

2018

## CHAPTER 21

An Act making amendments to certain Acts  
that deal with Vehicles and Driving

(Assented to May 30, 2018)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

### PART 1 Short Title

#### Short title

1 This Act may be cited as *The Miscellaneous Vehicle and Driving Statutes (Cannabis Legislation) Amendment Act, 2018*.

### PART 2 Offences Relating to Transportation – Drugs

#### RSS 1978, c A-35 amended

2(1) *The Automobile Accident Insurance Act* is amended in the manner set forth in this section.

(2) **Clause 6(1)(a) is repealed and the following substituted:**

“(a) **‘chargeable incident’** means a means a chargeable incident as defined in the regulations and includes a conviction for contravening:

(i) section 220, 231, 236, paragraph 249(1)(a), subsection 249(3) or (4), section 252, paragraph 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5), subsection 255(2), (2.1), (2.2), (3), (3.1) or (3.2) or subsection 259(4) of the *Criminal Code*, if a contravention is committed by means of a motor vehicle;

(ii) section 130 of the *National Defence Act* (Canada) for having contravened paragraph 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5), subsection 255 (2), (2.1), (2.2), (3), (3.1) or (3.2) or subsection 259(4) of the *Criminal Code*, if a contravention is committed by means of a motor vehicle”.

(3) **Subparagraph 35.72(3)(b)(i)(A)(I) is amended by adding “paragraph 253(3)(a), (b) or (c),” after “paragraph 253(1)(a) or (b),”.**

- (4) **Subclause 35.73(1)(b)(i) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (5) **Subclause 41(4)(b)(i) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (6) **Clause 41.01(2)(a) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (7) **Subclause 41.13(2)(a)(i) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (8) **Subclause 41.131(2)(b)(i) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (9) **Subclause 41.16(2)(a)(i) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (10) **Subclause 41.17(2)(b)(i) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (11) **The following section is added after section 44.1:**

**“Insurer subrogated re certain payments**

44.2(1) Subsection (2) applies if the operator of a motor vehicle is convicted of an offence pursuant to section 220, 221, 235, 236, 239, 249, subsection 249.1(3), section 249.2, 249.3, 249.4, paragraph 253(1) (a) or (b), paragraph 253(a), (b) or (c), subsection 254(5), subsection 255(2), (2.1), (2.2), (3), (3.1) or (3.2) or section 266, 267, 268 or 269 of the *Criminal Code* and the insurer makes a payment pursuant to:

- (a) subsection 41(4), section 41.13 or section 41.16 of this Act with respect to a non-economic loss as defined in Part IV; or
- (b) damages for bereavement pursuant to section 41.01, 41.131 or 41.17 and section 4.1 of *The Fatal Accidents Act*.

(2) If the circumstances mentioned in subsection (1) exist, the insurer is subrogated to and deemed to be an assignee of the person to whom or on whose behalf or with respect to whom the benefits or insurance money is provided or to be provided”.

- (12) **Clause 66(1)(a) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (13) **Paragraph 174(3)(b)(i)(A) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.
- (14) **Paragraph 175(1)(b)(ii)(A) is amended by adding** “paragraph 253(3)(a), (b) or (c),” **after** “paragraph 253(1)(a) or (b),”.

**SS 2004, c T-18.1 amended**

3(1) *The Traffic Safety Act* is amended in the manner set forth in this section.

- (2) **The following clause is added after clause 2(1)(h):**

“(h.01) **‘drug’** means a drug or substance that causes or could cause a driver to be unable to safely operate a motor vehicle”.

**(3) Section 137 is amended:****(a) by repealing subclause (e)(ii) and substituting the following:**

“(ii) an offence pursuant to section 220, 221, 236, subsection 249(3) or (4), section 252, paragraph 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 255(2), (2.1), (2.2), (3), (3.1) or (3.2) or subsection 259(4) of the *Criminal Code* committed by means of a motor vehicle”;

**(b) by repealing subclause (e)(v) and substituting the following:**

“(v) an offence pursuant to section 130 of the *National Defence Act* (Canada) for having contravened paragraph 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5) or subsection 255(2) or (3) of the *Criminal Code*”; and

**(c) by repealing subclause (e)(vi) and substituting the following:**

“(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, paragraph 249(1)(a), subsection 249(3) or (4), section 249.1, 249.2, 249.3, 249.4 or 252, paragraph 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5), subsection 255(2), (2.1), (2.2), (3), (3.1) or (3.2) or subsection 259(4) of the *Criminal Code*”.

