of the board that may be given to it by this Act, the regulations or any other legislation, if the board undertakes an inquiry or investigation, the board:
- (a) has the powers conferred on a commission by sections 11, 15 and 25 of *The Public Inquiries Act, 2013*;
 - (b) may receive and accept any evidence and information under oath or declaration, by affidavit or by any other means that the board considers proper; and
 - (c) may engage the services of any experts that the board considers necessary and advisable to assist it in conducting the inquiry.

2004, c.T-18.1, s.25; 2013, c.27, s.42.

Evidence in board hearings and investigations

26 In hearings and investigations before it, the board is not bound by the rules of evidence and may hear and determine all questions of law or of fact.

2004, c.T-18.1, s.26.

Powers related to certain legislation

27 The board has the capacity to accept and exercise the powers conferred on it by the *Motor Vehicle Transport Act, 1987* (Canada).

2004, c.T-18.1, s.27.

Delegation of board's powers

28(1) The board may authorize any person to exercise any powers or carry out any duties of the board that the board may delegate to that person.

(2) A decision or action of a person in relation to the exercise of any power or the carrying out of any duty delegated to that person pursuant to subsection (1) is deemed to be a decision or action of the board.

2004, c.T-18.1, s.28.

DIVISION 3**Appeals****When appeals may be made to board**

29(1) A person who is aggrieved by a decision of the administrator pursuant to any of the following provisions may appeal the administrator's decision to the board:

- (a) subsection 34(1);
- (b) subsection 38(2) or (3);
- (c) clause 48(2)(c);
- (d) subsection 49(5);
- (e) section 50;
- (f) section 51;
- (g) subsection 58(1);
- (h) section 75;
- (h.1) section 101.1;
- (i) subsection 111(4) or (5);
- (j) section 118;
- (k) section 123;
- (l) section 144;
- (m) sections 146, 146.1, 146.2, 148, 150, 150.1 and 150.3;
- (n) **Repealed.** 2014, c.29, s.4.
- (o) subsection 282(2).

- (1.1) Without limiting the generality of the other provisions of this Act, the board may hear and determine appeals concerning the matters set out in section 152.
- (2) If a provision of the regulations states that this section applies, a person who is aggrieved by a decision of the administrator pursuant to that provision may appeal to the board.
- (3) An appeal to the board must:
- (a) be in writing;
 - (b) be filed with the board within the prescribed time allowable for an appeal; and
 - (c) be accompanied by any prescribed fee.
- (4) If an appeal based on a decision pursuant to subsection 38(2) or (3) or 49(5) or section 50 or 51 concerns the requirement by the administrator that a driver obtain periodic medical reports or have periodic medical or vision examinations, the sole issue on appeal is the frequency of the reports or examinations and not the requirement to obtain the reports or have the examinations.
- (5) Unless prescribed otherwise, the board, on appeal, may uphold, reverse or vary the administrator's original decision.
- (6) Notwithstanding any other Act or law, an appeal to the board does not stay the administrator's original decision.
- (7) A decision of the board is final and is not subject to appeal.

2004, c.T-18.1, s.29; 2014, c.29, s.4.

PART V
Driver's Licences
 DIVISION 1
General Provisions

Administrator to issue driver's licences

30 The administrator may issue driver's licences required pursuant to this Act and *The Snowmobile Act*.

2004, c.T-18.1, s.30.

Form of valid driver's licence

31(1) Subject to the regulations and to subsection (3), a valid driver's licence consists of a single document containing:

- (a) a licence certificate that sets out the information that the administrator may or is required by this Act to set out in a licence, including any endorsement or restriction; and

- (b) a photograph of the applicant that is taken in accordance with any prescribed criteria and that clearly identifies the person shown in the photograph as the person named in the driver's licence.
- (2) A driver's licence expires on the date set out on the driver's licence or, if no expiry date is set out, five years after the date of its issue.
- (3) If the administrator considers it necessary and appropriate to do so, the administrator may issue another document that sets out any endorsements or restrictions that are placed on the driver's licence.
- (4) If the administrator issues another document pursuant to subsection (3) with respect to a driver's licence:
 - (a) the other document is deemed to be part of the driver's licence; and
 - (b) the holder of the driver's licence shall produce the other document with the driver's licence when required to produce the driver's licence pursuant to this Act.

2009, c.35, s.3.

Photo identification card

- 31.1(1)** Subject to the regulations, a person may apply for a photo identification card, and the administrator may issue the photo identification card.
- (2) If the administrator issues a photo identification card to a person, the photo identification card expires on the date set out on the photo identification card.

2009, c.35, s.3.

Driver's licence required to drive a motor vehicle

- 32(1)** No person shall drive a motor vehicle on a highway unless that person holds a valid driver's licence permitting that person to drive that motor vehicle.
- (2) Subsection (1) does not apply to the following:
 - (a) a person who:
 - (i) carries a licence to drive issued by the Government of Canada;
 - (ii) is operating a motor vehicle in the services of and owned by the Government of Canada; and
 - (iii) produces the licence mentioned in subclause (i) at the request of a peace officer;
 - (b) a person who:
 - (i) is a non-resident;
 - (ii) carries a valid equivalent to a driver's licence that permits that person to operate a motor vehicle in the jurisdiction where that person normally resides; and
 - (iii) produces the licence mentioned in subclause (ii) at the request of a peace officer;

- (c) a person who:
 - (i) is a student, the spouse of a student or an immediate family member of a student who is temporarily in Saskatchewan for the purpose of attending an educational institution or program recognized by the administrator;
 - (ii) carries a valid equivalent to a driver's licence that permits that person to operate a motor vehicle in the jurisdiction where the person normally resides; and
 - (iii) produces the licence mentioned in subclause (ii) at the request of a peace officer;
 - (d) a person who:
 - (i) is 15 years of age or older;
 - (ii) is driving a driver training vehicle; and
 - (iii) is taking instruction from and is accompanied by a person who holds a valid driving instructor's certificate issued pursuant to this Act;
 - (e) a person who:
 - (i) is an applicant for a driver's licence; and
 - (ii) is accompanied by or under the direction of a person authorized pursuant to this Act to conduct a driver examination;
 - (f) the driver of a vehicle or class of vehicles that is exempted in the regulations from the requirement to be registered with the administrator to operate on a highway.
- (3) **Repealed.** 2014, c.29, s.5.
- (4) In a prosecution for a contravention of subsection (1), the onus is on the accused to show that he or she holds an appropriate licence.

2004, c.T-18.1, s.32; 2006, c.9, s.4; 2014, c.29, s.5.

Prohibition on learner driving while unaccompanied

32.1(1) In this section, "**learner's licence**" means a learner's licence as defined in the regulations.

(2) No holder of a learner's licence shall drive a motor vehicle on a highway unless that person is accompanied and supervised by another person who meets the prescribed qualifications.

2014, c.29, s.6.

Children not to operate motor vehicles unless authorized

33 Unless authorized pursuant to the following provisions and legislation, no person under the age of 16 years shall operate a vehicle on a highway:

- (a) subsection 32(2);
- (b) *The All Terrain Vehicles Act*;

- (c) *The Snowmobile Act*;
- (d) any prescribed regulations.

2004, c.T-18.1, s.33.

Administrator may deal with non-residents

34(1) The administrator may, at any time:

- (a) suspend, for a stated period, or cancel the application of subsection 32(2) with respect to a non-resident; and
 - (b) suspend or cancel a non-resident's right or privilege granted by this Act to operate a motor vehicle in Saskatchewan based on holding a permit or licence issued in another jurisdiction that entitles the non-resident to operate a motor vehicle.
- (2) If the administrator exercises the authority conferred on it pursuant to subsection (1), it may, on payment of the prescribed fee, issue a permit authorizing the operation of a motor vehicle by a person affected by a suspension or cancellation to the boundary of Saskatchewan by a route specified in the permit and by the person named in the permit.
- (3) No person with respect to whom the application of subsection 32(2) is suspended or cancelled shall apply for a driver's licence:
- (a) in the case of a suspension, during the period of the suspension; or
 - (b) in the case of cancellation, during the period specified by the administrator at the time of cancellation.

2004, c.T-18.1, s.34.

Prohibitions respecting driver's licences

35(1) No person shall hold more than one driver's licence.

- (2) No person, other than the administrator, shall wilfully deface or alter:
- (a) a driver's licence; or
 - (b) a photo identification card issued by the administrator.
- (3) No person shall possess a driver's licence that is not signed in such a manner that the signature cannot be erased.
- (4) No person shall create or cause to be created a document that purports to be a driver's licence issued by the administrator.
- (5) No holder of a driver's licence shall allow another person to use his or her driver's licence.

2004, c.T-18.1, s.35.

Temporary driver's licence

36(1) A receipt issued pursuant to this Act in connection with the payment of a licence fee pending the issuance of a driver's licence is deemed to be the driver's licence applied for.

(2) Notwithstanding any date that may appear on a receipt mentioned in subsection (1), the receipt expires 90 days after the date of its issue.

2009, c.35, s.4.

37 Repealed. 2009, c.35, s.5.**Endorsement or restriction of driver's licence**

38(1) No person shall drive a motor vehicle in a manner other than that specified in any endorsement or restriction that has been placed on the driver's licence.

(2) The administrator may place any endorsement, condition or restriction that it considers appropriate on a driver's licence, including but not limited to:

(a) restricting the holder of the driver's licence to the operation of a specific class of motor vehicles;

(b) restricting the driver to the operation of a motor vehicle in a specified manner or under specific conditions; or

(c) requiring the driver to provide updated medical or visual examinations or reports.

(3) The administrator may issue a driver's licence to a person subject to any conditions that the administrator considers appropriate respecting either or both of the following:

(a) medical and vision examinations;

(b) range and hours of operation.

(4) If the administrator places an endorsement or restriction on a driver's licence that contains a reference to night, "**night**" means the period commencing one-half hour after sunset and ending one-half hour before sunrise.

2004, c.T-18.1, s.38.

When holder must produce a driver's licence

39(1) Every driver of a motor vehicle who is required to hold a driver's licence to drive the motor vehicle shall produce that driver's licence or receipt when requested to do so by a peace officer:

(a) at the time of the request; or

(b) within 48 hours after the time of the request, at any time and place that may be designated by the peace officer making the request.

(2) No person shall produce any driver's licence other than his or her own.

2004, c.T-18.1, s.39.

DIVISION 2
Applications for Driver's Licence

Application for and issuance of licence

40(1) Subject to the other provisions of this Act and the regulations, a person or that person's agent may apply for:

- (a) a driver's licence; or
 - (b) a replacement driver's licence to replace a driver's licence that has been lost or destroyed.
- (2) An application pursuant to this section must:
- (a) be made on the form provided by the administrator; and
 - (b) be accompanied by the prescribed fee.
- (2.1) An applicant for a driver's licence or a replacement driver's licence shall pay the fee mentioned in clause (2)(b) in the prescribed manner.
- (3) On receipt of an application pursuant to this section, the administrator shall issue to the applicant the driver's licence applied for if the person:
- (a) is not disqualified from obtaining a driver's licence;
 - (b) has complied with this section; and
 - (c) meets any requirements that may be established pursuant to this Act or the regulations.
- (4) The administrator may require the driver to be photographed in accordance with the regulations if:
- (a) a person or an agent for the person applies for a driver's licence or a replacement driver's licence; and
 - (b) the administrator considers it necessary to do so in order to issue the driver's licence or replacement driver's licence.
- (5) An applicant for a driver's licence must provide the administrator with any information and evidence that the administrator considers necessary to establish the identity and eligibility of the person on whose behalf the application is made.
- (6) No person whose driver's licence is suspended or cancelled pursuant to this Act or to whom the administrator has sent a notice of refusal to issue a driver's licence shall apply for a driver's licence:
- (a) during the period of the suspension or cancellation; or
 - (b) before the expiration of the period of refusal specified in the notice or, if no period of refusal is specified in the notice, before the person is notified by the administrator that he or she may apply for a driver's licence.

Facial recognition to verify person

40.1(1) In this section, “**facial recognition software**” means software that measures the unique invariable characteristics of a person’s face.

(2) Without limiting the use of other means of identity verification, the administrator may use facial recognition software for the purposes of this section.

(3) The administrator may only use facial recognition software:

(a) to verify or confirm the identity of a person when:

(i) the person applies for a driver’s licence or photo identification card;

(ii) the person renews his or her driver’s licence or photo identification card; or

(iii) the photograph of the person that is located on a driver’s licence or photo identification card is changed by the administrator or at the request of the person; or

(b) to take any other action or make any other decision that involves the exercise of its powers or the fulfilment of its responsibilities pursuant to this Act where the identity of a person is a concern.

(4) The administrator shall not use facial recognition software to form the basis of any action or decision of the administrator except as permitted by this section.

(4.1) Subject to subsection (4.2), the administrator shall not make available its facial recognition software or information obtained from using its facial recognition software to any other person, agency, organization, association, institution or body within or outside Saskatchewan, including any police service, ministry of the Government of Saskatchewan or Crown corporation unless required to do so by a warrant or court order obtained by or on behalf of a police service for the purpose of prosecuting a person pursuant to this Act or the *Criminal Code*.

(4.2) If the administrator has reasonable grounds to believe that a person has represented himself or herself as another person or is otherwise engaged in identity theft or identity fraud, the administrator may make available its facial recognition software or information obtained from using its facial recognition software to a police service without a warrant or court order.

(5) Notwithstanding any other provision of this Act or the regulations, the administrator may refuse to issue, refuse to renew, cancel or suspend a person’s driver’s licence, photo identification card, certificate of registration or registration permit until that person can establish his or her identity to the satisfaction of the administrator if the administrator:

(a) is unable to confirm or establish the identity of the person; or

(b) has reasonable grounds to believe that the person has represented himself or herself as another person.

Who is not eligible for driver's licence

- 41 A person is not eligible to obtain a driver's licence if that person:
- (a) is under the prescribed minimum age applicable to the class of driver's licence applied for;
 - (b) fails to submit with the application for a driver's licence satisfactory evidence showing that person's name and age;
 - (c) is under 18 years of age and has not previously held a driver's licence, unless the driver's licence application bears, in addition to any other signature required, the signature of one of the driver's parents or guardians;
 - (d) holds a licence that permits that person to drive a motor vehicle on the highways in another jurisdiction, unless the other licence is surrendered with his or her application;
 - (e) is known to the administrator to be afflicted with or suffering from a physical or mental disability or disease that is likely to prevent the person from exercising reasonable control over a motor vehicle on a highway;
 - (f) subject to clause 48(9)(b), is required by the administrator to take an examination and that person fails to pass the examination;
 - (g) is required by the administrator to file a medical report or vision report, unless the medical report or vision report is filed with the administrator;
 - (h) pursuant to subsection 42(2) of *The Enforcement of Maintenance Orders Act, 1997*, has had his or her driver's licence and his or her ability to secure a driver's licence suspended by the administrator;
 - (i) is the subject of a notice received by the administrator from the Director of Maintenance Enforcement pursuant to subsection 42(4) of *The Enforcement of Maintenance Orders Act, 1997* that the person is evading service of a written notice mentioned in subsection 42(1) of that Act;
 - (j) is indebted to Saskatchewan Government Insurance pursuant to section 6 or 8 of *The Automobile Accident Insurance Act*;
 - (k) owes money to the insurer pursuant to a deductible finance agreement with the insurer and has defaulted on a payment pursuant to that deductible finance agreement;
 - (l) has habits or conduct that, in the opinion of the administrator, are such as to make the operation of a motor vehicle by that person a source of danger to the public;
 - (m) is indebted to Saskatchewan Government Insurance in the amount of premium under *The Automobile Accident Insurance Act* assessed in the current year or any preceding year and the administrator has received notice of the indebtedness;
 - (n) is a person to whom subsection 54(5) or (6) of *The Automobile Accident Insurance Act* applies;

- (o) has been refused a licence or that person's driver's licence is cancelled or his or her ability to secure a driver's licence is suspended pursuant to this Act;
- (p) has failed to submit a complete and accurate application;
- (q) is indebted to the administrator in the amount of any fees, administrative charges or interest fees payable pursuant to this Act or the regulations or has provided payment with respect to any fees, administrative charges or interest fees payable pursuant to this Act or the regulations and that payment has been dishonoured;
- (r) is indebted to the administrator pursuant to subsection 161(13); or
- (s) is prohibited from driving by virtue of any order, cancellation or suspension issued in any other province of Canada.

2004, c.T-18.1, s.41; 2016, c31, s.3.

When applicant must undergo driver testing and examination

42(1) Subject to any reciprocity agreement, the administrator may require any applicant for or holder of a driver's licence to do all or any of the following:

- (a) pass a driver's examination conducted by a person authorized by the administrator to conduct those examinations;
 - (b) file with the administrator a medical report that:
 - (i) is in a form acceptable to the administrator; and
 - (ii) is completed by a practitioner acceptable to the administrator;
 - (c) **Repealed.** 2006, c.9, s.5.
 - (d) **Repealed.** 2006, c.9, s.5.
- (2) If, pursuant to subsection (1), the administrator requires an applicant for or a holder of a driver's licence to obtain a medical report, the administrator may pay for the medical report.

2004, c.T-18.1, s.42; 2006, c.9, s.5.

Administrator may require more evidence or refuse to issue licence

43 If the administrator is not satisfied with respect to any of the information, evidence or other matters submitted as part of an application to issue a driver's licence:

- (a) a representative of the administrator may do either or both of the following in order to obtain any necessary additional evidence:
 - (i) require the applicant or any other person to attend at the representative's office, and examine that person respecting any matter pertaining to the application;

(ii) require the applicant or any other person to produce any document or evidence that, in the opinion of the representative, is necessary to enable the representative to make a determination as to:

- (A) the truth and sufficiency of the information provided in the application;
 - (B) the eligibility of the person who is the subject of the application; or
 - (C) whether or not the application was submitted in good faith; or
- (b) the administrator may refuse to issue a driver's licence.

2004, c.T-18.1, s.43.

Who is entitled to access to photograph taken for driver's licence

44 The administrator shall not provide access to or a copy of any photograph of a person taken for the purposes of this Part to any person other than:

- (a) the person shown in the photograph, for the purpose of issuing a replacement photo identification card or a replacement driver's licence;
- (b) a peace officer, judge or justice of the peace acting in the course of his or her duties; or
- (c) a prescribed person or class of persons in any prescribed circumstances.

2004, c.T-18.1, s.44; 2009, c.35, s.7.

Duty of holder respecting change of name or address

45 A holder of a driver's licence shall, within 15 days after the change, advise the administrator of:

- (a) the holder's new name, if the name of the holder of a driver's licence is changed pursuant to *The Change of Name Act, 1995*; or
- (b) the holder's new address, if the holder of the driver's licence changes his or her address.

2004, c.T-18.1, s.45.

Issuance of international driving permit

46 The administrator, or any person, organization or association authorized by the administrator, may issue international driving permits as provided for in the Convention on Road Traffic of the United Nations Conference on Road and Motor Transport.

2004, c.T-18.1, s.46.

Administrator may deface driver's licence

47 The administrator may, in the course of performing any duty or exercising any power imposed or conferred by this Act, deface or alter a driver's licence.

2004, c.T-18.1, s.47.

DIVISION 3

Suspension, Cancellation, Refusal of Driver's Licence**When driver's licence is automatically suspended or may be refused**

48(1) In this section, "**designated official**" means the designated official as defined in section 173.

- (2) The administrator shall suspend, cancel or refuse to issue a driver's licence if:
- (a) the administrator has received a cheque in payment of the fee payable with respect to the driver's licence and the cheque is dishonoured;
 - (a.1) the person who holds or applies for the driver's licence has failed to pay the prescribed fee for the driver's licence in the prescribed manner and in accordance with the prescribed terms and conditions;
 - (a.2) the person who holds or applies for the driver's licence:
 - (i) is indebted to the administrator in the amount of any fees, administrative charges or interest fees payable pursuant to this Act or the regulations; or
 - (ii) has provided payment with respect to any fees, administrative charges or interest fees payable pursuant to this Act or the regulations and that payment has been dishonoured;
 - (a.3) the person who holds or applies for the driver's licence:
 - (i) is indebted to the administrator in the amount of any fees, administrative charges or interest fees payable pursuant to *The Automobile Accident Insurance Act* or the regulations made pursuant to that Act; or
 - (ii) has provided payment with respect to any fees, administrative charges or interest fees payable pursuant to that Act or the regulations made pursuant to that Act and that payment has been dishonoured;
 - (b) the person who holds or applies for the driver's licence refuses or fails to take an examination or to file a medical or vision report required by the administrator pursuant to section 42;
 - (c) the person who holds or applies for the driver's licence has accumulated the prescribed number of demerit points as a result of having been convicted of prescribed offences;
 - (d) the Director of Maintenance Enforcement has directed the administrator to suspend the person's driver's licence pursuant to subsection 42(2) of *The Enforcement of Maintenance Orders Act, 1997*;

- (e) the person who holds or applies for the driver's licence is convicted of an offence pursuant to section 211, 213, 286.1, 286.2 or 286.3 of the *Criminal Code* that was committed while that person was driving or had the care, charge or control of a motor vehicle; or
 - (f) the designated official has directed the administrator to suspend the person's driver's licence pursuant to subsection 183(3).
- (3) The period of suspension pursuant to clause (2)(e) is:
- (a) if, in the five years before the date of the conviction, the person has not been convicted of an offence pursuant section 211, 213, 286.1, 286.2 or 286.3 of the *Criminal Code* that would have resulted in a suspension of the person's driver's licence pursuant to clause (2)(e), one year from the date of conviction plus any period to which the person is sentenced to imprisonment or custody; or
 - (b) if, in the five years before the date of the conviction, the person has been convicted of one or more offences pursuant to section 211, 213, 286.1, 286.2 or 286.3 of the *Criminal Code* that would have resulted in a suspension of the person's driver's licence pursuant to clause (2)(e), two years from the date of conviction plus any period to which the person is sentenced to imprisonment or custody.
- (4) In the case of a person with respect to whom an order pursuant to section 730 of the *Criminal Code* or a disposition pursuant to the *Youth Criminal Justice Act* (Canada) directs that the person be discharged, subsection (3) applies to that person in the same manner as if that person were convicted of an offence mentioned in that subsection.
- (5) The period of suspension pursuant to clause (2)(f) is one year from the date that the administrator receives the direction from the designated official.
- (6) Notwithstanding clause (2)(b), in the circumstances described in subsection (7), if the holder of a class 1, 2, 3 or 4 driver's licence, or the holder of a driver's licence with a class 1, 2, 3 or 4 endorsement, does not provide the administrator with a medical report pursuant to clause 42(1)(c) or (d), the administrator may:
- (a) change the class of the holder's driver's licence to a class 5 or 6 driver's licence; or
 - (b) remove or change any endorsement on the holder's driver's licence.
- (7) The administrator may do any of the things mentioned in subsection (6) if the administrator is satisfied that:
- (a) the holder's experience and expertise qualifies the holder to hold a class 5 or 6 driver's licence; and
 - (b) the holder's driver's licence is not otherwise suspended or cancelled.

- (8) If a holder's driver's licence is changed to a class 5 or 6 driver's licence pursuant to subsection (6), the administrator may issue to the holder a class 1, 2, 3 or 4 driver's licence or a driver's licence with a class 1, 2, 3 or 4 endorsement on receipt from the holder of:
- (a) an acceptable medical report pursuant to subsection 42(1); and
 - (b) payment of the fee prescribed for that class of driver's licence.
- (9) If the holder of a driver's licence fails a driver examination that is required by the administrator pursuant to clause 42(1)(a), the administrator shall:
- (a) suspend the person's driver's licence; or
 - (b) if, in the opinion of the administrator, the person is otherwise qualified, change the class of the person's driver's licence, add an endorsement or change any endorsement on the person's driver's licence or restrict the use of the person's driver's licence.
- (10) If a person's driver's licence has been suspended pursuant to subsection (9), the administrator shall reinstate the licence on being satisfied that the person has passed the examination.

2004, c.T-18.1, s.48; 2009, c.35, s.8; 2015, c.33, s.4; 2016, c31, s.4.

When administrator may require a driver interview or further education

- 49(1)** The administrator may serve notice on a person who meets the prescribed criteria requiring that person to:
- (a) attend for an interview before a person designated by the administrator; or
 - (b) if the administrator considers it appropriate, attend an education or safety seminar approved by the administrator.
- (2) If the person on whom notice is served pursuant to subsection (1) is required to attend an interview and fails to appear for the interview at the date and time specified in the notice or at another date and time agreed to by the designated interviewer, the designated interviewer shall report the fact to the administrator.
- (3) If the person on whom notice is served pursuant to subsection (1) is required to attend an interview and appears before the designated interviewer, the designated interviewer shall:
- (a) conduct an interview with the person; and
 - (b) report to the administrator any findings resulting from the interview and make any recommendations that the designated interviewer considers appropriate.
- (4) The administrator may do any of the things mentioned in subsection (5) without holding a hearing:
- (a) on receipt of a report from the designated interviewer; or
 - (b) if the person fails to attend an education or safety seminar pursuant to subsection (1).

- (5) In the circumstances mentioned in subsection (4), the administrator may, by order:
- (a) in the case of a person who holds a driver's licence:
 - (i) suspend, cancel or restrict the use of that person's driver's licence;
 - (ii) change the class of that person's driver's licence;
 - (iii) add to, delete from or alter any restrictions or endorsement on that person's driver's licence; or
 - (iv) make the retention of that person's driver's licence conditional on that person's compliance with any conditions, restrictions or requirements that the administrator considers appropriate; or
 - (b) in the case of a person who does not hold a driver's licence:
 - (i) prohibit the person from applying for a driver's licence for any period that the administrator considers appropriate; or
 - (ii) allow the person to apply for and be issued a driver's licence on compliance with any terms and conditions that the administrator considers appropriate.
- (6) The administrator may cancel or vary an order made pursuant to subsection (5).
- (7) The administrator shall serve a copy of any order made pursuant to subsection (5) on the person affected by it.
- (8) The administrator may make rules governing the procedure for conducting interviews pursuant to this section.

2004, c.T-18.1, s.49.

Administrator's actions after interview

- 50(1)** In the circumstances mentioned in subsection (2) and after an interview of which reasonable notice has been given, the administrator may:
- (a) refuse to issue, suspend for a stated period or cancel a driver's licence;
 - (b) change the class of or any endorsement on a driver's licence; or
 - (c) restrict the use of a driver's licence.
- (2) The administrator may act pursuant to subsection (1) in any of the following circumstances:
- (a) if it finds that a statement that is false in any material particular has been made in an application for a driver's licence or document required by this Act;
 - (b) if suspension or cancellation of a driver's licence is recommended by a judge or jury, justice of the peace, superintendent of police, chief, deputy chief or person in charge of a police service or unit or an officer of Saskatchewan Government Insurance;

- (c) if it finds that the habits or conduct of a holder of a driver's licence are such as to make the holder's operation of a motor vehicle a source of danger to the public;
- (d) if the holder of a driver's licence fails to comply with requirements placed on the holder pursuant to this Act or the regulations.

2004, c.T-18.1, s.50.

When administrator may act without hearing

51(1) The administrator shall review any report received pursuant to clause 42(1)(c) or (d) and subsections 283(1) and (2).

(2) If a report reviewed pursuant to subsection (1) indicates that a person has a disease, disability or medical condition that may interfere with the safe operation of a vehicle, the administrator may do all or any of the following:

- (a) suspend, cancel or refuse to issue the person's driver's licence for a stated period or indefinitely;
- (b) change the class of the person's driver's licence;
- (c) add, remove or change any endorsement on the person's driver's licence;
- (d) impose any conditions or restrictions on the person's driver's licence that the administrator considers appropriate.

2004, c.T-18.1, s.51.

When administrator may refuse to issue licence

52(1) In this section, "**offender in default**" means an offender, as defined in *The Summary Offences Procedure Act, 1990*, who:

- (a) has been convicted of an offence designated in the regulations made pursuant to *The Summary Offences Procedure Act, 1990* for the purposes of this section and for which:
 - (i) an offence notice was issued and a fine was imposed pursuant to that Act;
 - (ii) a fine was imposed pursuant to the *Criminal Code*; or
 - (iii) a fine was imposed in accordance with the law of another jurisdiction; and
- (b) is in default of payment of the fine pursuant to section 27 of *The Summary Offences Procedure Act, 1990*, subsection 734(3) of the *Criminal Code* or the law of the jurisdiction where the ticket was issued.

(2) Subject to subsection (3), the administrator shall refuse to issue a driver's licence to an offender in default, until the offender in default:

- (a) fully pays the fine and any late payment charge imposed pursuant to *The Summary Offences Procedure Act, 1990*; or
- (b) otherwise fully discharges the fine and any late payment charge imposed pursuant to *The Summary Offences Procedure Act, 1990*.

(2.1) Subject to subsection (3), the administrator shall suspend or cancel the driver's licence of the offender in default if the offender in default has not, in accordance with *The Summary Offences Procedure Act, 1990*:

- (a) fully paid the fine and any late payment charge imposed pursuant to that Act; or
- (b) otherwise fully discharged the fine and any late payment charge imposed pursuant to that Act.

(3) The administrator shall not suspend or cancel the driver's licence of a person who was an offender in default, or refuse to issue a driver's licence to a person who was an offender in default, if the person has been imprisoned pursuant to section 31 of *The Summary Offences Procedure Act, 1990* with respect to an offence designated for the purposes of this section by regulations made pursuant to that Act, even though any late payment charge imposed pursuant to section 28 of *The Summary Offences Procedure Act, 1990* or any surcharge imposed pursuant to *The Victims of Crime Act, 1995* on that person remains unpaid.

2004, c.T-18.1, s.52; 2009, c.35, s.9.

Administrator may cancel driver's licence issued in error

53 The administrator may cancel any driver's licence that has been issued in error.

2004, c.T-18.1, s.53.

Administrator may require return of driver's licence

54(1) If a driver's licence is suspended or cancelled:

- (a) the administrator may require the holder of the driver's licence to return to the administrator any licence that has been issued; and
- (b) on being required to return a driver's licence pursuant to clause (a), the holder shall do so immediately.

(2) If a person is convicted of failing to comply with an order of the administrator made pursuant to subsection (1), the convicting court shall, in addition to any other penalty that may be imposed, order the person to return the driver's licence within a specified time.

2004, c.T-18.1, s.54.

Peace officer may seize driver's licence

55(1) A peace officer may seize, without a warrant, a driver's licence that he or she has reasonable grounds to believe:

- (a) is suspended;
- (b) is cancelled;
- (c) is in the possession of a person who does not have lawful authority to possess it; or
- (d) is being used by a person who is not the person whose name appears on the driver's licence.

(2) Unless required as evidence in court proceedings, a driver's licence that has been seized pursuant to subsection (1) must be sent to the administrator.

2004, c.T-18.1, s.55.

PART VI
Vehicle Registration

DIVISION 1
General Matters

Administrator to issue certificates of registration and permits

56 The administrator may issue certificates of registration and registration permits required pursuant to this Act and *The Snowmobile Act*.

2004, c.T-18.1, s.56.

Prohibition on operation without registration of vehicle

57(1) No person shall operate a motor vehicle, trailer or semi-trailer on a highway, unless a certificate of registration or registration permit is obtained pursuant to this Act with respect to the vehicle.

(2) Subsection (1) does not apply:

(a) unless the person is disqualified by law from applying for a certificate of registration or registration permit, to a person operating a vehicle in Saskatchewan for which a permit has been issued in another jurisdiction for the purposes of moving the vehicle if:

(i) the permit holder is the owner of the vehicle or has the owner's permission to operate the vehicle;

(ii) the permit holder can give proof of financial responsibility as required by this Act;

(iii) the point of origin and the point of destination are stated in the permit and the permit holder is taking the most direct route between the two points; and

(iv) the point of origin is the jurisdiction that issued the permit;

(b) to a person who:

(i) either:

(A) is a non-resident; or

(B) is a full-time student, or the spouse or an immediate family member of a full-time student, who is temporarily in Saskatchewan for the purpose of attending an educational institution recognized by the administrator;

(ii) has complied with the laws of the jurisdiction in which he or she resides or formerly resided with respect to the registration of the vehicle;

(iii) carries with him or her a valid certificate of registration and displays the licence plate of the vehicle as required by the law of that jurisdiction; and

(iv) gives proof of financial responsibility as required by this Act;

- (c) subject to subsection (3), to a person who:
 - (i) leases a trailer from a non-resident engaged in the business of trailer rentals and tows the trailer into Saskatchewan to the destination shown on the rental agreement or to the place of business within Saskatchewan or any of the lessor's agents where it is to be delivered; or
 - (ii) leases a trailer from a person engaged in the business of trailer rentals for the purpose of returning it to the jurisdiction where it is registered;
 - (d) to the driver of a vehicle or class of vehicles that is exempted in the regulations from the requirement to obtain a certificate of registration to operate on a highway;
 - (e) to a resident who infrequently, on an occasional basis, operates a vehicle for non-commercial purposes for which a permit has been issued in another jurisdiction;
 - (f) to a resident who infrequently, on an occasional basis, operates a vehicle:
 - (i) for which a certificate of registration has been issued in another jurisdiction; and
 - (ii) that is not owned or leased by the resident.
- (3) Clause (2)(c) applies only if:
- (a) the lessor has complied with the laws of the jurisdiction in which he or she resides with respect to the registration of the trailer; and
 - (b) the lessee carries the certificate of registration for the trailer and displays the licence plates on the trailer as required by the law of the jurisdiction where the trailer is registered.
- (4) **Repealed.** 2014, c.29, s.7.
- (5) The exceptions mentioned in clauses (2)(a) and (b) do not apply to a vehicle operated by a person mentioned in those clauses that:
- (a) is transporting goods for hire; or
 - (b) is used for commercial or public service purposes or in connection with the carrying on of a farming operation.

2004, c.T-18.1, s.57; 2006, c.9, s.6; 2014, c.29, s.7; 2018, c.45, s.5.

Administrator may deal with non-residents

58(1) The administrator may, at any time:

- (a) suspend, for a stated period, or cancel the application of subsection 57(2) with respect to a non-resident; and
- (b) suspend or cancel a non-resident's right or privilege granted by this Act to operate a motor vehicle in Saskatchewan based on holding a certificate, permit or licence issued in another jurisdiction that entitles the non-resident to operate a motor vehicle.

- (2) If the administrator exercises the authority conferred on it by subsection (1), it may, on payment of the fee prescribed, issue a permit authorizing the operation of any motor vehicle affected by the suspension or cancellation to the boundary of Saskatchewan by a route specified in the permit and by the person named in the permit.
- (3) No person with respect to whom the application of subsection 57(2) is suspended or cancelled shall apply for a certificate of registration or registration permit:
- (a) in the case of a suspension, during the period of the suspension; or
 - (b) in the case of cancellation, during the period specified by the administrator at the time of cancellation.

2004, c.T-18.1, s.58.

Prohibitions respecting certificates of registration

- 59(1)** Subject to the regulations, no person shall use or permit the use of a certificate of registration with respect to any vehicle other than the vehicle with respect to which the certificate of registration was issued.
- (2) No person, other than the administrator, shall wilfully deface or alter any certificate of registration.
- (3) No person shall create or cause to be created a document that purports to be a certificate of registration issued by the administrator.

2004, c.T-18.1, s.59; 2018, c.45, s.6.

When certificates and permits expire

- 60(1)** Every certificate of registration and registration permit expires on the expiry date shown on the certificate or registration permit.
- (2) The certificate of registration of a vehicle, other than a public service vehicle, expires 60 days after the date of the death of the holder of the certificate.
- (3) The certificate of registration of a public service vehicle expires at the end of 90 days after the date of the death of the holder of the certificate or any further period that the administrator may allow.
- (4) Except in the case of a transfer of licence plates pursuant to section 197 or 198, the certificate of registration of a vehicle expires on the sale, exchange or other disposal of the vehicle by the owner.

2004, c.T-18.1, s.60.

When certificate of registration or registration permit must be produced

- 61(1)** Every driver of a vehicle for which a certificate of registration or registration permit is required shall produce the certificate of registration or registration permit of the vehicle or receipt for the certificate or registration permit when requested to do so by a peace officer:
- (a) at the time of the request; or
 - (b) within 48 hours after the time of the request, at any time and place that may be designated by the peace officer making the request.

(2) If a driver of a vehicle produces, at the request of a peace officer, a certificate of registration or registration permit held on his or her electronic device, no action or other proceeding for damages lies or shall be instituted against a peace officer for any loss or damage to that electronic device suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by that peace officer, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any responsibility imposed by this Act or the regulations.

2018, c.45, s.7.

Peace officer may seize certificates, etc.

62(1) A peace officer may seize, without a warrant, a licence plate, certificate of registration or registration permit that he or she has reasonable grounds to believe:

- (a) is altered;
- (b) is suspended;
- (c) is cancelled; or
- (d) is in the possession of a person who does not have lawful authority to possess it.

(2) Unless required as evidence in court proceedings, a licence plate, certificate of registration or registration permit that has been seized pursuant to subsection (1) must be sent to the administrator.

2004, c.T-18.1, s.62.

Administrator may request return of certificates and permits

63(1) Every licence plate, certificate of registration or registration permit issued by the administrator pursuant to this Act is the property of the Crown in right of Saskatchewan and must be returned to the administrator when requested by it and within the time requested by it.

(2) If a certificate of registration or registration permit is suspended or cancelled:

- (a) the administrator may require its holder to return any certificate, registration permit or licence plate issued to that person; and
- (b) on being required to return any certificate, registration permit or licence plate pursuant to clause (a), the holder shall do so immediately.

(3) If a person is convicted of failing to comply with an order of the administrator made pursuant to subsection (2), the convicting court shall, in addition to any other penalty that may be imposed, order the person to return the certificate, registration permit or licence plate within a specified time.

2004, c.T-18.1, s.63.

DIVISION 2
Application for Certificate of Registration

Requirements for application for certificate of registration

64(1) Subject to the other provisions of this Act and to the regulations, the administrator shall do the following in the circumstances mentioned in subsection (2):

- (a) cause the name and address of the owner and the description of the vehicle to be registered;
 - (b) issue to the owner a certificate of registration or receipt and licence plates.
- (2) The administrator shall act pursuant to subsection (1) if:
- (a) the owner of the vehicle or the agent of the owner applies on a form provided by the administrator and pays the prescribed fee;
 - (b) the owner provides the administrator with any information the administrator considers necessary to establish the person's ownership of a vehicle and the right to register that vehicle in his or her name;
 - (c) the owner holds or is exempted from holding a safety fitness certificate; and
 - (d) the administrator is satisfied that the applicant has complied with this Act and the regulations.

2004, c.T-18.1, s.64; 2018, c.45, s.8.

Application for certificate respecting certain public service vehicles

65(1) In this section:

- (a) **“class PB vehicle”** means a motor vehicle as defined in the regulations that has a seating capacity, according to the manufacturer of that vehicle, of 10 or fewer persons, including the driver;
 - (b) **“class PC vehicle”** means a motor vehicle as defined in the regulations;
 - (c) **“class PT vehicle”** means a motor vehicle as defined in the regulations.
- (2) In the case of an application for a certificate of registration for a class PC vehicle, class PT vehicle or class PB vehicle, the applicant must file with the administrator a motor vehicle liability insurance policy or a bond of a guarantee insurance or surety company authorized to carry on business in Saskatchewan that insures the owner and every other person who, with the owner's consent, drives the vehicle against the liability imposed by law arising out of the ownership, use or operation of the vehicle and resulting from:
- (a) bodily injury to or the death of any person being carried in or on or entering or getting into or onto or alighting from the vehicle;
 - (b) loss of personal property of passengers that is carried in or on the vehicle; and
 - (c) damage to property of any person other than the insured.

- (3) A policy or bond required pursuant to subsection (2):
- (a) must insure against the liability described in that subsection to a limit that is not less than \$1,000,000 exclusive of interest and costs; and
 - (b) is in addition to the amount of insurance required pursuant to *The Automobile Accident Insurance Act*.
- (4) No person shall drive a class PC vehicle that is used for the transportation of passengers in a municipality, and the administrator shall not issue a certificate of registration for a class PC vehicle, unless a valid certificate of approval respecting that person has been provided to the administrator by the clerk or administrator of the municipality in which the motor vehicle is to be driven or any other person authorized by that municipality.
- (5) No person shall drive a class PT vehicle that is used for the transportation of passengers, and the administrator shall not issue a certificate of registration for a class PT vehicle, unless he or she has a valid licence to operate a taxi issued by the municipality.
- (6) **Repealed.** 2018, cV-3.2, s.15.
- (7) **Repealed.** 2018, cV-3.2, s.15.
- (8) The administrator may order that this section does not apply to a particular municipality or to a particular person.

2004, c.T-18.1, s.65; 2018, c 45, s.9; 2018, cV-3.2, s.15.

Requirements for registration for IRP vehicles

- 66(1)** In this section, “**established place of business**” means a place of business that meets the prescribed criteria.
- (2) The administrator shall not register a vehicle in Saskatchewan pursuant to the IRP unless the registered owner of that vehicle has an established place of business in Saskatchewan.
- (3) Notwithstanding subsection (2), the administrator may register a vehicle in Saskatchewan pursuant to the IRP where the registered owner does not have an established place of business in Saskatchewan if the registered owner:
- (a) is a Saskatchewan resident; and
 - (b) meets the prescribed criteria.
- (4) The administrator may cancel any certificate of registration or registration permit if the administrator determines that the owner of the vehicle for which the certificate of registration or registration permit was issued:
- (a) does not have an established place of business in Saskatchewan; or
 - (b) does not meet the requirements set out in subsection (3).

- (5) A decision of the administrator pursuant to subsection (4) may be appealed to the board.
- (6) An appeal to the board pursuant to this section must be made in writing within seven days after the date the owner received the administrator's decision.
- (7) On receipt of the application for review, the board may, if in the opinion of the board it is not contrary to public safety, grant the individual an extension of the certificate of registration for no more than 30 days from the date of the application for review.
- (8) After hearing the parties on appeal, the board may uphold, reverse or vary a decision of the administrator.
- (9) A decision of the board pursuant to subsection (8) is final and binding on the parties.

2004, c.T-18.1, s.66.

When new registration of reconstructed or altered vehicles is required

- 67(1)** If a vehicle is reconstructed or altered to an extent that the vehicle as reconstructed or altered conflicts with the class in which the vehicle was originally registered or if the certificate of registration for a vehicle does not accurately describe the vehicle for which it was issued, the holder of the certificate of registration shall:
- (a) return the original certificate of registration and licence plates issued with respect to the vehicle; and
 - (b) apply for the registration of the reconstructed, altered or inaccurately described vehicle in accordance with section 64.
- (2) If the holder of a certificate of registration intends to change the registration class from that for which the certificate was originally issued, the holder of the certificate of registration shall apply for registration in the new class in accordance with section 64.
- (3) If a person is convicted of failing to comply with subsection (1), the administrator shall cancel the certificate of registration.

2004, c.T-18.1, s.67.

