

2020

CHAPTER 36

An Act to amend *The Traffic Safety Act*

(Assented to July 3, 2020)

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

Short title

1 This Act may be cited as *The Traffic Safety Amendment Act, 2020*.

SS 2004, c T-18.1 amended

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

Section 29 amended

3 **Subsection 29(1) is amended in clause (m) by adding “148.1,” after “148,”.**

Section 32 amended

4 **The following subsection is added after subsection 32(4):**

“(5) Notwithstanding clauses (2)(b) and (c), no person shall operate a class 1 motor vehicle on a highway unless:

- (a) that person holds a valid class 1 driver’s licence issued by the administrator;
- (b) that person holds a valid equivalent to a class 1 driver’s licence from another province of Canada or from a state of the United States of America that permits that person to operate a class 1 motor vehicle in the jurisdiction where that person normally resides; or
- (c) that person holds a valid equivalent to a class 1 driver’s licence issued by a jurisdiction outside of Canada and the United States of America that permits that person to operate a class 1 motor vehicle in the jurisdiction where that person normally resides and that person is travelling between 2 points on a route that necessitates temporary travel within the boundaries of Saskatchewan”.

Section 33 amended

5 **The following clause is added after clause 33(a):**

“(a.1) section 247.1”.

Section 42 amended

6 **Subsection 42(2) is amended by striking out “If, pursuant to subsection (1)” and substituting “Subject to the regulations, if, pursuant to subsection (1)”.**

Section 48 amended

7 Subsection 48(6) is amended in the portion preceding clause (a) by striking out “clause 42(1)(c) or (d)” and substituting “subsection 42(1)”.

Section 51 amended

8 Subsection 51(1) is amended by striking out “clause 42(1)(c) or (d)” and substituting “subsection 42(1)”.

Section 57 amended

9 Subsection 57(1) is repealed and the following substituted:

“(1) No person shall operate or permit the operation of any of the following vehicles on a highway unless a certificate of registration or registration permit is obtained pursuant to this Act with respect to that vehicle:

- (a) a motor vehicle;
- (b) a trailer or semi-trailer”.

New Part VI.1

10 The following Part is added after Part VI:

“PART VI.1
Automated and Connected Vehicles

“DIVISION 1
Definitions

“Definitions

75.1 In this Part and Part XX:

- (a) **‘automated driving system’** means a system that allows for the operation of an automated vehicle:
 - (i) while using prescribed features, modes or levels of automation;
 - or
 - (ii) under prescribed conditions;
- (b) **‘automated vehicle’** means a prescribed vehicle or class of vehicles;
- (c) **‘automated vehicle permit’** means an automated vehicle permit as defined in the regulations;
- (d) **‘connected vehicle’** means a prescribed vehicle or class of vehicles;
- (e) **‘connected vehicle operating system’** means a system that allows for the operation of a connected vehicle:
 - (i) while using prescribed features, modes or levels of connectivity;
 - or
 - (ii) under prescribed conditions;
- (f) **‘connected vehicle permit’** means a connected vehicle permit as defined in the regulations;
- (g) **‘level of automation’** means the prescribed levels of driving automation.

“DIVISION 2 Permits

“Permits – automated and connected vehicles

75.2(1) Subject to the regulations, the administrator may issue permits for the operation of automated vehicles and connected vehicles.

(2) No person shall operate or permit the operation of an automated vehicle or a connected vehicle contrary to the terms and conditions of an automated vehicle permit or a connected vehicle permit, as the case may be, issued by the administrator.

(3) No person shall operate or permit the operation of an automated vehicle or a connected vehicle contrary to the regulations.

(4) Subject to the regulations, no person shall operate or permit the operation of an automated vehicle or a connected vehicle without an automated vehicle permit or connected vehicle permit, as the case may be, issued by the administrator.

“DIVISION 3 Rules of the Road

“Application – rules of the road

75.3 Subject to the regulations, Part XVI applies, with any necessary modification, to automated vehicles and connected vehicles.

“Prohibition on operation

75.4(1) Subject to the regulations, no person shall operate an automated vehicle on a highway:

- (a) unless that person is positioned at the controls of the automated vehicle; and
- (b) is capable of personally and lawfully operating the automated vehicle, irrespective of whether the vehicle is capable of operating at a level of automation.

(2) No person, other than a peace officer acting in the course of the peace officer’s duties or any other person acting in the course of that person’s duties, shall tamper with, obstruct or interfere with the operation of an automated vehicle or a connected vehicle.