**(4) Clause 139(1)(b) is amended by striking out “section 146, 146.1, 146.2, 148, 150, 150.1 or 150.3” and substituting “section 146, 146.1, 146.2, 148, 150, 150.1, 150.11 or 150.3”.****(5) Subsection 146(1) is amended:****(a) by repealing clause (a) and substituting the following:**

“(a) ‘**approved screening device**’ means a device approved for analysing the presence of alcohol or drugs in a person’s body pursuant to paragraph 254.01(a) of the *Criminal Code*”; and

**(b) in clause (b) by striking out “section 146.1, 146.2, 148, 150 or 150.1” and substituting “section 146, 146.1, 146.2, 148, 150, 150.1, or 150.11”.****(6) Section 146.2 is repealed the following substituted:****“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”.

**(7) Section 148 amended:**

**(a) by repealing subsection (1) and substituting the following:**

“(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”;

**(b) by repealing subsection (2) and substituting the following:**

“(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 253(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 253(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 contrary to paragraph 253(3)(a) or (b) 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 253(3)(c) 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 254 of the *Criminal Code*”;

**(c) by repealing subsection (5) and substituting the following:**

“(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 paragraph 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), section 255 or subsection 254(5) 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 254(5) or subsection 255(2)(2.1)(3), (3.1) or (3.2) of the *Criminal Code*, for a period of 60 consecutive days;
  - (ii) if the driver is charged pursuant paragraph 253(1)(a) of the *Criminal Code*, for a period of 30 consecutive days;
  - (iii) if the driver is charged pursuant to paragraph 253(1)(b) or paragraph 253(3)(c) 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; or
  - (iv) if the driver is charged pursuant to paragraph 253(1)(b) or paragraph 253(3)(c) 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”;

**(d) by repealing subsection (7) and substituting the following:**

“(7) Notwithstanding subsection (5), but subject to subsections (7.1) to (11), if a driver is convicted of an offence pursuant to paragraph 253(1)(a) or (b), paragraph 253(3)(c), subsection 254(5) or section 255 of the *Criminal Code* for an offence pursuant to paragraph 253(1)(a) or (b) or paragraph 253(3)(c) 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)”; **and**

**(e) by repealing subsection (7.1) and substituting the following:**

“(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 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction and:

(i) the driver is convicted of an offence pursuant to paragraph 253(1)(b) or (3)(c) of the *Criminal Code* 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 253(1)(a) of the *Criminal Code*;

(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 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction and:

(i) the driver is convicted of an offence pursuant to paragraph 253(1)(b) or (3)(c) of the *Criminal Code* 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 254(5) or subsection 255(2), (2.2), (3), (3.1) or (3.2) of the *Criminal Code*;

(c) 3 years following the enrolment in the ignition interlock program if the driver has previously been convicted of an offence pursuant to paragraph 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction and:

(i) the driver is convicted of an offence pursuant to paragraph 253(1)(b) or (3)(c) of the *Criminal Code* 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 253(1)(a) of the *Criminal Code*;
- (d) 5 years following the enrolment in the ignition interlock program if the driver has previously been convicted of an offence pursuant to paragraph 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction and:
  - (i) the driver is convicted of an offence pursuant to paragraph 253(1)(b) or (3)(c) of the *Criminal Code* 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 254(5) or subsection 255(2), (2.1), (3), (3.1) or (3.2) of the *Criminal Code*; 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 253(1)(a) or (b), paragraph 253(3)(a), (b) or (c), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction; and
  - (ii) the driver is convicted pursuant to paragraph 253(1)(a) or (b), paragraph 253(3)(c), subsection 254(5) or section 255 of the *Criminal Code*".

**(8) Section 149 is repealed and the following substituted:**

**"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”.

**(9) Subsection 150(1) is amended:**

**(a) by striking out the portion preceding clause (a) and substituting the following:**

“In this section and section 150.1 and 150.11.”; **and**

**(b) in clause (a) by striking out “section 146, 146.1, 146.2, 148 or 150.1” and substituting “section 146, 146.1, 146.2, 148, 150.1 or 150.11”.**

**(10) Subsection 150.1(1) is repealed and the following substituted:**

“(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”.