Dealer certificates of registration

- 68(1)** Instead of registering each vehicle, the following persons may apply for 1 or more dealer certificates of registration for the vehicles controlled by them:
- (a) a dealer;
 - (b) a person determined by the administrator to be conducting business in a manner that requires dealer certificates of registration.
- (2) On production of evidence satisfactory to the administrator provided by the applicant that the applicant is a person mentioned in subsection (1), the administrator shall issue to the applicant a dealer certificate of registration.

(3) Each vehicle owned by the holder of a dealer certificate of registration is deemed to be registered when bearing the dealer licence plate issued pursuant to this Act.

(4) The holder of a dealer certificate of registration shall not permit a dealer licence plate to be displayed on any vehicle that is not controlled by the holder of the dealer certificate of registration.

(5) The holder of a dealer certificate of registration shall not hold out or represent that a dealer licence plate will authorize the operation of the vehicle by any other person.

2016, c32, s4.

Registration of police service vehicles

69(1) Instead of registering each motor vehicle owned by a police service, the police service may apply for one or more certificates of registration.

(2) On payment of the prescribed fee, the administrator may issue the certificate or certificates of registration containing the name and address of the police service and the licence plates issued to it.

(3) Each motor vehicle owned and operated by a police service is deemed to be registered when bearing licence plates issued to the police service pursuant to this Act.

2004, c.T-18.1, s.69.

Registration of vehicles by a manufacturer

70(1) Every manufacturer shall apply to the administrator for a general distinguishing number or identifying mark.

(2) On payment of the prescribed fee, the administrator may issue to the manufacturer who applied pursuant to subsection (1) a certificate of registration containing:

- (a) the name, place of business and address of the manufacturer; and
- (b) the general distinguishing number or identifying mark that is allotted to it.

(3) Every motor vehicle operated by a manufacturer for the purpose of testing its efficiency or transferring it from the manufacturer's plant to a place of storage or from the place of storage to the manufacturer's plant is deemed to be sufficiently registered pursuant to the identifying number or identifying mark contained in the manufacturer's certificate of registration issued pursuant to subsection (2).

2004, c.T-18.1, s.70.

Duty of holder of certificate or permit re change of name or address

71 A holder of a certificate of registration or registration permit shall, within 15 days after the change, advise the administrator of:

- (a) the holder's new name, if the name of the holder of a certificate of registration or registration permit is changed pursuant to *The Change of Name Act, 1995*; or
- (b) the holder's new address, if the holder of the certificate of registration or registration permit changes his or her address.

2004, c.T-18.1, s.71.

Registration if no sufficient serial number

72(1) The administrator may act pursuant to subsection (2) if:

- (a) the manufacturer's serial number or a similar identifying mark on a vehicle is obliterated, defaced or lost; or
- (b) a vehicle, for any reason, has no serial number or identifying mark.

(2) In the circumstances mentioned in subsection (1), the administrator may, before issuing a certificate of registration with respect to the vehicle, require the applicant to furnish evidence of ownership that is satisfactory to the administrator.

(3) On receipt of the evidence mentioned in subsection (2), the administrator shall issue a special identification number or mark.

(4) The applicant shall cause the special identification number or mark mentioned in subsection (3) to be attached to the vehicle in the prescribed manner.

(5) The special identification number or mark mentioned in subsection (3) is deemed to be a sufficient identification for the purpose of registration.

2004, c.T-18.1, s.72.

DIVISION 3**Registration Permits****Requirements re application for and issuance of registration permit**

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

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

- (2) An application pursuant to subsection (1):
- (a) must be made on a form provided by the administrator; and
 - (b) must be accompanied by the prescribed fee.
- (3) Subject to sections 35 and 36 of *The Highways and Transportation Act, 1997* and subject to subsection (2), on receipt of an application pursuant to subsection (1), the administrator may issue a registration permit for the operation of the vehicle for the purpose and for any period that may be specified in the registration permit.
- (4) **Repealed.** 2018, c45, s.10.
- (5) Subsections 65(2) and (3) apply, with any necessary modification, to an applicant for a registration permit.
- (6) If a person holds a permit issued pursuant to *The Highways and Transportation Act, 1997* to operate a vehicle on a highway, that person shall apply to the administrator for a registration permit authorizing the operation of the vehicle, and the administrator shall issue the registration permit on the payment of the prescribed fee.

2006, c.9, s.7; 2018, c45, s.10.

Rules respecting use of registration permits

- 74(1) No person shall use or permit the use of a registration permit with respect to any vehicle other than the vehicle to which the registration permit relates.
- (2) No person, other than the administrator, shall wilfully deface or alter any registration permit.
- (3) Every driver of a vehicle for which a registration permit is issued to operate or move a vehicle from place to place, other than for the transportation of passengers, goods, wares, merchandise or commodities or for other commercial or business purposes, shall display the permit:
- (a) on the rear window of the vehicle;
 - (b) if the vehicle is a trailer or semi-trailer that does not have a rear window, on the rear window of the towing vehicle; or
 - (c) if neither the vehicle nor the towing vehicle has a rear window, on the passenger side of the front window of the vehicle or towing vehicle in a readily visible location.

2004, c.T-18.1, s.74.

DIVISION 4

Refusal, Suspension and Cancellation of Certificates and Permits**When administrator may refuse, suspend or cancel certificate or permit**

75(1) The administrator may suspend, cancel or refuse to issue any certificate of registration or registration permit for a vehicle if:

- (a) the holder or applicant has not complied with any provision of *The Automobile Accident Insurance Act* relating to the application for a certificate of insurance and payment of premiums for insurance pursuant to that Act;
- (b) the holder or applicant is indebted to Saskatchewan Government Insurance pursuant to section 6 or 8 of *The Automobile Accident Insurance Act* and the administrator has received notice of the indebtedness;
 - (b.1) in the case of a holder or applicant who has been issued a driver's licence, the holder or applicant has failed to pay the prescribed fee for a driver's licence in the prescribed manner and in accordance with the prescribed terms and conditions;
 - (b.2) the holder or applicant:
 - (i) is indebted to the administrator in the amount of any fees, administrative charges or interest fees payable pursuant to this Act, the regulations, *The Automobile Accident Insurance Act* or the regulations made pursuant to that Act; or
 - (ii) has provided payment with respect to any fees, administrative charges or interest fees payable pursuant to this Act, the regulations, *The Automobile Accident Insurance Act* or the regulations made pursuant to that Act and that payment has been dishonoured;
- (c) the holder or applicant is a person to whom subsection 54(5) or (6) of *The Automobile Accident Insurance Act* applies;
- (d) the holder or applicant has been disqualified from applying for or has been refused issuance of a certificate of registration;
 - (d.1) in the case of a dealer certificate of registration, the person to whom it is issued uses it for a purpose other than that for which it was issued;
- (e) the holder or applicant is indebted to Saskatchewan Government Insurance in the amount of a premium pursuant to *The Automobile Accident Insurance Act* assessed in the current year or any preceding year and the administrator has received notice of the indebtedness;
- (f) the holder or applicant is indebted to the Crown in right of Saskatchewan in the amount of any tax payable pursuant to *The Provincial Sales Tax Act* or any former *Education and Health Tax Act* with respect to a vehicle for which an application for a certificate of registration or registration permit is being made;
- (g) the holder or applicant is indebted to the administrator pursuant to subsection 161(13);
- (h) the holder or applicant owes money to the insurer pursuant to a deductible financing agreement and has defaulted on a payment under that agreement;

- (i) the holder or applicant has habits or conduct that, in the opinion of the administrator, are such as to make the operation of a motor vehicle by that person a source of danger to the public;
- (j) in the opinion of the administrator, the vehicle:
 - (i) is mechanically unfit or unsafe;
 - (ii) does not meet the minimum safety standards prescribed in Part XI;
 - (iii) has not been inspected in accordance with Part XI; or
 - (iv) is unsafe or hazardous to operate on a highway;
- (k) the vehicle has been identified or marked as being ineligible or unfit for registration in another province or a state;
- (l) the holder or applicant has failed to file returns or to provide other information or documentation that may be required by the administrator;
- (m) a statement that is false in a material particular has been made in any application, report, return or other data required to be furnished by the holder or applicant;
- (n) the holder has been convicted of a contravention of any of the following and the time for an appeal has expired or, if an appeal has been taken, the appeal has been dismissed:
 - (i) this Act or the regulations;
 - (ii) *The Highways and Transportation Act, 1997* or the regulations made pursuant to that Act;
 - (iii) *The Provincial Sales Tax Act* or the regulations made pursuant to that Act;
 - (iv) *The Alcohol and Gaming Regulation Act, 1997* or the regulations made pursuant to that Act;
 - (v) the *Criminal Code*;
 - (vi) the *Motor Vehicle Transportation Act (Canada)*;
- (o) a judge or jury, justice of the peace, superintendent of police, chief, deputy chief or person in charge of a police service or unit or an officer of Saskatchewan Government Insurance recommends that a certificate of registration or registration permit not be issued to the holder or an applicant;
- (p) the holder or applicant is in contravention of any provisions, requirements or regulations pertaining to a reciprocity agreement to which Saskatchewan is a signatory;
- (q) the administrator determines that the certificate of registration or registration permit was issued in error;
- (r) the holder or applicant is known to the administrator to be afflicted with or suffering from a physical or mental disability or disease that is likely to prevent the person from exercising reasonable control over a motor vehicle on a highway;

- (s) in the case of a dealer's certificate of registration, the administrator is satisfied that the holder is not a bona fide dealer;
 - (t) **Repealed.** 2018, c 45, s.11.
 - (u) the holder or applicant has had his or her safety fitness certificate cancelled by the administrator pursuant to section 101;
 - (v) the holder or applicant has failed to comply with any direction imposed on the holder or applicant by the administrator pursuant to section 102.1; or
 - (w) the holder or applicant has failed to pay the penalty assessed against the holder or applicant by the administrator pursuant to subsection 102.1(2) or 102.2(1).
- (2) The administrator shall suspend or cancel any certificate of registration or registration permit if the administrator has received a cheque in payment of the fee payable with respect to a certificate of registration or registration permit issued by the administrator and the cheque is dishonoured.
- (3) If the administrator has issued a certificate of registration without an expiry date, the administrator may cancel the certificate of registration.
- (4) Before cancelling a certificate of registration that was issued without an expiry date, the administrator shall serve the registered owner with notice of the cancellation at least 15 days before the cancellation is to become effective.
- (5) The administrator may cancel a certificate of registration that was issued without an expiry date for any reason that the administrator may otherwise suspend, cancel or refuse to provide a person with any certificate of registration pursuant to this Act or the regulations.
- (6) The administrator may serve a registered owner with a notice pursuant to subsection (4) by sending it to the owner by registered mail to the last address of the registered owner known to the administrator.
- (7) The administrator may demand the immediate return of any licence plate on the cancellation of the certificate of registration pursuant to this section, and no person shall fail to comply with that demand.

2004, c.T-18.1, s.75; 2014, c.29, s.8; 2016, c31,
s.5 and c32, s.5; 2018, c 45, s.11.

PART VII Operating Authorities

DIVISION 1 Operation Authority Certificates

- 76 Repealed.** 2018, c 45, s.12.
- 77 Repealed.** 2018, c 45, s.12.
- 78 Repealed.** 2018, c 45, s.12.

79 Repealed. 2018, c 45, s.12.

80 Repealed. 2018, c 45, s.12.

81 Repealed. 2018, c 45, s.12.

82 Repealed. 2018, c 45, s.12.

DIVISION 2

Rules respecting Carriers under Operating Authority Certificates

83 Repealed. 2018, c 45, s.13.

84 Repealed. 2018, c 45, s.13.

85 Repealed. 2018, c 45, s.13.

86 Repealed. 2018, c 45, s.13.

Rules re operation of buses and trucks

87(1) All buses on charter trips are to expose a sign to the front of the bus bearing the word “charter” for the duration of the trip.

(2) **Repealed.** 2018, c 45, s.14.

(3) A truck or power unit registered as a public service vehicle is to display any prescribed identification.

2004, c.T-18.1, s.87; 2018, c 45, s.14.

Rules re bills of lading and tickets

88 Unless exempted by regulations, when transporting goods, the following persons or class of persons shall use bills of lading or other documents relating to the transportation of goods in the form and manner set out in the regulations:

- (a) the holder of a safety fitness certificate; or
- (b) the operator of a class PB vehicle that has a seating capacity of 10 or fewer persons, including the driver, according to the manufacturer of that vehicle.

2018, c 45, s.15.

89 Repealed. 2018, c 45, s.16.

90 Repealed. 2018, c 45, s.16.

91 Repealed. 2018, c 45, s.16.

92 Repealed. 2018, c 45, s.16.

93 Repealed. 2018, c 45, s.16.

94 Repealed. 2018, c 45, s.16.

95 Repealed. 2018, c 45, s.16.

DIVISION 3
National Safety Code Certificates

Interpretation of Division

96(1) In this Division and in section 287:

- (a) **“carrier”** means a carrier as defined in the regulations;
 - (b) **“commercial record”** means any record required to be made or kept pursuant to any of the following:
 - (i) this Act or any regulations made pursuant to this Act;
 - (ii) *The Highways and Transportation Act, 1997* or any regulations made pursuant to that Act;
 - (iii) *The Dangerous Goods Transportation Act* or any regulations made pursuant to that Act;
 - (iv) the *Motor Vehicle Transport Act (Canada)* or any regulations made pursuant to that Act;
 - (v) the *Motor Vehicle Safety Act (Canada)* or any regulations made pursuant to that Act;
 - (vi) the *Transportation of Dangerous Goods Act, 1992 (Canada)* or any regulations made pursuant to that Act;
 - (vii) any prescribed Act, regulations, Act of the Parliament of Canada or regulations made pursuant to an Act of the Parliament of Canada;
 - (c) **“commercial vehicle”** means a prescribed vehicle;
 - (d) **“driver”** means the operator of a commercial vehicle;
 - (e) **“provincial authority”** means a provincial authority as defined in the *Motor Vehicle Transport Act (Canada)*.
- (2) In this Division, a carrier is deemed to be a **“related carrier”** to an applicant pursuant to section 100 if:
- (a) the applicant and the carrier are not conducting business at arm’s length from each other;
 - (b) the applicant is directly or indirectly controlled or managed by the carrier;
 - (c) 50% or more of the drivers of the applicant are drivers for the carrier;
 - (d) 50% or more of the commercial vehicles listed under the applicant’s safety fitness certificate were, in the preceding 12 months, listed with the carrier;
 - (e) the applicant and the carrier have common officers or directors or they are or have been, in the preceding 12 months, controlled, directly or indirectly, by the same shareholders;
 - (f) the applicant or the carrier:
 - (i) is a partner of the other; or
 - (ii) within the preceding 12 months, was a partner of the other; or

- (g) the applicant and carrier:
 - (i) have partners in common; or
 - (ii) within the preceding 12 months, had partners in common.

2014, c.29, s.10.

Administrator may compile profiles of carriers and drivers

97(1) In this section, “**at-fault motor vehicle accident**” means a motor vehicle accident with respect to which a carrier, a related carrier, a driver of the carrier or a driver of a related carrier is at least 50% at fault.

(2) For the purposes of monitoring the safety and fitness compliance of carriers and drivers of commercial vehicles, the administrator may compile information and maintain profiles on carriers and individual drivers with respect to:

- (a) any at-fault motor vehicle accidents associated with a carrier, a related carrier, a driver of the carrier or a driver of a related carrier; and
- (b) their compliance with:
 - (i) this Act or the regulations or a predecessor Act or regulations made pursuant to a predecessor Act;
 - (ii) *The Alcohol and Gaming Regulation Act, 1997*;
 - (iii) *The Animal Products Act*;
 - (iv) *the Criminal Code*;
 - (v) *The Dangerous Goods Transportation Act*;
 - (vi) *the Transportation of Dangerous Goods Act, 1992 (Canada)*;
 - (vii) *The Highways and Transportation Act, 1997*;
 - (viii) *the Motor Vehicle Transport Act (Canada)*;
 - (ix) any regulations made pursuant to any of the Acts mentioned in subclauses (ii) to (viii); or
 - (x) any similar enactment of another province of Canada or of a state of the United States of America or Mexico respecting commercial vehicles or road safety.

(3) The administrator may release any information compiled pursuant to subsection (2) to:

- (a) the board for the purpose of conducting a hearing pursuant to section 101.1;
- (b) the driver to whom the profile relates;
- (c) the carrier to whom the profile relates; or

- (d) any provincial authority or agency of another province of Canada, or an agency of a state of the United States of America or Mexico, that is responsible for registering motor vehicles, maintaining road safety or monitoring the safety and fitness compliance of carriers.
- (4) The following information respecting a carrier is public information and may be published by the administrator or provided to the public on request:
- (a) the carrier's legal and operating name and address;
 - (b) the carrier's safety fitness certificate number and, if applicable, the carrier's United States Department of Transport number and IRP registration number;
 - (c) whether the carrier operates inside Saskatchewan or outside Saskatchewan, either in another jurisdiction in Canada or in the United States of America or Mexico;
 - (d) the carrier's current and average fleet size and business type;
 - (e) the status of the carrier's safety fitness certificate, including the date of issue, the date of expiry, the safety fitness rating of the carrier and the date that the safety fitness rating was provided by the administrator;
 - (f) whether the carrier holds a vehicle inspection station certificate issued pursuant to subsection 121(2);
 - (g) whether the carrier hauls dangerous goods;
 - (h) the date the carrier was last inspected by the administrator pursuant to Part VIII;
 - (i) whether the carrier is complying with the insurance obligations pursuant to section 103;
 - (j) the number of convictions by category or type registered against the carrier or the carrier's drivers;
 - (k) the number of inspections carried out for prescribed purposes and the results of each of those inspections;
 - (l) the number of at-fault motor vehicle accidents registered against a carrier, a related carrier, a driver of the carrier or a driver of a related carrier and provided to the administrator by any of the following:
 - (i) the carrier;
 - (ii) the administrator of *The Automobile Accident Insurance Act*;
 - (iii) a provincial authority;
 - (iv) an agency of the United States of America or Mexico that is responsible for monitoring the safety and fitness compliance of carriers and drivers of commercial vehicles.

Adding or removing information from a profile

- 98(1)** In this section, “**profile**” means a profile compiled pursuant to section 97.
- (2) The administrator may:
- (a) remove information from a profile if the administrator is satisfied that the information is in error, inaccurate or no longer relevant;
 - (b) remove information from a profile if the administrator is satisfied that the carrier or driver for which the profile was compiled was not responsible for the incident or matter that generated the information recorded on the profile;
 - (c) include information in two or more profiles for a carrier if the administrator is satisfied that two or more carriers or carriers’ drivers are jointly or partly responsible for the incident or matter that generated the information recorded on the profile; or
 - (d) add information to a profile if the administrator is satisfied that by association or employment, or by managerial or other responsibility, a carrier or driver is responsible or partly responsible for the incident or matter that generated the information recorded on the profile.

2014, c.29, s.10.

Safety fitness certificate required to operate commercial vehicles

- 99(1)** No carrier who operates a commercial vehicle on a highway in Saskatchewan for the purpose of transporting goods shall operate that commercial vehicle without a safety fitness certificate.
- (2) Subsection (1) does not apply if the vehicle is exempted in the regulations.
- (3) Any carrier who contravenes subsection (1) is guilty of an offence and is liable on summary conviction:
- (a) for a first offence:
 - (i) in the case of an individual, to a fine of not more than \$500; and
 - (ii) in the case of a corporation, to a fine of not more than \$1,000; and
 - (b) for a second or subsequent offence:
 - (i) in the case of an individual, to a fine of not more than \$1,000; and
 - (ii) in the case of a corporation, to a fine of not more than \$2,000.

2014, c.29, s.10.

When holder must produce a safety fitness certificate or similar document

- 99.1** When requested to do so by a peace officer, every driver of a commercial vehicle shall produce a safety fitness certificate or similar document issued by any provincial authority or agency of another province of Canada, or an agency of a state of the United States of America that is responsible for registering motor vehicles, maintaining road safety or monitoring the safety and fitness compliance of carriers:
- (a) at the time of the request; or
 - (b) within 48 hours after the time of the request, at any time and place directed by the peace officer.

2014, c.29, s.10.

Obtaining or renewing, and issuance of, safety fitness certificate

100(1) An applicant who intends to obtain or renew a safety fitness certificate shall:

- (a) submit an application in the form provided by the administrator; and
 - (b) pay the prescribed fee.
- (2) Subject to section 100.1, the administrator may issue or renew a safety fitness certificate subject to any terms and conditions that the administrator considers appropriate to ensure the safe and proper operation of the carrier's commercial vehicles.
- (3) If the administrator issues or renews a safety fitness certificate, the administrator shall issue it with one of the following safety fitness ratings that the administrator considers appropriate:
- (a) satisfactory audited;
 - (b) satisfactory unaudited;
 - (c) conditional.
- (4) Unless otherwise cancelled, revoked or suspended, a safety fitness certificate expires on the date set out in the safety fitness certificate or as prescribed.
- (5) If a safety fitness certificate is cancelled, revoked, suspended or not renewed, the carrier shall return the safety fitness certificate to the administrator.

2014, c.29, s.10.

When applicant not eligible to obtain or renew safety fitness certificate

100.1(1) An applicant pursuant to section 100 is not eligible to obtain or renew a safety fitness certificate if:

- (a) the administrator is not satisfied with respect to any information or document submitted as part of an application to obtain or renew the safety fitness certificate;
- (b) the applicant or any related carrier held a document that:
 - (i) the administrator considers similar to a safety fitness certificate;
 - (ii) was issued by any provincial authority or agency of another province of Canada, or an agency of a state of the United States of America or Mexico, that is responsible for registering motor vehicles, maintaining road safety or monitoring the safety and fitness compliance of carriers; and
 - (iii) has been cancelled, suspended or revoked;
- (c) the applicant or a related carrier does not meet the prescribed safety and fitness standards or any other safety and fitness standards approved by the administrator for the operation of a commercial vehicle; or
- (d) the applicant has failed to pay the penalty assessed against that applicant by the administrator pursuant to subsection 102.1(2) or 102.2(1).

(2) The administrator shall refuse to renew a safety fitness certificate to an applicant who, in the opinion of the administrator, has been inactive for more than 12 months before the date of the application, unless an application pursuant to section 100 is submitted.

2014, c.29, s.10.

Cancellation, revocation or suspension of safety fitness certificate

101(1) Without a hearing, the administrator may cancel, revoke or suspend a safety fitness certificate if:

- (a) the safety fitness certificate was issued in error;
 - (b) there has been a change in the ownership of the carrier's business;
 - (c) the administrator is satisfied that a statement that is false in any material particular has been made in the application for a safety fitness certificate or a document required to be provided by this Act or the regulations;
 - (d) the carrier no longer holds a policy of insurance with respect to the vehicle registered under the safety fitness certificate or no longer holds the type or amount of insurance required in the regulations;
 - (e) the carrier's commercial records are no longer located in Saskatchewan;
 - (f) the carrier or a related carrier has, without reasonable cause, failed to comply with a safety directive of the administrator pursuant to section 102.1;
 - (g) the carrier or a related carrier has, without reasonable cause, failed to pay a penalty assessed by the administrator pursuant to subsection 102.1(2) or 102.2(1);
 - (h) in the opinion of the administrator, the carrier has an unsatisfactory safety fitness rating in Saskatchewan or in any other jurisdiction in Canada, the United States of America or Mexico.
- (2) The administrator shall serve a copy of its decision pursuant to this section on the carrier after cancelling, revoking or suspending the safety fitness certificate.

2014, c.29, s.10.

Appeal from decision of administrator

101.1(1) The following decisions of the administrator may be appealed to the board:

- (a) a decision to revoke, cancel or suspend a safety fitness certificate pursuant to any of clauses 101(1)(b) to (h);
 - (b) a decision of the administrator to suspend a carrier from operating a commercial vehicle pursuant to clause 102.2(1)(a);
 - (c) a decision of the administrator to assess a penalty against a carrier pursuant to subsection 102.1(2) or 102.2(1).
- (2) An application for appeal must:
- (a) be in writing and made to the board in any form and manner that the board may require;

- (b) be accompanied by any prescribed documents and fees; and
 - (c) be made within 30 days after the carrier is served with the written decision of the administrator pursuant to section 101, 102.1 or 102.2.
- (3) Before making a decision, the board shall hold a hearing and provide both the administrator and the carrier with an opportunity to be heard.
- (4) If written notice of the time, date and place of the hearing has been sent to the administrator and the carrier and the administrator or carrier fails to attend the hearing, the board may:
- (a) hear and decide the matter in the absence of the administrator or carrier and make any order that it considers reasonable; or
 - (b) adjourn the hearing and assign a new time, date and place for the hearing.
- (5) No carrier that has been sent a notice pursuant to subsection (4) shall transfer, sell, lease, rent or otherwise dispose of any commercial vehicle without the written consent of the board until the board has made a decision pursuant to this section and that decision is in effect.
- (6) Subject to the regulations made by the Lieutenant Governor in Council, the board, on appeal, may uphold, reverse or vary the administrator's decision.
- (7) On an appeal to the board, the administrator's decision is stayed unless the board orders otherwise.
- (8) A decision of the board is final and is not subject to appeal.

2014, c.29, s.10.

Holder to notify administrator of changes

102 Every carrier that is the holder of a safety fitness certificate shall notify the administrator in writing within 15 days after the following:

- (a) a change in the holder's name or address;
- (b) a change in the ownership of the holder's business; or
- (c) a change in the officers, directors or partners of the holder.

2014, c.29, s.10.

Safety directives

102.1(1) The administrator may at any time during the period in which a carrier, or a carrier that is a member of a class of carriers designated by the administrator, is a holder of a safety fitness certificate:

- (a) direct the carrier to do anything the administrator considers necessary to ensure the safe and proper operation of the carrier's commercial vehicles; and
- (b) determine the period within which the carrier must comply with the direction mentioned in clause (a).

- (2) Following an administrative inspection pursuant to Part VIII, the administrator may:
- (a) direct the carrier that was the subject of the inspection to do anything the administrator considers necessary to ensure the safe and proper operation of the carrier's commercial vehicles; and
 - (b) assess a penalty against the carrier calculated in accordance with the prescribed penalty schedule and based on the carrier's fleet size and the number of prescribed safety violations registered against the carrier or the carrier's drivers.
- (3) The administrator shall determine the period within which the carrier must comply with the direction mentioned in clause (2)(a).
- (4) The administrator shall serve a written copy of its direction pursuant to this section on the carrier after issuing the direction.

2014, c.29, s.10.

Suspension and penalty

- 102.2(1)** If a carrier fails to comply with any direction pursuant to section 102.1, the administrator may:
- (a) suspend the carrier from operating a commercial vehicle until the carrier has complied with the direction; or
 - (b) assess a penalty calculated in accordance with the prescribed penalty schedule against the carrier if it is not in the public interest to suspend the carrier from operating a commercial vehicle.
- (2) Before imposing a suspension or assessing a penalty pursuant to subsection (1), the administrator shall provide a written notice to the carrier:
- (a) setting out the facts and circumstances that, in the administrator's opinion, render the carrier liable to a suspension or penalty;
 - (b) in the event that a penalty is proposed to be assessed pursuant to clause (1)(b), specifying the amount of the penalty; and
 - (c) informing the carrier of the carrier's right to make representations to the administrator.
- (3) No penalty is to be assessed by the administrator more than three years after the act or omission that renders the carrier liable to the penalty first came to the knowledge of the administrator.
- (4) A carrier to whom a written notice is sent pursuant to subsection (2) may make representations to the administrator respecting whether or not a suspension should be imposed or a penalty should be assessed and the amount of any penalty.
- (5) Representations pursuant to subsection (4) must be made within 30 days after the carrier received the notice pursuant to subsection (2).

- (6) After considering any representations, the administrator may:
- (a) impose a suspension or assess a penalty and, in the event of a decision to impose a penalty, set a date by which the penalty is to be paid in full; or
 - (b) determine that no suspension should be imposed or that no penalty should be assessed.
- (7) The administrator shall serve a copy of its decision pursuant to subsection (6) on the carrier that made the representations.

2014, c.29, s.10.

Certificate re penalty

102.3(1) If the administrator assesses a penalty pursuant to section 102.1 or 102.2, the administrator may file in the Court of Queen's Bench a certificate signed by the administrator and setting out:

- (a) the amount of the penalty assessed; and
 - (b) the carrier from which the penalty is to be recovered.
- (2) The administrator shall not file in the Court of Queen's Bench a certificate pursuant to subsection (1) unless:
- (a) the time for bringing an appeal with respect to the assessment of a penalty pursuant to clause 101.1(2)(c) has expired and no appeal has been brought; or
 - (b) if an appeal with respect to the assessment of a penalty has been made pursuant to section 101.1, the appeal has been disposed of.
- (3) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

2014, c.29, s.10.

Penalty may be assessed based on actions of employee, etc.

102.4 The administrator may impose a suspension or assess a penalty pursuant to section 102.1 or 102.2 notwithstanding that the facts and circumstances giving rise to the suspension or penalty arose due to the action of an employee, helper, contractor or agent of the carrier that is suspended or required to pay the penalty.

2014, c.29, s.10.

Insurance required by holder of safety fitness certificate

103(1) Every carrier that is the holder of a safety fitness certificate shall furnish the administrator with written evidence, in a form satisfactory to the administrator, that the carrier holds a policy of insurance or bonds with respect to a vehicle in the prescribed types and amount.

(2) If the administrator is satisfied that the public interest would not be adversely affected, the administrator may exempt any carrier from all or any of the requirements of this section.

2014, c.29, s.10.

Commercial records maintained in Saskatchewan

103.1 A carrier that is the holder of a safety fitness certificate shall maintain all of that carrier's commercial records in Saskatchewan.

2014, c.29, s.10.

**PART VIII
Regulation of Commercial Carriers**

Interpretation of Part

104 In this Part:

- (a) **“transportation”** means the driving, maintenance, use and operation of a vehicle for commercial purposes;
- (b) **“transportation legislation”** means:
 - (i) any provision of this Act or the regulations that relates to transportation;
 - (ii) any provision of *The Highways and Transportation Act, 1997* or the regulations made pursuant to that Act that relates to transportation; and
 - (iii) with respect to any prescribed Act, regulation, Act of the Parliament of Canada or regulations made pursuant to an Act of the Parliament of Canada, any provision that relates to transportation.

2004, c.T-18.1, s.104.

Administrator's powers of administrative inspection

105(1) Subject to subsection (2), for the purposes of ensuring compliance with any transportation legislation, a peace officer or representative of the administrator may, at any reasonable time, without a warrant:

- (a) enter and inspect any land, place, premises or vehicle used by a person who is required to comply with the transportation legislation;
- (b) enter any land, place, premises or vehicle containing any records or property that a person is required to keep pursuant to any transportation legislation that applies with respect to the business of that person, or any supporting records that the peace officer or representative of the administrator considers necessary to provide evidence of compliance with that transportation legislation, and inspect those records or that property;
- (c) make a copy of any records described in clause (b) or, if the peace officer or representative of the administrator is unable to make a satisfactory copy, after giving a receipt remove and retain the records for any period that the peace officer or representative of the administrator considers appropriate;

- (d) require any person, including any representative, agent, director, officer or employee of a body corporate, to provide the peace officer or representative of the administrator with all reasonable assistance; and
 - (e) make inquiries of any person mentioned in clause (d).
- (1.1) A copy of a record certified by a peace officer or representative of the administrator to be a copy made pursuant to this section:
- (a) is admissible in evidence without proof of the office or signature of the person purporting to have signed the certificate; and
 - (b) has the same probative force as the original record.
- (2) A peace officer or representative of the administrator shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant obtained pursuant to *The Summary Offences Procedure Act, 1990*, except in circumstances in which the peace officer or representative of the administrator considers that an emergency exists.
- (3) No person shall obstruct or prevent a peace officer or a representative of the administrator from entering any premises and carrying out an inspection pursuant to subsection (1).
- (4) If an inspection is being conducted pursuant to this section, no person shall conceal or destroy any record, book, account, document or other thing relevant to the subject-matter of the inspection.
- (5) For the purpose of producing a readable record from a computer system used to keep a record required pursuant to any transportation legislation that applies in relation to the business of a person or any supporting records or documents mentioned in clause (1)(b), a peace officer or a representative of the administrator may use any computer hardware or software belonging to that person in carrying out an inspection pursuant to subsection (1).

2004, c.T-18.1, s.105; 2006, c.9, s.13.

Administrator may require production of records

106(1) For the purposes of enforcing and administering any transportation legislation, a peace officer or a representative of the administrator may serve a written demand on any person, including the president, manager, secretary, director, agent or representative of a partnership, corporation or trustee, requiring from that person the production, including the production on oath, of:

- (a) any record required to be kept pursuant to any transportation legislation; or
 - (b) any supporting records mentioned in clause 105(1)(b).
- (2) The peace officer or representative of the administrator may specify a reasonable time within which a demand pursuant to this section is to be complied with, and every person on whom a demand is served shall comply with the demand within the specified time.

- (3) A demand pursuant to this section is to be served:
- (a) by personal service made:
 - (i) in the case of an individual, on that individual;
 - (ii) in the case of a partnership, on any partner; or
 - (iii) in the case of a corporation, on any officer or director; or
 - (b) by registered mail addressed to the last business or residential address of the person to be served known to the peace officer or representative of the administrator.
- (4) Notwithstanding section 284, a demand sent by registered mail is deemed to have been served on the seventh day following the date of its mailing, unless the person to whom it was mailed establishes that, through no fault of that person, the person did not receive the demand or received it at a later date.
- (5) If it is for any reason impractical to effect service of a demand in the manner provided for in subsection (3), a judge of the Court of Queen's Bench, on an application, may make an order for substituted service.
- (6) An application for the purposes of subsection (5) may be made without notice.
- (7) A demand served in accordance with the terms of an order mentioned in subsection (5) is deemed to have been properly served.
- (8) A failure to respond to a demand served in accordance with this section within the time specified in the demand is deemed to be a reasonable ground for believing that a contravention of transportation legislation has occurred.

2004, c.T-18.1, s.106; 2006, c.9, s.14; 2018, c42, s.65.

Warrant to search re offence

107(1) A justice of the peace or judge of the Provincial Court of Saskatchewan, if satisfied by information on the oath of a peace officer or a person appointed by the administrator, that there are reasonable grounds to believe that there is an offence under the transportation legislation and that evidence of that offence is likely to be found, may issue a warrant to do all or any of the following:

- (a) enter and search any place or premises named in the warrant;
 - (b) search any vehicle described in the warrant;
 - (c) seize anything that may be evidence of an offence against this Act.
- (2) With a warrant issued pursuant to subsection (1), the peace officer or person appointed by the administrator may:
- (a) enter and search any place or premises named in the warrant;
 - (b) search any vehicle described in the warrant;

- (c) open and examine any trunk, box, bag, parcel, closet, cupboard or other receptacle that the peace officer or person appointed by the administrator finds in the place, premises or vehicle;
 - (d) require the production of and examine any records or property that the peace officer or person appointed by the administrator believes, on reasonable grounds, may contain information related to an offence against any transportation legislation;
 - (e) remove, for the purpose of making copies, any records examined pursuant to this section; and
 - (f) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against any transportation legislation.
- (3) Subject to subsection (4), the peace officer or person appointed by the administrator may exercise all or any of the powers mentioned in subsection (2) without a warrant issued pursuant to this section if:
- (a) the conditions for obtaining a warrant exist; and
 - (b) the peace officer or person appointed by the administrator has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.
- (4) The peace officer or person appointed by the administrator shall not enter premises that are ordinarily occupied as a private residence without a warrant issued pursuant to this section unless the occupant of those premises consents to the entry.

2004, c.T-18.1, s.107.

Copies of removed documents

- 108(1)** If any records are removed pursuant to section 106 or 107, the peace officer or person appointed by the administrator may make copies of those records.
- (2) The peace officer or person appointed by the administrator shall:
- (a) make those copies with reasonable dispatch; and
 - (b) promptly return the originals of the records to:
 - (i) the place they were removed from; or
 - (ii) any other place that may be agreed to by the peace officer or person appointed by the administrator and the person who furnished them or from whom they were seized.

2004, c.T-18.1, s.108.

Prohibition on withholding, destroying, etc., records or documents

- 109(1)** No person shall withhold, destroy, alter, conceal or refuse to produce any records or property that a peace officer or person appointed by the administrator reasonably requires for the purposes of an inspection or an investigation pursuant to any transportation legislation.

- (2) No person shall fail to keep any records required pursuant to any transportation legislation.
- (3) No driver of a commercial vehicle shall fail to report to the carrier that owns the commercial vehicle any information required to be reported pursuant to any transportation legislation.

2014, c.29, s.11.

PART IX
Required Records re Licensing of Vehicles

Records required re leased vehicles

110(1) Every person engaged in the business of renting motor vehicles without drivers shall keep a record that:

- (a) is signed by each person to whom the motor vehicle is rented; and
 - (b) contains particulars showing the following:
 - (i) the make and model of each motor vehicle rented;
 - (ii) the identity of the person to whom each motor vehicle is rented;
 - (iii) the number of the lessee's licence to drive and the jurisdiction of its issue;
 - (iv) the day on and time at which the motor vehicle is rented;
 - (v) the time during which the motor vehicle is in possession of the person to whom it is rented;
 - (vi) any information in addition to that mentioned in subclauses (i) to (v) that the administrator may require.
- (2) Subsection (1) does not apply to a person who leases farm implements to another person.
- (3) Every person engaged in the business of renting trailers or semi-trailers shall keep a record containing particulars showing the following:
- (a) the make and model of each trailer or semi-trailer rented;
 - (b) the number of the Saskatchewan certificate of registration issued with respect to the trailer or semi-trailer;
 - (c) the day on and time at which the trailer or semi-trailer is rented;
 - (d) the name and address of the person to whom the trailer or semi-trailer is rented.
- (4) A record kept pursuant to subsection (1) or (3) must be made available to any peace officer who wishes to inspect it in order to ascertain whether this Act and the regulations are being complied with.
- (5) A person who is an agent of a non-resident engaged in the business of renting motor vehicles or trailers in Saskatchewan is, for the purposes of section 273, deemed to be their owner.

2004, c.T-18.1, s.110; 2006, c.9, s.15; 2014, c.29, s.12.

PART X
Driver Training

Certificate for driver training school and driving instruction required

111(1) In this section, “**driver training school**” means a school owned and operated by a person, firm or association that is engaged in the business of giving instructions for hire, fee or tuition in the driving of motor vehicles or in the preparation for an examination for a driver’s licence.

(2) No person, firm or association shall engage in the operation of a driver training school, unless that person, firm or association holds a valid driver training school certificate issued by the administrator.

(3) No person shall hold himself or herself out, or give instructions, as a driver instructor, unless that person holds a valid instructor’s certificate issued by the administrator.

(4) The administrator may suspend or cancel a driver training school certificate if:

- (a) the administrator finds that a statement, false in any material particular, has been made in an application for the certificate;
- (b) the holder of the certificate is convicted of a contravention of the *Criminal Code*, this Act or the regulations; or
- (c) in the opinion of the administrator, it is in the public interest to do so.

(5) The administrator may suspend or cancel an instructor’s certificate if:

- (a) the administrator finds that a statement, false in any material particular, has been made in an application for the certificate;
- (b) the driver instructor is convicted of a contravention of the *Criminal Code*, this Act or the regulations; or
- (c) in the opinion of the administrator, it is in the public interest to do so.

(6) No instructor’s certificate is to be issued to any person unless that person:

- (a) is 18 years of age or more; and
- (b) files with an application a certificate of qualification issued to that person by an educational institution that is recognized by the administrator for the purpose.

2004, c.T-18.1, s.111.

PART XI
Vehicle Safety and Inspection

DIVISION 1
Safety Standards for Vehicles

Interpretation of Part

112 In this Part:

- (a) “**vehicle inspection station**” means a vehicle inspection station that holds a valid certificate issued pursuant to section 121;

- (b) “**vehicle safety item**” means any component or equipment that:
- (i) forms part of, is attached to or is carried on a vehicle, or required to be worn by a passenger in or on a vehicle; and
 - (ii) may affect the safe operation of the vehicle or contribute to the safety of the driver, passengers or the public.

2004, c.T-18.1, s.112.

Prohibition on operation of unequipped vehicles

113 No person shall operate or cause to be operated on a highway a vehicle that is not equipped in accordance with this Act and the regulations.

2004, c.T-18.1, s.113.

Requirements for operating a golf cart

113.1(1) No person shall operate a golf cart on any highway or any part of a highway unless:

- (a) there is a bylaw of a municipality that is approved by the administrator, or that is deemed pursuant to subsection (7) to be approved by the administrator, permitting the operation of a golf cart on that highway or part of a highway within that municipality;
 - (b) the person is eligible to operate the golf cart on a highway or part of a highway;
 - (c) the golf cart is operated in accordance with the prescribed terms and conditions; and
 - (d) the golf cart meets the prescribed equipment and safety standards required for the operation of that golf cart.
- (2) Subject to the approval of the administrator, the council of a municipality may, by bylaw, permit the operation of a golf cart on any highway or any part of a highway, other than a provincial highway, within that municipality.
- (3) If the council of the municipality passes a bylaw pursuant to subsection (2), the council shall specify in the bylaw the highway or part of the highway within the municipality where the operation of a golf cart is permitted pursuant to the bylaw.
- (4) Notwithstanding any other Act or bylaw, no person shall operate a golf cart on a highway or part of a highway pursuant to a municipal bylaw unless:
- (a) the person holds a valid driver’s licence; and
 - (b) the owner of the golf cart insures the owner and every other person who, with the owner’s consent, operates that golf cart against liability imposed by law arising out of the ownership, use or operation of that golf cart and provides proof of insurance at the request of a peace officer.

- (5) Within 90 days after the coming into force of this section, every municipality that has passed a bylaw before the coming into force of this section permitting the use of a golf cart on a highway or part of a highway within the municipality shall provide to the administrator a copy of that bylaw and any other information that the administrator may reasonably require.
- (6) The administrator shall review and either approve or refuse to approve the bylaw mentioned in subsection (5).
- (7) Subject to subsection (4), every bylaw permitting the use of a golf cart on a highway or part of a highway that was passed before the coming into force of this section is deemed to have been approved by the administrator and remains in force until the earlier of the following:
- (a) the date that the bylaw is reviewed and subsequently approved or not approved by the administrator;
 - (b) two years after the date of the coming into force of this section.
- (8) If, after the coming into force of this section, a municipality passes a bylaw permitting the use of a golf cart on a highway or part of a highway within the municipality:
- (a) the municipality shall provide to the administrator a copy of that bylaw and any other information that the administrator may reasonably require within 90 days after the bylaw was passed;
 - (b) the bylaw is not in force until it is approved by the administrator; and
 - (c) the administrator shall review and either approve or refuse to approve the bylaw.

2014, c.29, s.13.