(3) No person or thing shall be carried in or on or be towed by or be otherwise connected to an automated vehicle or a connected vehicle unless authorized by a permit issued by the administrator or the regulations”.

Section 99 amended

11(1) Subsection 99(1) is amended:

- (a) by adding “or driver” after “carrier”; and
- (b) by striking out “for the purpose of transporting goods”.

(2) Subsection 99(3) is amended in the portion preceding clause (a) by adding “or driver” after “carrier”.

Section 102.1 amended

12 Clause 102.1(2)(b) is amended by adding “or a driver” after “assess a penalty against the carrier”.

New section 104

13 Section 104 is repealed and the following substituted:

“Interpretation of Part

104 In this Part:

- (a) ‘**carrier**’ means a carrier as defined in Division 3 of Part VII;
- (b) ‘**commercial vehicle**’ means commercial vehicle as defined in Division 3 of Part VII;
- (c) ‘**driver**’ means a driver as defined in Division 3 of Part VII;
- (d) ‘**transportation**’ means the driving, maintenance, use and operation of a vehicle for commercial purposes;
- (e) ‘**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”.

New section 112

14 Section 112 is repealed and the following substituted:

“Interpretation of Part

112 In this Part:

- (a) ‘**signing officer**’ means an owner or employee of an inspection station who is designated to act as a signing officer pursuant to the regulations;
- (b) ‘**vehicle inspection certificate**’ means a valid vehicle inspection certificate issued pursuant to section 117;
- (c) ‘**vehicle inspection station**’ means a vehicle inspection station that holds a valid certificate issued pursuant to section 121;
- (d) ‘**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”.

Section 115 repealed

15 Section 115 is repealed.

Section 120 amended

16 Subsection 120(1) is repealed and the following substituted:

“(1) No person shall hold that person out as or advertise that person to be a signing officer, vehicle inspection station or vehicle inspection mechanic unless that person holds a signing officer certificate, an inspection station certificate or inspection mechanic certificate, as the case may be, issued by the administrator”.

Section 121 is amended

17(1) Subsection 121(1) is amended by adding “signing officer certificate,” after “An applicant for a”.

(2) Subsection 121(2) is amended:

(a) in the portion preceding clause (a) by adding “signing officer certificate,” after “The administrator may issue a”; and

(b) in clause (b) by striking out “the station” and substituting “the signing officer, station”.

Section 122 amended

18(1) Subsection 122(1) is amended by repealing clause (a) and substituting the following:

“(a) respecting the duties and responsibilities of signing officers, vehicle inspection stations and vehicle inspection mechanics”.

(2) Subsection 122(2) is amended by adding “signing officer certificate,” after “No holder of a”.

Section 123 amended

19 Section 123 is amended by striking out the portion preceding clause (a) and substituting the following:

“The administrator may suspend, alter or cancel or refuse to issue a signing officer certificate, vehicle inspection station certificate or vehicle inspection mechanic certificate if the holder:”.

Section 137 amended

20 Section 137 is amended:

(a) by adding the following clause after clause (b):

“(b.1) ‘**evaluating officer**’ means an evaluating officer as defined in section 320.11 of the *Criminal Code*”;

(b) in subclause (e)(ii) by adding “or 320.17” after “section 320.16”; and

(c) in subclause (e)(vi) by adding “, section 320.17” after “subsections 320.16(1) to (3)”.

Section 139 amended

21 Clause 139(1)(b) is amended by striking out “section 48, 49, 50, subsection 51(2) or section 146, 146.1, 146.2, 148, 150, 150.1, 150.11 or 150.3” and substituting “clause 48(2)(e) and (f) or section 146, 146.1, 146.2, 148, 148.1, 150, 150.1, 150.11 or 150.3”.

Section 140 amended

22 Clause 140(5)(b) is amended by striking out “other than section 146”.

Section 141 amended

23 The following clause is added after clause 141(2)(b):

“(c) a resident who is eligible for ignition interlock pursuant to section 146, 146.1, 148, 148.1, 150 or 150.1 of this Act”.

Section 146.1 amended

24 Clause 146.1(2)(c) is repealed and the following substituted:

“(c) fails to satisfy the peace officer, based on the driver’s performance on a field sobriety test, that the driver is able to safely operate a motor vehicle”.