**(11) The following section is added after section 150.1:**

“**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".
- (12) Subsection 150.2(1) is amended by striking out "section 146, 146.1, 146.2, 148, 150 or 150.1" and substituting "section 146, 146.1, 146.2, 148, 150, 150.1 or 150.11".**
- (13) Section 150.3 is amended:**
- (a) in subsection (2) by striking out "section 146, 146.1, 146.2, 148, 150 or 150.1" and substituting "section 146, 146.1, 146.2, 148, 150, 150.1 or 150.11"; and**

**(b) in subsection (6) in the portion preceding clause (a) by striking out “section 146, 146.1, 146.2, 148, 150 or 150.1” and substituting “section 146, 146.1, 146.2, 148, 150, 150.1 or 150.11”.**

**(14) Section 151 is amended:**

**(a) in subsection (1) by striking out “146(7), 146.1(7), 146.2(7), 150(7) and 150.1(7)” and substituting “146(7), 146.1(7), 146.2(7), 150(7), 150.1(7) and 150.11(8)”; and**

**(b) in subsection (2) by striking out “146(7), 146.1(7), 146.2(7), 150(7) or 150.1(7)” and substituting “146(7), 146.1(7), 146.2(7), 150(7), 150.1(7) or 150.11(8)”.**

**(15) Section 152 is amended:**

**(a) in subsection (1) by striking out “section 146, 146.1, 146.2, 150 or 150.1” and substituting “section 146, 146.1, 146.2, 150, 150.1 or 150.11”;**

**(b) in subsection (2) in the portion preceding clause (a) by striking out “section 146, 146.1, 146.2, 150, 150.1 or 150.2” and substituting “section 146, 146.1, 146.2, 150, 150.1, 150.11 or 150.2”; and**

**(c) by repealing subsection (3) and substituting the following:**

“(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 254 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 254 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 254 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”.

**(16) Subsection 153(10) is repealed and the following substituted:**

“(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 253(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 253(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 253(3)(a), (b) or (c) of the *Criminal Code*; or

(d) failed or refused, without reasonable excuse, to comply with a demand made pursuant to subsection 254(5) of the *Criminal Code*".

**(17) Section 155 is amended:**

**(a) by adding the following clause after clause (1)(a):**

"(a.1) **'bodily substance sample'** means a sample of the driver's bodily substance obtained pursuant to section 149 or subsection 254(3.4) of the *Criminal Code*";

**(b) by repealing subclause (1)(c)(i) and substituting the following:**

"(i) a certificate of a person designated pursuant to section 254 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 results of that analysis"; **and**

**(c) by repealing subsection (2) and substituting the following:**

"(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".

**(18) Subsection 155.3(1) is repealed and the following substituted:**

"(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”.

**(19) Clause 287(1)(rr) is amended:**

**(a) in the portion preceding subclause (i) by striking out “sections 141, 146, 146.1, 146.2 and 148 to 153” and substituting “Division 3 of Part XIII of the Act”; and**

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

“(i) prescribing the persons or classes of persons who are authorized to take and analyse samples of breath, blood or bodily substances”.

PART 3

Offences Relating to Conveyances

RSS 1978, c A-35 amended

4(1) *The Automobile Accident Insurance Act* is amended in the manner set forth in this section.

**(2) Clause 6(1)(a) is repealed and the following substituted:**

“(a) ‘chargeable incident’ means a chargeable incident as defined in the regulations”.

**(3) Subclause 26.1(3)(b)(i) is repealed and the following substituted:**

“(i) an offence pursuant to section 220 or 221 of the *Criminal Code* as a result of the operation of a motor vehicle or an offence pursuant to section 320.17 of the *Criminal Code*”.

**(4) Subclause 29.2(1)(b)(i) is repealed and the following substituted:**

“(i) an offence pursuant to section 220 or 221 of the *Criminal Code* as a result of the operation of a motor vehicle or an offence pursuant to section 320.17 of the *Criminal Code*”.

**(5) Subparagraph 35.72(3)(b)(i)(A)(I) is repealed and the following substituted:**

“(I) an offence pursuant to section 220 or 221 of the *Criminal Code* as a result of the operation of a motor vehicle or 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) or section 320.17 of the *Criminal Code*”.

**(6) Subclause 35.73(1)(b)(i) is repealed and the following substituted:**

“(i) an offence pursuant to section 220 or 221 of the *Criminal Code* as a result of the operation of a motor vehicle or 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) or section 320.17 of the *Criminal Code*”.

**(7) Subclause 41(4)(b)(i) is repealed and the following substituted:**

“(i) the loss is caused by the Part II.1 beneficiary or Part VIII beneficiary operating a motor vehicle and, as a result of the operation of the motor vehicle, the operator is convicted of offence pursuant to section 220, 221 paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4), subsection 320.15(1), (2) or (3) or section 320.17 of the *Criminal Code*”.

**(8) Clause 41.01(2)(a) is repealed and the following substituted:**

“(a) the loss is caused by the Part II.1 beneficiary or Part VIII beneficiary operating a motor vehicle and, as a result of the operation of the motor vehicle, the operator is convicted of an offence pursuant to section 220, 221, paragraph 320.14(1)(a), (b), (c), or (d), subsection 320.14(2), (3) or (4), subsection 320.15(1), (2) or (3) or section 320.17 of the *Criminal Code*”.