Prohibition on selling or exchanging unequipped vehicles

114 No person engaged in the business of buying, selling or exchanging vehicles shall sell or give in exchange a vehicle that the person to whom it is sold or given intends to drive on a highway if the vehicle is not equipped in accordance with this Act and the regulations.

2004, c.T-18.1, s.114.

DIVISION 2
Vehicle Inspection Stations

Interpretation of Division

115 In this Division, “**vehicle inspection certificate**” means a valid vehicle inspection certificate issued pursuant to section 117.

2004, c.T-18.1, s.115.

Prohibition on operation of uninspected vehicle

116(1) No person shall operate or cause to be operated on a highway or sell for operation on a highway a vehicle of a prescribed class or type, unless the vehicle is the object of a vehicle inspection certificate or temporary inspection authorization issued pursuant to this Act.

(2) Notwithstanding subsection (1) or the regulations, the administrator may waive the requirement for a vehicle to have a vehicle inspection certificate if, in the opinion of the administrator, it would not be contrary to the public interest.

2004, c.T-18.1, s.116.

When vehicle inspection certificate may be issued

117(1) A vehicle inspection station shall issue a vehicle inspection certificate if:

- (a) any fee that is set in the regulations made by the minister for the purpose is paid; and
- (b) an inspection by a vehicle inspection mechanic in accordance with the methods approved by the minister determines that the vehicle meets or exceeds the minimum safety standards set out in the regulations made by the minister.

(2) A vehicle inspection certificate issued pursuant to subsection (1) is valid for the period set out in the regulations made by the minister for the type and class of vehicle.

(3) No person shall in any manner tamper with or alter a vehicle inspection certificate.

(4) A vehicle inspection certificate is to be located or displayed in the manner required in the regulations made by the minister.

(5) A vehicle inspection certificate or other evidence of certification permitted in the regulations made by the minister is, on request, to be produced to a peace officer.

2004, c.T-18.1, s.117.

When administrator may suspend vehicle inspection certificate

118 The administrator may suspend a vehicle inspection certificate if:

- (a) it is issued in error; or
- (b) the administrator finds that the vehicle does not meet or exceed the minimum safety standards set out in the regulations made by the minister.

2004, c.T-18.1, s.118.

Administrator may issue temporary inspection authorization

119(1) The administrator may issue a temporary inspection authorization to operate a vehicle for which a vehicle inspection certificate has not been issued.

(2) A temporary inspection authorization issued pursuant to subsection (1) is valid for the period of time specified on the authorization by the administrator.

2004, c.T-18.1, s.119.

Prohibition on vehicle inspection stations or inspection mechanics without appropriate certificate

120(1) No person shall hold himself or herself out as or advertise himself or herself to be a vehicle inspection station or vehicle inspection mechanic unless that person holds an inspection station certificate or inspection mechanic certificate issued by the administrator.

(2) No person shall issue or cause to be issued a vehicle inspection certificate unless that person holds an inspection station certificate issued by the administrator.

2004, c.T-18.1, s.120.

Application for and issue of certificates

121(1) An applicant for a vehicle inspection station certificate or vehicle inspection mechanic certificate shall:

- (a) apply to the administrator in the form provided by the administrator;
- (b) pay to the administrator the fee directed by the minister in the regulations made by the minister; and
- (c) provide to the administrator the type and amount of bond that is required in the regulations made by the minister to be furnished by an applicant.

(2) The administrator may issue a vehicle inspection station certificate or vehicle inspection mechanic certificate if the administrator is satisfied that:

- (a) the applicant has complied with this section; and
- (b) the station or mechanic meets the qualifications set out in the regulations made by the minister.

2004, c.T-18.1, s.121.

Ministerial regulations prescribing duties of inspection stations and mechanics

122(1) The minister may make regulations:

- (a) respecting the duties and responsibilities of a vehicle inspection station or vehicle inspection mechanic;
- (b) setting the requirements that must be met in order to obtain a vehicle inspection certificate and, for that purpose, delegating to the administrator the authority to set all or any of those requirements.

(2) No holder of a vehicle inspection station certificate or vehicle inspection mechanic certificate shall fail to comply with any regulations made by the minister pursuant to this section.

2004, c.T-18.1, s.122

When administrator may cancel, etc., certificate

123 The administrator may suspend, alter or cancel or refuse to issue a vehicle inspection station certificate or vehicle inspection mechanic certificate if the holder:

- (a) ceases to possess the qualifications that are required to hold the certificate;
- (b) contravenes any provision of this Act or the regulations; or
- (c) issues a vehicle inspection certificate otherwise than in accordance with the regulations.

2004, c.T-18.1, s.123.

PART XII
Financial Responsibility of Drivers and Vehicle Owners

DIVISION 1
General Matters

Part not to affect other remedies available to plaintiffs

124 Nothing in this Part shall prejudice or affect any other right, right of action or remedy available at law to a plaintiff.

2004, c.T-18.1, s.124.

Extent of financial responsibility required by drivers and owners

125(1) Every driver not being an owner and every owner for each motor vehicle registered in the owner's name shall give proof of financial responsibility when required to do so by this Part in the amount of at least \$200,000, exclusive of interest and costs, with respect to the liability mentioned in subsection (2).

(2) For the purposes of subsection (1), the financial responsibility must cover liability resulting from either or both of the following causes in any one accident:

- (a) bodily injury to, or the death of, one or more persons;
- (b) loss of, or damage to, property.

(3) The proof of financial responsibility required by this section must include a provision that:

- (a) claims arising out of bodily injury or death have priority, to the extent of \$190,000, over claims arising out of loss of, or damage to, property; and
- (b) claims arising out of loss of, or damage to, property have priority to the extent of \$10,000, over claims arising out of bodily injury or death.

2004, c.T-18.1, s.125.

DIVISION 2
Requirements of Proof of Financial Responsibility

Form of proof

126(1) A resident may give proof of financial responsibility:

(a) by filing with the administrator the written certificate of an insurer duly licensed pursuant to *The Insurance Act* to carry on in Saskatchewan the business of automobile insurance certifying that:

- (i) it has issued to or for the benefit of the insured named in the certificate a motor vehicle liability policy, in the form required by *The Insurance Act*, that, at the date of the certificate, is in full force and effect;
- (ii) the motor vehicle liability policy may not be cancelled or expire except after 10 days' written notice to the administrator; and
- (iii) until notice is given in accordance with subclause (ii), the certificate will be valid and sufficient to cover the term of renewal of the policy by an insurer or any renewal or extension of the term of the insured's licence or registration by the administrator;

- (b) by filing with the administrator a bond that:
 - (i) is issued by a guarantee insurance or surety company duly authorized to carry on business in Saskatchewan;
 - (ii) is payable to the Minister of Finance;
 - (iii) is in a form approved by the administrator;
 - (iv) is conditioned for the payment of the amounts specified in this Part; and
 - (v) is not to be cancelled or expire except after 10 days' written notice to the administrator;
 - (c) by filing with the administrator a certificate of the Minister of Finance certifying that the person named in the certificate has deposited with the Minister of Finance a sum of money or security for money approved by that minister in the amount or value of \$200,000 for each motor vehicle registered in the resident's name; or
 - (d) by obtaining a certificate of insurance issued pursuant to *The Automobile Accident Insurance Act*.
- (2) For the purposes of clause (1)(c), the Minister of Finance shall accept the deposit mentioned in that clause and, on acceptance, shall issue a certificate for the purpose.
- (3) A non-resident may give proof of financial responsibility:
- (a) in any manner provided in subsection (1); or
 - (b) by filing with the administrator, or, for the purposes of section 158, by producing, a certificate of insurance, in a form approved by the administrator, issued by an insurer that:
 - (i) is authorized to transact insurance in the jurisdiction in which the non-resident resides or formerly resided; and
 - (ii) complies with subsection (4).
- (4) For the purposes of clause (3)(b), an insurer must have filed with the Superintendent of Insurance, in the form prescribed by the Superintendent:
- (a) a power of attorney authorizing the Superintendent of Insurance 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 Saskatchewan;
 - (b) an undertaking to appear in any action or proceeding described in clause (a) of which it has knowledge;
 - (c) an undertaking that, on receipt from the Superintendent of Insurance of any notice or process served on the Superintendent with respect to its insured, it will immediately cause the notice or process to be personally served on its insured; and
 - (d) an undertaking:
 - (i) not to set up a defence to any claim, action or proceeding under a motor vehicle liability policy issued by it that might not be set up if the policy had been issued in Saskatchewan in accordance with the law of Saskatchewan relating to motor vehicle liability policies; and

- (ii) to satisfy, up to the limits of liability stated in the policy and in any event to an amount not less than the limits of liability fixed in Division 3 of Part VIII of *The Insurance Act*, any judgment rendered and become final against it or its insured by a court in Saskatchewan in any action or proceeding.
- (5) If an insurer that has filed the documents described in this section defaults under any of them:
- (a) that insurer's certificates are not, after the default, acceptable proof of financial responsibility pursuant to this Part so long as the default continues; and
 - (b) the administrator shall immediately notify the Superintendent of Insurance and the Registrar of Motor Vehicles or the official in charge of the registration of motor vehicles and the licensing of drivers in all jurisdictions where the certificates of that insurer are accepted as proof of financial responsibility.

2004, c.T-18.1, s.126; 2015, c.I-9.11, s.11-13.

Form of policy and duties of insurer

127(1) A motor vehicle liability policy mentioned in this Part must:

- (a) be in the form required by *The Insurance Act* for an owner's policy or driver's policy, as the case may require; and
 - (b) be approved pursuant to *The Insurance Act* by the Superintendent of Insurance for the purposes of this Part.
- (2) An insurer that has issued a motor vehicle liability policy shall, as and when the administrator requests, deliver to or file with the administrator, a certificate for the purposes of this Part.
- (3) A certificate filed with the administrator is deemed to be a conclusive admission by an insurer mentioned in subsection (2) that a policy has been issued in the form described in subsection (1) and in accordance with the terms of the certificate.
- (4) Every insurer shall notify the administrator of the cancellation or expiry of any motor vehicle liability policy for which a certificate has been issued, at least 10 days before the effective date of the cancellation or expiry, and, in the absence of that notice, the policy remains in full force and effect.
- (5) If a non-resident is a party to an action for damages arising out of a motor vehicle accident in Saskatchewan for which indemnity is provided by a motor vehicle liability policy, the non-resident's insurer named in the policy shall, as soon as it has knowledge of the action from any source and whether or not liability under the policy is admitted, notify the administrator in writing, specifying:
- (a) the date and place of the accident; and
 - (b) the names and addresses of the parties to the action and of the insurer.

(6) A notification provided pursuant to subsection (5) is open to inspection by the parties to the action.

(7) Notwithstanding any other provision of this Part, the administrator may decline to accept as proof of financial responsibility the certificates of any insurer that fails to comply with subsection (5).

2004, c.T-18.1, s.127; 2015, c.I-9.11, s.11-13.

Application of bond, etc.

128(1) Any bonds, moneys or securities filed or deposited pursuant to this Part are to be held by the Minister of Finance or the administrator, as the case may be, as security for payment of any judgment that may be obtained against the person filing the bond or making the deposit in an action arising out of damage caused, after the filing or deposit, by the driving of a motor vehicle:

- (a) owned by the person; or
- (b) driven by the person or any other person for whose negligence the person is found liable.

(2) Money and securities deposited with the Minister of Finance are to be paid or handed over by that minister on the order of the court or a judge to satisfy a judgment recovered in the court for damages for personal injuries or death or damage to property occurring after the deposit, but the money or securities are not subject to any other claim or demand.

2004, c.T-18.1, s.128.

Action on bond

129(1) If a judgment to which this Part applies is rendered against the principal named in a bond filed with the administrator and the judgment is not satisfied within 15 days after it has been rendered, the judgment creditor may, for his or her own use and benefit and at his or her sole expense:

- (a) bring an action on the bond to the extent of the amount of the bond but no more, in the name of the Minister of Finance; and
- (b) to the extent of the amount of the bond but no more, recover the amount of the creditor's judgment and costs against the person executing the bond.

(2) On the order of the court in which the judgment mentioned in subsection (1) is obtained, the amount recovered is to be paid over to the person recovering the judgment.

2004, c.T-18.1, s.129.

When administrator may cancel bond

130(1) The administrator may cancel any bond or return any certificate of insurance, and the Minister of Finance may, at the request of the administrator, return any moneys or securities deposited pursuant to this Part as proof of financial responsibility, at any time after one year from the date of the original deposit, if there is:

- (a) no action for damages pending with respect to personal injury or damage to property in excess of \$100 resulting from the operation of the motor vehicle covered by the bond, certificate of insurance, moneys or securities; and
 - (b) no judgment outstanding and unsatisfied with respect to personal injury or damage to property in excess of \$100 resulting from the operation of the motor vehicle covered by the bond, certificate of insurance, moneys or securities.
- (2) An applicant seeking to cancel the bond or the return of the certificate of insurance, moneys or securities pursuant to this section may file with the administrator a statutory declaration verifying the facts set out in subsection (1), and the administrator may accept that statutory declaration as proof, in the absence of evidence to the contrary, of the facts set out in the statutory declaration.
- (3) The administrator may direct the cancellation of any bonds or the return of any certificates, moneys or securities to the person who furnished them on the acceptance and substitution of other adequate proof of financial responsibility pursuant to this Part.
- (4) The administrator may direct the return of any certificates, moneys or securities to the person who furnished them at any time after one year from the date of the expiration or surrender of the last certificate of registration or the last driver's licence issued to that person:
- (a) if no written notice has been received by the administrator within that period of action brought against that person with respect to the ownership, maintenance or operation of a motor vehicle; and
 - (b) on the filing by that person with the administrator of a statutory declaration that:
 - (i) he or she either:
 - (A) no longer resides in Saskatchewan; or
 - (B) has made a bona fide sale of all motor vehicles owned by him or her, naming the purchasers; and
 - (ii) he or she does not intend to own or operate any motor vehicle in Saskatchewan within a period of one or more years.

When drivers and owners must return licence, etc.

131(1) This section applies to an owner or driver:

- (a) whose certificate of registration or driver's licence has been suspended;
 - (b) whose policy of insurance or surety bond has been cancelled or terminated;
 - or
 - (c) who fails to give proof of financial responsibility on being required to do so.
- (2) An owner or driver shall, on the occurrence of an event mentioned in subsection (1), immediately deliver to the convicting judge or justice, or return to the administrator:
- (a) the certificate of registration held by the owner or driver;
 - (b) the driver's licence of the owner or driver; and
 - (c) the owner's or driver's licence plates.
- (3) If an owner or driver fails to comply with subsection (2), the administrator may cause a peace officer to recover possession of the certificate of registration, driver's licence or licence plates.

2004, c.T-18.1, s.131.

When driver who fails to prove financial responsibility may operate vehicle

132(1) If a driver is required to give proof of financial responsibility and the person's driver's licence is suspended solely on the ground of his or her failure to do so, the administrator may permit that person to drive the motor vehicle of an owner who has given proof of financial responsibility on the driver's behalf.

- (2) In the circumstances mentioned in subsection (1):
- (a) the administrator shall endorse the driver's licence to restrict the driver to driving a motor vehicle mentioned in that subsection; and
 - (b) the driver shall not drive a motor vehicle other than one described in the driver's licence unless and until that person gives the proof of financial responsibility required of him or her.

2004, c.T-18.1, s.132.

Reciprocal application of foreign legislation

133(1) In this section, "**foreign jurisdiction**" means:

- (a) a province of Canada other than Saskatchewan; or
 - (b) a state of the United States of America.
- (2) If the law in force in a foreign jurisdiction contains provisions that, in the opinion of the Lieutenant Governor in Council, are similar to those set out in this section, section 134 and section 158, the Lieutenant Governor in Council may authorize the Minister of Finance on behalf of the government to enter into an agreement with the proper authority on behalf of the foreign jurisdiction for the reciprocal application:
- (a) of this section, section 134 and section 158, or of any parts of those sections that may be specified in the agreement, to motor vehicles registered in the foreign jurisdiction and the owners, drivers and persons in charge of them; and

- (b) of the provisions in the legislation of the foreign jurisdiction that are similar to this section, section 134 and section 158, or of any parts of those provisions that may be specified in the agreement, to motor vehicles registered in Saskatchewan and the owners, drivers and persons in charge of them.
- (3) On the making of an agreement pursuant to subsection (2), the Lieutenant Governor in Council shall make regulations declaring that, on and after a specified date, this section, section 134 and section 158, or any parts of those sections that may be specified in the regulations, apply to motor vehicles registered in the foreign jurisdiction and to the owners, drivers and persons in charge of them.
- (4) For the purposes of section 158, the driver, owner or other person in charge of a motor vehicle registered in a foreign jurisdiction is deemed to have produced a financial responsibility card or motor vehicle liability insurance card in accordance with that section if:
- (a) regulations are made pursuant to subsection (3);
 - (b) the motor vehicle is subject to impoundment pursuant to section 158; and
 - (c) the person produces a card similar to a financial responsibility card or a motor vehicle liability insurance card that is issued pursuant to the legislation of the foreign jurisdiction that is similar to this section, section 134 and section 158.

2004, c.T-18.1, s.133.

Prohibition on production of false proof of financial responsibility

134(1) No person shall produce to a peace officer or to the administrator:

- (a) a financial responsibility card or a motor vehicle liability insurance card purporting to show that at the time of an accident in which a motor vehicle was in any manner, directly or indirectly, involved there was in force:
 - (i) a policy of insurance that was not, in fact, in force; or
 - (ii) a certificate of insurance issued pursuant to *The Automobile Accident Insurance Act* that was not, in fact, in force;
- (b) a financial responsibility card purporting to show that the person is at that time maintaining in effect proof of financial responsibility as required by this Act when that is not the case; or
- (c) a financial responsibility 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 with respect to loss resulting from that accident and occasioned by the operation or use of that motor vehicle, when that is not the case.

- (2) If a person produces a card to which subsection 133(4) applies for any of the purposes and under any of the circumstances mentioned in clause (1)(a), (b) or (c):
- (a) the administrator, on the matter being brought to its attention, shall immediately report the facts to the Registrar of Motor Vehicles, or other person, in the foreign jurisdiction responsible for the administration of its legislation similar to this section; and
 - (b) the person is deemed to have contravened subsection (1) of this section.

2004, c.T-18.1, s.134.

DIVISION 3

How Judgments in Saskatchewan May Be Satisfied

Consequences of failure to satisfy judgment

- 135(1)** The administrator shall act pursuant to subsection (2) if:
- (a) a judgment is rendered by a court in Canada for damages on account of the death of or injury to a person that is caused by a motor vehicle or on account of damage to property in excess of \$50 caused to or by a motor vehicle; and
 - (b) the person against whom the judgment is rendered fails to satisfy the judgment within 30 days after the day on which it becomes final by affirmation on appeal or by expiry, without appeal, of the time allowed for appeal.
- (2) In the circumstances mentioned in subsection (1), the administrator shall, on receipt of a certificate of judgment, suspend:
- (a) the driver's licence issued to the person against whom the judgment is rendered;
 - (b) the certificate of registration or registration permit against every vehicle registered in the name of the person against whom the judgment is rendered; and
 - (c) the ability of the person against whom the judgment is rendered to secure a driver's licence, certificate of registration or registration permit.
- (3) A driver's licence or certificate of registration that is suspended pursuant to subsection (2) remains suspended and is not renewable, and no new driver's licence or certificate of registration is to be issued to the judgment debtor, until:
- (a) either:
 - (i) all judgments are discharged in a manner other than a discharge in bankruptcy; or

- (ii) if all judgments are not discharged:
 - (A) if the judgment or judgments relate to a motor vehicle accident occurring before May 1, 1981, the total amount owing under all judgments with respect to that accident is satisfied to the extent of at least \$30,000, in the case of any judgments arising from bodily injury or death, and at least \$5,000, in the case of any judgments arising from damage to property, and, in any event, to the extent of at least \$35,000;
 - (B) if the judgment or judgments relate to a motor vehicle accident occurring on or after May 1, 1981 but before January 1, 1985, the total amount owing under all judgments with respect to that accident is satisfied to the extent of at least \$95,000, in the case of any judgments arising from bodily injury or death, and at least \$5,000, in the case of any judgments arising from damage to property, and, in any event, to the extent of at least \$100,000; or
 - (C) if the judgment or judgments relate to a motor vehicle accident occurring on or after January 1, 1985, the total amount owing under all judgments with respect to that accident is satisfied to the extent of at least \$190,000, in the case of any judgments arising from bodily injury or death, and at least \$10,000, in the case of any judgments arising from damage to property, and, in any event, to the extent of at least \$200,000; and
- (b) the judgment debtor gives proof of the debtor's financial responsibility for future motor vehicle accidents in the manner required by this Part.
- (4) Subsections (1) to (3) apply if, after a person gives proof of financial responsibility, any other judgment against the person that relates to an accident occurring before the proof was furnished is reported to the administrator.
- (5) If the administrator reports that another jurisdiction has enacted legislation similar in effect to subsections (1) to (3) and that the legislation extends and applies to judgments rendered and become final against residents of that jurisdiction by any court of competent jurisdiction in Saskatchewan, the Lieutenant Governor in Council may, by regulation, declare that those subsections extend and apply to judgments rendered and become final against residents of Saskatchewan by any court of competent jurisdiction in that other jurisdiction.
- (6) If a judgment debtor is a non-resident, the privilege of driving a motor vehicle in Saskatchewan and of using or having in Saskatchewan a motor vehicle registered in the debtor's name is suspended immediately on the rendering of the judgment and remains suspended until the debtor complies with subsection (3).

When administrator may authorize judgment debtor to drive vehicle - instalment payments

136(1) A judgment debtor to whom section 135 applies may apply to a judge of the Court of Queen's Bench for the privilege of paying the judgment in instalments.

(2) An application pursuant to this section must be made on due notice to the judgment creditor.

(3) On an application pursuant to this section, the judge of the Court of Queen's Bench may issue an order:

- (a) authorizing the judgment debtor to pay the judgment in instalments; and
- (b) fixing the amounts and times of payment of the instalments.

(4) For the purposes of this Part:

- (a) while a judgment debtor is not in default in payment of any instalments, the debtor is deemed not to be in default in payment of the judgment; and
- (b) if the debtor gives proof of financial responsibility for future accidents to the administrator that is satisfactory to the administrator, the administrator may restore the driver's licence and certificate of registration of the judgment debtor.

(5) If the judgment debtor defaults in making an instalment payment, the administrator shall suspend the driver's licence and certificate of registration restored pursuant to subsection (4).

(6) If the judgment debtor remedies the default by making the payment, the administrator may restore the driver's licence and certificate registration suspended pursuant to subsection (5).

2004, c.T-18.1, s.136.

PART XIII
Disqualification from Driving

DIVISION 1
General Matters respecting Disqualifications

Interpretation of Part

137 In this Part:

- (a) **“conviction”** means:
 - (i) a conviction for an offence; or
 - (ii) a finding of guilt for, or a plea of guilty to, an offence with respect to which a conditional discharge is granted;
- (b) **“driving”** includes operating or having the care or control of a motor vehicle, whether it is in motion or not;
- (c) **“motor vehicle”** means a motor vehicle for which a driver's licence is required;

- (d) **“new driver”** means:
- (i) a driver who is younger than 19 years of age; or
 - (ii) any other prescribed person or member of a prescribed class of persons;
- (e) **“offence”**, except in subsection 141(1), means:
- (i) an offence pursuant to subsection 320.13(1), (2) or (3) of the *Criminal Code*;
 - (ii) an offence pursuant to section 220, 221, 236, paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4), section 320.16 or subsection 320.18(1) of the *Criminal Code* committed by means of a motor vehicle;
 - (iii) an offence pursuant to subsection 320.15(1), (2) or (3) of the *Criminal Code*;
 - (iv) an offence pursuant to subsection 140(1) or pursuant to section 275 for contravening section 209.1;
 - (v) an offence pursuant to section 130 of the *National Defence Act* (Canada) for having contravened paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4), or subsection 320.15(1), (2) or (3) of the *Criminal Code*;
 - (vi) an offence pursuant to any law of any state of the United States of America that is substantially similar to section 220, 221, 236, subsections 320.13(1) to (3), paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4), subsections 320.15(1) to (3), subsections 320.16(1) to (3) or subsection 320.18(1) of the *Criminal Code*, if a contravention is committed by means of a motor vehicle;
 - (vii) an offence pursuant to regulations made pursuant to the *Indian Act* (Canada) for having contravened subsection 140(1).

2004, c.T-18.1, s.137; 2006, c.9, s.16; 2014, c.29, s.14; 2018, c21, s.3 and s.5.

Consequences of being disqualified from driving

138 If a person is disqualified from driving a motor vehicle on a highway pursuant to this Act or a court makes an order under the *Criminal Code* that prohibits in whole or in part that person from operating a motor vehicle:

- (a) the person’s driver’s licence, if any, is cancelled;
- (b) the person’s ability to secure a driver’s licence is suspended; and
- (c) the person is prohibited from applying for or obtaining a driver’s licence during the period of the person’s disqualification.

2004, c.T-18.1, s.138.

When a person is disqualified from driving

139(1) A person is disqualified from driving a motor vehicle on a highway:

- (a) while that person is disqualified from driving a motor vehicle on a highway pursuant to subsection (2) or section 141 or 144;
 - (b) while, pursuant to section 48, 49, 50, subsection 51(2) or section 146, 146.1, 146.2, 148, 150, 150.1, 150.11 or 150.3, the person's driver's licence is suspended or cancelled by the administrator, the person is prohibited from applying for a driver's licence or the administrator refuses to issue a driver's licence to the person; or
 - (c) while the person's permit or licence or the person's ability to secure a permit or licence to drive a motor vehicle in any other province in Canada, or any state of the United States of America is suspended or cancelled in accordance with the law of that province in Canada or state of the United States of America, as the case may be.
- (2) If a person is convicted for contravening any of the provisions of the *Criminal Code* set out in clause 137(e) arising out of the operation, care or control of a water vessel or aircraft and the convicting judge or court makes an order that prohibits in whole or in part the person from operating a motor vehicle:
- (a) the driver's licence, if any, of the person is cancelled;
 - (b) the ability of the person to secure a driver's licence is suspended during the period of the prohibition against driving a motor vehicle set out in the order; and
 - (c) the person is prohibited from applying for or obtaining a driver's licence during the period of the prohibition against driving a motor vehicle set out in the order.

2004, c.T-18.1, s.139; 2014, c.29, s.15; 2018, c21, s.3.

Prohibition on driving while disqualified

140(1) No person shall drive a motor vehicle on a highway while that person is disqualified from driving a motor vehicle on a highway as described in section 139.

(2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction:

- (a) in the case of a first conviction for an offence pursuant to this section, to a fine of not more than \$2,000; and
 - (b) in the case of a second, third or subsequent conviction for an offence pursuant to this section, to a fine of not more than \$2,000, to imprisonment for a term of not more than two years or to both that fine and imprisonment.
- (3) **Repealed.** 2018, c 45, s.17.
- (4) **Repealed.** 2018, c 45, s.17.

- (5) No person shall drive a motor vehicle on a highway while:
- (a) a refusal by the administrator to issue the person a driver's licence is still in effect; or
 - (b) the person's driver's licence is suspended or cancelled pursuant to any provision of this Act other than section 146.
- (6) Every person who contravenes subsection (5) is guilty of an offence and liable on summary conviction:
- (a) to a fine of not more than \$1,000; and
 - (b) in the case of a second, third or subsequent conviction for an offence pursuant to this section, to a fine of not more than \$2,000, to imprisonment for a term of not more than two years or to both that fine and imprisonment.
- (7) In a proceeding pursuant to this section, a certificate that meets the requirements of subsection (8) is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts alleged in the certificate, without proof of the signature or official character of the person by whom it purports to be signed.
- (8) For the purposes of subsection (7) the certificate must:
- (a) set out with reasonable particularity that:
 - (i) the person's driver's licence is suspended or cancelled;
 - (ii) a refusal by the administrator to issue a licence to a person is still in effect; or
 - (iii) that a person is disqualified from driving a motor vehicle:
 - (A) in Saskatchewan; or
 - (B) in any other province of Canada by reason of the legal suspension or cancellation of the person's permit or licence, or of the person's ability to secure a permit or licence; and
 - (b) purport to be signed:
 - (i) if the person is disqualified from driving a motor vehicle in Saskatchewan:
 - (A) pursuant to this Act, by the administrator; or
 - (B) pursuant to the *Criminal Code*, by the Registrar of Motor Vehicles appointed pursuant to section 11;
 - (ii) if the person is disqualified from driving a motor vehicle in any other province of Canada or state of the United States of America, by the person, by whatever name or title that person may be designated, who from time to time performs the duties of superintending the registration of motor vehicles in that province or state.
- (9) Subsections (7) and (8) do not apply in any proceeding unless reasonable notice in writing is given to the accused that it is intended to tender the certificate in evidence.

(10) In the absence of evidence to the contrary, a person charged with a contravention of subsection (1) or (5) is deemed to have known of:

- (a) his or her disqualification from driving in Saskatchewan; and
- (b) the suspension or cancellation of the person's licence or permit to drive or of the person's ability to secure a licence or permit to drive.

2004, c.T-18.1, s.140; 2018, c.45, s.17.

DIVISION 2 Suspension on Conviction

Automatic suspension

141(1) Subject to subsection (2), if a person, whether a resident or non-resident, is convicted of an offence, that person is disqualified from driving any motor vehicle on a highway for the longer of:

- (a) the period for which the person is prohibited by the convicting judge or court pursuant to the *Criminal Code* from operating a motor vehicle; and
- (b) the period of disqualification determined pursuant to subsection (3) or (4).

(1.1) For the purpose of subsection (1) **“offence”** means:

- (a) an offence as defined in section 137; and
- (b) any *Criminal Code* offence set out in section 137 of this Act as that provision existed on the day before the coming into force of this provision.

(2) The following persons are eligible to participate in an ignition interlock program:

- (a) a resident convicted of an offence for which the convicting judge or court has ordered the person to participate in an ignition interlock program;
- (b) a resident convicted of a prescribed offence pursuant to this Act or the *Criminal Code*.

(3) Subject to subsection (4), the period of disqualification is the prescribed period.

(4) The period of disqualification for prescribed offences is indefinite.

(5) If a resident is convicted in Saskatchewan of an offence pursuant to the *Criminal Code*, the convicting judge or court shall:

- (a) secure the driver's licence, if any, from the person and immediately forward it to the administrator;
- (b) notify the person that:
 - (i) his or her driver's licence is immediately cancelled;
 - (ii) his or her ability to secure a licence is immediately suspended;

- (iii) he or she is disqualified from driving a motor vehicle on a highway until the period of suspension determined by the administrator pursuant to this Act has expired and he or she lawfully obtains a driver's licence pursuant to this Act; and
 - (iv) the period of disqualification imposed pursuant to this Act is distinct from any prohibition imposed pursuant to the *Criminal Code* or any other Act or law; and
- (c) forward to the administrator particulars of the conviction.
- (6) If a person is disqualified from driving for an offence other than an offence pursuant to the *Criminal Code*, the person's licence is suspended as of the date indicated by the administrator for the period mentioned in subsection (3).

2004, c.T-18.1, s.141; 2014, c.29, s.16; 2018, c21, s.5.

Determination of first, second, third or subsequent convictions

142(1) In this section, “**specified period**” means the period prescribed in the regulations.

- (2) For the purposes of section 141, when a person is convicted of an offence:
- (a) the conviction is a first offence if, within the specified period, the person has not been convicted of a prior offence;
 - (b) the conviction is a second offence if, within the specified period, the person has been convicted of one prior offence;
 - (c) the conviction is a third conviction if, within the specified period, the person has been convicted of two prior offences; and
 - (d) the conviction is a subsequent conviction if, within the specified period, the person has been convicted of more than two prior offences.
- (3) In determining whether a conviction is a second conviction, a third conviction or a subsequent conviction, as the case may be, for the purposes of clause 141(3)(b), (c) or (d), the only question to be considered is the sequence of convictions, and no consideration must be given to the sequence of commission of offences or whether any offence occurred before or after any conviction.

2004, c.T-18.1, s.142.

Effect of appeal – not to stay decision unless otherwise ordered

143(1) If a person appeals against or applies for judicial review of a conviction for an offence committed anywhere in Canada, the person's disqualification from driving a motor vehicle on a highway remains in force, unless:

- (a) if the conviction occurred in Saskatchewan, the judge or court hearing the appeal or application orders otherwise; or
- (b) if the conviction occurred outside Saskatchewan, a judge of the Court of Queen's Bench orders otherwise.

- (2) If pursuant to subsection (1) a judge or court orders that the disqualification from driving a motor vehicle on a highway not remain in force, the judge or court shall notify the administrator of the order.
- (3) On receipt of a certified copy of an order made by a judge or court pursuant to subsection (1), the administrator shall return the driver's licence to the person.
- (4) If a judge or court has made an order pursuant to subsection (1) and the appeal is dismissed or the application for judicial review is denied:
- (a) the application of section 141 is immediately revived, and the period during which the application of that section was stayed is not included in determining the time when the period for which the disqualification from driving terminates; and
 - (b) the person shall immediately forward his or her driver's licence to the administrator.
- (5) If the conviction of a person for an offence is set aside on appeal or quashed:
- (a) the person's disqualification from driving is terminated; and
 - (b) if it has not already done so, the administrator shall, on receipt of a certified copy of the order of the judge or court setting aside or quashing the conviction, return the driver's licence to the person.
- (6) If, pursuant to an appeal, a new trial is ordered and subsequently a conviction is entered, the period of disqualification as described in section 141 is deemed to include any period of disqualification in force following the conviction from which the appeal was taken before the issue of an order pursuant to subsection (1) or for a new trial.

2004, c.T-18.1, s.143.

Conviction of non-resident in Saskatchewan – consequences

144 If a non-resident is convicted in Saskatchewan of an offence, the administrator may:

- (a) by order, prohibit that person from driving any motor vehicle on a highway in Saskatchewan for the appropriate period as described in section 141; and
- (b) notify the proper authorities of the jurisdiction in which the person resides of the conviction and of any order made pursuant to clause (a).

2004, c.T-18.1, s.144.

Service of order on non-resident

145 The administrator shall cause notice of an order made pursuant to section 144 to be served on the person affected by it and, on the service of the notice, the person is disqualified from driving a motor vehicle on a highway in Saskatchewan according to the terms of the order.

2004, c.T-18.1, s.145.

DIVISION 3

Suspension of Driver's Licence re Drinking and Driving**Roadside suspension – 40 milligrams of alcohol**

146(1) In this section and in sections 146.1 and 146.2:

(a) **“approved screening device”** means a device approved for analysing the presence of alcohol or drugs in a person's body pursuant to paragraph 320.39(a) of the *Criminal Code*;

(b) **“designated notice”** means a notice of suspension, or a notice of immobilization or impoundment, issued pursuant to this section, section 146, 146.1, 146.2, 148, 150, 150.1, or 150.11 or a notice of seizure and direction issued pursuant to section 150.3 and includes a suspension or an order of disqualification issued pursuant to a former provision.

(2) A peace officer shall do the things set out in subsections (3) and (14) if the peace officer has reasonable grounds to believe that the driver, based on an analysis of a driver's breath by means of an approved screening device, drove a motor vehicle while that driver's venous blood contained not less than 40 milligrams of alcohol per 100 millilitres of blood.

(3) In the circumstances mentioned in subsection (2):

(a) the peace officer shall immediately:

(i) suspend the driver from driving a motor vehicle;

(ii) if the driver is the holder of a driver's licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender his or her driver's licence or permit; and

(iii) issue and serve a notice of suspension and a notice of immobilization or impoundment on the driver; and

(b) on being required to do so pursuant to subclause (a)(ii), the driver shall immediately surrender his or her driver's licence or permit to the peace officer.

(4) If a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section:

(a) subject to subsection (8), the driver is suspended from driving a motor vehicle:

(i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 3 consecutive days;

(ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 21 consecutive days; or

(iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 90 consecutive days; and

- (b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 3 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.
- (4.1) Notwithstanding subsection (4), if a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section and the driver was transporting a person under the age of 16 years:
- (a) subject to subsection (8), the driver is suspended from driving a motor vehicle:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 7 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 30 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 120 consecutive days; and
 - (b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 30 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 60 consecutive days.

- (5) A notice of suspension and a notice of immobilization or impoundment served on a driver pursuant to this section:
- (a) are effective immediately;
 - (b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver's licence or permit; and
 - (c) prohibit that driver from applying for or holding a driver's licence during the period of suspension set out in this section.
- (6) A driver shall, within 120 days after the date of the issuance of the notice of suspension and notice of immobilization or impoundment pursuant to this section:
- (a) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, participate in any prescribed program required by the administrator;
 - (b) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, participate in any prescribed program required by the administrator; or
 - (c) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, complete an education or recovery program recommended by an addictions counsellor.
- (7) If a driver who is required to complete a program pursuant to subsection (6) fails to do so within the 120-day period mentioned in that subsection and the driver's licence of the driver has been reinstated by the administrator, the administrator shall suspend the driver from driving a motor vehicle until he or she completes the program.
- (8) If a driver is suspended from driving a motor vehicle pursuant to subsection (3), the notice of suspension and any immobilization or impoundment of the motor vehicle is terminated immediately if:
- (a) the driver:
 - (i) immediately and voluntarily undergoes a test of a kind authorized to be given for that purpose by the minister that, in the opinion of the peace officer, indicates that the venous blood of the driver contains less than 40 milligrams of alcohol per 100 millilitres of blood; or
 - (ii) after the notice of suspension is issued but before the period of suspension has expired, obtains and produces to the peace officer a certificate from a duly qualified medical practitioner stating that, at the time the driver was suspended pursuant to subsection (3), the venous blood of the driver contained less than 40 milligrams of alcohol per 100 millilitres of blood; or

- (b) the following circumstances apply:
 - (i) for the purpose of showing the proportion of alcohol in the driver's blood, the driver either:
 - (A) voluntarily attends immediately at a place designated by the peace officer and accompanies the peace officer to that place, if necessary, and undergoes a test using an approved screening device; or
 - (B) immediately provides a second breath sample into an approved screening device that is different from the approved screening device used for the test pursuant to subsection (2); and
 - (ii) the result of the test or breath sample mentioned in subclause (i) indicates that the venous blood of the driver contains less than 40 milligrams of alcohol per 100 millilitres of blood.
- (9) Notwithstanding subsections (4), (6) and (7), but subject to subsections (10) to (12), if a driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, the driver is eligible to have his or her driver's licence reinstated only if the driver:
 - (a) does not drive a motor vehicle unless the vehicle is equipped with a prescribed ignition interlock device for a period of 1 year following enrolment in the ignition interlock program;
 - (b) participates in the prescribed ignition interlock program; and
 - (c) complies with any terms and conditions imposed by the administrator.
- (10) If the administrator is satisfied that a driver mentioned in subsection (9) has not fully complied with the prescribed ignition interlock program or any terms and conditions imposed by the administrator, the administrator may extend the period during which the driver must drive a motor vehicle with a prescribed ignition interlock device.
- (11) If a driver satisfies the administrator that, for a prescribed reason, he or she is unable to comply with subsection (9), the administrator may, with respect to that driver:
 - (a) waive the requirements set out in subsection (9);
 - (b) in accordance with the regulations, terminate the suspension effective on a date that the administrator considers appropriate;
 - (c) require the driver to participate in a prescribed program; and
 - (d) impose any terms and conditions on the driver that the administrator considers appropriate.
- (12) A driver described in subsection (11) is eligible to have his or her driver's licence reinstated subject to any other terms and conditions imposed on the driver by the administrator pursuant to this Act.
- (13) On the termination of the suspension of a driver's licence pursuant to subsection (8), the driver's licence, if it was surrendered, is to be returned to the driver by ordinary mail at the address shown on the driver's licence unless the driver calls for the driver's licence in person.

- (14) If a peace officer suspends the driver's licence of a driver pursuant to this section, the peace officer shall:
- (a) keep a written record of the driver's licence suspended by the peace officer;
 - (b) if the suspension is not terminated pursuant to subsection (8), provide the driver whose driver's licence is suspended with a written statement, in the prescribed form, of the time from which the suspension takes effect;
 - (c) if the driver surrenders his or her driver's licence, give the driver a receipt for the driver's licence; and
 - (d) promptly send the driver's licence of the driver to the administrator.
- (15) This section applies, with any necessary modification, to a driver who is a non-resident.

2014, c.29, s.17; 2015, c.33, s.5; 2016, c32, s.6;
2018, c21, s.3 and s.5; 2018, c45, s.18.

Field sobriety test (alcohol) and suspensions – 40 milligrams of alcohol

- 146.1(1)** A peace officer may require the driver of a motor vehicle to undergo a field sobriety test if the peace officer has reasonable grounds to believe that the driver's venous blood contains not less than 40 milligrams of alcohol per 100 millilitres of blood.
- (2) A driver who is requested to undergo a field sobriety test is suspended from driving a motor vehicle for the period set out in subsection (4) if the driver:
- (a) refuses to undergo the field sobriety test;
 - (b) fails to follow the peace officer's instructions regarding the field sobriety test; or
 - (c) fails the field sobriety test.
- (3) In the circumstances mentioned in subsection (2):
- (a) the peace officer shall immediately:
 - (i) suspend the driver from driving a motor vehicle;
 - (ii) if the driver is the holder of a driver's licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender his or her driver's licence or permit; and
 - (iii) issue and serve a notice of suspension and a notice of immobilization or impoundment; and
 - (b) on being required to do so pursuant to subclause (a)(ii), the driver shall immediately surrender his or her driver's licence or permit to the peace officer.

(4) If a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section:

(a) subject to subsection (8), the driver is suspended from driving a motor vehicle:

(i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 3 consecutive days;

(ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 21 consecutive days; or

(iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 90 consecutive days; and

(b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:

(i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 3 consecutive days;

(ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days; or

(iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.

(4.1) Notwithstanding subsection (4), if a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section and the driver was transporting a person under the age of 16 years:

(a) subject to subsection (8), the driver is suspended from driving a motor vehicle:

(i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 7 consecutive days;

(ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 30 consecutive days; or

(iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 120 consecutive days; and

- (b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 30 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 60 consecutive days.
- (5) A notice of suspension and a notice of immobilization or impoundment served on a driver pursuant to this section:
 - (a) are effective immediately;
 - (b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver's licence or permit; and
 - (c) prohibit that driver from applying for or holding a driver's licence during the period of suspension set out in this section.
- (6) A driver shall, within 120 days after the date of the issuance of the notice of suspension pursuant to this section:
 - (a) in the circumstance where the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, participate in any prescribed program required by the administrator;
 - (b) in the circumstance where the driver has been subject to one previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, participate in any prescribed program required by the administrator; or
 - (c) in the circumstance where the driver has been subject to two or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, complete an education or recovery program recommended by an addictions counsellor.
- (7) If a driver who is required to complete a program pursuant to subsection (6) fails to do so within the 120-day period mentioned in that subsection and the driver's licence of the driver has been reinstated by the administrator, the administrator shall suspend the driver from driving a motor vehicle until he or she completes the program.