Section 146.2 amended

25 Subsection 146.2(2) is repealed and the following substituted:

“(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 to satisfy the peace officer, based on the driver’s performance on a field sobriety test, that the driver does not have drugs in the driver’s body;
- (c) the driver fails or refuses to undergo an evaluation by an evaluating officer;
- (d) the driver fails to satisfy an evaluating officer, based on the driver’s performance on an evaluation by the evaluating officer, that the driver does not have drugs in the driver’s body;
- (e) the driver fails or refuses to provide a sample of the driver’s bodily substance; or
- (f) a sample of the driver’s bodily substance, analysed by means of an approved screening device, indicates that the driver has consumed drugs”.

New sections 148 and 148.1

26 Section 148 is repealed and the following substituted:

“Suspensions – impaired operation

148(1) In this section:

- (a) **‘approved instrument’** means an approved instrument as defined in section 320.11 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 subsection (3) 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 the driver's 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 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 the driver 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 clause (4)(c) and subsection (5) but subject to subsection (7), a driver who is subject to a notice of suspension and a notice of immobilization or impoundment pursuant to this section may apply to have the driver's driver's licence reinstated if the driver pays the prescribed licence reinstatement fee and the driver participates in a prescribed ignition interlock program until:

- (a) the prosecution of the offence has been stayed or withdrawn; or
- (b) the driver has been acquitted or convicted of the offence.

(7) Subsection (6) does not apply to a driver who is subject to a notice of suspension and a notice of immobilization or impoundment pursuant to this section:

- (a) if that driver is charged with an offence pursuant to paragraph 320.14(1)(c) or subsection 320.14(4) 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
- (b) until the driver's licence of that driver has been suspended for a period of 90 days calculated from the date the driver was charged with an offence mentioned in subsection (2).

(8) A driver described in subsection (5) is eligible to have the driver's driver's licence reinstated, subject to any other terms and conditions imposed on the driver by the administrator pursuant to this Act and the regulations made pursuant to this Act.

(9) If the administrator is satisfied that a driver mentioned in subsection (6) has not fully complied with the prescribed ignition interlock program or any terms and conditions imposed by the administrator, the administrator may reinstate the driver's licence suspension that was previously in place pursuant to subsection (3).

(10) Notwithstanding that the period of suspension pursuant to this section 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 the driver's driver's licence reinstated if the driver pays the prescribed licence reinstatement fee and participates in any prescribed program required by the administrator within the prescribed period.

(11) A motor vehicle that is immobilized or impounded pursuant to this section must be dealt with in the manner set out in section 150.2.

(12) If a peace officer suspends a driver's driver's licence 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 the driver's 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.

“Suspension after conviction – impaired operation

148.1(1) Subject to this section, if a driver is convicted of an offence pursuant to paragraph 320.14(1)(a), (b), (c) or (d) or subsection 320.14(2) or (3) of the *Criminal Code* for an offence pursuant to paragraph 320.14(1)(a), (b), (c) or (d) or section 320.15 of the *Criminal Code*, the driver is not eligible to have the driver's driver's licence reinstated unless the driver participates in an ignition interlock program pursuant to subsection (2).

(2) Subject to subsections (3) and (5), 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) 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;

(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) 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 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 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; 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; or

(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.

(3) A driver mentioned in subsection (1) 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.

- (4) If the administrator is satisfied that a driver mentioned in subsection (1) 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.
- (5) If a driver satisfies the administrator that, for a prescribed reason, that driver is unable to comply with subsection (1), the administrator may, with respect to that driver:
- (a) waive the requirements set out in subsection (1);
 - (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.
- (6) A driver described in subsection (5) is eligible to have the driver's driver's licence reinstated, subject to any other terms and conditions imposed on the driver by the administrator pursuant to this Act.
- (7) This section and section 148 apply, with any necessary modification, to a driver who is a non-resident".

Section 149 amended

27 Clause 149(1)(d) is amended by striking out "a certified drug recognition evaluator" and substituting "an evaluating officer".

Section 150.1 amended

28 Clause 150.1(2)(c) is repealed and the following substituted:

"(c) fails to satisfy the peace officer, based on the driver's performance on a field sobriety test, that the driver does not have any alcohol in the driver's body".