**(9) Subclause 41.13(2)(a)(i) is repealed and the following substituted:**

“(i) the loss is caused by a motor vehicle and, as a result of the operation of the motor vehicle, the operator is convicted of an offence pursuant to section 220 or 221 of the *Criminal Code* as a result of the operation of a motor vehicle or 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) or section 320.17 of the *Criminal Code*”.

**(10) Subclause 41.131(2)(b)(i) is repealed and the following substituted:**

“(i) the loss is caused by a motor vehicle and, as a result of the operation of the motor vehicle, the operator is convicted of an offence pursuant to section 220 or 221, paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4), subsection 320.15(1), (2) or (3) or section 320.17 of the *Criminal Code*”.

**(11) Subclause 41.16(2)(a)(i) is repealed and the following substituted:**

“(i) the loss is caused by a motor vehicle and, as a result of the operation of the motor vehicle, the operator is convicted of an offence pursuant to section 220, 221, paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4), subsection 320.15(1), (2) or (3) or section 320.17 of the *Criminal Code*”.

**(12) Subclause 41.17(2)(b)(i) is repealed and the following substituted:**

“(i) the loss is caused by a motor vehicle and, as a result of the operation of the motor vehicle, the operator is convicted of an offence pursuant to section 220 or 221, paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4), subsection 320.15(1), (2) or (3) or section 320.17 of the *Criminal Code*”.

**(13) Subsection 44.2(1) is amended by striking out the portion preceding clause (a) and substituting the following:**

“Subsection (2) applies if the operator of a motor vehicle is convicted of an offence pursuant to section 220, 221, 235, 236, 239, 266, 267, 268 or 269, paragraph 320.14(1)(a), (b), (c) or (d), subsection 320.14(2), (3) or (4), subsection 320.15(1)(2) or (3) or section 320.17 of the *Criminal Code* and the insurer makes a payment pursuant to:”.

**(14) Clause 66(1)(a) is repealed and the following substituted:**

“(a) paragraph 320.14(a), (b), (c) or (d), subsection 320.14(2), (3) or (4) or subsection 320.15 (1), (2) or (3) of the *Criminal Code*”.

**(15) Paragraph 174(3)(b)(i)(A) is repealed and the following substituted:**

“(A) an offence pursuant to section 220 or 221 of the *Criminal Code* as a result of the operation of a motor vehicle or an offence pursuant to paragraph 320.14(1)(a) or (b), subsection 320.14(2), (3) or (4), subsection 320.15(1), (2) or (3) or section 320.17 of the *Criminal Code*”.

**(16) Paragraph 175(1)(b)(ii)(A) is repealed and the following substituted:**

“(A) an offence pursuant to section 220 or 221 of the *Criminal Code* as a result of the operation of a motor vehicle or 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) or section 320.17 of the *Criminal Code*”.

**SS 2004, c T-18.1 amended**

**5(1)** *The Traffic Safety Act* is amended in the manner set forth in this section.

**(2) Section 11 is repealed and the following substituted:****“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*”.

**(3) Clause 137(e) is repealed and the following substituted:**

“(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)”.

**(4) Section 141 is amended by adding the following subsection after subsection (1):**

“(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”.

**(5) Clause 146(1)(a) is repealed and the following substituted:**

“(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*”.

**(6) Section 148 is amended:**

**(a) by repealing subsection (2) and substituting the following:**

“(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*";

**(b) by repealing subsection (5) and substituting the following:**

“(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”;

**(c) by repealing subsection (7) and substituting the following:**

“(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)”; and

**(d) by repealing subsection (7.1) and substituting the following:**

“(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”.
- (7) Clause 150(2)(b) is repealed and the following substituted:**
- “(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*”.
- (8) Subsection 152(3) is amended:**
- (a) by repealing subclause (a)(ii) and substituting the following:**  
“(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) by repealing subclause (d)(iii) and substituting the following:**  
“(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*”; and
  - (c) by repealing subclause (e)(iii) and substituting the following:**  
“(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*”.
- (9) Subsection 153(10) is repealed and the following substituted:**
- “(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*".

**(10) Subsection 155(1) is repealed and the following substituted:**

"(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*;

(b) **'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*;

(c) **'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;

(d) **'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".

**(11) Subsection 281(1) is amended:**

**(a) by repealing clause (c) and substituting the following:**

"(c) a contravention of section 320.13 of the *Criminal Code*"; and

**(b) by repealing clause (d) and substituting the following:**

"(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*".

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**PART 4**  
**Coming into Force**

**Coming into force**

- 6(1)** Parts 1 and 2 come into force on proclamation.
- (2) Part 3 comes into force 180 days after Parts 1 and 2 come into force.