(8) If a driver is suspended from driving a motor vehicle pursuant to subsection (3), the notice of suspension and any immobilization or impoundment of the motor vehicle is terminated immediately if:

(a) the driver:

(i) immediately and voluntarily undergoes a test of a kind authorized to be given for that purpose by the minister that, in the opinion of the peace officer, indicates that the venous blood of the driver contains less than 40 milligrams of alcohol per 100 millilitres of blood; or

(ii) after the notice of suspension is issued but before the period of suspension has expired, obtains and produces to the peace officer a certificate from a duly qualified medical practitioner stating that, at the time the driver was suspended pursuant to subsection (3), the venous blood of the driver contained less than 40 milligrams of alcohol per 100 millilitres of blood; or

(b) the following circumstances apply:

(i) for the purpose of showing the proportion of alcohol in the driver's blood, the driver either:

(A) voluntarily attends immediately at a place designated by the peace officer and accompanies the peace officer to that place, if necessary, and undergoes a test using an approved screening device; or

(B) immediately provides a breath sample into an approved screening device; and

(ii) the result of the test or breath sample mentioned in subclause (i) indicates that the venous blood of the driver contains less than 40 milligrams of alcohol per 100 millilitres of blood.

(9) Notwithstanding subsections (4), (6) and (7), but subject to subsections (10) to (12), if a driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, the driver is eligible to have his or her driver's licence reinstated only if the driver:

(a) does not drive a motor vehicle unless the vehicle is equipped with a prescribed ignition interlock device for a period of 1 year following enrolment in the ignition interlock program;

(b) participates in the prescribed ignition interlock program; and

(c) complies with any terms and conditions imposed by the administrator.

(10) If the administrator is satisfied that a driver mentioned in subsection (9) has not fully complied with the prescribed ignition interlock program or the terms and conditions imposed by the administrator, the administrator may extend the period during which the driver must drive a motor vehicle with a prescribed ignition interlock device.

(11) If a driver satisfies the administrator that, for a prescribed reason, he or she is unable to comply with subsection (9), the administrator may, with respect to that driver:

- (a) waive the requirements set out in subsection (9);
- (b) in accordance with the regulations, terminate the suspension effective on a date that the administrator considers appropriate;
- (c) require the driver to participate in a prescribed program; and
- (d) impose any terms and conditions on the driver that the administrator considers appropriate.

(12) A driver described in subsection (11) is eligible to have his or her driver's licence reinstated, subject to any other terms and conditions imposed on the driver by the administrator pursuant to this Act.

(13) On the termination of the suspension of a driver's licence pursuant to subsection (8), the driver's licence, if it was surrendered, is to be returned to the driver by ordinary mail at the address shown on the driver's licence unless the driver calls for the driver's licence in person.

(14) If a peace officer suspends the driver's licence of a driver pursuant to this section, the peace officer shall:

- (a) keep a written record of the driver's licence suspended by the peace officer;
- (b) if the suspension is not terminated pursuant to subsection (8), provide the driver whose driver's licence is suspended with a written statement, in the prescribed form, of the time from which the suspension takes effect;
- (c) if the driver surrenders his or her driver's licence, give the driver a receipt for the driver's licence; and
- (d) promptly send the driver's licence of the driver to the administrator.

(15) This section applies, with any necessary modification, to a driver who is a non-resident.

2014, c.29, s.17; 2015, c.33, s.6; 2016, c32, s7;
2018, c 45, s.19.

Zero tolerance drugs

146.2(1) A peace officer may make a demand pursuant to section 149 if the peace officer has reasonable grounds to believe that a driver drove a motor vehicle having any drugs in his or her body.

(2) A peace officer shall do the things set out in subsections (3) and (9) if, following a demand pursuant to section 149:

- (a) the driver fails or refuses to undergo a field sobriety test;
- (b) the driver fails or refuses to undergo an evaluation by a person who is qualified as a certified drug recognition evaluator pursuant to the *Criminal Code*;
- (c) the driver fails to provide a sample of his or her bodily substance; or
- (d) a sample of the driver's bodily substance, analysed by means of an approved screening device, indicates he or she has consumed drugs.

- (3) In the circumstances mentioned in subsection (2), the peace officer shall immediately:
- (a) suspend the driver from driving a motor vehicle;
 - (b) if the driver holds a valid driver's licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender his or her driver's licence or permit;
 - (c) cause the motor vehicle the driver is driving to be immobilized or impounded; and
 - (d) issue and serve on the driver a notice of suspension and a notice of immobilization or impoundment.
- (4) A notice of suspension and a notice of immobilization or impoundment served on a driver pursuant to this section:
- (a) are effective immediately;
 - (b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver's licence or permit; and
 - (c) prohibit the driver from applying for or holding a driver's licence during the period of suspension set out in this section.
- (5) If a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section:
- (a) subject to subsection (8), the driver is suspended from driving a motor vehicle:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 3 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 21 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 90 consecutive days; and
 - (b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 3 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.

(6) Notwithstanding subsection (5), if a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section and the driver was transporting a person under the age of 16 years:

- (a) the driver is suspended from driving a motor vehicle:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 7 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 30 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 120 consecutive days; and
- (b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 30 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 60 consecutive days.

(7) A driver shall, within 120 days after the date of the issuance of the notice of suspension pursuant to this section:

- (a) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, participate in any prescribed program required by the administrator;
- (b) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, participate in any prescribed program required by the administrator; or
- (c) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, complete an education or recovery program recommended by an addictions counsellor.

- (8) If a driver who is required to complete a program pursuant to subsection (7) fails to do so within the 120-day period mentioned in that subsection and the driver's licence of the driver has been reinstated by the administrator, the administrator shall suspend the driver from driving a motor vehicle until he or she completes the program.
- (9) If a peace officer suspends the driver's licence of a driver pursuant to this section, the peace officer shall:
- (a) keep a written record of the driver's licence suspended by the peace officer;
 - (b) provide the driver whose driver's licence is suspended with a written notice in accordance with section 155.1 of the time from which the suspension takes effect;
 - (c) if the driver surrenders his or her driver's licence, give the driver a receipt for the driver's licence; and
 - (d) promptly send the driver's licence of the driver to the administrator.
- (10) This section applies, with any necessary modification, to a driver who is a non-resident.

2018, c21, s.3.

Certain notices of suspension not to be counted

146.3 For the purposes of sections 146 to 146.2, the administrator shall not count as designated notices:

- (a) any notice of suspension pursuant to section 146 if that suspension was terminated pursuant to subsection 146(8);
- (b) any notice of suspension pursuant to section 146.1 if that suspension was terminated pursuant to subsection 146.1(8);
- (c) any suspension pursuant to section 146, as that section read before the coming into force of this section, if that suspension was terminated pursuant to subsection (4) or (5) of that section; or
- (d) any suspension pursuant to section 146.1, as that section read before the coming into force of this section, if that suspension was terminated pursuant to subsection (3) of that section.

2014, c.29, s.17.

Applications for driver's licence by new residents

146.4(1) In this section, "**new resident**" means a person who, at the time of applying for a driver's licence, has become a resident.

- (2) A new resident may apply to the administrator for a driver's licence in accordance with this Act and the regulations.
- (3) In an application for a driver's licence, a new resident shall inform the administrator if, at the time of the application, his or her driving privileges in another jurisdiction in Canada or the United States of America are suspended, cancelled or denied or made subject to compliance with conditions.

- (4) On receipt of an application from a new resident, the administrator:
- (a) shall review the application; and
 - (b) subject to subsection (5), may issue a driver's licence to the new resident if he or she satisfies the administrator that he or she meets the requirements of this Act and the regulations.
- (5) Notwithstanding clause 41(s), if a new resident's driving privileges in another jurisdiction in Canada or the United States of America are suspended, cancelled or denied or made subject to compliance with conditions, the administrator may issue a driver's licence to the new resident subject to any terms and conditions that the administrator considers necessary.

2014, c.29, s.17.

147 Repealed. 2014, c29, s.17.

Suspensions - 80 milligrams of alcohol or greater or for refusing to comply with demand

148(1) In this section:

- (a) **“approved instrument”** means an approved instrument as defined in section 254.01 of the *Criminal Code*;
 - (b) **“approved screening device”** means a prescribed device for analysing a sample of breath, bodily substance or blood.
- (2) A peace officer shall do the things set out in subsections (3) and (12) if:
- (a) the peace officer has reasonable grounds to believe, based on an analysis of a sample of a driver's breath or blood by means of an approved instrument or an approved screening device, that a driver drove a motor vehicle while the venous blood of the driver exceeded 80 milligrams of alcohol per 100 millilitres of blood contrary to paragraph 320.14(1)(b) of the *Criminal Code*;
 - (b) the peace officer has reasonable grounds to believe that a driver drove or had the care and control of a motor vehicle while the driver's ability to operate the motor vehicle was impaired by alcohol or a drug contrary to paragraph 320.14(1)(a) of the *Criminal Code*;
 - (c) the peace officer has reasonable grounds to believe that a driver drove or had the care and control of a vehicle while the driver's blood drug concentration was equal to or exceeded the blood drug concentration for the drug contrary to paragraph 320.14(1)(c) or subsection 320.14(4) of the *Criminal Code*;
 - (d) the peace officer has reasonable grounds to believe that a driver drove or had the care and control of a vehicle while the driver's blood alcohol concentration and blood drug concentration was equal to or exceeded the blood alcohol concentration and blood drug concentration in circumstances in which the alcohol and that drug are combined contrary to paragraph 320.14(1)(d) of the *Criminal Code*; or
 - (e) the peace officer has reasonable grounds to believe that a driver failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 320.27 or 320.28 of the *Criminal Code* contrary to section 320.15 of the *Criminal Code*.

- (3) In the circumstances mentioned in subsection (2), the peace officer shall immediately:
- (a) suspend the driver from driving a motor vehicle;
 - (b) if the driver holds a valid driver's licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender his or her driver's licence or permit;
 - (c) cause the motor vehicle that the driver is driving to be immobilized or impounded; and
 - (d) issue and serve on the driver a notice of suspension and a notice of immobilization or impoundment.
- (4) A notice of suspension and a notice of immobilization or impoundment served on a driver pursuant to this section:
- (a) are effective immediately;
 - (b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver's licence or permit; and
 - (c) prohibit the driver from applying for or holding a driver's licence during the period of suspension set out in this section.
- (5) If, in the circumstances mentioned in subsection (2), a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section and the driver is charged with an offence pursuant to subsection 320.14(1), (2), (3) or (4) or section 320.15 of the *Criminal Code*:
- (a) the driver is suspended from driving a motor vehicle until:
 - (i) the prosecution of the offence has been stayed or withdrawn; or
 - (ii) the driver has been acquitted or convicted of the offence; and
 - (b) the motor vehicle the driver was driving at the time he or she was served with the notice of suspension and notice of immobilization or impoundment is, on the service of the notices, immediately impounded or immobilized:
 - (i) if the driver is charged pursuant to subsection 320.15(1), (2) or (3), or subsection 320.14(2) or (3) of the *Criminal Code*, for a period of 60 consecutive days;
 - (ii) if the driver is charged with an offence pursuant to paragraph 320.14(1)(a) or (c) or subsection 320.14(4) of the *Criminal Code*, for a period of 30 consecutive days;
 - (iii) if the driver is charged pursuant to paragraph 320.14(1)(b) or (d) of the *Criminal Code* and the venous blood of the driver is less than 160 milligrams of alcohol per 100 millilitres of blood, for a period of 30 consecutive days;
 - (iv) if the driver is charged pursuant to paragraph 320.14(1)(b) or (d) of the *Criminal Code* and the venous blood of the driver is equal to or exceeds 160 milligrams of alcohol per 100 millilitres of blood, for a period of 60 consecutive days.

(6) Notwithstanding that the period of suspension in subsection (5) has expired, a driver who has been subject to a notice of suspension and a notice of immobilization or impoundment pursuant to this section is only eligible to apply to have his or her driver's licence reinstated if the driver pays the prescribed licence reinstatement fee and:

(a) if the driver has not been subject to a previous notice of suspension and notice of immobilization or impoundment pursuant to this section in the 10 years preceding the date of the issuance of the notice of suspension and notice of immobilization or impoundment, he or she participates in any prescribed program required by the administrator;

(b) if the driver has been subject to 1 previous notice of suspension and notice of immobilization or impoundment pursuant to this section in the 10 years preceding the date of the issuance of the notice of suspension and notice of immobilization or impoundment, he or she participates in any prescribed program required by the administrator; or

(c) if the driver has been subject to 2 or more previous notices pursuant to this section in the 10 years preceding the date of the issuance of the notices, he or she completes an education or recovery program recommended by an addictions counsellor.

(7) Notwithstanding subsection (5), but subject to subsections (7.1) to (12), if a driver is convicted of an offence pursuant to paragraph 320.14(1)(a), (b) or (d) or subsection 320.14(2) or (3) of the *Criminal Code* for an offence pursuant to paragraph 320.14(1)(a), (b) or (d) or section 320.15 of the *Criminal Code*, the driver is not eligible to have his or her licence reinstated unless he or she participates in an ignition interlock program pursuant to subsection (7.1).

(7.1) Subject to subsections (8) and (10), a driver enrolled in a prescribed ignition interlock program shall not drive a motor vehicle unless the vehicle is equipped with a prescribed ignition interlock device for a period of:

(a) 1 year following the enrolment in the ignition interlock program if the driver has not previously been convicted of an offence pursuant to paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2)(3) or (4), subsection 320.15(1)(2) or (3) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, in the 10 years preceding the date of the conviction and:

(i) the driver is convicted of an offence pursuant to paragraph 320.14(1)(b) or (d) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, and has a blood alcohol reading less than 160 milligrams of alcohol per 100 millilitres of blood; or

(ii) the driver is convicted of an offence pursuant to paragraph 320.14(1)(a) of the *Criminal Code* or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section;

(b) 2 years following the enrolment in the ignition interlock program if the driver has not previously been convicted of an offence pursuant to paragraph 320.14(1)(a), (b), (c), or (d), subsection 320.14(2), (3) or (4) subsection 320.15(1), (2) or (3) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, in the 10 years preceding the date of the conviction and:

(i) the driver is convicted of an offence pursuant to paragraph 320.14(1)(b) or (d) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, and has a blood alcohol reading equal to or greater than 160 milligrams of alcohol per 100 millilitres of blood; or

(ii) the driver is convicted of an offence pursuant to section 320.15 or subsection 320.14(2) or (3) of the *Criminal Code* for an offence pursuant to paragraph 320.14(1)(a), (b) or (d) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section;

(c) 3 years following the enrolment in the ignition interlock program if the driver has previously been convicted of an offence pursuant to paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4) or subsection 320.15(1), (2) or (3) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, in the 10 years preceding the date of the conviction and:

(i) the driver is convicted of an offence pursuant to paragraph 320.14(1)(b) or (d) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, and has a blood alcohol reading less than 160 milligrams of alcohol per 100 millilitres of blood; or

(ii) the driver is convicted of an offence pursuant to paragraph 320.14(1)(a) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section;

(d) 5 years following the enrolment in the ignition interlock program if the driver has previously been convicted of an offence pursuant to paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4) or subsection 320.15(1), (2) or (3) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, in the 10 years preceding the date of the conviction and:

(i) the driver is convicted of an offence pursuant to paragraph 320.14(1)(b) or (d) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, and has a blood alcohol reading equal to or greater than 160 milligrams of alcohol per 100 millilitres of blood; or

(ii) the driver is convicted of an offence pursuant to subsection 320.15 or subsection 320.14(2) or (3) of the *Criminal Code* for an offence pursuant to paragraph 320.14(1)(a), (b) or (d) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section; and

- (e) 10 years following the enrolment in the ignition interlock program if:
 - (i) the driver has previously been convicted of 2 or more offences pursuant to paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4) or subsection 320.15(1), (2) or (3) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section, in the 10 years preceding the date of the conviction; and
 - (ii) the driver is convicted of an offence pursuant to paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.15(1), (2) or (3) or subsection 320.14(2) or (3) of the *Criminal Code* for an offence pursuant to paragraph 320.14(1)(a), (b) or (d) of the *Criminal Code*, or a substantially similar offence set out in section 137 of this Act as that section existed on the day before the coming into force of this section.
- (8) A driver mentioned in subsection (7) may apply to enrol in a prescribed ignition interlock program on the latest of:
 - (a) the date the driver is eligible to participate in an ignition interlock program pursuant to the *Criminal Code*;
 - (b) the date the convicting judge or court has ordered that the driver may participate in an ignition interlock program; and
 - (c) the prescribed date.
- (9) If the administrator is satisfied that a driver mentioned in subsection (7) has not fully complied with the prescribed ignition interlock program or any terms and conditions imposed by the administrator, the administrator may extend the period during which the driver must drive a motor vehicle with a prescribed ignition interlock device.
- (10) If a driver satisfies the administrator that, for a prescribed reason, he or she is unable to comply with subsection (7), the administrator may, with respect to that driver:
 - (a) waive the requirements set out in subsection (7);
 - (b) in accordance with the regulations, terminate the suspension effective on a date that the administrator considers appropriate;
 - (c) require the driver to participate in a prescribed program; and
 - (d) impose any terms and conditions on the driver that the administrator considers appropriate.
- (11) A driver described in subsection (10) is eligible to have his or her driver's licence reinstated, subject to any other terms and conditions imposed on the driver by the administrator pursuant to this Act.
- (12) If a peace officer suspends the driver's licence of a driver pursuant to this section, the peace officer shall:
 - (a) keep a written record of the driver's licence suspended by the peace officer;

- (b) provide the driver whose driver's licence is suspended with a written statement, in the prescribed form, of the time from which the suspension and immobilization or impoundment takes effect;
 - (c) if the driver surrenders his or her driver's licence, give the driver a receipt for the driver's licence; and
 - (d) promptly send the driver's licence, and any other prescribed documents or prescribed reports, to the administrator.
- (13) A motor vehicle that is immobilized or impounded pursuant to this section is to be dealt with in the manner set out in section 150.2.
- (14) This section applies, with any necessary modification, to a driver who is a non-resident.

2014, c.29, s.18; 2015, c.33, s.8; 2016, c32, s.9;
2018, c21, s.3 and s.5; 2018 c 45, s.21.

When breath sample or bodily substance sample may be required

149(1) If a peace officer reasonably suspects that a driver has either alcohol or drugs in his or her body, the peace officer, by demand made to the driver:

- (a) may require the driver to provide one or more samples of his or her breath that, in the opinion of the person taking the samples, are necessary to enable a proper analysis to be made by any prescribed device and the driver shall accompany the peace officer for the purpose of enabling samples to be taken;
 - (b) may require the driver to provide one or more samples of his or her bodily substance that, in the opinion of the person taking the samples, are necessary to enable a proper analysis to be made by any prescribed device and the driver shall accompany the peace officer for the purpose of enabling samples to be taken;
 - (c) may require the driver to undergo a field sobriety test; or
 - (d) may require the driver undergo an evaluation by a certified drug recognition evaluator.
- (2) A sample of breath or bodily substance may be taken by any prescribed person or member of a prescribed class of persons.
- (3) A sample of breath or bodily substance may be analysed by any prescribed device when operated by a prescribed person or member of a prescribed class of persons.

2018, c21, s.3.

When peace officer may order suspension – new drivers

150(1) In this section and section 150.1 and 150.11:

- (a) **“designated notice”** means a notice of suspension, or a notice of immobilization or impoundment, issued pursuant to this section or section 146, 146.1, 146.2, 148, 150.1 or 150.11 or a notice of seizure and direction issued pursuant to section 150.3 and includes an order of disqualification issued pursuant to a former provision;

- (a.1) “**driver**” means either:
- (i) a new driver; or
 - (ii) any person who is operating a motor vehicle and who is 21 years of age or less, whether or not he or she is the holder of a valid driver’s licence issued in Saskatchewan or any other jurisdiction;
- (b) “**former provision**” means the following provisions of this Act as they read on the day before the coming into force of this section:
- (i) sections 150 and 150.1;
 - (ii) subsection 151(5).
- (2) A peace officer shall do the things set out in subsections (3) and (13) if the peace officer has reasonable grounds to believe that a driver:
- (a) drove a motor vehicle having any alcohol in his or her body;
 - (b) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 320.27 or 320.28 of the *Criminal Code* contrary to section 320.15 of the *Criminal Code*; or
 - (c) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 149.
- (3) In the circumstances mentioned in subsection (2), the peace officer shall immediately:
- (a) suspend the driver from driving a motor vehicle;
 - (b) if the driver holds a valid driver’s licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender his or her driver’s licence or permit;
 - (c) cause the motor vehicle the driver is driving to be immobilized or impounded; and
 - (d) issue and serve on the driver a notice of suspension and a notice of immobilization or impoundment.
- (4) A notice of suspension and a notice of immobilization or impoundment served on a driver pursuant to this section:
- (a) are effective immediately;
 - (b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver’s licence or permit; and
 - (c) prohibit the driver from applying for or holding a driver’s licence during the period of suspension set out in this section.

(5) If a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section:

(a) subject to subsection (8), the driver is suspended from driving a motor vehicle:

(i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 60 consecutive days;

(ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 120 consecutive days; or

(iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 18 consecutive months; and

(b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:

(i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 3 consecutive days;

(ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days; or

(iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.

(5.1) Notwithstanding clause (5)(b), if a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section and the driver was transporting a person under the age of 16 years, the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:

(a) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days;

(b) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 30 consecutive days; or

(c) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 60 consecutive days;

(6) A driver shall, within 120 days after the date of the issuance of the notice of suspension pursuant to this section:

- (a) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, participate in any prescribed program required by the administrator;
- (b) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, participate in any prescribed program required by the administrator;
- (c) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, complete an education or recovery program recommended by an addictions counsellor.

(7) If a driver who is required to complete a program pursuant to subsection (6) fails to do so within the 120-day period mentioned in that subsection and the driver's licence of the driver has been reinstated by the administrator, the administrator shall suspend the driver from driving a motor vehicle until he or she completes the program.

(8) Notwithstanding subsection (6), but subject to subsections (8.1) to (10):

- (a) if a driver has been subject to 1 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, the driver may have his or her licence reinstated before the expiry of the period set out in subsection (6) if he or she participates in an ignition interlock program pursuant to subsection (8.1); and
- (b) if a driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, the driver is not eligible to have his or her licence reinstated unless he or she participates in an ignition interlock program pursuant to subsection (8.1).

(8.1) Subject to subsections (9) and (10), a driver enrolled in a prescribed ignition interlock program shall not drive a motor vehicle unless the vehicle is equipped with a prescribed ignition interlock device:

- (a) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, for a period of 120 days; or
- (b) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, for a period of 1 year.

(9) A driver mentioned in subsection (8) may only apply for a prescribed ignition interlock device:

- (a) if the driver has been subject to one previous designated notice in the 10 years preceding the date of the issuance of the notice of immobilization and impoundment, after the expiry of a period of 60 days following the date of the issuance of the notice of immobilization and impoundment pursuant to subsection (5); or

- (b) if the driver has been subject to two or more previous designated notices in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, after the expiry of a period of one year following the date of the issuance of the notice of immobilization or impoundment pursuant to subsection (5).
- (10) If the administrator is satisfied that a driver mentioned in subsection (8) has not fully complied with the prescribed ignition interlock program or any terms and conditions imposed by the administrator, the administrator may extend the period during which the driver must drive a motor vehicle with a prescribed ignition interlock device.
- (11) If a driver satisfies the administrator that, for a prescribed reason, he or she is unable to comply with subsection (8), the administrator may, with respect to the driver:
- (a) waive the requirements set out in subsection (8);
 - (b) in accordance with the regulations, terminate the suspension effective on a date that the administrator considers appropriate;
 - (c) require the driver to participate in a prescribed program; and
 - (d) impose any terms and conditions on the driver that the administrator considers appropriate.
- (12) A driver described in subsection (11) is eligible to have his or her driver's licence reinstated, subject to any other terms and conditions imposed on the driver by the administrator pursuant to this Act.
- (13) If a peace officer suspends the driver's licence of a driver pursuant to this section, the peace officer shall:
- (a) keep a written record of the driver's licence suspended by the peace officer;
 - (b) provide the driver whose driver's licence is suspended with a written statement, in the prescribed form, of the time from which the immobilization or impoundment takes effect;
 - (c) if the driver surrenders his or her driver's licence, give the driver a receipt for the driver's licence; and
 - (d) promptly send the driver's licence to the administrator.
- (14) A motor vehicle that is immobilized or impounded pursuant to this section is to be dealt with in the manner set out in section 150.2.
- (15) This section applies, with any necessary modification, to a driver who is a non-resident.

When field sobriety test may be required of new drivers

150.1(1) A peace officer may require a driver who is driving a motor vehicle to undergo a field sobriety test if the peace officer reasonably suspects that the driver has any alcohol in his or her body that causes the driver to be unable to safely drive a vehicle.

(2) A driver mentioned in subsection (1) is subject to the actions mentioned in subsection (3) if the driver:

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

(3) In the circumstances mentioned in subsection (2), the peace officer shall immediately:

- (a) suspend the driver from driving a motor vehicle;
- (b) if the driver holds a valid driver's licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender his or her driver's licence or permit;
- (c) cause the motor vehicle the driver is driving to be immobilized or impounded; and
- (d) issue and serve on the driver a notice of suspension and a notice of immobilization or impoundment.

(4) A notice of suspension and a notice of immobilization or impoundment served on a driver pursuant to this section:

- (a) are effective immediately;
- (b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver's licence or permit; and
- (c) prohibit the driver from applying for or holding a driver's licence during the period of suspension set out in this section.

(5) If a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section:

- (a) subject to subsection (8), the driver is suspended from driving a motor vehicle:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 60 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 120 consecutive days; or

- (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 18 consecutive months; and
 - (b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 3 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.
- (5.1) Notwithstanding clause (5)(b), if a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section and the driver was transporting a person under the age of 16 years, the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
- (a) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days;
 - (b) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 30 consecutive days; or
 - (c) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 60 consecutive days;
- (6) A driver shall, within 120 days after the date of the issuance of the notice of immobilization or impoundment pursuant to this section:
- (a) in the circumstance where the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension and immobilization or impoundment, participate in any prescribed program required by the administrator;
 - (b) in the circumstance where the driver has been subject to one previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension and immobilization or impoundment, participate in any prescribed program required by the administrator; or
 - (c) in the circumstance where the driver has been subject to two or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension and immobilization or impoundment, complete an education or recovery program recommended by an addictions counsellor.

- (7) If a driver who is required to complete a program pursuant to subsection (6) fails to do so within the 120-day period mentioned in that subsection and the driver's licence of the driver has been reinstated by the administrator, the administrator shall suspend the driver from driving a motor vehicle until he or she completes the program.
- (8) Notwithstanding subsection (6), but subject to subsections (8.1) to (10):
- (a) if a driver has been subject to 1 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, the driver may have his or her licence reinstated before the expiry of the period set out in subsection (6) if he or she participates in an ignition interlock program pursuant to subsection (8.1); and
 - (b) if a driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, the driver is not eligible to have his or her licence reinstated unless he or she participates in an ignition interlock program pursuant to subsection (8.1).
- (8.1) Subject to subsections (9) and (10), a driver enrolled in a prescribed ignition interlock program shall not drive a motor vehicle unless the vehicle is equipped with a prescribed ignition interlock device:
- (a) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, for a period of 120 days; or
 - (b) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, for a period of 1 year.
- (9) A driver mentioned in subsection (8) may only apply for a prescribed ignition interlock device:
- (a) if the driver has been subject to one previous designated notice in the 10 years preceding the date of the issuance of the notice of immobilization or impoundment, after the expiry of a period of 60 days following the date of the suspension imposed pursuant to subsection (5); or
 - (b) if the driver has been subject to two or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension and immobilization or impoundment, after the expiry of a period of one year following the date of the suspension imposed pursuant to subsection (5).
- (10) If the administrator is satisfied that a driver mentioned in subsection (8) has not fully complied with the prescribed ignition interlock program or any terms and conditions imposed by the administrator, the administrator may extend the period during which the driver must drive a motor vehicle with a prescribed ignition interlock device.
- (11) If a driver satisfies the administrator that, for a prescribed reason, he or she is unable to comply with subsection (8), the administrator may, with respect to the driver:
- (a) waive the requirements set out in subsection (8);

- (b) in accordance with the regulations, terminate the suspension effective on a date that the administrator considers appropriate;
 - (c) require the driver to participate in a prescribed program; and
 - (d) impose any terms and conditions on the driver that the administrator considers appropriate.
- (12) A driver described in subsection (11) is eligible to have his or her driver's licence reinstated, subject to any other terms and conditions imposed on the driver by the administrator pursuant to this Act.
- (13) If a peace officer suspends the driver's licence of a driver pursuant to this section, the peace officer shall:
- (a) keep a written record of the driver's licence suspended by the peace officer;
 - (b) provide the driver whose driver's licence is suspended with a written statement, in the prescribed form, of the time from which the suspension and immobilization or impoundment takes effect;
 - (c) if the driver surrenders his or her driver's licence, give the driver a receipt for the driver's licence; and
 - (d) promptly send the driver's licence to the administrator.
- (14) A motor vehicle that is immobilized or impounded pursuant to this section is to be dealt with in the manner set out in section 150.2.
- (15) This section applies, with any necessary modification, to a driver who is a non-resident.

2014, c.29, s.19; 2015, c.33, s.10; 2016, c32, s11;
2018, c21, s.3; 2018. c 45, s.23.

New driver zero tolerance – drugs

- 150.11(1)** A peace officer may make a demand pursuant to section 149 if the peace officer has reasonable grounds to believe that a driver drove a motor vehicle having any drugs in his or her body.
- (2) A peace officer shall do the things set out in subsections (3) and (9) if:
- (a) the driver fails or refuses to undergo a field sobriety test;
 - (b) the driver fails or refuses to undergo an evaluation by a certified drug recognition evaluator;
 - (c) the driver fails to provide a sample of his or her bodily substance; or
 - (d) a sample of the driver's bodily substance, analysed by means of an approved screening device, indicates he or she has consumed drugs.
- (3) In the circumstances mentioned in subsection (2), the peace officer shall immediately:
- (a) suspend the driver from driving a motor vehicle;
 - (b) if the driver holds a valid driver's licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender his or her driver's licence or permit;

- (c) cause the motor vehicle the driver is driving to be immobilized or impounded; and
 - (d) issue and serve on the driver a notice of suspension and a notice of immobilization or impoundment.
- (4) A notice of suspension and a notice of immobilization or impoundment served on a driver pursuant to this section:
- (a) are effective immediately;
 - (b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver's licence or permit; and
 - (c) prohibit the driver from applying for or holding a driver's licence during the period of suspension set out in this section.
- (5) If a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section:
- (a) subject to subsection (7), the driver is suspended from driving a motor vehicle:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 60 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 120 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension, for a period of 18 consecutive months; and
 - (b) the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
 - (i) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 3 consecutive days;
 - (ii) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days; or
 - (iii) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.

- (6) Notwithstanding clause (5)(b), if a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section and the driver was transporting a person under the age of 16 years, the motor vehicle the driver was driving at the time he or she was served with the notice of immobilization or impoundment is, on service of the notice, immediately immobilized or impounded:
- (a) if the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 7 consecutive days;
 - (b) if the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice, for a period of 30 consecutive days; or
 - (c) if the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice, for a period of 60 consecutive days.
- (7) A driver shall, within 120 days after the date of the issuance of the notice of immobilization or impoundment pursuant to this section:
- (a) in the circumstance where the driver has not been subject to a previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension and immobilization or impoundment, participate in any prescribed program required by the administrator;
 - (b) in the circumstance where the driver has been subject to 1 previous designated notice in the 10 years preceding the date of the issuance of the notice of suspension and immobilization or impoundment, participate in any prescribed program required by the administrator; or
 - (c) in the circumstance where the driver has been subject to 2 or more previous designated notices in the 10 years preceding the date of the issuance of the notice of suspension and immobilization or impoundment, complete an education or recovery program recommended by an addictions counsellor.
- (8) If a driver who is required to complete a program pursuant to subsection (7) fails to do so within the 120-day period mentioned in that subsection and the driver's licence of the driver has been reinstated by the administrator, the administrator shall suspend the driver from driving a motor vehicle until he or she completes the program.
- (9) If a peace officer suspends the driver's licence of a driver pursuant to this section, the peace officer shall:
- (a) keep a written record of the driver's licence suspended by the peace officer;
 - (b) provide the driver whose driver's licence is suspended with a written notice in accordance with section 155.1 of the time from which the suspension takes effect;

- (c) if the driver surrenders his or her driver's licence, give the driver a receipt for the driver's licence; and
 - (d) promptly send the driver's licence of the driver to the administrator.
- (10) This section applies, with any necessary modification, to a driver who is a non-resident.

2018, c21, s.3.

Immobilized or impounded motor vehicles

150.2(1) If a motor vehicle is immobilized or impounded pursuant to section 146, 146.1, 146.2, 148, 150, 150.1 or 150.11, a peace officer may retain the motor vehicle in the peace officer's possession or direct a garage keeper to immobilize or impound the motor vehicle.

(2) A garage keeper who immobilizes or impounds a motor vehicle pursuant to this section is deemed to have a lien on the motor vehicle pursuant to section 3 of *The Commercial Liens Act* for all unpaid amounts of prescribed fees, costs and charges relating to the immobilization or impoundment of that vehicle, and that Act applies, with any necessary modification, to the enforcement and realization of that lien.

(3) A motor vehicle immobilized or impounded by a garage keeper pursuant to this section may be sold by the garage keeper for the purpose of recovering the fees, costs and charges mentioned in subsection (2) if:

- (a) the owner of the motor vehicle cannot be found after reasonable inquiry; or
- (b) the owner of the motor vehicle fails to pay the fees, costs and charges within 15 days after the period of immobilization or impoundment expires.

(4) Section 161 applies, with any necessary modification, to:

- (a) a sale pursuant to subsection (3);
- (b) the application of the proceeds of the sale mentioned in clause (a);
- (c) the disposition of any surplus moneys from the sale mentioned in clause (a); and
- (d) the recovery of any amounts payable by the administrator pursuant to section 161 as a result of the application of that section.

2014, c.29, s.19; 2016, c31, s.6; 2018, c21, s.3.

Notice of seizure and direction

150.3(1) In this section:

- (a) **"justice"** means:
 - (i) a justice of the peace appointed pursuant to *The Justices of the Peace Act, 1988*; or
 - (ii) a judge of the Provincial Court of Saskatchewan;
- (b) **"notice of seizure and direction"** means a notice of seizure and direction issued pursuant to subsection (2).

(2) Notwithstanding any other provision of this Part, if a peace officer is satisfied that immobilizing or impounding a motor vehicle pursuant to section 146, 146.1, 146.2, 148, 150, 150.1 or 150.11 would jeopardize the safety of, or cause undue hardship to, any person, the peace officer may issue a copy of a notice of seizure and direction to the driver or new driver and to the owner of the motor vehicle.

(2.1) A notice of seizure and direction must comply with the requirements set out in section 155.2.

(3) If a notice of seizure and direction is issued pursuant to this section, the motor vehicle is not to be immediately immobilized or impounded but is to be dealt with in the manner set out in the notice of seizure and direction.

(4) No person to whom a notice of seizure and direction is issued shall fail to comply with the notice of seizure and direction.

(5) If the motor vehicle is not made available for immobilization or impoundment at the time and place specified in the notice of seizure and direction, a peace officer may apply to a justice in the prescribed form for an order authorizing the impoundment or immobilization of the motor vehicle.

(6) On an application pursuant to subsection (5), if the justice is satisfied that the peace officer had reasonable grounds to believe that the driver or new driver of the motor vehicle has acted in the manner specified in section 146, 146.1, 146.2, 148, 150, 150.1 or 150.11, as the case may be, the justice may grant an order directed to the person named in the order:

- (a) to impound or immobilize the motor vehicle; and
- (b) to enter any building or place where the motor vehicle can be found for the purpose of impounding or immobilizing the motor vehicle.

(7) The failure of a peace officer to obtain an order from a justice pursuant to this section does not invalidate any immobilization or impoundment of a motor vehicle that is otherwise lawfully performed or authorized.

2014, c.29, s.19; 2016, c32, s.12; 2018, c21, s.3.

150.4 Repealed. 2018, c45, s.24.

Effect of suspension pursuant to any of sections 146 to 150.1

151(1) Notwithstanding subsections 146(7), 146.1(7), 146.2(7), 150(7), 150.1(7) and 150.11(8), the administrator may decline to suspend a driver's licence pursuant to any of those subsections if a prescribed program is not available to the driver or new driver within a reasonable time.

(2) If the driver's licence of a driver or new driver has been suspended pursuant to subsection 146(7), 146.1(7), 146.2(7), 150(7) or 150.1(7) or 150.11(8), the administrator shall reinstate the licence on being satisfied that the person has participated in a prescribed program.

2014, c.29, s.19; 2018, c21, s.3.

DIVISION 4
Reviews of Suspension
Orders Issued Pursuant to Division 3

Review of suspensions and immobilization or impoundment

152(1) A driver or new driver whose driver's licence has been suspended pursuant to section 146, 146.1, 146.2, 150, 150.1 or 150.11 may appeal the suspension to the board.

(2) The immobilization or impoundment of a motor vehicle pursuant to section 146, 146.1, 146.2, 150, 150.1, 150.11 or 150.2 and a notice of seizure and direction issued pursuant to section 150.3 may be appealed to the board by:

- (a) the owner of the motor vehicle;
- (b) the driver or new driver of the motor vehicle;
- (c) a person whose health would be seriously threatened by the continued immobilization or impoundment;
- (d) a person other than the driver or new driver who would suffer extreme hardship as a result of the continued immobilization or impoundment;
- (e) a person authorized by a person mentioned in clauses (a) to (d).

(3) The sole issue before the board on an appeal pursuant to this section respecting the suspension of the driver's licence of a driver or new driver is:

- (a) in the case of a driver suspended pursuant to section 146, the driver either:
 - (i) drove a motor vehicle while that driver's venous blood contained not less than 40 milligrams of alcohol per 100 millilitres of blood; or
 - (ii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 320.27 or 320.28 of the *Criminal Code* contrary to section 320.15 of the *Criminal Code*;
- (b) in the case of a driver suspended pursuant to section 146.1, the driver:
 - (i) drove a motor vehicle while that driver's venous blood contained not less than 40 milligrams of alcohol per 100 millilitres of blood;
 - (ii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 149; or
 - (iii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 254 of the *Criminal Code*;
- (c) in the case of a driver suspended pursuant to section 146.2, the driver either:
 - (i) drove a motor vehicle having drugs in his or her body; or
 - (ii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 149;

- (d) in the case of a driver as defined in section 150, the driver:
 - (i) drove a motor vehicle having any alcohol in his or her body;
 - (ii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 149; or
 - (iii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 320.27 or 320.28 of the *Criminal Code* contrary to section 320.15 of the *Criminal Code*;
 - (e) in the case of a driver as defined in section 150, the driver:
 - (i) drove a motor vehicle having alcohol in his or her body;
 - (ii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 149; or
 - (iii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 320.27 or 320.28 of the *Criminal Code* contrary to section 320.15 of the *Criminal Code*; or
 - (f) in the case of a driver suspended pursuant to section 150.11, the driver:
 - (i) drove a motor vehicle having drugs in his or her body; or
 - (ii) failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 149.
- (4) The sole issue before the board on an appeal pursuant to this section respecting the immobilization or impoundment of a motor vehicle pursuant to section 146, 146.1, 146.2, 150, 150.1 or 150.2 or a notice of seizure and direction pursuant to section 150.3 is whether the board is satisfied that any of the circumstances mentioned in subsection 153(12) exist.
- (4.1) Notwithstanding subsections (3) and (4), on an appeal pursuant to this section and if applicable, the board may determine whether or not the driver or new driver was transporting a person under the age of 16 years at the time of the suspension or immobilization or impoundment.
- (4.2) If the evidence before the board does not establish to the board's satisfaction that the driver named in the notice of suspension and notice of immobilization or impoundment did the things described in subsection (3), (4) or (4.1), the board shall do the following:
- (a) cancel the notice of suspension and immobilization or impoundment;
 - (b) release any motor vehicle subject to immobilization or impoundment under the notice of suspension and immobilization or impoundment;
 - (c) reduce the period of suspension or immobilization and impoundment from the period mentioned in subsection 146(4.1), 146.1(4.1), 146.2(4.1), 150(5.1) or 150.1(5.1) to the applicable shorter period mentioned in subsection 146(4), 146.1(4), 146.2(4), 150(5) or 150.1(5);
 - (d) if applicable, return the driver's licence to the driver.
- (5) Section 153 applies, with any necessary modification, to an appeal pursuant to this section.

Review of notice of suspension by board – driver’s licences

153(1) In this section, “**appellant**” means a person described in subsection (2) who makes an appeal to the board pursuant to this section.

(2) Within 90 days after a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to section 148:

(a) the driver may appeal the suspension of his or her driver’s licence to the board; and

(b) any of the following persons may appeal the immobilization or impoundment of the motor vehicle to the board:

(i) the owner of the motor vehicle;

(ii) the driver on whom the notice was served;

(iii) a person whose health would be seriously threatened by the continued immobilization or impoundment;

(iv) a person other than the driver who would suffer extreme hardship as a result of the continued immobilization or impoundment;

(v) a person authorized by a person mentioned in subclauses (i) to (iv).

(2.1) Notwithstanding subsection (2), there is no appeal, except by a person mentioned in subclause (2)(b)(iii) or another person authorized by that person, with respect to a notice of immobilization and impoundment served pursuant to section 148 or this section if:

(a) the driver on whom the notice of suspension and the notice of immobilization or impoundment was served has been previously suspended two or more times pursuant to section 146, 146.1, 146.2, 148, 150 or 150.1 in the 10 years preceding the date of the issuance of the notices; or

(b) the driver mentioned in clause (a) has been previously suspended one or more times pursuant to section 146, 146.1, 146.2, 148, 150 or 150.1 in the 10 years preceding the date of the issuance of the notices and the notice of suspension and the notice of immobilization and impoundment were served because the driver had a blood alcohol reading equal to or greater than 80 milligrams of alcohol per 100 millilitres of blood;

(3) An appeal pursuant to subsection (2) must:

(a) be in the prescribed form and prescribed manner; and

(b) be accompanied by the prescribed fee.

(4) If an appellant intends to have an oral hearing, the appellant must request a date and time for an oral hearing and pay the prescribed oral hearing fee.

(5) If an appellant does not request an oral hearing, the appeal must be accompanied by affidavit evidence or other information that the appellant intends the board to consider.