Section 150.11 amended

29 Subsection 150.11(2) is repealed and the following substituted:

- "(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 to satisfy the peace officer, based on the driver's performance on a field sobriety test, that the driver does not have drugs in the driver's body;
 - (c) the driver fails or refuses to undergo an evaluation by an evaluating officer;
 - (d) the driver fails to satisfy an evaluating officer, based on the driver's performance on an evaluation by the evaluating officer, that the driver does not have drugs in the driver's body;

(e) the driver fails or refuses to provide a sample of the driver's bodily substance; or

(f) a sample of the driver's bodily substance, analysed by means of an approved screening device, indicates the driver has consumed drugs".

Section 152 amended

30(1) Subclause 152(3)(b)(iii) is amended by striking out "section 254" and substituting "section 320.15".

(2) Subsection 152(4.2) is amended in the portion preceding clause (a) by adding "as the case may be," after "subsection (3), (4) or (4.1),".

Section 153 amended

31 Clause 153(12)(e) is amended by adding "if applicable," before "the driver was not transporting".

Section 192 amended

32 The following subsections are added after subsection 192(6):

"(7) No person shall drive a vehicle on a highway unless the licence plate and all numbers and letters on the licence plate are legible and clearly visible at all times.

"(8) No person is considered to contravene subsection (6) or (7) if there exist environmental conditions that make compliance with subsection (6) or (7) unsafe or unreasonable".

Section 248 amended

33(1) Subsection 248(4) is amended by striking out "If a motor" and substituting "Subject to subsection (4.1), if a motor".

(2) The following subsections are added after subsection 248(4):

"(4.1) Subject to subsection (4.2), if a passenger under the age of 16 years is transported in a motor vehicle that is registered in class PC, PS, PB, PT or LV, an adult that accompanies that passenger must properly restrain the passenger as set out in subsection (4).

"(4.2) Subsection (4.1) applies to a motor vehicle registered in class LV only if that motor vehicle is operated as part of a vehicle-for-hire service as defined in *The Vehicles for Hire Act*".

Section 280 amended

34 Subsection 280(2) is repealed and the following substituted:

"(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 a prescribed manner; or

(b) if that vehicle is apparently abandoned on the travelled portion of a highway in a place or in a manner that constitutes a hazard to other users of that highway".

Section 287 amended

35 Subsection 287(1) is amended:

(a) in clause (qq) by striking out “148(11)” and substituting “148(12)”; and

(b) by adding the following clauses after clause (bbbb.97):

“(bbbb.98) respecting automated vehicles and connected vehicles, including prescribing insurance requirements related to automated vehicles and connected vehicles;

“(bbbb.99) prescribing what is or is not an automated vehicle and a connected vehicle;

“(bbbb.991) prescribing the features of or conditions for an automated driving system or connected vehicle operating system;

“(bbbb.992) prescribing modes and levels of automation and connectivity;

“(bbbb.993) authorizing, governing and establishing projects for research into or the testing and evaluation of automated vehicles and connected vehicles;

“(bbbb.994) governing who may and may not operate automated vehicles and connected vehicles;

“(bbbb.995) establishing and governing the process for obtaining approval to operate automated vehicles and connected vehicles on a highway, including the application and permit process;

“(bbbb.996) governing all aspects of automated vehicle permits and connected vehicle permits, including the terms and conditions of an automated vehicle permit or a connected vehicle permit and the suspension and cancellation of an automated vehicle permit or a connected vehicle permit;

“(bbbb.9961) defining any terms necessary for the regulation of automated vehicles and connected vehicles;

“(bbbb.997) establishing the duties of a driver when operating an automated vehicle or connected vehicle on a highway;

“(bbbb.9971) defining ‘owner’ with respect to automated vehicles and connected vehicles;

“(bbbb.998) establishing the duties of an owner respecting the operation of automated vehicles and connected vehicles on a highway;

“(bbb.9981) for the purposes of Part VI.1:

- (i) prescribing the procedures for suspending and cancelling an automated vehicle permit or a connected vehicle permit;
- (ii) prescribing all aspects of an appeal of the suspension or cancellation of an automated vehicle permit or a connected vehicle permit, including the right to appeal and the procedures for appealing;
- (iii) exempting any person or entity from the application of any provision of this Act”.

Transitional

36 Notwithstanding any other Act or law, if, on the day before this section comes into force, a person has been charged with an offence mentioned in section 148, as that section existed on the day before *The Traffic Safety Amendment Act, 2019* came into force, that person is subject to section 148 as that section existed on the day before that Act came into force.

Coming into force

37 This Act comes into force by order of the Lieutenant Governor in Council.