- (6) An appeal to the board does not stay the driving suspension or the immobilization or impoundment.
- (7) The board is not required to hold an oral hearing unless the appeal includes a request for an oral hearing and the prescribed fee is paid.
- (8) If an appellant requests an oral hearing but, without prior notice to the board, fails to appear on the date and at the time and place arranged for the hearing, the appellant is deemed to have waived the oral hearing, and the board shall conduct the appeal as if the appellant had not requested an oral hearing.
- (9) On an appeal pursuant to this section, the board shall consider:
- (a) any affidavit evidence or other information provided by the appellant;
 - (b) the certificate of analysis and any other documents or reports forwarded to the board by the administrator; and
 - (c) if an oral hearing is held, in addition to the matters mentioned in clauses (a) and (b), any relevant evidence and information given or representations made at the oral hearing.
- (10) The sole issue before the board on an appeal pursuant to this section concerning the suspension of a driver's licence, is whether the board is satisfied that the driver named in the notice of suspension:
- (a) drove a motor vehicle having consumed alcohol in such a quantity that the amount of alcohol in the driver's venous blood exceeded 80 milligrams of alcohol per 100 millilitres of blood contrary to paragraph 320.14(1)(b) of the *Criminal Code*;
 - (b) drove or had the care and control of a motor vehicle while the person's ability to operate the motor vehicle was impaired by alcohol or a drug contrary to paragraph 320.14(1)(a) of the *Criminal Code*;
 - (c) drove or had the care and control of a motor vehicle while the person's ability to operate the motor vehicle was impaired by alcohol, drugs or alcohol and drugs contrary to paragraph 320.14(1)(c) or (d) or subsection 320.14(4) of the *Criminal Code*; or
 - (d) failed or refused, without reasonable excuse, to comply with a demand made pursuant to pursuant to section 320.27 or 320.28 of the *Criminal Code* contrary to section 320.15 of the *Criminal Code*.
- (11) If the evidence before the board does not establish to the board's satisfaction that the driver named in the notice of immobilization or impoundment did the things described in clause (10)(a) or (b), the board shall:
- (a) cancel the notice of suspension and immobilization or impoundment;
 - (b) release any motor vehicle subject to immobilization or impoundment under the notice of suspension and immobilization or impoundment; and
 - (c) if applicable, return the driver's licence to the driver.

- (12) The board shall only act pursuant to subsection (13) if it is satisfied that:
- (a) the motor vehicle was stolen at the time of the notice of immobilization or impoundment;
 - (b) the motor vehicle was in possession of the driver without the knowledge and consent of the owner;
 - (c) the continued immobilization or impoundment would pose a serious threat to the health of any person;
 - (d) the continued immobilization or impoundment would cause extreme hardship; or
 - (e) the driver was not transporting a person under the age of 16 years.
- (13) If the board is satisfied that any of the circumstances mentioned in subsection (12) exist, the board may make an order:
- (a) releasing the motor vehicle; or
 - (b) shortening the period of immobilization or impoundment.
- (14) The board shall:
- (a) render a decision in writing within seven business days after the date of the hearing or after the date the information mentioned in clause (9)(a) is provided; and
 - (b) serve the appellant with a written copy of its decision.
- (15) The failure of the board to render a decision within the period mentioned in clause (14)(a) does not affect the jurisdiction of the board to consider or hear the appeal or make a decision with respect to the application.

2014, c.29, s.20; 2016, c32, s.15; 2018, c21, s.3
and s.5; 2018, c 45, s.27.

154 Repealed. 2014, c.29, s.20.

Certificate of analysis as evidence

155(1) In this Part:

- (a) **“blood sample”** means a blood sample of a driver obtained pursuant to section 320.27 or 320.28 of the *Criminal Code*;
- (a.1) **“bodily substance sample”** means a sample of the driver’s bodily substance obtained pursuant to section 320.27 or 320.28 of the *Criminal Code*;
- (b) **“breath sample”** means a breath sample of a driver obtained pursuant to:
 - (i) section 320.27 or 320.28 of the *Criminal Code*; or
 - (ii) section 146, 148 or 149 of this Act;

- (c) **“certificate”** means:
- (i) a certificate of a person designated pursuant to section 320.40 of the *Criminal Code* stating that he or she has made an analysis of a sample of the new driver’s breath or bodily substance and stating the result of that analysis;
 - (ii) a certificate mentioned in subsection 320.32(1) of the *Criminal Code*; or
 - (iii) a certificate of a person taken for the purposes of section 146, 148 or 149 stating that he or she has made an analysis of the breath or bodily substance sample of the driver and stating the result of that analysis.
- (2) In a hearing pursuant to this Division, a certificate is proof, in the absence of evidence to the contrary, of:
- (a) the amount of alcohol or drugs in the driver’s blood at the time he or she was driving, if the breath or bodily substance sample was taken as soon as was practicable after the time when the driving was alleged to have been committed and in any event no later than 2 hours after that time; and
 - (b) the statements contained in the certificate, without proof of the signature or the official character of the person appearing to have signed the certificate.

2004, c.T-18.1, s.155; 2006, c.9, s.23; 2018, c21,
s.3 and s.5.

Notice of suspension

155.1 A notice of suspension issued pursuant to this Act must be in a form approved by the administrator.

2016, c32, s.16.

Notice of immobilization or impoundment and notice of seizure and direction

155.2 A notice of immobilization or impoundment and a notice of seizure and direction issued pursuant to this Act must be in a form approved by the administrator.

2016, c32, s.16.

Incomplete notice

155.3(1) If at the time the peace officer prepares a notice of suspension or a notice of immobilization or impoundment, the peace officer believes that he or she lacks the necessary information to reliably determine:

- (a) whether or how many times the driver has been subject to a previous designated notice preceding the date of the issuance of the notice of suspension or notice of immobilization or impoundment; or
- (b) whether the driver was transporting a person under the age of 16 years:
 - (i) the notice of suspension issued pursuant to section 146, 146.1, 146.2, 150, 150.1, 150.11 or 150.2 must state that the driver is suspended from driving a motor vehicle for a period of 3 consecutive days;

(ii) the notice of immobilization or impoundment issued pursuant to section 146, 146.1, 146.2, 150, 150.1, 150.11 or 150.2 must state that the driver's vehicle is impounded for a period of 3 consecutive days; and

(iii) the notice of immobilization or impoundment issued pursuant to section 148 must state that the motor vehicle that the driver is driving is immobilized or impounded for a period of 30 consecutive days.

(2) The peace officer shall notify the administrator in the manner that the administrator requires that the peace officer believes that he or she lacked the necessary information to reliably determine whether or how many times the driver has been subject to a previous designated notice preceding the date of the issuance of the notice of suspension or the notice of immobilization or impoundment.

2016, c32, s.16; 2018, c21, s.3.

Confirmation of suspension period by registrar

155.4 In the circumstance mentioned in section 155.3, the administrator shall, without delay, on receiving the copy of the notice of suspension or the notice of immobilization or impoundment:

(a) determine whether or how many times the driver has been subject to a previous designated notice preceding the date of the issuance of the notice of suspension or the notice of immobilization or impoundment;

(b) determine whether the driver was transporting a person under the age of 16 years at the time of the suspension; and

(c) serve on the driver a letter confirming the length of the suspension period and stating the facts on which the determination pursuant to clause (a) or (b) is based.

2018, c 45, s.29.

PART XIV

Reinstatement of Driver's Licence

When driver's licence may be reinstated by board or administrator

156(1) Notwithstanding Part XIII and subject to the prescribed terms and conditions, the administrator or the board may authorize the issue of a driver's licence to a person whose licence has been suspended pursuant to Part XIII.

(2) No driver's licence may be issued pursuant to this section unless the applicant for the driver's licence pays the prescribed fee.

(3) The administrator or board may impose any restrictions or endorsements that the administrator or the board, as the case may be, considers necessary on the driver's licence.

(4) An application to the administrator or the board pursuant to this section may be made only on the prescribed conditions.

2004, c.T-18.1, s.156.

References to “night”

157 If the administrator or the board places a restriction or endorsement on a driver’s licence pursuant to subsection 156(3) that contains a reference to night, “**night**” means the period commencing one-half hour after sunset and ending one-half hour before sunrise.

2004, c.T-18.1, s.157.

PART XV
Vehicle Impoundment
DIVISION 1
Impoundments after Accidents

Impounding of vehicles involved in accidents

158(1) In this Division:

- (a) “**owner**” includes a secured party;
 - (b) “**secured party**” means a person, firm or corporation that has a security interest and includes an assignee of a security interest;
 - (c) “**security interest**” means an interest in a motor vehicle that secures payment or performance of an obligation.
- (2) Subject to subsection (4), if bodily injury to or the death of a person or damage to property in an amount apparently exceeding the prescribed amount arises out of an accident in which a motor vehicle is in any manner, directly or indirectly involved, any peace officer present at the scene of the accident or who arrives there while any or all of the motor vehicles involved in the accident are still present shall:
- (a) impound each motor vehicle; and
 - (b) require each motor vehicle to be taken:
 - (i) if repairs are necessary and immediately desired by the owner, to any repair shop or garage that the owner may select for the purpose of having it repaired; or
 - (ii) if repairs are not necessary or are not immediately desired by the owner:
 - (A) subject to paragraph (B), to any garage or storage place that the owner may select; or
 - (B) if required by the peace officer, to a garage or storage place maintained by a police service or other public authority or to a privately maintained garage or storage place designated by the peace officer.

(3) Subject to subsection (4), if any or all of the motor vehicles directly or indirectly involved in an accident are not impounded and the accident later comes to the attention of a peace officer, the peace officer shall immediately:

- (a) impound each motor vehicle; or
- (b) report the matter to a peace officer who is a member of the police service or unit having responsibility for policing within the municipality where the vehicle to be impounded is located who shall cause each motor vehicle to be impounded in accordance with subsection (2).

(4) If the driver, owner or other person in charge of a motor vehicle that is in any manner, directly or indirectly, involved in an accident produces to a peace officer seeking to impound the motor vehicle pursuant to this section proof of financial responsibility in the manner and for the amounts required by this Part, the peace officer shall not impound the motor vehicle unless:

- (a) any other provision of this Act or any other Act requires it to be impounded; or
- (b) the Crown in right of Saskatchewan requires it as evidence in a prosecution for a criminal offence.

(4.1) If a peace officer impounds a motor vehicle pursuant to this section, the peace officer shall issue a copy of a notice of seizure and direction to the driver of the motor vehicle.

(5) Every motor vehicle taken to a garage or storage place pursuant to subsection (2) or (3) is to be kept there at the expense of the owner of the motor vehicle.

(6) If a motor vehicle is impounded pursuant to this section, the person who impounds it shall notify the administrator in writing of the impoundment on a form provided by the administrator.

(7) For the purposes of this section, proof of financial responsibility with respect to any vehicle may be given, in addition to any other manner authorized by this Part, by producing to the peace officer seeking to impound a motor vehicle or to the administrator, as the case may be, a valid financial responsibility card or a valid motor vehicle liability insurance card relating to the vehicle.

(8) If, pursuant to subsection (2), a motor vehicle is taken to a repair shop, garage or storage place selected by the owner, a peace officer:

- (a) on receipt of a written application by the owner and at the cost of the applicant, may have the motor vehicle transferred to any other repair shop, garage or storage place that the applicant may select; and
- (b) if the motor vehicle is transferred pursuant to clause (a), shall give the owner, operator, manager or other person in charge of the repair shop, garage or other storage place to which the motor vehicle is transferred a notice as prescribed by subsection (10).

(9) A garage keeper or keeper of a repair shop or storage place who stores an impounded motor vehicle pursuant to this section is deemed to have a lien on the motor vehicle pursuant to section 3 of *The Commercial Liens Act* with respect to the motor vehicle for all unpaid amounts of prescribed fees, costs and charges relating to the impoundment, and that Act applies, with any necessary modification, to the enforcement and realization of that lien.

(10) If a motor vehicle that is impounded pursuant to this section is placed in a repair shop, garage or storage place, the person impounding the vehicle shall, in writing on a form provided by the administrator, notify the owner, operator, manager or other person in charge of the repair shop, garage or storage place that the motor vehicle:

- (a) is impounded; and
- (b) may not be removed or permitted to be removed or released from impoundment except on the order of the administrator or of a peace officer acting pursuant to subsection (8).

(11) Subject to subsection (8), no person shall remove, or permit to be removed, from the place of impoundment or release from impoundment any motor vehicle impounded pursuant to this section except on the written order of the administrator.

(12) The administrator may act pursuant to subsection (13) if a motor vehicle is impounded pursuant to this section and:

- (a) the administrator is satisfied that at the time of the accident the motor vehicle was stolen;
- (b) the only damage resulting from the accident is to the person or property of the owner or the driver or both; or
- (c) the driver, owner or other person in charge of the motor vehicle produces to the administrator proof of financial responsibility with respect to the motor vehicle in effect at the time of the accident.

(13) In the circumstances mentioned in subsection (12), the administrator shall order the release of the motor vehicle from impoundment, unless:

- (a) any other provision of this Act or any other Act requires it to be impounded; or
- (b) it is required by the Crown in right of Saskatchewan as evidence in a prosecution for a criminal offence.

(14) On the application of the owner of a motor vehicle impounded pursuant to this section, the administrator shall order the release of the motor vehicle from impoundment if the owner of the motor vehicle:

- (a) either:
 - (i) gives evidence satisfactory to the administrator of satisfaction of claims for damages up to the amounts mentioned in section 125; or
 - (ii) furnishes to the administrator security, in the form and amount determined by the administrator, for the payment of any claims for damages up to those amounts; and
- (b) gives the administrator proof of financial responsibility in the manner and for the amounts required by this Part.

(15) Notwithstanding subsections (12) and (13), if a motor vehicle is not required to be registered pursuant to this Act, the administrator shall order its release if the owner:

- (a) gives the administrator:
 - (i) either:
 - (A) evidence satisfactory to the administrator of satisfaction of claims for damages up to the amounts mentioned in section 125; or
 - (B) furnishes to the administrator proof of financial responsibility in the manner and for the amounts required by this Part; and
 - (ii) a written undertaking signed by the owner that he or she will not drive the motor vehicle in Saskatchewan other than to drive it directly and immediately from the place of impoundment to the boundary of Saskatchewan on any day and over any highway that the administrator may specify; or
- (b) satisfies the administrator that the owner is insured, under a motor vehicle liability policy issued by an insurer satisfactory to the administrator, in amounts not less than those mentioned in section 125.

(16) If a motor vehicle is driven on a highway contrary to an undertaking given pursuant to clause (15)(a):

- (a) the owner and the driver are each guilty of an offence against this Act; and
- (b) the administrator may order the motor vehicle to be impounded until the owner gives proof of financial responsibility in the manner and for the amounts required by this Part.

(17) On the application of the owner of a motor vehicle impounded pursuant to this section, the administrator may order the release of the motor vehicle from impoundment if the owner of the motor vehicle:

- (a) gives evidence satisfactory to the administrator of satisfaction of claims for damages up to the amounts mentioned in section 125; or
- (b) satisfies the administrator that:
 - (i) he or she has in good faith sold it, subject only to its being released from impoundment; and
 - (ii) he or she has not directly or indirectly retained any right to use the motor vehicle or to control its use.

(18) The administrator shall order the release of a motor vehicle from impoundment if the owner of the motor vehicle:

- (a) has failed, as required by subsection (14), to give the administrator:
 - (i) evidence of satisfaction of claims or security for satisfaction of claims; and
 - (ii) proof of financial responsibility; and

- (b) six months have elapsed since the date of the accident and either:
 - (i) no notice that an action for the recovery of damages arising out of an accident has been commenced and is pending or has been filed with the administrator; or
 - (ii) a notice mentioned in subclause (i) has been filed with the administrator and evidence has been given to its satisfaction that:
 - (A) the action has been decided in favour of the owner and that no appeal against the judgment is pending or any appeal against the judgment has been dismissed;
 - (B) any judgment recovered against the owner has been satisfied or settled; or
 - (C) the action has not been brought to trial within 24 months after it was begun.
- (19) If judgment has been recovered in an action against the owner of a motor vehicle impounded pursuant to this section and the motor vehicle has been seized to enforce the judgment, the administrator shall order that the motor vehicle be released to the person making the seizure.
- (20) Subject to subsection (21), the administrator shall release any security furnished pursuant to subsection (14) to the person making the seizure if:
- (a) a judgment has been recovered in an action against the owner of a motor vehicle impounded pursuant to this section;
 - (b) the motor vehicle has been released from impoundment on the furnishing of the security; and
 - (c) the security has been seized to enforce the judgment.
- (21) If the amount of the security seized pursuant to subsection (20) is greater than the amount required to satisfy the judgment, the administrator shall:
- (a) release only the portion of the security sufficient to satisfy the judgment; and
 - (b) return the remainder of the security to the person who furnished it.
- (22) The administrator may act pursuant to subsection (23) if the administrator is satisfied by a certificate signed by a qualified mechanic, or by any other written evidence that it considers sufficient, that a motor vehicle impounded pursuant to this section:
- (a) is so damaged that it is impracticable to repair it so that it can be driven on a highway; or
 - (b) is worth not more than \$500.

- (23) In the circumstances mentioned in subsection (22), the administrator may:
- (a) if clause (22)(a) applies, order the release of the motor vehicle from impoundment; and
 - (b) if clause (22)(b) applies, authorize the keeper of the repair shop, garage or storage place in which the impounded motor vehicle is stored to sell it as provided in subsection (24).
- (24) On receipt of an authorization pursuant to subsection (23) and if the motor vehicle mentioned in that subsection has been stored for not less than 30 days in a repair shop, garage or storage place operated by the keeper of the repair shop, garage or storage place, the keeper:
- (a) may sell the motor vehicle after giving the owner 10 days' written notice of the keeper's intention to sell; and
 - (b) if the keeper sells the motor vehicle, shall:
 - (i) apply the proceeds of the sale in payment of the amounts due to the keeper; and
 - (ii) pay any surplus to the person entitled to it.

2004, c.T-18.1, s.158; 2010, c.E-9.22, s.245; 2016, c32, s.17.

DIVISION 2 Unauthorized Drivers

Interpretation of Division

159 In this Division:

- (a) **“driving”** includes operating or having the care or control of a motor vehicle, whether it is in motion or not;
- (b) **“garage keeper”** means a person who provides services on a motor vehicle, including the storage and towing of motor vehicles, for consideration and includes persons or class of persons designated by the administrator as garage keepers pursuant to section 167;
- (c) **“hearing officer”** means a hearing officer as defined in the regulations;
- (d) **“justice”** means:
 - (i) a justice of the peace appointed pursuant to *The Justices of the Peace Act, 1988*; or
 - (ii) a judge of the Provincial Court of Saskatchewan;
- (e) **“owner”** means an owner as defined in the regulations;
- (f) **“unauthorized driver”** means an unauthorized driver as defined in the regulations.

2004, c.T-18.1, s.159.

Immobilization or impoundment of motor vehicle

160(1) In this section and section 162:

- (a) **“notice of seizure and direction”** means a notice of seizure and direction issued pursuant to clause (2)(b);
 - (b) **“notice of seizure and impoundment or immobilization”** means a notice of seizure and impoundment or immobilization issued pursuant to clause (2)(a).
- (2) A peace officer who has reasonable grounds to believe that an unauthorized driver has driven a motor vehicle for which a driver’s licence is required to drive the motor vehicle on a highway shall seize the motor vehicle and either:
- (a) cause the motor vehicle to be impounded or immobilized and issue a copy of a notice of seizure and impoundment or immobilization to the unauthorized driver and the owner of the motor vehicle; or
 - (b) if the peace officer is satisfied that immobilizing or impounding a motor vehicle would jeopardize the safety of, or cause undue hardship to, any person, issue a copy of a notice of seizure and direction to the unauthorized driver and the owner of the motor vehicle.
- (3) A motor vehicle that has been immobilized pursuant to this section may be impounded.
- (4) No person to whom a notice of seizure and direction is issued shall fail to comply with the notice of seizure and direction.
- (5) If the motor vehicle is not made available for immobilization or impoundment at the time and place specified in the notice of seizure and direction, a peace officer may apply to a justice pursuant to section 168 for an order authorizing the impoundment or immobilization of the motor vehicle.
- (6) A notice of seizure and impoundment or immobilization and a notice of seizure and direction must be in the prescribed form and must state any of the following information that the peace officer is able to ascertain:
- (a) the name of the unauthorized driver;
 - (b) a description of the seized motor vehicle;
 - (c) the licence plate of the seized motor vehicle;
 - (d) the date and time of seizure;
 - (e) the place where the motor vehicle is to be immobilized or impounded;
 - (f) in the case of a notice of seizure and direction, the time when and the place where the unauthorized driver or the owner, as the case may be, shall make the motor vehicle available for immobilization or impoundment.
- (7) A peace officer shall:
- (a) serve a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction:
 - (i) immediately on the unauthorized driver; and
 - (ii) as soon as is practicable on the owner of the motor vehicle;

- (b) provide a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to the garage keeper who, pursuant to section 161, is to immobilize or impound the motor vehicle;
- (c) provide a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to the administrator; and
- (d) retain a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction.

2004, c.T-18.1, s.160.

Immobilization or impoundment of motor vehicle by garage keeper

161(1) A garage keeper shall immobilize or impound the motor vehicle at the place specified by the peace officer pursuant to clause 160(6)(e) or (f).

(2) Subject to subsections (4) and (5) and sections 163 and 166, a garage keeper who immobilizes or impounds a motor vehicle pursuant to this section is deemed to have a lien on the motor vehicle pursuant to section 3 of *The Commercial Liens Act* with respect to the motor vehicle for all unpaid amounts of prescribed fees, costs and charges relating to the seizure, immobilization and impoundment, and that Act applies, with any necessary modification, to the enforcement and realization of that lien.

(3) Subject to sections 162, 164 and 166, a motor vehicle is to remain immobilized or impounded until the earliest of the following events:

- (a) the amounts mentioned in subsection (2) are paid;
- (b) the garage keeper sells the motor vehicle pursuant to subsection (4);
- (c) the administrator acts pursuant to subsection (7).

(4) Subject to subsection (5), if 15 or more days have passed since the period of immobilization or impoundment ended, a garage keeper may sell the motor vehicle or any part of it at a public auction and apply the proceeds of the sale in the prescribed manner.

(5) Before the sale, the garage keeper shall:

- (a) deliver to the administrator:
 - (i) notice of the intended sale;
 - (ii) a statutory declaration on a form provided by the administrator declaring the amount secured by the lien mentioned in subsection (2); and
 - (iii) a search result respecting the motor vehicle from the registry, within the meaning of *The Personal Property Security Act, 1993*, with a currency date of not more than 15 days before the date of the delivery to the administrator of the notice, statutory declaration and search results; and

- (b) insert in the Gazette and in a newspaper circulating in the locality in which the vehicle was impounded two weeks before the sale a notice of the intended sale stating:
- (i) the name, if known, of the owner of the motor vehicle to be sold;
 - (ii) a general description of the vehicle, including the serial number;
 - (iii) the time and place of the sale; and
 - (iv) the name of the auctioneer.
- (6) If 15 or more days have passed since the period of immobilization or impoundment ended, a garage keeper may apply to the administrator for transfer of ownership of the motor vehicle to the garage keeper by delivering to the administrator:
- (a) the licence plates from the motor vehicle;
 - (b) a statutory declaration in the prescribed form of the garage keeper declaring that the amount of the lien mentioned in subsection (2) exceeds the garage keeper's estimate of the value of the motor vehicle; and
 - (c) a search result respecting the motor vehicle from the registry, within the meaning of *The Personal Property Security Act, 1993*, with a currency date of not more than 15 days before the date of filing the application pursuant to this subsection.
- (7) The administrator may complete a transfer of ownership form respecting a motor vehicle to transfer ownership of the motor vehicle to the garage keeper if the administrator is satisfied that the amount of the lien on the motor vehicle exceeds the value of the motor vehicle.
- (8) If the administrator has acted pursuant to subsection (7), the administrator may cancel the certificate of registration or registration permit for the motor vehicle.
- (9) Notwithstanding any other Act or law, the ownership of a motor vehicle is transferred to and vested in a garage keeper when a transfer of ownership form respecting a motor vehicle has been completed by the administrator pursuant to subsection (7).
- (10) If the administrator has cancelled a certificate or permit pursuant to subsection (8), the administrator shall take the following actions with respect to any refund of registration fees and insurance premiums:
- (a) apply the refund towards the unpaid amounts of any prescribed fees, costs and charges relating to the seizure, impoundment or immobilization of the motor vehicle in the prescribed manner;
 - (b) forward any balance of the refund to the person who was the registered owner of the motor vehicle before its seizure.
- (11) A transfer of ownership of a motor vehicle pursuant to this section does not defeat any security interest or other interest perfected against the motor vehicle pursuant to *The Personal Property Security Act, 1993*.

(12) If a motor vehicle is sold pursuant to subsection (4), or if the administrator has acted pursuant to subsection (7) and the garage keeper subsequently sells the motor vehicle, and the proceeds of the sale are not sufficient to cover all unpaid amounts of prescribed fees, costs and charges relating to the seizure, impoundment or immobilization, the administrator may pay the remaining unpaid amounts to the garage keeper.

(13) Any amount paid by the administrator pursuant to subsection (12), together with any other amounts payable to the administrator due to the seizure, impoundment or immobilization, is a debt payable to the administrator by:

- (a) the owner of the motor vehicle; or
- (b) if the administrator is unable to determine who is the owner of the vehicle, the unauthorized driver.

2004, c.T-18.1, s.161; 2016, c31, s.7.

Release of impounded or immobilized motor vehicle by hearing officer

162(1) The following persons may apply to a hearing officer for the release of a motor vehicle that has been seized and impounded or immobilized by applying the prescribed form and in the prescribed manner and paying the prescribed application fee:

- (a) the owner of the motor vehicle;
- (b) the unauthorized driver;
- (c) a person whose health would be seriously threatened by the continued immobilization or impoundment;
- (d) a person other than the unauthorized driver who would suffer extreme hardship as a result of the continued immobilization or impoundment;
- (e) a person authorized by a person mentioned in clauses (a) to (d).

(2) If an application for the release of a motor vehicle is made, the administrator shall:

- (a) cause a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to be filed with the hearing officer; and
- (b) cause a copy of the notice of seizure and impoundment or immobilization or the notice of seizure and direction to be provided to the owner and the person making the application, if that person is not the owner.

(3) On an application, a hearing officer shall:

- (a) consider:
 - (i) the notice of seizure and impoundment or immobilization or the notice of seizure and direction filed pursuant to subsection (2); and
 - (ii) any other representation or information presented for his or her consideration; and
- (b) render a decision within three days after receiving the application, not including Saturdays or holidays.

- (4) After considering an application for the release of a motor vehicle, the hearing officer shall make an order mentioned in subsection (5) if the hearing officer is satisfied that:
- (a) the motor vehicle was stolen at the time of the seizure;
 - (b) an unauthorized driver was in possession of the motor vehicle without the knowledge and consent of the owner;
 - (c) the owner could not reasonably have been expected to know that the person who was driving the motor vehicle was an unauthorized driver;
 - (d) the unauthorized driver could not reasonably have been expected to know that he or she was an unauthorized driver, and at the time of the seizure the unauthorized driver had complied with section 45;
 - (e) the continued immobilization or impoundment would pose a serious threat to the health of any person; or
 - (f) the continued immobilization or impoundment would cause extreme hardship for a person other than the unauthorized driver.
- (5) If a hearing officer is satisfied of the existence of one of the circumstances mentioned in subsection (4), the hearing officer shall order the release of the motor vehicle to the applicant or a person authorized by the applicant, subject to:
- (a) the payment of any unpaid prescribed fees, costs and charges; and
 - (b) any other prescribed conditions.
- (6) If an order to release a motor vehicle is made pursuant to subsection (5), the hearing officer shall order the refund of the prescribed application fee to the applicant.
- (7) After considering an application for the release of a motor vehicle, and if the hearing officer is satisfied that none of the circumstances mentioned in subsection (4) exists, the hearing officer may make an order:
- (a) upholding the period of immobilization or impoundment; or
 - (b) shortening the period of immobilization or impoundment if, in the opinion of the hearing officer, the circumstance warrants a shorter period.
- (8) The failure of a hearing officer to act within the time mentioned in subsection (3) does not affect the jurisdiction of the hearing officer to consider or hear the application or to make a decision with respect to the application.
- (9) The decision of a hearing officer made pursuant to this section may be appealed to the board by any of the persons mentioned in clauses (1)(a) to (e).

Release of motor vehicle by administrator

163(1) Subject to subsections (3) and (4) and sections 162, 164 and 166, a motor vehicle shall be immobilized or impounded for a period of 30 days.

(2) After the period of immobilization or impoundment has expired, the administrator shall release or direct the garage keeper to release the motor vehicle if:

(a) the administrator has received a written request from the owner or the person authorized by the owner to make the request; and

(b) all prescribed fees, costs and charges have been paid.

(3) Subject to subsection (4), a motor vehicle shall be immobilized or impounded for a period of 60 days if:

(a) the unauthorized driver of the motor vehicle, within a period of two years before the day of the seizure of the motor vehicle, was the unauthorized driver of a motor vehicle that was seized and impounded or immobilized pursuant to section 160 or 168 or a similar provision of a predecessor Act; and

(b) the administrator gives written notice to the owner of the motor vehicle and the garage keeper who is immobilizing or impounding the motor vehicle that, subject to an order of a hearing officer, the motor vehicle is not to be released before the expiry of 60 days from the day the motor vehicle was impounded or immobilized.

(4) Subsection (3) does not apply if the previously seized motor vehicle mentioned in clause (3)(a) was released on the grounds mentioned in clause 162(4)(d) or a similar provision of a predecessor Act.

(5) An application may be made by a person mentioned in subsection 162(1) in the prescribed form and manner to a hearing officer for an order that the grounds for a 60-day immobilization or impoundment pursuant to subsection (3) do not apply.

(6) If an application is made pursuant to subsection (5), the administrator shall prepare a report respecting:

(a) the impoundment or immobilization of motor vehicles driven by the unauthorized driver within a period of two years before the seizure that has given rise to the application; and

(b) any other prescribed information.

(7) On an application made pursuant to subsection (5), a hearing officer shall:

(a) consider the report of the administrator prepared pursuant to subsection (6); and

(b) if the hearing officer is satisfied that the grounds for a 60-day immobilization or impoundment pursuant to subsection (3) do not apply, order that the motor vehicle be released after 30 days' impoundment or immobilization or any shorter period that the hearing officer considers appropriate in the circumstances.

Release of stolen vehicle to owner

164 If a peace officer is satisfied that the motor vehicle that was seized was a stolen motor vehicle at the time of seizure, the peace officer may release the motor vehicle or direct the garage keeper to release the motor vehicle to the owner or a person authorized by the owner.

2004, c.T-18.1, s.164.

Prohibition on tampering with impounded or immobilized vehicle

165(1) Except as otherwise provided in section 162, 164 or 166, no person shall remove or release, attempt to remove or release, or permit the removal or release of a motor vehicle that has been seized and impounded or immobilized from the place of impoundment or immobilization.

(2) Unless directed by the administrator, no person shall remove the licence plates from a motor vehicle while it is seized, impounded or immobilized pursuant to this Division.

(3) No person shall remove personal property that is attached to a motor vehicle or that is used in connection with the operation of a motor vehicle that has been seized, impounded or immobilized, other than prescribed personal property.

2004, c.T-18.1, s.165; 2015, c.33, s.12; 2018, c.45, s.30.

Indemnification for seizure made in error

166 If the administrator is satisfied that a motor vehicle has been seized in error and impounded or immobilized, or if a motor vehicle has been released pursuant to section 164, the administrator shall:

- (a) authorize the release of the motor vehicle if the motor vehicle is not already released;
- (b) waive any prescribed fee, cost or charge; and
- (c) indemnify the owner of the motor vehicle for any direct cost incurred by the owner with respect to the seizure and impoundment or immobilization.

2004, c.T-18.1, s.166.

Designation of persons as garage keepers

167(1) The administrator may designate any person or class of persons as a garage keeper.

(2) Every person designated pursuant to subsection (1):

- (a) is deemed to be a garage keeper for the purposes of this Act and the regulations; and
- (b) is subject to the same obligations, rights and entitlements as a garage keeper set out in section 161.

2004, c.T-18.1, s.167.

Order authorizing impoundment or immobilization

168(1) If a peace officer has reasonable grounds to believe that the circumstances mentioned in section 160 exist, the peace officer may apply under oath to a justice in the prescribed form for an order authorizing the impoundment or immobilization of the motor vehicle.

(2) If the justice is satisfied that the peace officer has reasonable grounds to believe that an unauthorized driver has driven the motor vehicle for which the order authorizing impoundment or immobilization is requested, the justice may grant an order directed to the person named in the order:

- (a) to impound or immobilize the motor vehicle; and
- (b) to enter any building or place where the motor vehicle can be found for the purpose of impounding or immobilizing the motor vehicle.

(3) The failure of a peace officer to obtain an order from a justice pursuant to this section does not invalidate any impoundment or immobilization of a motor vehicle that is otherwise lawfully performed or authorized.

2004, c.T-18.1, s.168.

Civil remedy

169 The owner of a motor vehicle seized and immobilized or impounded may recover from an unauthorized driver, in any manner authorized by law, any amount that the owner has paid to recover his or her motor vehicle.

2004, c.T-18.1, s.169.

Administrator may enter into agreements

170 The administrator may enter into an agreement with any garage keeper respecting:

- (a) the immobilization or impoundment of motor vehicles;
- (b) the release, sale or transfer of ownership of motor vehicles;
- (c) any fees, costs or charges arising from the immobilization or impoundment of motor vehicles; and
- (d) any other thing the administrator considers necessary to carry out the purposes of this Division.

2004, c.T-18.1, s.170.

Fees payable to administrator

171 Notwithstanding section 268, all fees, costs and charges payable pursuant to this Division that are not otherwise provided for pursuant to this Act or the regulations are payable to the administrator.

2004, c.T-18.1, s.171.

Liability of owner

172 No owner of a motor vehicle shall knowingly permit a person who is disqualified from driving a motor vehicle to drive his or her motor vehicle in Saskatchewan.

2004, c.T-18.1, s.172.

DIVISION 3
Public Order

Interpretation of Division

173(1) In this Division:

- (a) **“designated official”** means an official, department or agency of the Government of Saskatchewan, or an agent of the Crown in right of Saskatchewan, designated by the minister to administer this Division;
 - (b) **“designated program”** means a program designated by the minister pursuant to subsection (2);
 - (c) **“driving”** includes operating or having the care or control of a motor vehicle, whether it is in motion or not;
 - (d) **“garage keeper”** means a person who provides services on a motor vehicle, including the storage and towing of motor vehicles, for consideration and includes any persons or class of persons designated by the designated official as garage keepers pursuant to section 188;
 - (e) **“justice”** means:
 - (i) a justice of the peace appointed pursuant to *The Justices of the Peace Act, 1988*; or
 - (ii) a judge of the Provincial Court of Saskatchewan;
 - (f) **“notice of seizure and impoundment or immobilization”** means a notice of seizure and impoundment or immobilization issued pursuant to section 174;
 - (g) **“owner”** means an owner as defined in the regulations;
 - (h) **“proscribed offence”** means an offence pursuant to section 211, 213, 286.1, 286.2 or 286.3 of the *Criminal Code*.
- (2) For the purposes of this Division, the minister may:
- (a) designate a program that the minister considers appropriate as a program to be completed by persons mentioned in clause 183(1)(a); and
 - (b) set a period within which the designated program must be completed.

2004, c.T-18.1, s.173; 2015, c.33, s.13.

Seizure and impoundment or immobilization re proscribed offences

174(1) If a peace officer has reasonable grounds to believe that a motor vehicle is being driven in the course of committing a proscribed offence, the peace officer shall:

- (a) seize the motor vehicle;
 - (b) cause the motor vehicle to be impounded or immobilized; and
 - (c) issue and serve, in the prescribed manner, a copy of a notice of seizure and impoundment or immobilization:
 - (i) immediately on the driver; and
 - (ii) as soon as is practicable on the owner of the motor vehicle.
- (2) A motor vehicle that has been immobilized pursuant to this section may be impounded.
- (3) A notice of seizure and impoundment or immobilization:
- (a) must be in the prescribed form; and
 - (b) must state as much of the following information as the peace officer is able to ascertain:
 - (i) the name of the driver of the seized motor vehicle and any other persons in the motor vehicle at the time of the seizure;
 - (ii) a description of the seized motor vehicle;
 - (iii) the licence plate number of the seized motor vehicle;
 - (iv) the date and time of seizure;
 - (v) the place where the motor vehicle is to be impounded or immobilized.
- (4) A peace officer shall:
- (a) provide a copy of the notice of seizure and impoundment or immobilization to the garage keeper who, pursuant to section 175 is to impound or immobilize the motor vehicle;
 - (b) provide a copy of the notice of seizure and impoundment or immobilization to the designated official; and
 - (c) retain a copy of the notice of seizure and impoundment or immobilization.

2004, c.T-18.1, s.174.

Impoundment or immobilization of motor vehicle by garage keeper

175(1) A garage keeper shall impound or immobilize the motor vehicle at the place specified by the peace officer pursuant to subclause 174(3)(b)(v).

- (2) Subject to subsection (4), a garage keeper who impounds or immobilizes a motor vehicle pursuant to this section is deemed to have a lien on the motor vehicle pursuant to section 3 of *The Commercial Liens Act* with respect to the motor vehicle for all unpaid amounts of prescribed fees, costs and charges relating to the seizure and impoundment or immobilization.

- (3) *The Commercial Liens Act* applies, with any necessary modification, to the enforcement and realization of a lien mentioned in subsection (2).
- (4) If a motor vehicle that was seized and impounded or immobilized pursuant to section 174 is released pursuant to section 179:
- (a) the designated official shall reimburse the garage keeper for any prescribed fees, costs and charges relating to the impoundment or immobilization of the motor vehicle to the prescribed maximum amount; and
 - (b) the garage keeper is not deemed to have a lien pursuant to subsection (2) or to have any right or claim respecting the impoundment or immobilization of the motor vehicle other than the right to any reimbursement pursuant to clause (a).
- (5) A motor vehicle is to remain impounded or immobilized until:
- (a) the designated official approves the sale of the motor vehicle pursuant to this Division;
 - (b) the designated official transfers ownership of the motor vehicle pursuant to this Division;
 - (c) the motor vehicle is released pursuant to this Division; or
 - (d) the motor vehicle is forfeited to the Crown in right of Saskatchewan pursuant to this Division.

2004, c.T-18.1, s.175.

Sale of motor vehicle by garage keeper

176(1) Subject to subsections (2) and (3), the garage keeper who impounded or immobilized a motor vehicle may sell the motor vehicle or any part of it at a public auction if the designated official consents to the sale.

- (2) Before a sale pursuant to subsection (1), the garage keeper shall:
- (a) deliver to the designated official:
 - (i) a notice of the intended sale;
 - (ii) a statutory declaration of the garage keeper on a form provided by the designated official declaring the amount secured by the lien mentioned in section 175; and
 - (iii) a search result respecting the motor vehicle from the registry, within the meaning of *The Personal Property Security Act, 1993*, with a currency date of not more than 15 days before the date of the delivery to the designated official of the notice, statutory declaration and search result; and

- (b) at least two weeks before the sale, publish in the Gazette and in a newspaper having general circulation in the area in which the motor vehicle was seized and impounded or immobilized a notice of the intended sale stating:
- (i) the name, if known, of the owner of the motor vehicle to be sold;
 - (ii) a general description of the motor vehicle, including the serial number;
 - (iii) the time and place of the sale; and
 - (iv) the name of the auctioneer.
- (3) If a garage keeper sells a motor vehicle pursuant to this section, the garage keeper shall:
- (a) apply the proceeds of the sale in the prescribed manner; and
 - (b) notify the designated official of the sale within 14 days after the sale.

2004, c.T-18.1, s.176.

Transfer of motor vehicle to garage keeper

- 177(1)** The garage keeper who impounded or immobilized the motor vehicle may apply to the designated official for transfer of ownership of the motor vehicle to the garage keeper.
- (2) A garage keeper who applies for a transfer of ownership pursuant to subsection (1) shall file with the designated official:
- (a) the licence plates from the motor vehicle;
 - (b) a statutory declaration of the garage keeper in the prescribed form declaring that the amount of the lien mentioned in section 175 exceeds the estimated value of the motor vehicle; and
 - (c) a search result respecting the motor vehicle from the registry, within the meaning of *The Personal Property Security Act, 1993*, with a currency date of not more than 15 days before the date of filing the application pursuant to this subsection.
- (3) If the designated official is satisfied that the amount of the lien mentioned in section 175 exceeds the prescribed value of the motor vehicle, the designated official may complete a transfer of ownership form respecting a motor vehicle to transfer ownership of the motor vehicle to the garage keeper.
- (4) If the designated official has completed a transfer of ownership form pursuant to subsection (3), the designated official may direct the administrator to cancel the certificate of registration or registration permit for the motor vehicle.
- (5) Notwithstanding any other Act or law, the ownership of a motor vehicle is transferred to and vested in a garage keeper when a transfer of ownership form respecting a motor vehicle has been completed by the designated official pursuant to subsection (3).

(6) If the administrator has cancelled a certificate or permit pursuant to subsection (4), the administrator shall take the following actions with respect to any refund of registration fees and insurance premiums:

- (a) apply the refund in the prescribed manner towards the unpaid amounts of any prescribed fees, costs and charges relating to the seizure and impoundment or immobilization of the motor vehicle;
- (b) forward any balance of the refund to the person who was the owner of the motor vehicle at the time of its seizure pursuant to section 174.

(7) A transfer of ownership of a motor vehicle pursuant to this section does not defeat any security interest or other interest perfected against the motor vehicle pursuant to *The Personal Property Security Act, 1993*.

2004, c.T-18.1, s.177.

When designated official may reimburse garage keeper

178(1) A garage keeper may apply to the designated official for reimbursement pursuant to this section if:

- (a) either:
 - (i) a motor vehicle is sold pursuant to section 176; or
 - (ii) the designated official has transferred the ownership of the motor vehicle to the garage keeper pursuant to section 177 and the garage keeper subsequently has sold the motor vehicle; and
- (b) the proceeds of the sale are not sufficient to cover all unpaid amounts of prescribed fees, costs and charges relating to the seizure and impoundment or immobilization of the motor vehicle.

(2) On receipt of an application pursuant to subsection (1), the designated official may reimburse the garage keeper for the remaining unpaid amounts mentioned in clause (1)(b).

(3) Any amounts paid by the designated official pursuant to subsection (2), together with any other amounts payable pursuant to this Act to the designated official due to the seizure and impoundment or immobilization of the motor vehicle, are a debt payable to the designated official by the person who was the owner of the motor vehicle at the time it was seized pursuant to section 174.

(4) The designated official may recover from the owner any amounts owing to the designated official pursuant to subsection (3):

- (a) in any manner authorized by *The Financial Administration Act, 1993*;
- (b) in any other manner authorized by law; or
- (c) by filing with the Court of Queen's Bench, at any judicial centre, a certificate of the designated official certifying the amount owing, together with interest at the prescribed rate to the date of the certificate.

(5) A certificate filed pursuant to clause (4)(c) is deemed to be a judgment obtained in the Court of Queen's Bench for the recovery of a debt in the amount specified in the certificate, together with any reasonable costs and charges with respect to its filing.

2004, c.T-18.1, s.178.

Peace officer may release a stolen motor vehicle

179 If a peace officer is satisfied that the motor vehicle that was seized pursuant to section 174 was a stolen motor vehicle at the time of seizure, the peace officer may release the motor vehicle or direct the garage keeper to release the motor vehicle to the owner or a person authorized by the owner.

2004, c.T-18.1, s.179.

When a justice may release a motor vehicle – on application by owner

180(1) If a motor vehicle has been seized and impounded or immobilized pursuant to section 174, the following persons may apply to a justice for the release of the motor vehicle:

- (a) the owner of the motor vehicle;
 - (b) a person whose health would be seriously threatened by the continued impoundment or immobilization of the motor vehicle;
 - (c) a person, other than a person who was in the motor vehicle at the time it was seized, who would suffer extreme hardship as a result of the continued impoundment or immobilization of the motor vehicle;
 - (d) a person authorized by a person mentioned in clauses (a) to (c).
- (2) A person who applies to a justice pursuant to subsection (1) must:
- (a) apply in the prescribed form and in the prescribed manner; and
 - (b) pay any prescribed application fee.
- (3) On receipt of an application pursuant to this section and on payment of the prescribed application fee, the justice shall conduct a hearing in the prescribed manner.
- (4) On an application pursuant to this section, a justice may consider any evidence the justice considers relevant, including:
- (a) a report of a peace officer respecting the seizure of the motor vehicle; and
 - (b) a report of the designated official respecting any record of a previous seizure pursuant to section 174 involving the applicant, the owner or the seized motor vehicle.
- (5) In the circumstances mentioned in subsection (6), the justice:
- (a) shall order the release of the motor vehicle to the applicant, subject to payment of the garage keeper's lien pursuant to section 175; and
 - (b) may order the return of the prescribed application fee to the applicant.
- (6) The justice may make the orders mentioned in subsection (5) only if the justice is satisfied that:
- (a) in the case of an application by the owner of the motor vehicle:
 - (i) at the time the motor vehicle was seized, the driver was in possession of the motor vehicle without the knowledge and consent of the owner; or
 - (ii) the owner could not reasonably have known that the motor vehicle was being driven in the course of committing a proscribed offence;

- (b) the continued impoundment or immobilization of the motor vehicle would pose a serious threat to the health of any person;
 - (c) the continued impoundment or immobilization of the motor vehicle would cause extreme hardship for a person, other than a person who was in the motor vehicle at the time it was seized; or
 - (d) there are other grounds justifying release of the motor vehicle and that it is not contrary to the public interest to release the motor vehicle.
- (7) A person who is dissatisfied with a decision of a justice pursuant to this section may appeal that decision to a judge of the Court of Queen's Bench by:
- (a) serving the designated official with a copy of the notice of appeal; and
 - (b) filing the notice of appeal mentioned in clause (a) with the local registrar of the Court of Queen's Bench at any judicial centre.
- (8) A notice of appeal mentioned in subsection (7) must be served and filed within 30 days after the date of the decision of the justice.
- (9) On an appeal pursuant to subsection (7), the judge of the Court of Queen's Bench may do all or any of the following:
- (a) dismiss the appeal;
 - (b) allow the appeal;
 - (c) allow the appeal subject to terms and conditions;
 - (d) vary the decision appealed against;
 - (e) award costs of the appeal;
 - (f) make any other order that the judge considers just.
- (10) There is no further appeal from a decision of the judge of the Court of Queen's Bench.

2004, c.T-18.1, s.180.

When a justice may release a motor vehicle – application by secured party

181(1) If a motor vehicle has been seized and impounded or immobilized pursuant to section 174, a secured party with a security interest registered against the motor vehicle pursuant to *The Personal Property Security Act, 1993* may apply to a justice for release of the motor vehicle.

- (2) A secured party who applies to a justice pursuant to subsection (1) must:
- (a) apply in the prescribed form and in the prescribed manner; and
 - (b) pay any prescribed application fee.

(3) On an application pursuant to subsection (1), the justice may authorize the release of the motor vehicle to the secured party, subject to the payment of the garage keeper's lien pursuant to section 175.

(4) A secured party may recover from the owner of the motor vehicle any amounts that the secured party is required to pay pursuant to this section in order to have the motor vehicle released.

2004, c.T-18.1, s.181.

When an owner may apply for release of a vehicle – payment of a deposit or security

182(1) The owner of a motor vehicle seized and impounded or immobilized pursuant to section 174 may apply to the designated official for release of the motor vehicle by:

- (a) applying in the prescribed manner; and
- (b) depositing with the designated official:
 - (i) a prescribed amount of money; or
 - (ii) a prescribed amount of a prescribed security.

(2) On receiving an application and deposit pursuant to subsection (1), the designated official may authorize the release of the motor vehicle to the owner or to a person authorized by the owner, subject to the payment of the garage keeper's lien pursuant to section 175.

(3) Notwithstanding any other Act or law, any money or security deposited with the designated official pursuant to this section is exempt from garnishment, seizure, attachment, execution or any other process or claim.

2004, c.T-18.1, s.182.

When designated official may release motor vehicle – designated program

183(1) The designated official may authorize the release of a motor vehicle that was seized pursuant to section 174 to the owner or to a person authorized by the owner if:

- (a) the designated official is satisfied that every person who was in the motor vehicle at the time it was seized and whom the peace officer seizing the motor vehicle had reasonable grounds to believe committed a proscribed offence:
 - (i) is eligible to enrol in a designated program; and
 - (ii) has enrolled in the designated program; and
- (b) the owner or the person authorized by the owner pays any prescribed fees, costs and charges relating to the seizure and impoundment or immobilization of the motor vehicle.

(2) For the purposes of subclause (1)(a)(i), a person is not eligible to enrol in a designated program if:

- (a) as a result of the person's conduct leading to the seizure, the person is charged with an offence pursuant to subsection 286.1(2) or 286.2(2) or 286.3(2) of the *Criminal Code*; or
- (b) the person has previously been enrolled in a designated program.

(3) If a person who enrolls in a designated program for the purposes of this Division fails to complete the designated program within the period set by the minister, the designated official shall direct the administrator to suspend that person's driver's licence pursuant to section 48.

2004, c.T-18.1, s.183; 2015, c.33, s.14; 2018, c.45, s.31.

When designated official may release motor vehicle – prescribed circumstances

184(1) In the prescribed circumstances, the designated official may do all or any of the following:

- (a) authorize the release of the motor vehicle to the owner or to a person authorized by the owner;
 - (b) waive any prescribed fees, costs or charges;
 - (c) reimburse the owner of the motor vehicle for any prescribed fees, costs and charges paid by the owner relating to the seizure and impoundment or immobilization of the motor vehicle.
- (2) The designated official may impose any terms and conditions that the designated official considers appropriate on a decision pursuant to this section.
- (3) No person on whom terms and conditions are imposed, whether pursuant to this section or the regulations, shall fail to comply with those terms and conditions.

2004, c.T-18.1, s.184.

Release or repayment by designated official when no person convicted

185(1) This section applies where:

- (a) a motor vehicle has been seized and impounded or immobilized pursuant to section 174; and
 - (b) every person who was in the motor vehicle at the time it was seized and who was charged with a proscribed offence in connection with the seizure of the motor vehicle has not been found guilty of a proscribed offence.
- (2) In the circumstances mentioned in subsection (1), the designated official shall:
- (a) either:
 - (i) if the motor vehicle has not been sold, transferred to a garage keeper or released, authorize the release of the motor vehicle to the owner or to a person authorized by the owner;
 - (ii) if the motor vehicle has been sold pursuant to this Division, pay any remaining proceeds of the sale to the owner;

- (iii) if the motor vehicle has been transferred to a garage keeper pursuant to this Division, reimburse the owner for the prescribed value of the motor vehicle; or
- (iv) if the owner has deposited any money or security with the designated official pursuant to section 182, authorize the return of the money or security to the owner;
- (b) if the owner has paid any prescribed fees, costs or charges relating to the seizure and impoundment or immobilization of the motor vehicle, reimburse the owner for those fees, costs and charges; and
- (c) reimburse the garage keeper for any prescribed fees, costs and charges relating to the seizure and impoundment or immobilization of the motor vehicle that remain outstanding and that are owed to the garage keeper.

2004, c.T-18.1, s.185.

When motor vehicle or deposit is forfeited

186(1) Subject to subsection (2), this section applies if:

- (a) a person who was in a motor vehicle at the time it was seized pursuant to section 174:
 - (i) is convicted of a proscribed offence; or
 - (ii) is the subject of an order made pursuant to section 730 of the *Criminal Code*, or a disposition pursuant to the *Youth Criminal Justice Act* (Canada), that directs that the person be discharged of a proscribed offence; and
- (b) any of the following has occurred:
 - (i) the motor vehicle has not been released pursuant to this Division;
 - (ii) the motor vehicle has been sold by a garage keeper pursuant to section 176;
 - (iii) the owner of the motor vehicle has obtained the release of the motor vehicle pursuant to section 182 by depositing money or security.
- (2) In the circumstances mentioned in subsection (1):
 - (a) if the owner of the motor vehicle has deposited money or security pursuant to section 182, the money or security is forfeited to the Crown in right of Saskatchewan;
 - (b) if the motor vehicle has been sold by a garage keeper pursuant to section 176, any balance remaining from the sale of the motor vehicle that was forwarded to the designated official is forfeited to the Crown in right of Saskatchewan; or

(c) if, at the time of the conviction, the motor vehicle remains under seizure and has not been released or sold, the motor vehicle is forfeited to the Crown in right of Saskatchewan subject to any security interest or other interest perfected against the motor vehicle pursuant to *The Personal Property Security Act, 1993*.

(3) If any money or security deposit is forfeited pursuant to subsection (2):

(a) the designated official shall reimburse the garage keeper for any prescribed fees, costs and charges related to the impoundment or immobilization of the motor vehicle; and

(b) subject to any direction of Treasury Board, the money or security deposit forfeited pursuant to subsection (2) shall be managed in accordance with Part IV of *The Seizure of Criminal Property Act, 2009*.

2004, c.T-18.1, s.186; 2009, c.S-46.002, s.42.

Prohibition on removing or releasing motor vehicle, licence plates or personal property

187(1) Unless authorized pursuant to this Division, no person shall remove or release, attempt to remove or release, or permit the removal or release of a motor vehicle that has been seized and impounded or immobilized pursuant to section 174 from the place of impoundment or immobilization.

(2) No person shall:

(a) remove the licence plates from a motor vehicle while it is seized, impounded or immobilized pursuant to section 174;

(b) attempt to transfer the licence plates from a motor vehicle while it is seized, impounded or immobilized pursuant to section 174; or

(c) transfer the ownership, or transfer or cancel the registration of a motor vehicle while it is seized, impounded or immobilized pursuant to section 174.

(3) No person shall remove personal property that is attached to a motor vehicle that is seized, impounded or immobilized pursuant to section 174 or that is used in connection with the operation of the motor vehicle, other than prescribed personal property.

2004, c.T-18.1, s.187.

Designation of garage keepers

188(1) The designated official may designate any person or class of persons as a garage keeper.

(2) Every person designated pursuant to subsection (1):

(a) is deemed to be a garage keeper for the purposes of this Act and the regulations; and

(b) is subject to the same obligations, rights and entitlements as a garage keeper set out in section 175.

2004, c.T-18.1, s.188.

Designated official may enter into agreements

189 The designated official may enter into an agreement with any garage keeper respecting all or any of the following:

- (a) the impoundment or immobilization of motor vehicles seized and impounded or immobilized pursuant to section 174;
- (b) the release, sale or transfer of ownership of motor vehicles seized and impounded or immobilized pursuant to section 174;
- (c) any fees, costs or charges arising from the impoundment or immobilization of motor vehicles pursuant to section 174;
- (d) any other thing the designated official considers necessary to carry out the purposes of this Division.

2004, c.T-18.1, s.189.

Fees payable to designated official

190 Notwithstanding section 268 but subject to any direction of Treasury Board, all fees, costs and charges payable pursuant to this Division that are not otherwise provided for pursuant to this Act or the regulations are payable to the designated official for deposit in the general revenue fund.

2004, c.T-18.1, s.190.

Civil remedy for certain owners

191 The owner of a motor vehicle that is seized pursuant to section 174 may recover, from the driver of the motor vehicle who was in possession of the motor vehicle at the time it was seized:

- (a) if the motor vehicle has been sold or transferred to a garage keeper pursuant to this Division, the value of the motor vehicle;
- (b) if the owner was required to pay any fees, costs and charges or the amount of any garage keeper's lien pursuant to this Division to obtain the release of the motor vehicle, the amount of the fees, costs and charges or lien that was paid;
- (c) if the motor vehicle has been forfeited to the Crown in right of Saskatchewan, the value of the motor vehicle;
- (d) if the owner was required to pay any money to a secured party pursuant to subsection 181(4), the amount of money that was paid; or
- (e) if the owner deposited any money or security pursuant to section 182 to obtain the release of the motor vehicle, the money or security that was deposited.

2004, c.T-18.1, s.191.

PART XVI
Rules of the Road

DIVISION 1
Licence Plates

Prohibition on driving without valid licence plates

192(1) No person shall drive on a highway, and no owner shall cause or allow to be driven on a highway, a motor vehicle, trailer, or semi-trailer unless the vehicle displays licence plates issued pursuant to this Act.

(2) No person shall drive a vehicle on a highway unless the licence plates are firmly secured to the vehicle so as to be distinctly visible and legible.

(3) No person shall use or permit the use of licence plates on any vehicle other than the vehicle for which the licence plates were issued.

(4) No person, other than the administrator, shall wilfully deface or alter any licence plate or drive a vehicle displaying any defaced or altered licence plate.

(5) **Repealed.** 2013, c.37, s.4.

(6) No person shall drive a vehicle on a highway if the licence plate or any portion of the licence plate is obscured in any manner that prevents the licence plate, or any of the numbers or letters on the licence plate, from being accurately photographed or captured by a red light camera system or a speed monitoring device.

2004, c.T-18.1, s.192; 2013, c.37, s.4.

How licence plates are to be displayed

193(1) One licence plate issued pursuant to this Act:

(a) must be affixed to the vehicle with respect to which the licence plate is issued; and

(b) must be displayed:

(i) in the case of a power unit, on the front of the vehicle; and

(ii) in the case of a vehicle other than power unit, on the rear of the vehicle.

(2) Validation stickers issued pursuant to this Act must be affixed to the licence plates with respect to which they are issued.

2004, c.T-18.1, s.193.

When administrator may demand return of licence plate and other material

194(1) The administrator may demand the immediate return of any licence plate and any other material, including any validation sticker, certificate of registration or registration permit, if the administrator reasonably believes that the licence plate or other material has been used in an unauthorized manner or for an unauthorized purpose.

(2) No person shall fail to comply with a demand of the administrator given pursuant to subsection (1) within the period that the administrator may determine.

2004, c.T-18.1, s.194.

When licence plates must be replaced

195(1) If a licence plate, other than a personalized licence plate, of a registered vehicle is lost, destroyed or defaced so that it is illegible, the holder of the certificate of registration shall immediately:

- (a) apply to the administrator for replacement of the licence plate;
- (b) return the certificate of registration to the administrator;
- (c) pay the prescribed fee; and
- (d) either:
 - (i) return any remaining licence plate, together with the holder's affidavit that the original licence plate is lost or destroyed; or
 - (ii) return the defaced licence plate and any other licence plate.

(2) On an application pursuant to subsection (1) and if the administrator is satisfied that the holder of the certificate of registration has complied with this section, the administrator shall:

- (a) re-register the vehicle; and
- (b) issue a new certificate of registration and new licence plates for the vehicle.

(3) On receipt of an application pursuant to subsection (1), the administrator may, pending the issue of the new certificate of registration, issue a receipt for the prescribed fee.

(4) A receipt issued pursuant to subsection (3):

- (a) either:
 - (i) must be carried on the registrant; or
 - (ii) must be kept in the vehicle; and
- (b) constitutes a valid authority for the operation of the vehicle for a period of 90 days.

(5) If the administrator has issued new licence plates and a new certificate of registration pursuant to this section, the original licence plates and certificate of registration are deemed to be cancelled.

2004, c.T-18.1, s.195.

Representations re licence plates

196 No person shall sell, exchange or otherwise dispose of a motor vehicle, trailer or semi-trailer without removing the licence plates attached to the vehicle at the time of the sale, exchange or disposal.

2004, c.T-18.1, s.196.

Transfer of licence plates to another vehicle

197(1) A person who intends to transfer the licence plates from one vehicle to another without changing the name in which the certificate of registration is issued shall:

- (a) apply on the form provided by the administrator for the purpose; and
 - (b) pay the prescribed fee.
- (2) The administrator shall accept the application made pursuant to subsection (1) as an application for registration in accordance with section 64.
- (3) On issuance of a receipt for the fee paid pursuant to subsection (1), the holder of the certificate of registration shall attach the licence plates to the vehicle to which the licence plates are transferred.
- (4) The administrator may authorize an immediate transfer of licence plates before the registration of a vehicle, if:
- (a) a prior request is made to do so and approval has been secured from the administrator; and
 - (b) the written application for the transfer is received by the administrator within seven days of the approval.

2004, c.T-18.1, s.197.

Grace period – replacement vehicles

198(1) In this section, “**replacement vehicle**” means a vehicle that:

- (a) is acquired to replace a vehicle designated in a certificate of registration;
 - (b) is of a type and class similar to the vehicle designated in the certificate of registration; and
 - (c) has a gross vehicle weight that is equal to or less than the gross vehicle weight of the vehicle designated in the certificate of registration.
- (2) Notwithstanding subsections 59(1), 60(4) and 192(3), if a vehicle designated in a certificate of registration is sold and the holder of the certificate of registration acquires a replacement vehicle:
- (a) the certificate of registration is deemed to apply to the replacement vehicle and to continue in effect for a period ending on the earlier of:
 - (i) seven days after the date of purchase of the replacement vehicle; and
 - (ii) the expiry date determined pursuant to section 60 that would otherwise apply; and
 - (b) the holder of the certificate of registration may, within the period mentioned in clause (a):
 - (i) display on the replacement vehicle the licence plates issued for the vehicle that was sold; and

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

2004, c.T-18.1, s.198.

DIVISION 2

Speed

Speeding prohibited

199(1) Subject to the other provisions of this Act, no person shall drive a vehicle on a highway:

- (a) at a speed greater than 80 kilometres per hour; or
- (b) at a speed greater than the maximum speed indicated by any signs that are erected on the highway in accordance with section 200 or 201 or that are placed at the entrance to a park in accordance with section 202.

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

(2.1) Notwithstanding any provision of this Act, a person who drives a vehicle at a speed greater than 35 kilometres per hour over the applicable speed limit mentioned in subsection (1) is guilty of an offence.

(2.2) Notwithstanding any provision of this Act, a person who drives a vehicle at a speed at least twice that of the applicable speed limit mentioned in subsection (1) is guilty of an offence.

(3) No person shall drive a vehicle on a highway at a speed greater than is reasonable and safe in the circumstances.

(4) No person shall drive a vehicle on a highway at a speed that impedes the normal and reasonable movement of traffic on the highway except when necessary for the safe operation of the vehicle.

2004, c.T-18.1, s.199; 2014, c.29, s.21.

Speed restrictions in school zones

200(1) In this section, “**school zone**” means the area between:

- (a) the traffic control device or official sign identifying an area as a school zone; and
- (b) the traffic control device or official sign indicating a greater rate of speed or the end of the area as a school zone.

- (2) No person shall drive a vehicle in a school zone at a speed greater than the maximum speed indicated by any official sign.
- (3) If required to do so in the regulations, a municipality shall enact a bylaw that complies with the regulations respecting:
 - (a) the maximum speed at which vehicles may be driven in a school zone; and
 - (b) the placing of traffic control devices and the posting of official signs to indicate school zones.
- (4) No person shall fail to comply with a bylaw enacted in accordance with subsection (3).
- (5) This Act and the regulations prevail in the case of any conflict between:
 - (a) this Act and the regulations; and
 - (b) a bylaw enacted in accordance with subsection (3).

2004, c.T-18.1, s.200.

Speeding in speed zone prohibited

201(1) If pursuant to *The Highways and Transportation Act, 1997*, or any former *Highways and Transportation Act*, a speed zone is established by the erection of an official sign, no person shall drive a vehicle on the portion of the highway within the speed zone at a speed greater than indicated.

(2) If pursuant to *The Highways and Transportation Act, 1997* the maximum speed on a provincial highway or portion of a provincial highway is fixed by the minister and the minister has erected signs that indicate that speed, no person shall drive a vehicle on the provincial highway or portion of the provincial highway at a speed greater than the speed indicated on those signs.

2004, c.T-18.1, s.201; 2008, c.12, s.7.

Speeding in parks prohibited

202(1) Notwithstanding any other provision of this Act, the authority having jurisdiction over a park:

- (a) may fix the maximum speed of vehicles within the park; and
 - (b) if the authority acts pursuant to clause (a), shall indicate that maximum speed by placing signs at each entrance and throughout the park.
- (2) No person shall drive a vehicle in the park in excess of the maximum speed indicated on the signs.

2004, c.T-18.1, s.202; 2014, c.29, s.22.

Speed limits when passing highway workers

203(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing:

- (a) a highway worker or flag person;
 - (b) any highway equipment occupied by a highway worker, whose presence on the highway is marked in the manner determined in the regulations made by the board; or
 - (c) any highway equipment that is stopped on a highway with its ministry issued warning lights in operation.
- (2) A flag person or peace officer may direct traffic by voice, hands, signs or other signals while controlling traffic.
- (3) Every person driving a vehicle shall obey the directions given pursuant to subsection (2).
- (4) Subsection (1) does not apply if:
- (a) the vehicle is being driven on a divided highway; and
 - (b) the vehicle is travelling on the opposite roadway from the highway equipment.

2004, c.T-18.1, s.203; 2009, c.30, s.3; 2018, c.45, s.32.

Speed limits when passing emergency vehicles

204(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing an emergency vehicle that is stopped on the highway with its emergency lights in operation.

- (2) Subsection (1) does not apply if:
- (a) the vehicle is being driven on a divided highway; and
 - (b) the vehicle is travelling on the opposite roadway from the emergency vehicle.

2004, c.T-18.1, s.204.

Speed limits when passing tow trucks

205(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing a tow truck that:

- (a) is stopped on the highway with its prescribed lights in operation; and
 - (b) is providing assistance as a tow truck.
- (2) Subsection (1) does not apply if:
- (a) the vehicle is being driven on a divided highway; and
 - (b) the vehicle is travelling on the opposite roadway from the tow truck.

2004, c.T-18.1, s.205; 2017, c.5, s.2.

Speed limit when passing service vehicle

205.1(1) No person shall drive a vehicle on a highway at a speed greater than 60 kilometres per hour when passing a service vehicle, an escort vehicle or a vehicle creating a hazard on the highway that:

- (a) is stopped on the highway with its prescribed lights in operation; and
 - (b) is providing assistance to another vehicle suffering from a defect or disability in its means of motion.
- (2) Subsection (1) does not apply if:
- (a) the vehicle is being driven on a divided highway; and
 - (b) the vehicle is travelling on the opposite roadway from the service vehicle, escort vehicle or vehicle creating a hazard on the highway.

2018, c.45, s.33.

Speeding when passing animals prohibited

206 When approaching any animal visible on or beside a highway or so close to the highway as to constitute a hazard, no driver of a vehicle shall:

- (a) fail to reduce the vehicle's speed; or
- (b) pass the animal unless it is safe to do so.

2004, c.T-18.1, s.206.

DIVISION 3
Stopping and Parking

Interpretation of Division

207 In this Division:

- (a) **“crosswalk”** means:
 - (i) a clearly marked pedestrian crossing; or
 - (ii) if there is no clearly marked pedestrian crossing, the prolongation through the intersection of the lateral boundary lines of the adjacent or intersecting sidewalks at the end of a block;
- (b) **“intersection”** means the area contained within the straight production of the lateral curb lines, or, in the absence of curb lines, of the lateral boundary lines, of two or more highways that join one another at an angle, whether or not one of those highways crosses the other.

2004, c.T-18.1, s.207.

Drivers must observe rules of the road

208(1) No person operating a motor vehicle shall fail, insofar as the rules of the road are applicable to the vehicle, to obey the rules of the road set out in this Division except:

- (a) when otherwise instructed by any traffic control device; or
 - (b) when otherwise directed by a peace officer.
- (2) No person operating a motor vehicle shall fail to obey the instructions of any traffic control device.
- (3) Notwithstanding any other provision of this Division, no person operating a motor vehicle shall fail to obey the directions of a peace officer directing traffic.

2004, c.T-18.1, s.208.

Rules re stopping

209(1) In this section, “**designated flares**” means flares that are permitted pursuant to the regulations.

(2) Except where a vehicle is stopped pursuant to section 212, no person shall stop a vehicle on a highway outside the boundaries of a hamlet or any municipality other than a rural municipality unless the vehicle is stopped:

- (a) at the right-hand edge of the highway as far as possible from its centre; and
- (b) more than 30 metres from any vehicle stopped on the opposite side of the highway.

(3) No person in charge of a stationary vehicle or other obstruction on a highway outside the boundaries of a hamlet or any municipality other than a rural municipality shall fail to mark its position as follows to warn other users of the highway of the stationary vehicle or obstruction:

- (a) in the case of a stationary vehicle on a highway that is equipped with hazard lights, by activating the hazard lights;
- (b) in the case of a stationary vehicle on a highway that is 2 060 millimetres wide or wider:
 - (i) if the vehicle is equipped with hazard lights, by activating the hazard lights and setting out designated flares if required to do so pursuant to subsection (4); and
 - (ii) if the vehicle is not equipped with hazard lights, setting out designated flares if required to do so pursuant to subsection (4); or
- (c) in the case of an obstruction other than a stationary vehicle, by giving warning in any manner that will give due warning of the obstruction to other users of the highway.

- (4) For the purposes of clause (3)(b), designated flares must be used if:
- (a) a vehicle intrudes on the travelled portion of the highway;
 - (b) a vehicle is disabled; or
 - (c) a vehicle is parked on the highway for more than four hours.
- (5) No person shall remove or tamper with hazard lights or flares or other warning devices that have been placed on a highway to mark the position of a stationary vehicle or obstruction.
- (6) No driver of a vehicle shall fail to bring the vehicle to a stop:
- (a) at every place where a stop sign is erected;
 - (b) when approaching a railway crossing, and a signal person or automatic signal indicates the approach of a train; or
 - (c) when directed to do so by a school crossing guard patrolling a crosswalk pursuant to subsection 190(6) of *The Education Act, 1995*.
- (6.1) If a driver is required by this Act to bring a vehicle to a stop at a stop sign, the driver shall bring the vehicle to a stop:
- (a) on the near side of the intersection at the marked stop line;
 - (b) on the near side of the intersection immediately before entering the pedestrian crosswalk; or
 - (c) if there is no stop line or pedestrian crossing:
 - (i) in a city, town, village, resort village or hamlet, or in the prescribed part of a municipal district, no further than three metres back from the intersection; or
 - (ii) outside the boundaries of a city, town, village, resort village or hamlet, or in the prescribed part of a municipal district, no further than 10 metres back from the intersection.
- (7) No driver of the following vehicles shall fail to bring the vehicle to a stop before proceeding over a level railway crossing:
- (a) a bus transporting passengers;
 - (b) a vehicle that is transporting goods in an amount that requires the vehicle to be placarded pursuant to regulations made pursuant to *The Dangerous Goods Transportation Act*.
- (8) No person who is required to stop pursuant to subsection (6), (6.1) or (7) shall proceed until it is safe to do so.

(9) Subsection (7) does not apply if an automatic signal is erected at the railway crossing and the signal indicates that it is safe to proceed.

(10) **Repealed.** 2006, c.9, s.24.

(11) **Repealed.** 2006, c.9, s.24.

2004, c.T-18.1, s.209; 2005, c.M-36.1, s.474;
2006, c.9, s.24; 2014, c.19, s.59.

Authority of peace officer to stop and request information

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

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

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

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

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

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

2006, c.9, s.25.

Rules re parking zones

210(1) The minister may establish no-parking zones by erecting official signs stating that parking is prohibited or limited within that no-parking zone.

(2) If the minister has established a no-parking zone, no person shall park within that no-parking zone, including on that portion of the roadway situated to the right of the solid white line and commonly referred to as “the shoulder”.

(3) No person shall fail to comply with the prohibition or limitation indicated on an official sign erected pursuant to subsection (1) or (2).

2004, c.T-18.1, s.210.

Rules re parking lots

211 No person shall, in or on any place that is not a highway and that the public is ordinarily permitted to use for the parking of vehicles, do anything that, if done on a highway, would be a contravention of:

- (a) subsection 199(2);
- (b) clause 209(6)(a);
- (c) sections 213 to 215;
- (d) clause 217(1)(a);
- (e) subsection 218(1) or (2);
- (f) subsection 219(1), (3) or (5);
- (g) section 221 or 222;
- (h) subsection 223(1);
- (i) subsection 225(1); or
- (j) section 234 or 235.

2004, c.T-18.1, s.211.

Rules re yielding right of way in parking lots

211.1(1) In this section:

- (a) **“feeder lane”** means a road in a parking lot, other than a thoroughfare, that provides direct access to parking stalls;
- (b) **“thoroughfare”** means a main road that does not provide direct access to parking stalls and that is used for the passage of vehicles into, through or out of a parking lot.

- (2) Notwithstanding any other provision of this Act or the regulations, this section applies to vehicles in parking lots.
- (3) A vehicle leaving a feeder lane must yield the right of way to vehicles on a thoroughfare.
- (4) A vehicle leaving a parking stall must yield the right of way to vehicles on a feeder lane.

2018, c 45, s.34.

DIVISION 4
Safety Lights and School Buses

Rules re safety lights and school buses

212(1) Subject to the approval of the board, the council of a municipality may make bylaws prohibiting the use of safety lights and stop arms on a highway located within its boundaries.

(2) No driver of a vehicle proceeding in the same direction on a highway as a school bus that has its safety lights in operation shall pass the school bus.

(3) No driver of a vehicle proceeding in the same direction on a highway as a school bus that is stopped and that has its safety lights and stop arm in operation shall:

- (a) fail to stop at least five metres from the rear of the school bus; or
- (b) proceed until the operation of the safety lights and stop arm has been discontinued.

(4) If a school bus is stopped and has its safety lights and stop arm in operation, no driver of a vehicle that is approaching the school bus from the opposite direction on a highway, other than a divided highway, shall:

- (a) fail to stop at least five metres from the front of the school bus; or
- (b) proceed until the operation of the safety lights and stop arm has been discontinued.

(5) Any person who contravenes subsection (2), (3) or (4) is guilty of an offence and liable on summary conviction to a fine of not more than \$1,000.

2004, c.T-18.1, s.212; 2005, c.M-36.1, s.474.

DIVISION 5
General Rules Governing Driving

Driving with due care required

213(1) No person shall drive a vehicle on a highway without due care and attention.

(2) No person shall drive a vehicle on a highway without reasonable consideration for other persons using the highway.

2004, c.T-18.1, s.213.

Speeding and stunts prohibited

214(1) No person shall:

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

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

- (3) No passenger shall perform or engage in any stunt or activity on a highway that is likely to distract, startle or interfere with other users of the highway.
- (4) No pedestrian or bystander shall perform or engage in any stunt or activity on a highway that is likely to distract, startle or interfere with other users of the highway.
- (5) Subsections (2) to (4) apply whether or not a vehicle or other thing is used directly or as an aid for the purposes of all or any of those subsections.

2006, c.9, s.26.

Excessive noise prohibited

215 No person shall create or cause the emission of any loud and unnecessary noise from a motor vehicle, a part of a motor vehicle or any thing or substance that the motor vehicle or a part of the motor vehicle comes into contact with.

2004, c.T-18.1, s.215.

Rules re funeral processions

216(1) Except as provided in this section, every vehicle in a funeral procession must obey the rules of the road.

(2) A vehicle in a funeral procession may, during daylight hours, proceed through an uncontrolled intersection if it is safe for the vehicle to proceed and the other vehicles on the highway have yielded the right of way.

(3) No person shall drive through, interfere with or obstruct a funeral procession.

(4) For the purposes of subsection (3), a person is not deemed to have driven through, interfered with, or obstructed a funeral procession if the person proceeds through an intersection when he or she has the right of way.

2004, c.T-18.1, s.216.

Rules re passing and overtaking

217(1) Subject to subsection (2), the driver of a vehicle on a highway:

(a) when meeting, and until passed, a person or vehicle using the highway and proceeding in the opposite direction, shall keep to the right of the centre of the highway;

(b) on overtaking a person or vehicle using the highway, shall pass to the left, unless:

(i) the driver is approaching an intersection of highways at which the driver intends to make a right turn or the driver is approaching an intersection of highways that the driver intends to cross without turning and the other person is making or has indicated that he or she is about to make a left turn, in which case the driver may pass to the right;

- (ii) the highway is within the boundaries of a hamlet or any municipality other than a rural municipality or the prescribed part of a municipal district or is a one-way highway, in which case the driver may pass to the right if:
 - (A) the highway is free from obstructions and of sufficient width for two or more lanes of moving vehicles; and
 - (B) the movement can be made safely.
- (2) No driver shall pass by driving off the pavement or travelled portion of the highway.
- (3) No driver of a vehicle on a highway outside the boundaries of a hamlet or any municipality other than a rural municipality or the prescribed part of a municipal district shall pass or attempt to pass any person or vehicle proceeding in the same direction at an intersection unless it is safe to do so.
- (4) After having overtaken and passed another person or vehicle using the highway, no driver of a vehicle on a highway shall move in front of the other person or vehicle until it is safe to do so.
- (5) When about to be overtaken on the left by another person or vehicle using the highway, a driver of a vehicle on a highway shall keep to the right and shall not increase his or her speed until the other person or vehicle:
 - (a) has passed; and
 - (b) has reached the right-hand side of the highway, unless the highway is a one-way highway.
- (6) Subject to subsection (7), no driver of a vehicle on a highway outside the boundaries of a hamlet or any municipality other than a rural municipality or the prescribed part of a municipal district shall pass or attempt to pass any other person or vehicle proceeding in the same direction if the driver does not have a clear view of the highway for a distance of 320 metres in the direction of travel.
- (7) Subsection (6) does not apply if the highway is divided into two or more traffic lanes in the same direction of travel.

2004, c.T-18.1, s.217; 2005, c.M-36.1, s.474;
2014, c.19, s.59.

Rules re turning

- 218(1)** If the driver of a vehicle intends to turn right at an intersection, the driver shall approach the intersection and make the turn as closely as possible to the right-hand curb or edge of the highway.
- (2) If the driver of a vehicle intends to turn left at an intersection, the driver shall:
 - (a) approach the intersection in the extreme left-hand lane that is lawfully available to traffic moving in the direction the driver is travelling; and
 - (b) after entering the intersection, make the left turn so as to leave the intersection, as nearly as possible, in the extreme left-hand lane that is lawfully available to traffic moving in the direction the driver is travelling on the highway that the driver is entering.

(3) If more than one lane of a highway has been designated, using signs or pavement markings, as a right or left turn lane, a driver intending to turn right or left into an intersecting highway shall:

- (a) approach the intersection in one of the designated lanes; and
- (b) leave the intersection in the lane of the intersecting highway that corresponds to the lane from which the turn was commenced.

2004, c.T-18.1, s.218.

Rules re yielding right of way

219(1) If two vehicles arrive at an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the driver of the vehicle on the right.

(2) Subsection (1) does not apply to the operation of vehicles at an intersection where a peace officer is on duty, traffic lights are in operation or a stop sign is erected.

(3) If the driver of a vehicle intends to turn left across the path of any vehicle approaching from the opposite direction, the driver shall:

- (a) yield the right of way; and
- (b) not make the turn until the driver has afforded a reasonable opportunity to the driver of the approaching vehicle to avoid a collision.

(4) Before entering a highway, the driver of a vehicle shall yield the right of way to vehicles on the highway.

(5) At an intersection where a sign is erected conveying the message “yield” by words or symbols, the driver of a vehicle shall yield the right of way to other vehicles in or approaching the intersection.

(6) No driver of a vehicle shall enter or cross a highway or a sidewalk from a private road or driveway or a lane or alley unless the driver yields the right of way to pedestrians and vehicles approaching from the sidewalk or highway.

(7) No driver of a vehicle on a highway shall fail to yield the right of way to the operator of road maintenance and construction equipment that has its warning lights in operation.

(8) No driver who has yielded the right of way as required by this section shall proceed until it is safe to do so.

2004, c.T-18.1, s.219.

Driving on left prohibited

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

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

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

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

2006, c.9, s.26.

Rules re one-way highways

221 If a highway is a one-way highway, no person shall drive a vehicle in a direction other than the direction indicated by the signs erected along the highway.

2004, c.T-18.1, s.221.

Rules re backing up

222 No person shall cause a vehicle to move backward on or onto a highway unless the movement can be made safely.

2004, c.T-18.1, s.222.

Rules re pedestrians

223(1) A driver of a vehicle on a highway within a hamlet or any municipality other than a rural municipality or the prescribed part of a municipal district shall stop the vehicle and yield the right of way to the pedestrian if:

- (a) the driver of the vehicle approaches an intersection or clearly marked pedestrian crosswalk where a peace officer is not on duty and traffic lights are not in operation; and
- (b) the pedestrian is crossing the highway.

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

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

(2) If a vehicle is stopped in compliance with subsection (1), no person driving a vehicle proceeding in the same direction on the highway shall overtake or pass that vehicle.

(3) No pedestrian shall leave a curb or other place of safety and proceed into the path of a vehicle on a highway that is so close that it is impracticable for the driver to yield the right of way.

(4) Nothing in this section relieves the driver of a vehicle from the duty to exercise due care for the safety of pedestrians.

(5) No person, other than a pedestrian in charge of an animal, shall walk along that portion of a highway used for vehicular traffic, except close to the edge on his or her left.

2004, c.T-18.1, s.223; 2005, c.M-36.1, s.474;
2006, c.9, s.28; 2014, c.19, s.59.

Rules re road maintenance or construction equipment

224(1) Every operator of equipment that has its warning lights in operation and is engaged in the maintenance or construction of highways may operate equipment on any portion of a highway that may be necessary for the discharge of the operator's duties.

(2) No operator of equipment engaged in the maintenance or construction of highways shall activate its warning lights unless the equipment is on a highway.

2004, c.T-18.1, s.224.

Rules re following vehicles

225(1) No driver of a vehicle on a highway shall follow another vehicle more closely than is reasonable having regard to:

- (a) the speed of the other vehicle;
- (b) the amount and nature of traffic on the highway; and
- (c) the condition of the highway.

(2) Other than in a funeral procession, no driver of a vehicle following another vehicle on a highway outside the boundaries of a hamlet or any municipality other than a rural municipality or the prescribed part of a municipal district shall fail to leave sufficient space between the driver's vehicle and the other vehicle to enable an overtaking vehicle to enter and occupy the space without danger.

(3) Subsections (1) and (2) are not to be construed to prohibit the driver of a vehicle from overtaking and passing another vehicle.

2004, c.T-18.1, s.225; 2005, c.M-36.1, s.474;
2014, c.19, s.59.

Rules re controlled access highways

226 No driver of a vehicle shall enter or leave a controlled access highway except at a place where signs indicate that vehicles may do so.

2004, c.T-18.1, s.226.

Rules re crossing certain highways

227 No driver of a vehicle shall cross a highway within the boundaries of a hamlet or any municipality other than a rural municipality or the prescribed part of a municipal district except:

- (a) at an intersection with another highway; or
- (b) if not prohibited by municipal bylaw, at an intersection with a lane or alley.

2004, c.T-18.1, s.227; 2005, c.M-36.1, s.474;
2014, c.19, s.59.

Rules re traffic lanes

228(1) If a highway is divided into traffic lanes, the following rules apply:

- (a) no driver of a vehicle shall fail to drive as nearly as is practicable entirely within one lane or shall drive from that lane to another unless it is safe to do so;

- (b) no driver of a vehicle shall drive from one traffic lane to another if a solid line exists between lanes except:
 - (i) if solid and broken lines exist together, in which case the driver may cross the solid line from a lane in which the broken line exists; or
 - (ii) if the lane is designated by signs as a two-way left turn lane;
 - (c) no driver of a vehicle shall drive to the left of the centre of the highway where a solid line exists in the right-hand lane near the centre of the highway;
 - (d) a driver of a vehicle may drive from one traffic lane to another if broken lines exist between lanes;
 - (e) no driver of a motorcycle shall drive so that more than two motorcycles move abreast in a traffic lane at any time;
 - (f) no driver of a motorcycle shall drive beside any other vehicle in the same traffic lane, unless that other vehicle is a motorcycle.
- (2) No driver of a vehicle shall drive in a lane designated by signs as a two-way left turn lane except to make a left turn from the two-way left turn lane at an intersection or curb crossing.

2004, c.T-18.1, s.228.

Rules re medians

- 229(1)** If a highway is divided into two roadways by a median, a driver of a vehicle shall drive only on the right-hand roadway.
- (2) No driver of a vehicle shall drive or attempt to drive over the median, except at a crossover or intersection established by the public authority having jurisdiction over the highway.

2004, c.T-18.1, s.229.

Rules re headlights

- 230(1)** No person shall drive a vehicle during the period from one-half hour after sunset to one-half hour before sunrise or at any other time when conditions of poor visibility exist unless prescribed headlights are in operation.
- (2) Every driver of a vehicle with headlights in use shall change the headlights from high beam to low beam if the driver:
- (a) is at a distance of not less than 200 metres from a vehicle approaching from the opposite direction, and shall keep the headlights on low beam until the other vehicle has passed;
 - (b) is at a distance of not less than 100 metres from a vehicle that the driver is following, and shall keep the headlights on low beam while the driver is following the other vehicle;
 - (c) is at a distance of not less than 100 metres from a vehicle proceeding in the same direction that the driver intends to pass, and shall keep the headlights on low beam until the driver is abreast of the other vehicle; or

- (d) is being overtaken by another vehicle proceeding in the same direction, and shall keep the headlights on low beam until the other vehicle has proceeded a distance of not less than 100 metres ahead of his or her vehicle.
- (3) Clause (2)(a) does not apply if the vehicle is being driven on a highway that is divided into roadways and the distance between the roadways at the place where the vehicle is being driven is 22 metres or more.
- (4) If a vehicle is stopped on a highway and the headlights are in use, the person having care and control of the vehicle shall maintain the headlights on low beam.

2004, c.T-18.1, s.230.

Rules re spot lights

231 No driver of a vehicle with a spot light in use shall fail to extinguish it if the driver:

- (a) is at a distance of not less than 500 metres from a vehicle approaching from the opposite direction, or fail to keep it extinguished until the other vehicle has passed;
- (b) is at a distance of not less than 100 metres from a vehicle that the driver is following, or fail to keep it extinguished while the driver is following the other vehicle;
- (c) is at a distance of not less than 100 metres from a vehicle proceeding in the same direction that the driver intends to pass, or fail to keep it extinguished until the driver has overtaken the other vehicle; or
- (d) is being overtaken by another vehicle proceeding in the same direction, or fail to keep it extinguished until the other vehicle has proceeded a distance of not less than 100 metres ahead of his or her vehicle.

2004, c.T-18.1, s.231.

Rules re loading lamps

232 No driver of a vehicle equipped with a loading lamp shall fail to extinguish the loading lamp before driving the vehicle on a highway.

2004, c.T-18.1, s.232.

Rules re beacons and flashing lights

233 If a vehicle is fitted with an amber or amber and blue beacon or flashing light, the driver shall not light the beacon or put the flashing light into operation unless:

- (a) the vehicle is coming to a stop or is standing on a highway;
- (b) it is necessary to do so for the safe operation of the vehicle; or
- (c) the vehicle presents a hazard to other vehicles on the highway.

2004, c.T-18.1, s.233; 2018, c.45, s.35.

Rules re signalling

234(1) If a vehicle is equipped with a signalling device, the driver of the vehicle on a highway shall use the signalling device to give a warning for a sufficient distance to warn other traffic of the driver's intention to stop, abruptly reduce speed, turn or change lanes.

(2) If a vehicle is not required to be equipped with a prescribed signalling device or if the signalling device malfunctions, the driver shall give a warning for a sufficient distance to warn other traffic of the driver's intention:

(a) to turn left, to turn out to the left from a stationary position at the side of the highway or to drive to the left from one traffic lane to another, by extending the driver's left arm horizontally;

(b) to turn right, to turn out to the right from a stationary position at the side of the highway or to drive to the right from one traffic lane to another, by extending the driver's left arm from the shoulder to the elbow horizontally and from the elbow to the hand vertically upwards; or

(c) to stop or to abruptly reduce speed, by extending the driver's left arm diagonally downwards.

2004, c.T-18.1, s.234.

Rules re traffic lights

235(1) Whenever traffic is controlled by traffic lights, the lights indicate and apply to the drivers of vehicles and to pedestrians in accordance with the other provisions of this section.

(2) If a traffic light at an intersection displays only a green light:

(a) the driver of a vehicle facing the light may proceed through the intersection or turn right or left, unless a sign at the intersection directs otherwise; and

(b) pedestrians facing the light may proceed across the intersection within the crosswalk.

(3) If a traffic light at an intersection displays only an amber light:

(a) the driver of a vehicle facing the light shall stop at the crosswalk, but, if the vehicle cannot be brought to a stop with safety, the driver may drive cautiously through the intersection; and

(b) pedestrians facing the light shall not enter the intersection.

(4) If a traffic light at a place other than an intersection displays only an amber light, the driver of a vehicle facing the light shall yield the right of way to pedestrians in the crosswalk or pedestrian corridor.

(5) Subject to subsection (6), if a traffic light at an intersection displays only a red light:

(a) the driver of a vehicle facing the light shall stop at the intersection;

- (b) the driver of a vehicle facing the light may enter the intersection and turn to the right, after stopping and yielding the right of way as may be required, unless there is a sign prohibiting a right turn on a red light; and
 - (c) subject to section 237, pedestrians facing the light shall not enter the intersection.
- (6) If a traffic light at an intersection of two one-way streets displays only a red light:
 - (a) the driver of a vehicle facing the red light shall stop at the intersection;
 - (b) the driver of the vehicle facing the red light may enter the intersection and turn to the left, after stopping and yielding the right of way as may be required, unless there is a sign prohibiting a left turn on a red light; and
 - (c) subject to section 237, pedestrians facing the light shall not enter the intersection.
- (7) If a traffic light at a place other than an intersection displays only a red light, the driver of a vehicle facing the light shall stop at the light.
- (8) If a traffic light at an intersection displays one or more green arrows, the driver of a vehicle facing the light may enter the intersection and may only make a movement in the direction indicated by a green arrow.
- (9) If a traffic light at an intersection displays one or more green arrows in conjunction with one or more red lights, the driver of a vehicle facing the light may enter the intersection and may only make the movement indicated by a green arrow, after yielding the right of way to pedestrians and other vehicles lawfully within the intersection.
- (10) If a traffic light at a place other than an intersection displays one or more green arrows in conjunction with one or more red lights, the driver of a vehicle facing the light may make only the movement indicated by a green arrow, after yielding the right of way to pedestrians and other vehicles lawfully using the highway.
- (11) If a traffic light displays a green arrow directly over or controlling a traffic lane, the driver of a vehicle facing the light may proceed only in the direction indicated by the arrow.
- (12) If a traffic light displays a flashing green arrow in conjunction with red or green lights controlling a traffic lane, the driver of a vehicle facing the light may make a left turn while the green arrow is flashing.
- (13) If a traffic light displays a flashing red light, the driver of a vehicle facing the light shall stop at the crosswalk or at the light or sign, and shall not proceed until it is safe to do so.
- (14) If a traffic light displays a flashing amber light, the driver of a vehicle facing the light may proceed with caution through the intersection.
- (15) At an intersection of highways where a traffic light is in operation, no driver of a vehicle shall turn the vehicle so as to proceed in the opposite direction.

Tampering with red light camera system prohibited

236 No person other than a peace officer acting in the course of his or her duties or any other person acting in the course of his or her duties shall move, tamper with, obstruct, interfere with or wilfully deface or destroy a red light camera system or a speed monitoring device.

2004, c.T-18.1, s.236; 2013, c.37, s.5.

Rules re pedestrian signals

237(1) Whenever special pedestrian control signals exhibiting words or symbols that signify “walk”, “wait” or “don’t walk” are used, the words or symbols indicate and apply to pedestrians and to drivers of vehicles in accordance with this section.

- (2) If a signal exhibits words or symbols signifying “walk”:
- (a) pedestrians facing the signal may proceed across the highway:
 - (i) in the direction of the signal; or
 - (ii) if the signal or a sign indicates that pedestrians may do so, in any direction; and
 - (b) drivers of vehicles shall yield the right of way to pedestrians.
- (3) If a signal exhibits words or symbols signifying “wait” or “don’t walk”:
- (a) pedestrians facing the signal shall not start to cross the highway in the direction of the signal; and
 - (b) pedestrians who have partially crossed the highway shall proceed to a sidewalk or safety island while the words or the symbols which signify “wait” or “don’t walk” are showing.

2004, c.T-18.1, s.237.

Emergency vehicles

238(1) The driver of an emergency vehicle may act pursuant to subsection (2) if the emergency vehicle is:

- (a) used for the transportation of a peace officer in the performance of the officer’s duties;
- (b) used for the transportation of a member of a fire department in response to an emergency;
- (c) an ambulance used in response to an emergency;
- (d) a vehicle or one of a class of vehicles designated by the board as an emergency vehicle which is used in response to an emergency; or
- (e) a vehicle that:
 - (i) is designated by a municipality in a bylaw as a vehicle that may be used as an emergency vehicle by a volunteer firefighter or first responder; and
 - (ii) is being used in response to an emergency and is operated by a person who meets the prescribed requirements.

- (2) In the circumstances mentioned in subsection (1), the driver of the emergency vehicle may drive contrary to this Act, the regulations or a traffic bylaw if:
- (a) an emergency exists and only while the emergency device and emergency light are in operation; and
 - (b) it is necessary in the circumstances to do so.
- (3) The driver of an emergency vehicle being operated in accordance with subsection (2) has the right of way over all other vehicles on the highway.
- (4) If required to do so for the purpose of carrying out his or her duties, a peace officer may do all or any of the following:
- (a) drive a vehicle on a highway or place described in section 211 through red traffic lights, or past stop or yield signs without stopping or yielding;
 - (b) drive a vehicle in excess of the maximum speed permitted, as long as that speed is reasonable having regard to the traffic that is or might reasonably be expected to be on the highway or a place described in section 211;
 - (c) contravene a traffic bylaw prohibiting drivers from turning the vehicle at an intersection so as to proceed in the opposite direction;
 - (d) contravene section 211 or subsection 235(15);
 - (e) park a vehicle contrary to this Act, the regulations or a traffic bylaw, if it is necessary in the interests of law enforcement and safe to do so in the circumstances;
 - (f) disconnect any of the lighting equipment or lamps required in regulations made pursuant to this Act.
- (5) The driver of an emergency vehicle exercising any of the privileges granted by this Act shall drive and park with due regard for safety, having regard to all the circumstances including:
- (a) the nature, condition and use of the highway;
 - (b) the amount of traffic that is, or might reasonably be expected to be, on the highway; and
 - (c) the nature of and the use of the vehicle at the time.
- (6) A vehicle to which right of way is given pursuant to this section has priority of right of way over other vehicles to which the same right is given, in the following order of priority:
- (a) fire engines;
 - (b) fire department apparatus;
 - (c) ambulances;
 - (d) police vehicles;
 - (e) vehicles designated pursuant to clause (1)(e) while being used in response to an emergency; and
 - (f) vehicles approved as emergency vehicles by the board.

- (7) No person shall equip a vehicle other than an emergency vehicle with an emergency device or an emergency light.
- (8) No person shall drive a vehicle that is equipped with an emergency device or an emergency light on a highway, unless the vehicle is an emergency vehicle.
- (9) Unless otherwise directed by a peace officer, the driver of a vehicle on a highway, when approached by an emergency vehicle sounding an emergency device or operating an emergency light, shall:
- (a) immediately drive as close as possible to the right-hand edge of the highway; and
 - (b) not enter the next intersection until the emergency vehicle has passed.

2004, c.T-18.1, s.238; 2009, c.2, s.3.

DIVISION 6

Operation, Treatment and Use of Vehicles

Tampering with or damaging vehicles prohibited

239(1) No person, other than a peace officer acting in the performance of the officer's duty, shall, without the consent of the owner or driver:

- (a) tamper with a vehicle; or
 - (b) climb on or into a vehicle, whether it is in motion or at rest.
- (2) No person shall throw anything at a vehicle or a person in or on a vehicle.
- (3) On conviction for a contravention of this section, the court may order that restitution be made to the person suffering damage, including all or any of the costs sustained as a result of the damage.

2004, c.T-18.1, s.239.

Holding on to moving vehicles prohibited

240(1) No person on a highway shall directly or by any attachment hold onto a moving vehicle other than the one in which the person is riding.

- (2) No driver of a vehicle shall permit any person to take hold of the vehicle or permit any device to be attached to the vehicle in contravention of subsection (1).

2004, c.T-18.1, s.240.

Television prohibited

241(1) No person shall operate or cause to be operated on a highway a vehicle equipped with a television set, video screen or computer screen unless:

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

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

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

2004, c.T-18.1, s.241.

Hand-held electronic communications equipment prohibited

241.1(1) In this section and in section 287:

- (a) **“electronic communications equipment”** means a cellular phone or other prescribed equipment;
 - (b) **“make a phone call”** means to make, answer or end a phone call, or to transmit or receive voice communication;
 - (c) **“new driver”** means a new driver as defined in the regulations;
 - (d) **“use”** means, with respect to electronic communications equipment, to use the electronic communications equipment to make a phone call, text, talk, email, or surf or access the Internet, or for any other prescribed purpose.
- (2) No driver shall hold, view, use or manipulate electronic communications equipment while driving a motor vehicle on a highway.
- (3) Subsection (2) does not apply to:
- (a) a driver who is not a new driver and who, while driving a motor vehicle on a highway:
 - (i) activates the electronic communications equipment to make a phone call by pressing a button once on the electronic communications equipment, or on a device that is linked to electronic communications equipment, and does not hold the electronic communications equipment; or
 - (ii) utilizes his or her voice to activate electronic communications equipment to make a phone call and does not hold the electronic communications equipment;
 - (b) a driver if the driver is using electronic communications equipment to report an emergency to a police service, a fire department or emergency medical services or to request an ambulance;
 - (c) a prescribed person or prescribed class of persons; or
 - (d) a prescribed vehicle or prescribed class of vehicles.

2009, c.35, s.11; 2016, c32, s.18.

Restrictions on radar warning devices

242(1) In this section:

- (a) **“commercial vehicle”** means a prescribed vehicle or class of vehicles;
 - (b) **“radar warning device”** means any device designed or intended for use in a motor vehicle to warn the driver of the presence of radar or laser speed measuring equipment in the vicinity, and includes any device designed or intended for use in a motor vehicle to interfere with the effective operation of radar or laser speed measuring equipment.
- (2) No person shall:
- (a) drive a commercial vehicle on a highway if that vehicle is equipped with, contains or is carrying a radar warning device, whether the device is operational or not; or
 - (b) permit a commercial vehicle of which he or she is the registered owner to become or remain equipped with a radar warning device.
- (3) Subsection (2) does not apply to a person who is transporting a radar warning device:
- (a) in a compartment of the commercial vehicle out of the reach of the driver; or
 - (b) in a sealed package in a commercial vehicle from a manufacturer to a consignee.

2004, c.T-18.1, s.242.

Police officer may stop and search for radar warning devices

243(1) If a peace officer has reasonable grounds to believe that a commercial vehicle is equipped with, contains or is carrying a radar warning device contrary to section 242, the peace officer may:

- (a) request or signal to the person in charge of or operating the commercial vehicle to stop the vehicle;
 - (b) search the commercial vehicle for evidence of a radar warning device; and
 - (c) seize any radar warning device that is in or on the commercial vehicle.
- (2) The person in charge of or operating a commercial vehicle, when requested or signalled to stop by a peace officer pursuant to subsection (1), shall:
- (a) immediately bring the commercial vehicle to a safe stop; and
 - (b) permit the peace officer to search the commercial vehicle.

2004, c.T-18.1, s.243.

Riding on exterior of vehicles

244(1) No person shall ride and no driver shall permit any person to ride on any exterior part of a motor vehicle on a highway, except in a box or space designed for the accommodation of passengers.

(2) No person shall occupy a trailer or semi-trailer while it is being pulled on a highway.

(3) Notwithstanding subsections (1) and (2), a person may ride on the exterior of a motor vehicle, or occupy a trailer or semi-trailer when engaged in:

- (a) fire fighting;
- (b) policing;
- (c) an emergency service;
- (d) constructing or maintaining a highway;
- (e) a parade approved by a municipal or provincial government; or
- (f) any maintenance or service work if the vehicle is equipped with a special seat or stand provided for the safety of the passengers.

2004, c.T-18.1, s.244.

Crowding driver prohibited

245(1) While a vehicle is moving on a highway, no person shall sit on the front seat:

- (a) to the left of the driver if the vehicle is a left-hand drive vehicle; or
- (b) to the right of the driver, if the vehicle is a right-hand drive vehicle.

(2) No driver of a motor vehicle shall allow any person to contravene subsection (1).

(3) No driver of a motor vehicle shall allow the compartment containing the steering wheel to be over-crowded while the vehicle is in operation on a highway.

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

2004, c.T-18.1, s.245; 2006, c.9, s.29.

Obstructing driver's view prohibited

246(1) No person shall drive a vehicle on a highway unless the driver has a clear view of the highway to the front and to both sides of the vehicle.

(2) No person shall drive a vehicle on a highway unless the driver has, without need of facing to the rear, a clear view of the highway to the rear and any vehicle approaching from the rear.

(3) No person shall drive a vehicle on a highway with any object placed on or near the windshield or on or near any window of the vehicle in a manner that obstructs the driver's view.

2004, c.T-18.1, s.246.

Rules re helmets and goggles

247(1) No person shall drive or ride on a prescribed vehicle unless that person is protected by a helmet that:

- (a) meets the prescribed specifications; and
- (b) is worn in the prescribed manner.

(2) No person shall drive or ride on a prescribed vehicle without a face shield, safety glasses or goggles that:

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

(3) No person shall drive or ride a motorcycle on a highway in a position commonly known as side saddle.

(4) No driver of a motorcycle shall permit a passenger to, and no passenger shall:

- (a) ride in front of the driver on the motorcycle;
- (b) ride on a motorcycle unless:
 - (i) the saddle is designed for two people or a pillion seat is provided; and
 - (ii) the passenger is capable of reaching and using a separate set of standard footrests; or
- (c) ride in a side car with another person.

(5) No person shall drive a prescribed vehicle on a highway with a passenger under the age of 16 years unless that passenger is in compliance with subsections (1) to (4).

2015, c.33, s.15; 2016, c31, s.8; 2018, c 45, s.36.

Rules re power-assisted bicycle

247.1 No person shall drive a power-assisted bicycle on a highway unless:

- (a) that person is 14 years of age or older;
- (b) that person and any passenger are wearing, in the prescribed manner, a helmet that meets the prescribed specifications; and
- (c) the power-assisted bicycle meets the prescribed equipment and safety standards required for the operation of that power-assisted bicycle.

2014, c.29, s.23.

Rules re seat belts

248(1) If a motor vehicle being driven on a highway is equipped with a seat-belt assembly in a seating position that is occupied by the driver, the driver shall wear the complete seat-belt assembly properly adjusted and securely fastened.

(2) If a motor vehicle being driven on a highway is equipped with a seat-belt assembly in a seating position that is occupied by a passenger, the passenger shall wear the complete seat-belt assembly properly adjusted and securely fastened.

- (3) Subsection (2) does not apply to a person who is a passenger under the age of 16 years.
- (4) If a motor vehicle has a seating position equipped with a seat-belt assembly available for a passenger, no person shall drive that motor vehicle on a highway with a passenger under the age of 16 years unless:
- (a) the passenger occupies the seating position equipped with a seat-belt assembly and wears the complete seat-belt assembly properly adjusted and securely fastened;
 - (b) if the passenger is under the age of seven, weighs less than 36 kilograms but more than 18 kilograms and is less than 145 centimetres in height:
 - (i) the passenger occupies a booster seat as defined in the regulations, that is properly adjusted and securely fastened in the manner recommended by the manufacturer; and
 - (ii) the booster seat is appropriate for the passenger's weight and height; or
 - (c) if the passenger weighs 18 kilograms or less:
 - (i) the passenger occupies a child restraint system or infant restraint system, as defined in the regulations, that is properly adjusted and securely fastened in the manner recommended by the manufacturer; and
 - (ii) the child restraint system or infant restraint system:
 - (A) is appropriate for the passenger's weight and height; and
 - (B) is secured to the motor vehicle in the manner recommended by the manufacturer.
- (5) For the purposes of this section, where the torso restraint portion of a seat-belt assembly is worn under the arm or behind the back, the seatbelt assembly is conclusively deemed to be not worn in a properly adjusted and securely fastened manner unless:
- (a) the passenger wearing the seatbelt assembly occupies a booster seat, as defined in the regulations, that is properly adjusted and securely fastened in the manner recommended by the manufacturer; and
 - (b) the booster seat:
 - (i) is appropriate for the passenger's weight and height; and
 - (ii) is secured to the vehicle in the manner recommended by the manufacturer.
- (6) If a motor vehicle was equipped with a seat-belt assembly at the time of manufacture as required by the regulations, no person shall remove the seat-belt assembly, render the assembly partly or wholly inoperative or modify the assembly so as to reduce its effectiveness.

- (7) The administrator may exempt any person from the application of this section if the administrator is satisfied that the person is unable to wear a seat-belt assembly.
- (8) No person shall drive a prescribed three-wheeled vehicle on a highway with a passenger who:
- (a) is under seven years of age;
 - (b) weighs less than 36 kilograms; and
 - (c) is less than 145 centimetres tall.

2004, c.T-18.1, s.248; 2014, c.29, s.24; 2015, c.21, s.58; 2016, c31, s.9.

Littering on highway prohibited

- 249(1)** No person shall put on a highway any nails, tacks, glass or other material that might destroy or cause damage to the tires of a vehicle.
- (2) No person shall throw or drop from a vehicle on a highway a burning match, burning ashes of a pipe, a lighted cigar or cigarette or any other burning substance.

2004, c.T-18.1, s.249.

Operation and use of certain vehicles

- 250(1)** In this section:
- (a) **“compensation”** means remuneration of any nature or kind obtained for transporting passengers or goods but does not include remuneration received for the transportation of children to and from school;
 - (b) **“registration permit”** means a registration permit as defined in the regulations.
- (2) Every public service vehicle is to be maintained in a safe and sanitary condition and is at all times subject to the inspection of the administrator, a person appointed by the administrator or a peace officer.
- (3) Subject to subsection (3.1), every motor vehicle and towing vehicle operating on a highway in Saskatchewan that weighs in excess of 5 000 kilograms must state the gross vehicle weight of that motor vehicle, towing vehicle or combination of vehicles:
- (a) if that motor vehicle or towing vehicle is registered in Saskatchewan, on the motor vehicle or towing vehicle’s certificate of registration or registration permit; or
 - (b) if that motor vehicle or towing vehicle has been registered or licensed pursuant to the IRP in another province of Canada or in a state of the United States of America, on the motor vehicle or towing vehicle’s registration documents provided by that jurisdiction, unless that vehicle is unladen.
- (3.1) Subsection (3) does not apply to:
- (a) a vehicle registered in a prescribed class;
 - (b) a farm implement towed on its own wheels; or
 - (c) a tow truck engaged in the towing of a vehicle by the use of a wheel lift.

- (3.2) If required pursuant to subsection (3) to state the vehicle's gross vehicle weight on a vehicle's registration documents, no person shall operate, or cause to be operated by an agent or employee, a motor vehicle or combination of vehicles with a gross vehicle weight that exceeds the gross vehicle weight on the vehicle's registration documents.
- (4) No person shall operate personally or cause to be operated by agent or employee, a motor vehicle or combination of vehicles in contravention of:
- (a) any regulation made for the purposes of subsection (3); or
 - (b) any prescribed term or condition of operation on which any of the following is registered:
 - (i) a motor vehicle;
 - (ii) a towing vehicle;
 - (iii) any vehicle in a combination of vehicles.
- (5) Unless authorized pursuant to section 73:
- (a) no person shall operate or cause to be operated for compensation a motor vehicle, trailer or semi-trailer that does not belong to a prescribed class of vehicles that may be operated for compensation; and
 - (b) no person is required to pay compensation for any operation of a vehicle that contravenes clause (a).
- (6) Unless authorized pursuant to section 73:
- (a) no person shall operate or cause to be operated a motor vehicle, trailer or semi-trailer for any purpose other than or in addition to one or more of the prescribed purposes for the class of vehicles to which the vehicle operated or caused to be operated belongs; and
 - (b) no person is required to pay compensation for any operation of a vehicle that contravenes clause (a).

2004, c.T-18.1, s.250; 2014, c.29, s.25; 2018, c 45, s.37.

251 Repealed. 2006, c.9, s.31.

DIVISION 7 Accidents

Interpretation, "accident report"

252 In this Division, "**accident report**" means a report in the form required by the administrator providing any particulars of an accident that, in the opinion of the administrator are necessary to establish, as far as is possible:

- (a) the causes of the accident;

- (b) the persons responsible for the accident; and
- (c) the extent of any bodily injuries and property damage arising out of an accident.

2004, c.T-18.1, s.252.

When reports of accidents required

253(1) In this section, “**unidentified motor vehicle**” means a motor vehicle:

- (a) that causes:
 - (i) bodily injury to or the death of a person arising out of physical contact of the motor vehicle with the person or with the motor vehicle of which the person is an occupant; or
 - (ii) property damage arising out of physical contact of the motor vehicle; and
 - (b) with respect to which:
 - (i) the names of both the owner and the person in charge of the motor vehicle are not ascertainable;
 - (ii) the name of the owner is not ascertainable and the motor vehicle has no person who was in charge of it; or
 - (iii) the name of the person in charge of the motor vehicle is not ascertainable and the owner is not liable for the actions of that person.
- (2) Every person in charge of a motor vehicle that is involved in an accident shall:
- (a) notify the following persons as soon as is practicable after the accident:
 - (i) the person in charge of any other motor vehicle that is involved in the accident;
 - (ii) if any property in addition to a motor vehicle has been damaged as a result of the accident, the person in charge of that property; and
 - (b) provide the persons mentioned in clause (a) with the following information:
 - (i) his or her name and address;
 - (ii) his or her driver’s licence number;
 - (iii) the number of the certificate of registration of the vehicle; and
 - (iv) particulars of any insurance affecting the vehicle.
- (3) In the circumstances mentioned in subsection (4), the person in charge of a motor vehicle that is involved in an accident shall:
- (a) report the accident to the nearest peace officer as soon as is practicable after the accident; and
 - (b) provide the peace officer mentioned in clause (a) with any information or written statement concerning the accident that the peace officer may reasonably require to complete an accident report.

- (4) The duty to report an accident to a peace officer pursuant to subsection (3) applies if the accident:
- (a) involves bodily injuries or death;
 - (b) involves a motor vehicle for which no certificate of registration has been issued pursuant to this Act;
 - (c) involves an unidentified motor vehicle;
 - (d) involves a motor vehicle that was towed from the scene of the accident as a result of the accident; or
 - (e) involves a person in charge of a motor vehicle who was apparently under the influence of alcohol or drugs so as to be incapable for the time being of having proper control of the motor vehicle.
- (5) If the person in charge of a motor vehicle involved in an accident is physically incapable of making a report required pursuant to subsection (3), another occupant of that motor vehicle who is capable shall make that report.
- (6) Every person who sustained a bodily injury arising out of a motor vehicle accident and who is physically capable of making a report shall make a report in the same manner as that required by the person in charge of a motor vehicle pursuant to subsection (3).
- (7) A peace officer who receives a report of an accident shall:
- (a) secure from the person making the report, or by other inquiries if necessary, any particulars of the accident necessary to complete an accident report;
 - (b) prepare an accident report; and
 - (c) immediately transmit the accident report to the administrator.
- (8) The administrator may require:
- (a) any person involved in an accident or having knowledge of an accident or of any bodily injuries or property damage arising out of an accident to furnish any information that is necessary to complete an accident report; or
 - (b) a peace officer to secure any information that is necessary to complete an accident report.
- (9) In a prosecution for a contravention of this section, a certificate of the chief, deputy chief or person in charge of the police service or unit responsible for providing police services in the municipality where an accident mentioned in this section occurred that a report has not been filed is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate and of the authority of the person issuing the certificate, without proof of the appointment or signature of the person who completed the certificate.

Limits on public inspection re reports and statements

254(1) A written report or statement made or furnished pursuant to section 253 is deemed to be made without prejudice and for the information of the administrator.

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

(3) The fact that any report or statement has been made or furnished pursuant to section 253 is admissible in evidence solely to prove compliance with that section, but the written report or statement is not admissible in evidence for any other purpose in any trial arising out of a motor vehicle accident.

(4) Notwithstanding subsections (1) and (2), the administrator may make available to persons engaged in road safety research any information contained in any report received by it pursuant to section 253.

(5) No person who receives any information pursuant to subsection (4) shall make that information public in a form that would enable any particulars to be identified as being related to any specific person or business.

2004, c.T-18.1, s.254.

Confirmation of accident report

255(1) If a peace officer receives an accident report pursuant to section 253, the peace officer shall do one of the following:

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

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

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

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

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

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

(a) the motor vehicle does not have attached to it a written notice described in clause (1)(a) or (2)(a); or

(b) the owner of the motor vehicle does not provide the confirmation mentioned in clause (1)(b) or (2)(b) to him or her.

2004, c.T-18.1, s.255.

Onus of proof in accident

256(1) If loss, damage or injury is sustained by a person by reason of a motor vehicle on a highway, the onus of proof that the loss or damage did not entirely or solely arise through the negligence or improper conduct of the owner or driver of the motor vehicle is on the owner or driver.

(2) This section does not apply to a collision between motor vehicles on a highway.

2004, c.T-18.1, s.256.

Limitation of actions

257(1) Subject to subsection (2), no action may be brought against a person for the recovery of damages occasioned by a motor vehicle after:

- (a) the expiration of two years after the date the damages were sustained; or
- (b) in a case where death is caused, within the time limited by *The Fatal Accidents Act*.

(2) If an operator of a motor vehicle involved in an accident is convicted of an offence that involves a motor vehicle and that is mentioned in clause 41(4)(b), subsection 41.01(2) or clause 41.13(2)(a), 41.131(2)(b), 41.16(2)(a) or 41.17(2)(b) of *The Automobile Accident Insurance Act* after the expiration of the two-year limitation period set out in subsection (1), an action for non-economic loss, within the meaning of that Act, may be brought against that operator to recover damages occasioned by a motor vehicle within one year after the date the operator is convicted of that offence.

(3) The time limits mentioned in this section do not apply with respect to a counter-claim for damages set up or third party proceedings instituted by a defendant in an action for the recovery of damages occasioned by a motor vehicle.

2004, c.T-18.1, s.257; 2016, c11, s.93.

DIVISION 8

Evidence for Purposes of Act**Tests of equipment**

258(1) In this section and in section 279:

- (a) “**portable scale**” means a piece of weighing equipment approved by the minister for the purpose of weighing any vehicle or combination of vehicles to ascertain the gross vehicle weight;
- (b) “**stationary scale**” means a weighing machine for which a statement of accuracy, bearing a date not more than one year before or subsequent to the date of the offence charged in the information or complaint, has been issued and signed or purports to have been signed by an inspector within the meaning of the *Weights and Measures Act* (Canada).

(2) In a prosecution for a contravention of this Act, the regulations or a bylaw of a municipality, the following certificates are admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate and of the authority of the person who issued and signed the certificate, without proof of his or her appointment or signature:

- (a) a certificate:
 - (i) stating the result of a test of:
 - (A) the speedometer of a vehicle identified in the certificate;
 - (B) a tuning fork identified in the certificate and used for determining the accuracy of a radar set;
 - (C) a stop watch identified in the certificate;
 - (D) a red light camera system identified in the certificate;
 - (D.1) a speed monitoring device identified in the certificate; or
 - (E) any other device identified in the certificate and used for or in connection with establishing the speed of vehicles;
 - (ii) bearing a date:
 - (A) in the case of a tuning fork, not more than one year before or after the date of the offence charged;
 - (B) in the case of a speedometer, stop watch or other device used for establishing the speed of vehicles, not more than 30 days before or after the date of the offence charged; and
 - (C) in the case of a red light camera system or a speed monitoring device, not more than 30 days before or after the date of the offence charged;
 - (iii) purporting to be signed by a prescribed tester to test devices of the type stated to have been tested;
- (b) a certificate stating the gross vehicle weight ascertained by weighing the vehicle on a stationary scale or on one or more portable scales.

2004, c.T-18.1, s.258; 2013, c.37, s.6.

Use of photographs from red light camera system

259(1) A photograph obtained through the use of a red light camera system may be tendered and shall be received in evidence in a prosecution for an alleged contravention of clause 235(5)(a) or 235(6)(a).

(2) In the absence of evidence to the contrary, a photograph of a vehicle obtained through the use of a red light camera system is admissible in evidence as proof that:

- (a) the information shown in the photograph or superimposed on the photograph by the red light camera system is true; and
- (b) the vehicle and its driver did not stop at a red light and the vehicle and its driver proceeded through an intersection before a green light was shown, contrary to clause 235(5)(a) or 235(6)(a).

- (3) In a prosecution for an alleged contravention of clause 235(5)(a) or 235(6)(a), the evidence of any of the following persons may be given by affidavit:
- (a) a person involved in the regulation of local traffic control devices;
 - (b) a person involved in the installation, operation or use of a red light camera system or the processing of a photograph taken by the red light camera system;
 - (c) a person involved in the issuance or service of a ticket pursuant to *The Summary Offences Procedure Act, 1990* with respect to that alleged contravention;
 - (d) a person involved in the service of an affidavit pursuant to subsection (5).
- (4) An affidavit mentioned in subsection (3) is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the affidavit.
- (5) No affidavit mentioned in subsection (3) shall be received in evidence unless a copy of the affidavit is served at least 10 days before the date of the hearing on the accused by ordinary mail addressed to the last known address of the accused as indicated:
- (a) on the records of the administrator; or
 - (b) on any other prescribed records.
- (6) The accused may, with leave of the court, require the attendance of any person giving evidence by affidavit pursuant to subsection (3) for the purpose of cross-examination.

2004, c.T-18.1, s.259; 2015, c.33, s.16.

Use of photograph of a vehicle from speed monitoring device

259.1(1) In this section and in sections 259.2 and 259.3, “**photograph of a vehicle**” means a photograph obtained through the use of a speed monitoring device that:

- (a) shows the vehicle and the licence plate number displayed on the vehicle;
 - (b) shows or has superimposed on it:
 - (i) an indication of the rate of speed at which the vehicle was being driven when the photograph was taken; and
 - (ii) the date on which and time at which the photograph was taken; and
 - (c) shows or has superimposed on it any additional prescribed information.
- (2) Subject to section 259.2, a photograph of a vehicle is admissible in evidence as proof, in the absence of evidence to the contrary, that on the date and at the time shown or indicated on the photograph, the vehicle was being driven at the rate of speed shown or superimposed on the photograph by the speed monitoring device.

- (3) No person shall be convicted at trial of an offence on the basis of a photograph of a vehicle unless:
- (a) the photograph or a copy of the photograph was served together with the offence notice issued pursuant to *The Summary Offences Procedure Act, 1990*; and
 - (b) either:
 - (i) the photograph is tendered at trial; or
 - (ii) the person consents to the photograph not being tendered and admits that the information contained in or superimposed on the photograph is true.
- (4) In a prosecution for an alleged contravention of a prescribed provision of this Act, an affidavit that is signed by a prescribed person or a member of a prescribed class of persons and that meets the prescribed requirements is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts alleged in the affidavit, without proof of the signature or official character of the person purporting to have signed the affidavit.
- (5) No affidavit mentioned in subsection (4) shall be received in evidence unless a copy of the affidavit is served at least 10 days before the date of the hearing on the accused by ordinary mail addressed to the last known address of the accused as indicated:
- (a) on the records of the administrator; or
 - (b) on any other prescribed records.
- (6) The accused may, with leave of the court, require the attendance of any person purporting to have signed the affidavit pursuant to subsection (4) for the purpose of cross-examination.

2014, c.29, s.26; 2015, c.33, s.17.

Restrictions on use of photographs of a vehicle and speed monitoring devices

259.2(1) A photograph of a vehicle is admissible in evidence pursuant to section 259.1 only if the speed monitoring device used to take the photograph was operated by or on behalf of a prescribed municipality or police service, in the prescribed conditions and in the prescribed zones.

(2) A photograph of a vehicle is admissible in evidence pursuant to section 259.1 only in a prosecution of an alleged contravention of a prescribed provision of this Act.

2014, c.29, s.26.

Fees collected from using photograph of a vehicle

259.3 Notwithstanding subsection 268(1), the regulations may prescribe that any fee collected as a result of the prosecution of an offence with a photograph of a vehicle is to be paid to the administrator.

2014, c.29, s.26.

Board's documents as evidence

260 Every document purporting to be signed by the chairperson or any other member of the board is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the document without proof of the signature or official character of the person signing the document.

2004, c.T-18.1, s.260.

Administrator's documents as evidence

261 Every document purporting to be signed on behalf of the administrator is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the document without proof of the signature or official character of the person purporting to have signed the document.

2004, c.T-18.1, s.261.

Proving of municipal bylaws

262(1) In this section:

- (a) **“bylaw”** means a municipal bylaw that has been approved by the board or the administrator;
- (b) **“certificate”** means a certificate of an official that:
 - (i) identifies the bylaw;
 - (ii) states that the bylaw has been approved by the board or the administrator;
 - (iii) states the date of the bylaw's approval by the board or the administrator;
- (c) **“official”** means the clerk, administrator or official in charge of the bylaw records of a municipality.

(2) The certificate of an official is admissible in evidence as proof, in the absence of evidence to the contrary, that a bylaw has been approved by the board or the administrator, as required by this Act or the regulations, and of the municipality's authority to pass it, without proof of the signature or official character of the person purporting to have signed it.

2014, c.29, s.27.

Application

262.1(1) If a municipality is required by this Act or the regulations to submit a bylaw to the board or the administrator for approval, the municipality shall provide the board or the administrator with:

- (a) a copy of the bylaw; and
- (b) any additional information that the board or the administrator may reasonably require to determine whether or not to approve the bylaw.

(2) Within 90 days after receiving the bylaw and additional information mentioned in subsection (1), the board or the administrator shall:

- (a) review the bylaw; and
- (b) either:
 - (i) approve the bylaw if, in the opinion of the board or the administrator, the bylaw complies with this Act and the regulations and is not contrary to the public interest; or
 - (ii) refuse to approve the bylaw.

(3) As soon as is practicable after making its decision, the board or the administrator shall provide the municipality that submitted the bylaw with a written notice of its decision, including reasons for its decision.

2014, c.29, s.27.

Rules re records as evidence

263 In a prosecution for a contravention of any provision of this Act or the regulations, copies of the following records that are certified in the following manner are admissible in evidence as proof, in the absence of evidence to the contrary, of the record, without proof of the appointment or signature of the person purporting to have signed the certificate:

- (a) in the case of records kept by the board or any portion of those records, the copies of the record or portion of those records are certified:
 - (i) by the chairperson of the board; or
 - (ii) by a person appointed to act in the chairperson's place;
- (b) in the case of records kept by the administrator or any portion of those record, the copies of the records or portion of those record are certified:
 - (i) by the administrator; or
 - (ii) by a person appointed to act in the administrator's place.

2004, c.T-18.1, s.263.

Evidence of authority of traffic officer

264 In a prosecution pursuant to this Act, the fact that a person purports to act as a traffic officer is admissible in evidence as proof, in the absence of evidence to the contrary, of that person's appointment as a traffic officer and of that person's authority to act as a traffic officer.

2004, c.T-18.1, s.264.

Proving registration in another jurisdiction

265 If another jurisdiction issues, with respect to a vehicle, a certificate of registration or any other document similar in nature to a certificate of registration, a copy of that certificate or document, as the case may be, is admissible in evidence as proof, in the absence of evidence to the contrary, of the registration of that vehicle without proof of the signature or appointment of the person issuing the certificate or document.

2004, c.T-18.1, s.265.

Proving bills of lading

266 In a prosecution for a contravention of this Act or the regulations, a bill of lading or a copy of a bill of lading relating to the transaction involving the contravention is admissible in evidence as proof, in the absence of evidence to the contrary, of its contents without proof of the signature or authority of the person signing the bill of lading.

2004, c.T-18.1, s.266.

Approved or prescribed forms

267(1) In this section, "**form**" means a form of bill of lading, form of express receipt, ticket, schedule of arrival at and departure from a point, schedule of tolls or rates or any other form that has been approved by the board.

(2) The certificate of the chairperson of the board or any person designated by the chairperson that a form has been approved by the board is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate, without proof of the signature or official character of the person purporting to have signed the certificate.

2004, c.T-18.1, s.267.

PART XVII**Fees****Where fees to be deposited**

268(1) Subject to subsection (2), all fees and moneys collected pursuant to this Act are to be deposited in the general revenue fund.

(2) The administrator shall retain:

- (a) administrative fees for the issue of personalized licence plates;
- (b) driver testing and examination fees;
- (c) fees for accident reports;

- (d) fees for the issuance of operating authorities and safety fitness certificates;
- (d.1) any penalties imposed pursuant to subsection 102.1(2) or 102.2(1);
- (e) fees for driver abstracts; and
- (f) any moneys designated by the Lieutenant Governor in Council.

2004, c.T-18.1, s.268; 2014, c.29, s.28.

Fines for contraventions within municipality

269 If a person is convicted and fined for a contravention of this Act within a municipality, other than a highway, on the information of a peace officer or other official employed and paid by the municipality:

- (a) the fine collected is to be remitted to the municipality; and
- (b) the convicting court shall dispose of the fine accordingly.

2004, c.T-18.1, s.269; 2005, c.M-36.1, s.474.

PART XVIII
Offences and Penalties

Offences and penalties re vehicles in area frequented by prostitutes

270(1) No person shall, without lawful excuse, repeatedly drive a motor vehicle through an area that is frequented by prostitutes.

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

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

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

2004, c.T-18.1, s.270.

Offence re driver's licences

271(1) In this section, "**false document**" means a false document as defined in section 321 of the *Criminal Code*.

(2) No person shall, for the purposes of procuring the issuance of a driver's licence for himself or herself or for any other person:

- (a) make a written or an oral statement that he or she knows is false or misleading; or
- (b) provide the administrator with a false document.

- (3) No person shall:
- (a) create, or cause to be created, a false document that purports to be a driver's licence;
 - (b) without lawful excuse, have in his or her possession a false document that purports to be a driver's licence; or
 - (c) knowing that a document purporting to be a driver's licence is a false document:
 - (i) use, deal with or act on it; or
 - (ii) cause or attempt to cause any person to use, deal with or act on it.
- (4) No person shall, on his or her own behalf, use, deal with or act on a driver's licence issued with respect to another person.
- (5) No person, being the lawful holder of a driver's licence, shall knowingly part with the possession of that driver's licence with intent that it should be used for an improper purpose.
- (6) Every person who contravenes any provision of subsection (2), (3), (4) or (5) is guilty of an offence and liable on summary conviction to a fine of not more than \$50,000, to imprisonment for a term of not more than two years or to both.
- (7) If a person is convicted of an offence pursuant to subsection (6), the convicting judge may, in addition to any penalty imposed, order the administrator to amend its records or cancel the issuance of a driver's licence, as the case may require.
- (8) If the convicting judge orders the cancellation of the issuance of a driver's licence pursuant to subsection (7), the convicting judge shall order the person to whom the driver's licence was issued to return the driver's licence immediately.

2004, c.T-18.1, s.271.

False statements prohibited

272 No person shall, in any verbal information, report or document required for the purposes of this Act, make a statement false in any material particular.

2004, c.T-18.1, s.272.

Liability of owner and operator

273(1) In this section and section 274:

- (a) **“authorized person”** means a person who is in charge of a vehicle with the express or implied consent of the owner of the vehicle;
- (b) **“other law”** means any bylaw passed by a municipality regulating vehicles or the use of highways, including the regulating and prohibiting of parking of vehicles on highways;

- (c) **“owner”** means:
- (i) with respect to a vehicle registered in Saskatchewan, the person to whom a current certificate of registration or registration permit for that vehicle is issued; or
 - (ii) with respect to a vehicle registered in a jurisdiction other than Saskatchewan, the person named in a certificate of registration or any other document similar in nature to a certificate of registration issued by that jurisdiction for that vehicle;
- (d) **“unauthorized person”** means a person who is in charge of a vehicle without the express or implied consent of the owner of the vehicle.
- (2) If a vehicle is involved in the commission of an offence pursuant to this Act, the regulations or any other law by the person in charge of the vehicle, the owner of the vehicle is liable for the offence unless the owner proves to the satisfaction of the court that, at the time of the offence, the vehicle:
- (a) was not being operated and had not been parked or left by the owner; and
 - (b) was not being operated and had not been parked or left by any authorized person in charge of the vehicle.
- (3) If, at the time of the commission of any offence pursuant to this Act, the regulations or other law involving a vehicle, the vehicle was not being operated and had not been parked or left by the owner or by any authorized person in charge of the vehicle, the unauthorized person in charge of the vehicle is liable for the offence unless the unauthorized person in charge of the vehicle proves to the satisfaction of the court that, at the time of the offence, the vehicle:
- (a) was not being operated, and had not been parked or left by that unauthorized person in charge of the vehicle; and
 - (b) was not being operated and had not been parked or left by any person in charge of the vehicle with the express or implied consent of that unauthorized person in charge of the vehicle.
- (4) Notwithstanding subsection (2), if, at the time of the offence, the vehicle was not being operated by the owner and had not been parked or left by the owner, the owner is not liable to imprisonment.
- (5) Notwithstanding subsection (3), if, at the time of the offence, the vehicle was not being operated by the unauthorized person in charge of the vehicle and had not been parked or left by that unauthorized person, that unauthorized person in charge of the vehicle is not liable to imprisonment.
- (6) Notwithstanding section 51 of *The Summary Offences Procedure Act, 1990*, if a person is guilty of an offence pursuant to this section, sections 29 and 31 of *The Summary Offences Procedure Act, 1990* do not apply.

Special rules respecting section 273

274 If an order has been made pursuant to section 6 of *The Family Property Act* with respect to a motor vehicle, the spouse in whose favour the order is made is deemed to be the owner for the purposes of section 273, and the duties and responsibilities of an owner imposed by this Act devolve on that spouse.

2004, c.T-18.1, s.274.

General offence and penalty

275 Any person who contravenes any provision of this Act or the regulations for which no other penalty is specifically provided, or who disobeys an order of the board, is guilty of an offence and liable on summary conviction:

- (a) in the case of an individual, to a fine of not more than \$1,000; and
- (b) in the case of a corporation, to a fine of not more than \$2,000.

2004, c.T-18.1, s.275.

Arrest

276(1) If a peace officer finds a person contravening section 32, 57, 140, 209.1, 213 or 239, the peace officer may arrest that person, if the officer has reasonable grounds to believe that the person will not appear in court to answer a summons.

(2) A peace officer who has arrested a person in accordance with this section shall, with reasonable diligence, take the person so arrested before a court of competent jurisdiction so that the arrested person may be dealt with according to law.

2004, c.T-18.1, s.276; 2006, c.9, s.32.

PART XIX**Miscellaneous Provisions****Weight restrictions to be complied with**

277 Nothing in this Act relieves any person, nor does the issue of a certificate of registration or registration permit pursuant to this Act, relieve the holder of the certificate or permit or the holder's agent or employee from observance of or compliance with any weight restricting regulation, order or bylaw made or passed pursuant to statutory authority.

2004, c.T-18.1, s.277.

Persons to furnish information to peace officer

278 No holder of a certificate of registration, registration permit or safety fitness certificate and no driver or occupant of a vehicle shall fail, when requested, to furnish any peace officer with any information that the peace officer requires in the fulfilment of the peace officer's duties pursuant to this Act.

2004, c.T-18.1, s.278; 2018, c.45, s.38.

When vehicle may be required to undergo exam and test

279(1) In this section, “**vehicle**” includes:

- (a) any combination of vehicles; and
 - (b) the cargo being carried on the vehicle or combination of vehicles.
- (2) A peace officer or person appointed by the administrator may order the driver or owner of a vehicle to submit the vehicle to any examinations and tests that the peace officer or person considers necessary.
- (3) If the vehicle is weighed using portable scales, the peace officer or person appointed by the administrator shall immediately advise the person in charge of the vehicle that, in lieu of having the weight determined with portable scales, he or she has the right to take the vehicle immediately to the nearest stationary weighing machine that is:
- (a) capable of weighing the vehicle; and
 - (b) certified by an inspector within the meaning of the *Weights and Measures Act* (Canada).
- (4) If a person elects to have the vehicle weighed at the nearest stationary weighing machine, the peace officer or person appointed by the administrator has the power to take any steps that he or she considers necessary to ensure that no alteration in the weight of the vehicle occurs during the transit to the nearest weighing machine mentioned in subsection (3).
- (5) If, in the opinion of the peace officer or person appointed by the administrator, the vehicle is found to be unfit for transportation, dangerous to passengers or the public or, for any other reason, contravenes this Act or the regulations, the peace officer or person may:
- (a) order the driver or the owner of the vehicle to take any steps that are necessary to make the vehicle fit for transportation or safe for passengers or to eliminate the contravention; and
 - (b) order that the vehicle be removed from the highway until compliance with this Act and the regulations is established.
- (6) No person to whom an order made pursuant to clause (5)(a) is directed shall fail to comply with the order within the time specified in the order.
- (7) No person shall drive on a highway a vehicle that is the subject of an order made pursuant to clause (5)(b) until a peace officer or person appointed by the administrator is satisfied that the vehicle is fit for transportation.
- (8) Every occupant of a vehicle that is being examined and tested pursuant to this Act shall, when requested, provide reasonable assistance to the person who is conducting the examination and test.

When vehicle may be seized and impounded

280(1) In this section, “**impounded vehicle**” means a vehicle or a combination of vehicles seized and impounded pursuant to subsection (2).

(2) Without a warrant, a peace officer may seize and impound a vehicle or combination of vehicles:

(a) if that vehicle or combination of vehicles is being operated in the prescribed manner; or

(b) if that vehicle or combination of vehicles is parked on a highway at a place, or in a manner, that constitutes a hazard to other users of the highway.

(2.1) If a peace officer impounds a motor vehicle pursuant to this section, the peace officer shall issue a copy of a notice of seizure and direction to the driver and to the owner of the motor vehicle.

(3) An impounded vehicle must remain impounded for the prescribed period.

(4) A peace officer may retain the impounded vehicle in the peace officer’s possession or direct a garage keeper to impound the vehicle.

(5) A garage keeper who impounds a vehicle pursuant to this section is deemed to have a lien on the vehicle pursuant to section 3 of *The Commercial Liens Act* with respect to the vehicle for all unpaid amounts of prescribed fees, costs and charges relating to the impoundment of that vehicle, and that Act applies, with any necessary modification, to the enforcement and realization of that lien.

(6) The impounded vehicle may be sold by the garage keeper for the purpose of recovering the fees, costs and charges mentioned in subsection (5) if:

(a) the owner of the vehicle cannot be found after reasonable inquiry; or

(b) the owner of the vehicle fails to pay the fees, costs and charges within 15 days after the day on which a notice requiring the owner to do so has been served on the owner.

(7) Section 161 applies, with any necessary modification, to:

(a) a sale pursuant to subsection (6);

(b) the application of the proceeds of the sale mentioned in clause (a);

(c) the disposition of any surplus moneys from the sale mentioned in clause (a); and

(d) the recovery of any amounts payable by the administrator pursuant to section 161 as a result of the application of that section.

2014, c.29, s.29; 2016, c31, s.10 and c32, s.19.

Driver’s licence suspended

280.1(1) In this section and in clause 287(1)(bbbb.4):

(a) “**commercial vehicle**” means a prescribed vehicle;

(b) “**driver**” means the operator of a commercial vehicle.

- (2) In the prescribed circumstances, if a peace officer seizes and impounds a commercial vehicle pursuant to section 280:
- (a) the peace officer shall immediately:
 - (i) suspend the driver from driving a motor vehicle;
 - (ii) if the driver is the holder of a driver's licence or any other permit authorizing the driver to drive a motor vehicle, require the driver to immediately surrender his or her driver's licence or permit; and
 - (iii) issue and serve a notice of suspension on the driver; and
 - (b) on being required to do so pursuant to subclause (a)(ii), the driver shall immediately surrender his or her driver's licence or permit to the peace officer.
- (3) If a driver is served with a notice of suspension pursuant to this section, the driver is suspended from driving a motor vehicle for a period of 72 consecutive hours.
- (4) If a peace officer suspends the driver's licence of a driver pursuant to this section, the peace officer shall:
- (a) keep a written record of the driver's licence suspended by the peace officer;
 - (b) provide the driver whose driver's licence is suspended with a written statement, in the prescribed form, of the time from which the suspension takes effect;
 - (c) if the driver surrenders his or her driver's licence, give the driver a receipt for the driver's licence; and
 - (d) promptly send the driver's licence of the driver to the administrator.
- (5) A driver's licence surrendered pursuant to subsection (4) must be returned to the driver by ordinary mail at the address shown on the licence unless the driver calls for the driver's licence in person.
- (6) A driver whose driver's licence is suspended pursuant to this section may, in the prescribed circumstances, apply to the board for a review of the suspension.
- (7) An application for review pursuant to subsection (6) must:
- (a) be in the prescribed form and manner; and
 - (b) be accompanied by the prescribed fee.
- (8) A review pursuant to subsection (6) must be conducted in the prescribed manner.
- (9) An application for review pursuant to subsection (6) does not stay the suspension.

2015, c.23, s.3.

Reports to administrator of convictions

- 281(1)** Every judge or justice of the peace who convicts a person of one of the following contraventions shall immediately report the conviction to the administrator:
- (a) a contravention of this Act or the regulations;

- (b) a contravention of any of the provisions of the *Criminal Code* mentioned in clause 137(e);
 - (c) a contravention of section 320.13 of the *Criminal Code*;
 - (d) a contravention of section 320.15 of the *Criminal Code* for failure or refusal to comply with a demand made pursuant to section 320.27 or 320.28 of the *Criminal Code*;
 - (e) a contravention of a provision of a bylaw made pursuant to *The Provincial Capital Commission Act* applicable to the operation of motor vehicles;
 - (f) a contravention of a provision of a bylaw of a municipality applicable to the operation of motor vehicles.
- (2) The administrator may release to the board any information forwarded to it pursuant to subsection (1).

2004, c.T-18.1, s.281; 2015, c.33, s.19; 2017, cP-30.011, s.10-3; 2018, c21, s.5.

What reports dealers must provide to administrator

282(1) Within the first five days of every month, every dealer shall forward to the administrator a statement that:

- (a) is signed by the dealer; and
 - (b) either:
 - (i) gives full particulars of:
 - (A) all motor vehicles, whether new or second-hand, sold and delivered by the dealer in Saskatchewan during the preceding month;
 - (B) the name and address of the purchaser of each vehicle; and
 - (C) any other matters that the administrator may require; or
 - (ii) declares that the dealer has sold no motor vehicles during that period.
- (2) The administrator may suspend or cancel a dealer's certificate for non-compliance with subsection (1).

2004, c.T-18.1, s.282.

Requirements of medical reports

283(1) Any duly qualified medical practitioner shall report to the administrator the name, address and clinical condition of every person who:

- (a) is 15 years of age or over attending on the medical practitioner for medical services; and
- (b) in the opinion of the medical practitioner, is suffering from a condition that will make it dangerous for that person to operate a vehicle.

- (2) Any optometrist shall report to the administrator the name, address and clinical condition of every person who:
- (a) is 15 years of age or over attending on the optometrist for services usually rendered by an optometrist; and
 - (b) in the opinion of the optometrist, is suffering from a condition that will make it dangerous for that person to operate a vehicle.
- (3) No action shall be brought against a medical practitioner or an optometrist who makes a report in good faith in accordance with subsection (1) or (2).
- (4) A report made pursuant to this section:
- (a) is privileged for the information of the administrator only;
 - (b) is not open to public inspection; and
 - (c) is not admissible in evidence in any trial, except to show that the report was made in good faith in accordance with this section.

2004, c.T-18.1, s.283.

How documents required by the Act or the regulations may be served

- 284(1)** Any document required by this Act or the regulations to be given or served is, unless otherwise provided for, to be served personally or mailed by ordinary or registered mail to the last known address of the person being served.
- (2) A document served pursuant to this section is deemed to have been received:
- (a) on the day of service, if served personally; or
 - (b) on the tenth day after the date of mailing, if served by ordinary or registered mail, unless the person to whom it was addressed establishes that, through no fault of his or her own, the person did not receive the document or received it at a later date.

2004, c.T-18.1, s.284.

Immunity

- 285(1)** No action or other proceeding for damages lies or shall be instituted against the minister, the insurer, the administrator, the board, the Crown in right of Saskatchewan or any agent or employee of any of them where the person is acting pursuant to the authority of this Act or the regulations, for any loss or damage suffered by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done, by that person, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any responsibility imposed by this Act or the regulations.
- (2) A decision made by the minister in the exercise of a discretionary power given pursuant to this Act to do or not to do a thing does not constitute negligence.

2004, c.T-18.1, s.285.

Authority of administrator to exempt from Act or regulations

286(1) The administrator may exempt a person from the application of any provision of this Act or the regulations respecting the licensing of drivers, the issuance of a certificate of registration or the impoundment of motor vehicles if, in the opinion of the administrator:

- (a) the application of the provision would cause a hardship to the person or to other residents of Saskatchewan; and
 - (b) granting the exemption would not be contrary to the public interest.
- (2) The administrator shall not grant an exemption pursuant to subsection (1) if the exemption would:
- (a) interfere with an order of the board or a decision of the board made in an exercise of the board's regulatory authority; or
 - (b) remove any right to a hearing or right of appeal granted pursuant to this Act.

2004, c.T-18.1, s.286.

Fees and charges paid in instalments

286.1(1) Subject to this Act and the regulations, the administrator may accept payment in instalments for any fees, charges or debts owed to the administrator.

(2) The instalment payments mentioned in subsection (1) must be calculated in the prescribed manner, and must be paid in accordance with the prescribed requirements.

2018, c 45, s.39.

Part XX
Regulations

Regulations

287(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
 - (a.1) for the purposes of clause 2(1)(h.1), prescribing vehicles or classes of vehicles that are not farm implements;
- (b) classifying vehicles according to the use, passenger capacity, design or any other characteristics of the vehicles;
- (c) establishing a tariff of fees payable for the registration of:
 - (i) any vehicle or class or classes of vehicles;
 - (ii) any vehicle in combination with any vehicle or combination of vehicles;

- (d) providing for the registration of any vehicle or class or classes of vehicles or any vehicle in combination with any other vehicle or combination of vehicles on any terms or conditions of operation of the vehicles or class or classes of vehicles or vehicle in combination with any vehicle or combination of vehicles;
- (e) determining the period for which any certificate of registration, registration permit or driver's licence is valid;
- (e.1) prescribing the circumstances in which a certificate of registration can be used with respect to a vehicle other than the vehicle for which the certificate of registration was issued;
- (f) respecting the issuance of driver's licences and renewals of driver's licences, including:
 - (i) prescribing requirements that an applicant for a driver's licence or renewal of a driver's licence must meet in addition to those set out in this Act;
 - (ii) respecting the fees or charges that must be paid by an applicant for a driver's licence or renewal of a driver's licence;
 - (iii) authorizing the administrator to provide refunds of any fees or charges and prescribing the terms and conditions pursuant to which refunds may be provided and authorizing the administrator to set additional terms and conditions; and
 - (iv) establishing classes of driver's licences and prescribing different requirements, fees, charges, refunds and conditions for providing refunds for those different classes;
- (f.1) prescribing the manner of paying the fees that may be charged for any driver's licences or classes of driver's licences, including:
 - (i) authorizing an applicant to pay the fees by instalment; and
 - (ii) prescribing the conditions that an applicant must comply with in order to pay the fees by instalment;
- (g) respecting any refunds of fees that may be made and the calculation of those refunds;
- (h) prescribing any other fee that the Lieutenant Governor in Council considers necessary in connection with the administration of this Act or for any services provided by the administrator;
- (i) establishing classes of vehicles, drivers, driver training schools, driver instructors, licences, permits, certificates or any other persons, activities or things governed by this Act;
- (j) prohibiting the operation of particular combinations of vehicles unfit or unsafe for transportation;

- (k) respecting the operation of any vehicle not registered pursuant to this Act;
- (k.1) prescribing vehicle equipment and safety standards for any vehicle or towed equipment that is operated on a highway and is not required to be registered pursuant to this Act;
- (l) governing driver's examinations;
- (m) for the purposes of section 31, prescribing the form and content of driver's licences;
- (n) for the purposes of sections 31 and 31.1:
 - (i) prescribing the form and content of photo identification cards;
 - (ii) prescribing the classes of persons to whom access to or copies of photographs of persons taken for the purposes of section 31 or 31.1 may be provided; and
 - (iii) prescribing the circumstances in which access to or copies of photographs mentioned in subclause (ii) may be provided;
- (n.1) exempting classes of drivers and classes of vehicles from the requirements of subsections 32(2) and 57(2);
- (n.2) for the purposes of section 32.1, prescribing qualifications for persons who accompany and supervise the holder of a learner's licence;
- (o) for the purposes of subsection 42(2), prescribing the circumstances in which the administrator may pay for a report and prescribing the amount that the administrator may pay;
- (p) prescribing competency requirements for the issuance or renewal of driver's licences for classes of drivers;
- (q) governing the conditions pursuant to which classes of driver's licence may be issued;
- (r) designating the types, sizes, classes and combinations of vehicles that may be operated by new drivers or any other class of drivers;
- (s) prescribing the terms and conditions pursuant to which new drivers or any other class of drivers may operate motor vehicles on a highway;
- (t) exempting new drivers or any other class of drivers from all or any of the terms and conditions prescribed pursuant to clause (s);
- (u) exempting any person or class of persons from complying with the requirement to be photographed or to hold a photo identification card as part of a valid driver's licence;
- (v) prescribing education and safety seminars for the purposes of section 49;

- (w) for the purposes of section 66:
 - (i) prescribing the terms and conditions on which a Saskatchewan resident may register a commercial vehicle in Saskatchewan pursuant to the IRP without operating an established place of business;
 - (ii) prescribing the criteria respecting an established place of business in Saskatchewan;
- (w.1) for the purposes of subclause 96(1)(b)(vii), prescribing Acts, regulations, Acts of the Parliament of Canada and regulations made pursuant to the Parliament of Canada;
- (w.11) exempting the transportation of any goods or passengers or the operation of any vehicle or class of vehicles from the requirement to obtain a safety fitness certificate;
- (w.12) governing the terms and conditions for obtaining a safety fitness certificate;
- (w.2) prescribing the fees that may be charged for the issuance or renewal of a safety fitness certificate;
- (w.3) prescribing the documents and information to be filed with or supplied to the administrator on an application for the issuance or renewal of a safety fitness certificate or as a condition of retention by the holder of a safety fitness certificate;
- (w.31) prescribing safety and fitness standards for the operation of a commercial vehicle and prescribing the method for assigning safety fitness ratings to carriers;
- (w.4) prescribing the requirements to obtain, renew and hold a safety fitness certificate and authorizing the administrator to waive any requirements that are specified in the regulations under the circumstances set out in the regulations;
- (w.5) prescribing the expiry date of a safety fitness certificate and, for that purpose:
 - (i) establishing classes of holders of a safety fitness certificate; and
 - (ii) providing different expiry dates for different holders or different methods of determining expiry dates for different classes of holders of a safety fitness certificate;
- (w.51) prescribing the fees for an appeal pursuant to section 101.1;
- (w.6) prescribing the documents that must be submitted to the board on an appeal pursuant to section 101.1;
- (w.61) prescribing the board's authority on an appeal pursuant to section 101.1, including providing for different authority for different issues under appeal;
- (w.7) respecting the extent of authority granted by safety fitness certificates;

- (w.71) respecting the terms and conditions under which passengers or goods may be carried on commercial or public vehicles and the liability of transporters who carry passengers or goods on commercial or public service vehicles;
- (w.8) prescribing insurance requirements for all vehicles or a class of vehicles;
- (w.81) establishing different classes of safety fitness certificates and prescribing different rules for different classes;
- (w.9) prescribing a penalty schedule for the purposes of sections 102.1 and 102.2, including prescribing a different penalty schedule for each section; and
- (w.91) for the purposes of clause 97(4)(k), prescribing inspections;
- (x) for the purposes of section 111:
 - (i) prescribing the qualifications of persons who are eligible to operate a driver training school or to give instruction as a driver instructor;
 - (ii) prescribing and governing requirements to be met by applicants for driver training school certificates and instructors' certificates, including the information to be provided;
 - (iii) requiring a bond to be furnished by applicants for or holders of a driver training school certificate or instructor's certificate and prescribing the amount of the bond;
 - (iv) prescribing contracts and forms to be used by driver training schools and driver instructors;
 - (v) prescribing standards for the operation of driver training schools;
 - (vi) prescribing standards for driver instructors;
 - (vii) prescribing standards for driver training instruction given by driver training schools and driver instructors, including, without limiting the generality of the foregoing, the course content, the minimum number of hours of instruction required and the vehicles and training aids to be used;
 - (viii) prescribing standards for vehicles and training aids used by driver training schools and driver instructors;
 - (ix) requiring returns to be made by driver training schools and driver instructors and governing the form and content of those returns;
 - (x) exempting any person, conditionally or unconditionally, from any of the requirements set out in regulations made pursuant to this clause and prescribing terms and conditions that apply to persons exempted from a requirement;
- (x.1) for the purposes of section 238:
 - (i) prescribing requirements that must be met by a person operating a vehicle designated as an emergency vehicle; and
 - (ii) prescribing terms and conditions respecting how a vehicle must be operated when being used as an emergency vehicle;

- (y) for the purposes of subsection 133(2), declaring that, on and after a specified date, sections 133, 134 and 158, or any parts of those sections that may be specified in the regulations, apply to motor vehicles registered in a foreign jurisdiction and to the owners, drivers and persons in charge of them;
- (z) respecting programs and procedures for the purposes of sections 146 to 150.1;
- (aa) respecting the display of licence plates;
- (bb) without limiting the generality of clause (aa):
 - (i) permitting motor vehicles or any class of motor vehicle, other than power units, to display a licence plate issued by the administrator on the rear of the vehicle only and to display a licence plate that is not issued by the administrator on the front of the vehicle;
 - (ii) prescribing terms and conditions governing the display of licence plates authorized by regulations made pursuant to subclause (i);
 - (iii) prescribing periods during which licence plates may be displayed in accordance with regulations made pursuant to subclause (i);
- (cc) prescribing the design or performance specifications of any vehicle safety item;
- (dd) prescribing the manner in which vehicle safety items, including their packaging, are to be labelled;
- (ee) designating an organization to test and mark its approval on any vehicle safety item and prohibiting the use, installation or sale of any item so specified that is not marked or approved by that testing organization;
- (ff) prohibiting the sale, installation or use of vehicle safety items that do not meet the prescribed specifications;
- (gg) requiring and prescribing the manner of the installation of any vehicle safety item on any type or class of vehicle;
- (hh) prescribing the specifications and standards for safety equipment to be worn by drivers or passengers;
- (ii) prescribing the manner of use of any safety equipment worn by drivers or passengers;
- (jj) prescribing standards for vehicle safety items and requiring their replacement;
- (kk) prescribing the maximum weight that may be carried in or on any vehicle;
- (ll) prescribing the maximum passenger capacity of any school bus or public service vehicle;
- (mm) prescribing the weight, size and number of vehicles that may be operated in combination;

- (nn) deeming, for the purposes of this Act or the regulations, a motor vehicle, trailer or semi-trailer or class or model of motor vehicles, trailers or semi-trailers to have a different manufacturer's rated capacity than that claimed or advertised by the manufacturer;
- (oo) for the purposes of Part XIII:
- (i) prescribing offences for which a driver or new driver may participate in an ignition interlock program;
 - (ii) prescribing an ignition interlock device and an ignition interlock program and prescribing the terms and conditions respecting the administration of the program and any other matters associated with the program; and
 - (iii) prescribing the eligibility criteria for participation in the ignition interlock program;
- (pp) prescribing offences for which the period of suspension is indefinite pursuant to subsection 141(4);
- (qq) for the purposes of subsection 148(11), prescribing documents and reports that must be forwarded to the administrator by a peace officer;
- (rr) for the purposes of Division 3 of Part XIII of the Act:
- (i) prescribing the persons or classes of persons who are authorized to take and analyse samples of breath, blood or bodily substances;
 - (ii) prescribing an approved screening device, including prescribing different approved screening devices for different provisions;
 - (iii) prescribing programs and any program requirements that an individual must meet or attend for the reinstatement of his or her driver's licence;
 - (iv) prescribing and requiring the payment of fees associated with the attendance at a program mentioned in subclause (iii);
 - (v) prescribing eligibility for participation in any program mentioned in subclause (iii);
 - (vi) for the purposes of subsection 141(3), prescribing a period of disqualification;
 - (vii) prescribing an additional period of suspension for any driver unable to participate in an ignition interlock program;
 - (viii) prescribing the terms and conditions under which the administrator may waive the requirement to participate in an ignition interlock program;
 - (ix) prescribing the conditions on which and circumstances in which the administrator may terminate a suspension; and
 - (x) prescribing reasons that a driver or new driver may rely on to establish grounds for being unable to comply with the requirement to participate in an ignition interlock program;

- (ss) with respect to any matter governed by this Act:
 - (i) adopting, as amended from time to time or otherwise, all or any part of any relevant code or standard;
 - (ii) amending for the purposes of this section any code or standard adopted pursuant to subclause (i);
 - (iii) requiring compliance with a code or standard adopted pursuant to subclause (i) or amended pursuant to subclause (ii);
- (tt) providing for the refund or rebate of the whole or part of any fee paid to the administrator pursuant to this Act and prescribing the conditions governing rebates and refunds;
- (uu) prescribing forms, certificates, documents and reports and the manner in which they are to be completed;
- (vv) exempting non-resident owners of any class of vehicles from the application of all or any part of this Act or the regulations;
- (ww) prescribing the terms and conditions pursuant to which non-resident owners may register any class of vehicles for operation in Saskatchewan;
- (xx) prescribing matters with respect to which fees may be charged and the amounts of those fees, including prescribing fees for the purposes of section 99;
- (yy) prescribing, for the purposes of Divisions 2 and 3 of Part XV:
 - (i) any fees, costs and charges payable to a garage keeper, the administrator, or any other person with respect to the seizure, impoundment, immobilization, release or disposition of a motor vehicle pursuant to those sections;
 - (ii) the manner in which the fees, costs and charges mentioned in subclause (i) are to be determined;
 - (iii) the manner in which the proceeds of the sale of a motor vehicle are to be applied;
 - (iv) any conditions to which the release of a vehicle pursuant to Division 2 or 3 of Part XV is subject;
 - (v) personal property for the purposes of Divisions 2 and 3 of Part XV;
- (zz) respecting the manner in which the receipt and remission of fees, costs and charges mentioned in clause (yy) are to take place;
- (aaa) prescribing, for the purposes of Division 3 of Part XV:
 - (i) the manner of service for the purposes of section 174, including prescribing when service is deemed to be effected;
 - (ii) amounts of reimbursement for garage keepers pursuant to subsection 175(4);

- (iii) circumstances governing the sale of motor vehicles pursuant to section 176;
 - (iv) the manner in which the proceeds of the sale of a motor vehicle are to be applied;
 - (v) the value of motor vehicles and, for that purpose, may do all or any of the following:
 - (A) establish different classes of motor vehicles and prescribe different amounts for different classes of motor vehicles;
 - (B) adopt, with any necessary modifications that the Lieutenant Governor in Council considers appropriate, any schedule of values of motor vehicles, as amended from time to time or otherwise;
 - (C) authorize the designated official to determine the value of motor vehicles;
 - (vi) any terms and conditions to which the release of a motor vehicle pursuant to that Division is subject and requiring that those terms and conditions be complied with;
 - (vii) forms and authorizing the designated official to prescribe forms;
 - (viii) the manner in which applications pursuant to section 180 are to be made;
 - (ix) the manner in which any hearings pursuant to section 180 are to be conducted;
 - (x) the procedure to be followed with respect to any application pursuant to that Division and prescribing fees payable with respect to any application;
 - (xi) the deposit of money or security pursuant to section 182, including prescribing how any interest earned on those deposits is to be calculated and dealt with;
 - (xii) circumstances in which the designated official may act pursuant to section 183;
- (bbb) respecting the manner in which any refund of registration fees or insurance premiums is to be applied towards any prescribed fees, costs or charges for the purposes of section 161;
- (ccc) for the purposes of Division 2 of Part XV, designating the persons who are:
- (i) authorized to receive fees, costs and charges on behalf of the administrator; and
 - (ii) required to remit the fees, costs and charges mentioned in subclause (i) to the administrator;
- (ddd) for the purposes of Division 2 of Part XV, prescribing forms and the manner in which the forms are to be completed;
- (eee) prescribing any procedure to be followed with respect to an application pursuant to Division 2 of Part XV;

- (fff) defining “owner” for the purposes of Division 2 or 3 of Part XV;
- (ggg) defining “hearing officer”, and for that purpose may provide that a hearing officer may be a single person or a panel of persons, and may provide for different hearing officers or classes of hearing officers to hear different grounds of application pursuant to section 162 or 163;
- (hhh) prescribing the fees and charges that are payable to the board in connection with carrying out its duties pursuant to this Act;
- (iii) exempting any category of vehicles, drivers of vehicles or passengers of vehicles from the application of section 248;
- (jjj) prescribing terms or conditions with respect to any exemption pursuant to clause (iii) and requiring compliance with those terms and conditions;
- (kkk) governing the transportation of passengers occupying child restraint systems, infant restraint systems and booster seats;
- (kkk.1) exempting any category of vehicle or drivers of vehicles from the application of section 247;
- (lll) requiring:
 - (i) owners of vehicles of a class or type set out in the regulations and their agents to ensure that those vehicles are in a state of good repair before:
 - (A) operating those vehicles on a highway; or
 - (B) permitting the operation of those vehicles on a highway; and
 - (ii) operators of vehicles of a class or type mentioned in subclause (i) to ensure that those vehicles are in a state of good repair before operating those vehicles on a highway;
- (mmm) prescribing the holders or categories of holders of a certificate of registration and the operators or categories of operators who are required to hold insurance policies or bonds and certificates of insurance of the type, in the amounts and containing the coverage prescribed pursuant to clause (nnn);
- (nnn) prescribing the type, amount and coverage of insurance and bonding coverage required to be held by the persons prescribed pursuant to clause (mmm);
- (ooo) classifying vehicles according to the use, passenger capacity, design or any other characteristic of the vehicle for the purpose of setting the type, amount and coverage of insurance and bonding coverage pursuant to clause (nnn);
- (ppp) requiring the persons prescribed pursuant to clause (mmm) to supply evidence that they hold insurance policies or bonds and certificates of insurance of the type and amount and containing the coverage prescribed pursuant to clause (nnn);

- (qqq) prescribing the methods by which the persons prescribed pursuant to clause (mmm) are required to supply the evidence of insurance mentioned in clause (ppp);
- (rrr) requiring drivers of commercial vehicles or any category of drivers of commercial vehicles to keep the records and reports prescribed pursuant to clause (sss) and provide them to the carriers for whom they drive;
- (sss) for the purposes of clause (rrr), prescribing the records and reports respecting the use, condition, safety and maintenance of commercial vehicles, including records and reports respecting the use, condition, safety and maintenance of commercial vehicles while they are outside Saskatchewan, that drivers are required to keep and to provide to the carriers for whom they drive;
- (ttt) exempting any driver or category of drivers of commercial vehicles from all or any of the regulations made pursuant to clause (rrr);
- (uuu) requiring carriers of commercial vehicles or categories of carriers of commercial vehicles to keep the records prescribed pursuant to clause (vvv);
- (vvv) for the purposes of clause (uuu), prescribing:
- (i) the records respecting the use, condition, safety and maintenance of commercial vehicles, including records respecting the use, condition, safety and maintenance of commercial vehicles while they are outside Saskatchewan, that carriers are required to keep;
 - (ii) the form of records mentioned in subclause (i) and the manner and location in which they are to be kept;
- (www) exempting any carrier or category of carriers of commercial vehicles from all or any of the regulations made pursuant to clause (vvv);
- (xxx) prescribing the minimum period for which records must be kept;
- (yyy) governing the circumstances in which records must be made available for inspection by a peace officer or a representative of the administrator;
- (zzz) respecting the use and operation of school buses;
- (aaaa) for the purposes of section 200:
- (i) respecting the maximum speed at which vehicles may travel in school zones;
 - (ii) respecting the traffic control devices that must be placed and the official signs that must be posted to identify an area as a school zone;
 - (iii) requiring municipalities to enact bylaws:
 - (A) prescribing the maximum speed at which vehicles may be driven in a school zone;
 - (B) respecting the placing of traffic control devices and the posting of official signs to indicate school zones;

- (iv) respecting the required contents of a bylaw that a municipality must enact pursuant to subclause (iii);
- (v) delegating to the minister the authority to prescribe any matters set out in this clause and any other matters respecting school zones that the Lieutenant Governor in Council or the minister considers appropriate or necessary for the purposes of section 200;
- (aaaa.1) for the purposes of clause 2(1)(h.2) and sections 146.1, 146.2 and 150.1:
 - (i) prescribing a test or a group of tests as a field sobriety test;
 - (ii) prescribing the manner in which field sobriety tests must be conducted;
- (aaaa.2) for the purposes of clause 2(1)(bb.1), prescribing practitioners;
- (aaaa.3) for the purposes of section 247, prescribing specifications for helmets, face shields, safety glasses and goggles and the manner in which they must be worn;
- (aaaa.4) for the purposes of section 248, exempting any categories of vehicles, drivers of vehicles or passengers of vehicles from all or any requirements of section 248 and prescribing conditions for an exemption;
- (aaaa.5) prescribing the terms and conditions under which a person is eligible to operate a power-assisted bicycle or golf cart on a highway;
- (aaaa.6) prescribing the amount of insurance required to meet the requirements of subsection 113.1(4);
- (aaaa.7) for the purposes of sections 113.1 and 247.1, prescribing specifications for equipment and safety standards that must be met, and the manner in which the equipment must be worn or utilized, before a power-assisted bicycle or golf cart may be operated on a highway;
- (aaaa.8) for the purposes of section 250, prescribing a class of vehicles;
- (aaaa.9) for the purposes of subsections 259(5) and 259.1(5), prescribing records and classes of records;
- (bbbb) prescribing testers or classes of testers, including prescribing testers or classes of testers for speed monitoring devices, for the purposes of subclause 258(2)(a)(iii);
- (bbbb.1) for the purposes of section 241.1:
 - (i) for the purposes of clause (1)(a), prescribing other equipment as electronic communications equipment;
 - (ii) for the purposes of clause (1)(d), prescribing other purposes for using electronic communications equipment that constitute a prohibited use;

(iii) prescribing persons or classes of persons to whom that section does not apply; and

(iv) prescribing vehicles or classes of vehicles to which that section does not apply;

(bbbb.2) for the purposes of clause 2(1)(oo.1) and sections 201, 203 and 259.1 to 259.3:

(i) prescribing speed monitoring devices;

(ii) prescribing conditions governing the use of speed monitoring devices;

(iii) prescribing any additional information that must be displayed on a photograph obtained through the use of a speed monitoring device;

(iv) prescribing persons or classes or persons who may sign affidavits;

(v) prescribing requirements for affidavits;

(vi) prescribing zones in which a speed monitoring device may be used;

(vii) prescribing provisions of this Act for the enforcement of which a speed monitoring device may be used; and

(viii) prescribing municipalities and police services that are authorized to use a speed monitoring device;

(bbbb.3) for the purposes of section 280:

(i) prescribing the offences for which a peace officer may seize and impound a vehicle or the conditions under which a peace officer may seize and impound a vehicle;

(ii) prescribing any terms and conditions to which the release of an impounded vehicle is subject and requiring those terms and conditions to be complied with;

(iii) prescribing the circumstances in which the owner of a vehicle may appeal to the board for the release of an impounded vehicle;

(iv) prescribing the costs of an appeal to the board for the release of an impounded vehicle;

(v) prescribing the powers of the board on an appeal;

(vi) prescribing the manner in which the proceeds of the sale of an impounded vehicle are to be applied;

(vii) prescribing the period for which an impounded vehicle is to be impounded;

(viii) prescribing the amount of fees, costs and charges to which a garage keeper is entitled;

- (bbbb.4) for the purposes of section 280.1:
- (i) prescribing the circumstances in which a driver's licence is to be suspended;
 - (ii) prescribing the circumstances in which a driver whose driver's licence has been suspended may apply to the board for a review of the suspension;
 - (iii) prescribing the form and manner of an application for a review to the board;
 - (iv) prescribing the fee for a review;
 - (v) prescribing the powers of the board on a review;
 - (vi) prescribing or limiting the matters the board must consider on a review;
- (bbbb.5) respecting payment in instalments of fees, charges or debts owed to the administrator and applications and elections for payment in instalments;
- (bbbb.6) respecting the persons or categories of persons who may pay in instalments fees, charges or debts owed to the administrator;
- (bbbb.7) prescribing terms and conditions respecting applications and elections for payment in instalments of fees, charges or debts owed to the administrator;
- (bbbb.8) respecting the calculation and cancellation of the instalment payments mentioned in clause (bbbb.5);
- (bbbb.9) prescribing the rate of interest to be charged if an election is made for payment in instalments of fees, charges or debts owed to the administrator;
- (bbbb.91) respecting the manner in which and the terms and conditions pursuant to which a person may operate a vehicle on a highway for the purpose of transporting passengers and express freight;
- (bbbb.92) respecting the extent of authority granted to persons operating a vehicle on a highway for the purpose of transporting passengers and express freight and the terms and conditions of that authority, including respecting the insurance policies or bonds and certificates of insurance required;
- (bbbb.93) respecting the terms and conditions under which goods may be carried on a public service vehicle and the liability of the transporter who carries goods on a public service vehicle;
- (bbbb.94) respecting the maximum weight of express freight and baggage that may be carried on public service vehicles and the size and weight of packages;
- (bbbb.95) classifying goods;
- (bbbb.96) respecting the nature of goods that may be carried as express freight;

- (bbb.97) respecting the nature of containers that may be used in freight shipments;
- (cccc) prescribing any other matter or thing that is authorized or required to be prescribed in the regulations;
- (dddd) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.
- (2) Regulations made pursuant to subsection (1) may prescribe different provisions for different classes of vehicles, drivers, driver training schools, driver instructors, licences, permits, certificates and other persons, activities and things governed by this Act.
- (3) Regulations made pursuant to subsection (1) may specify or restrict the manner, location or time at which a vehicle may be operated.
- (4) The failure of a driver to provide the records required by the regulations made pursuant to clauses (1)(rrr) and (sss) does not relieve the operator from the requirement to keep the records required by the regulations made pursuant to clauses (1)(uuu) and (vvv).
- (5) The minister may make regulations respecting any matter or thing required or authorized by this Act to be determined by the minister by regulation.
- (6) The board may make regulations respecting any matter or thing required or authorized by this Act to be determined by the board by regulation.
- (7) If the board considers it in the public interest, the board may make regulations providing that, for the purposes of this Act or the regulations, a motor vehicle, trailer or semi-trailer or class or model of motor vehicles, trailers or semi-trailers is deemed to have a different manufacturer's rated capacity than that claimed or advertised by the manufacturer.
- (8) If a power is given to the Lieutenant Governor in Council in this Act to prescribe the manner in which an act or thing is to be done, that power is to be construed as including the power:
- (a) to prescribe any criteria, terms, conditions or requirements that must be met in order to do that act or thing;
 - (b) to require any person to comply with those criteria, terms, conditions or requirements; and
 - (c) to authorize the administrator or the board:
 - (i) to establish any additional criteria, terms, conditions or requirements that must be met in order to do that act or thing; and
 - (ii) to require any person to comply with the additional criteria, terms, conditions or requirements established by the administrator or the board.

(9) Any regulation made pursuant to clauses (1)(iii) to (kkk) or (rrr) to (yyy) may adopt by reference, in whole or in part, with any changes that the Lieutenant Governor in Council considers necessary, any code, standard or regulation, as amended from time to time or otherwise, made by the Government of Canada or the Governor in Council or any other body that the Lieutenant Governor in Council considers appropriate, and may require compliance with that code, standard or regulation.

2004, c.T-18.1, s.287; 2006, c.9, s.34; 2009, c.2, s.4; 2009, c.35, s.12; 2013, c.37, s.9; 2014, c.29, s.30; 2015, c.23, s.4; 2015, c.33, s.20; 2018, c.21, s.3; 2018, c.45, s.40.

PART XXI

Repeal, Transitional, Consequential and Coming into Force

S.S. 1986, c.H-3.1 repealed

288 *The Highway Traffic Act* is repealed.

2004, c.T-18.1, s.288.

S.S. 1986, c.M-21.2 repealed

289 *The Motor Carrier Act* is repealed.

2004, c.T-18.1, s.289.

S.S. 1986, c.V-2.1 repealed

290 *The Vehicle Administration Act* is repealed.

2004, c.T-18.1, s.290.

291 to 292 Dispensed. This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

293 Repealed. 2006, c.9, s.35.

294 Dispensed. This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

Transitional – certain documents continued

295(1) In this section, “**document**” means:

- (a) driver’s licence;
- (b) certificate of registration;
- (c) registration permit;

- (d) operating authority certificate or a temporary operating authority certificate;
 - (e) safety fitness certificate; or
 - (f) any other prescribed document.
- (2) Every document that is valid on the day before the day on which section 1 of this Act comes into force and that was issued pursuant to a predecessor Act:
- (a) is continued in force pursuant to this Act, subject to any terms, conditions or restrictions imposed on that document; and
 - (b) may be dealt with as if issued pursuant to this Act.
- (3) Every document mentioned in subsection (2) continues until the expiration date shown on the document unless it is sooner suspended or cancelled pursuant to this Act.
- (4) If, on the day before the day on which section 1 of this Act comes into force, an operating authority certificate, driver's licence, certificate of registration, registration permit or other document or licence or permit is suspended or cancelled pursuant to a predecessor Act, the length of time during which the suspension or cancellation remains in force must be determined in accordance with the Act pursuant to which the suspension or cancellation was made.
- (5) Notwithstanding sections 288 to 290, for the purposes of subsection (4), the predecessor Acts, as those Acts existed on the day before the coming into force of this Act, continue in force for the purposes of determining any suspension or cancellation mentioned in that subsection.

2004, c.T-18.1, s.295.

Transitional – prosecutions

296(1) Notwithstanding any other Act or law, a summary offence ticket issued or prosecution commenced pursuant to a predecessor Act or any regulations made pursuant to a predecessor Act before the coming into force of section 1 of this Act remains valid and is to be dealt with pursuant to the provisions of the predecessor Act and those regulations.

(2) Notwithstanding a repeal of a predecessor Act pursuant to this Act, the predecessor Act remains in force for the purposes of subsection (1).

2004, c.T-18.1, s.296.

297 to 306 Dispensed. This/these section(s) makes consequential amendments to another/other Act(s). Pursuant to subsection 33(1) of *The Interpretation Act, 1995*, the amendments have been incorporated into the corresponding Act(s). Please refer to the Separate Chapter to obtain consequential amendment details and specifics.

Coming into force

307 This Act comes into force on proclamation.

2004, c.T-18.1, s.307.

