

2015

CHAPTER 33

An Act to amend *The Traffic Safety Act* and to make a consequential amendment to *The Freedom of Information and Protection of Privacy Act*

(Assented to November 19, 2015)

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 (Miscellaneous Measures) Amendment Act, 2015*.

S.S. 2004, c.T-18.1 amended

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

New section 40.1

3 **The following section is added after section 40:**

“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:
- (a) not use facial recognition software to form the basis of any action or decision of the administrator except as permitted by this section; and
 - (b) 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:
 - (i) this Act; or
 - (ii) the *Criminal Code* for identity theft or identity fraud.
- (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".

Section 48 amended

4(1) Clause 48(2)(e) is amended by striking out "section 211, 212, or 213 of the *Criminal Code*" **and substituting** "section 211, 213, 286.1, 286.2 or 286.3 of the *Criminal Code*".

(2) Subsection 48(3) is amended:

(a) in clause (a) by striking out "section 211, 212 or 213 of the *Criminal Code*" **and substituting** "section 211, 213, 286.1, 286.2 or 286.3 of the *Criminal Code*"; **and**

(b) in clause (b) by striking out "section 211, 212 or 213 of the *Criminal Code*" **and substituting** "section 211, 213, 286.1, 286.2 or 286.3 of the *Criminal Code*".

Section 146 amended

5(1) Subsection 146(6) is amended:

(a) in the portion preceding clause (a) by striking out "90" and substituting "120"; and

(b) by repealing clause (c) and substituting the following:

"(c) in the circumstance where the driver has been subject to two or more previous designated notices in the five years preceding the date of the issuance of the notice of suspension, complete an education or recovery program recommended by an addictions counsellor".

(2) Subsection 146(7) is amended by striking out “90-day period” and substituting “120-day period”.

Section 146.1 amended

6(1) Subsection 146.1(6) is amended:

(a) in the portion preceding clause (a) by striking out “90” and substituting “120”; and

(b) by repealing clause (c) and substituting the following:

“(c) in the circumstance where the driver has been subject to two or more previous designated notices in the five years preceding the date of the issuance of the notice of suspension, complete an education or recovery program recommended by an addictions counsellor”.

(2) Subsection 146.1(7) is amended by striking out “90-day period” and substituting “120-day period”.

Section 146.2 amended

7(1) Subsection 146.2(6) is amended:

(a) in the portion preceding clause (a) by striking out “90” and substituting “120”; and

(b) by repealing clause (c) and substituting the following:

“(c) in the circumstance where the driver has been subject to two or more previous designated notices in the five years preceding the date of the issuance of the notice of suspension, complete an education or recovery program recommended by an addictions counsellor”.

(2) Subsection 146.2(7) is amended by striking out “90-day period” and substituting “120-day period”.

Section 148 amended

8 Clause 148(6)(c) is repealed and the following substituted:

“(c) in the circumstance where the driver has been subject to two or more previous notices of suspension and immobilization or impoundment pursuant to this section in the 10 years preceding the date of the issuance of the notice of suspension and immobilization or impoundment, he or she completes an education or recovery program recommended by an addictions counsellor”.

Section 150 amended

9(1) Subsection 150(6) is amended:

(a) in the portion preceding clause (a) by striking out “90” and substituting “120”; and

(b) by repealing clause (c) and substituting the following:

“(c) in the circumstance where the new driver has been subject to two or more previous designated notices in the five 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”.

(2) Subsection 150(7) is amended by striking out “90-day period” and substituting “120-day period”.

Section 150.1 amended

10(1) Subsection 150.1(6) is amended:

(a) in the portion preceding clause (a) by striking out “90” and substituting “120”; and

(b) by repealing clause (c) and substituting the following:

“(c) in the circumstance where the new driver has been subject to two or more previous designated notices in the five 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”.

(2) Subsection 150.1(7) is amended by striking out “90-day period” and substituting “120-day period”.

Section 150.4 amended

11 Clause 150.4(1)(c) is repealed and the following substituted:

“(c) in the circumstance where the driver has been convicted of two or more previous offences pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the conviction, he or she completes an education or recovery program recommended by an addictions counsellor”.

Section 165 amended

12 Subsection 165(2) is repealed and the following substituted:

“(2) No person shall remove the licence plates from a motor vehicle while it is seized, impounded or immobilized pursuant to this Division”.

Section 173 amended

13 Clause 173(1)(h) is amended by striking out “section 211, 212 or 213 of the *Criminal Code*” and substituting “section 211, 213, 286.1, 286.2 or 286.3 of the *Criminal Code*”.

Section 183 amended

14 Clause 183(2)(a) is amended by striking out “212(2) or (4) of the *Criminal Code*” and substituting “286.1(2) or 286.2(2) or (3) of the *Criminal Code*”.

New section 247

15 Section 247 is repealed and the following substituted:

“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”.

Section 259 amended

16 Subsection 259(5) is repealed and the following substituted:

“(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”.

Section 259.1 amended

17 Subsection 259.1(5) is repealed and the following substituted:

“(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”.

Section 273 amended

18 Clause 273(1)(c) is repealed and the following substituted:

“(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”.

Section 281 amended

19 Clause 281(1)(b) is repealed and the following substituted:

“(b) a contravention of any of the provisions of the *Criminal Code* mentioned in clause 137(e)”.

Section 287 amended

20 Subsection 287(1) is amended:**(a) by repealing clause (f) and substituting the following:**

“(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”; **and**

(b) by adding the following clause after clause (aaaa.8):

“(aaaa.9) for the purposes of subsections 259(5) and 259.1(5), prescribing records and classes of records”.

S.S. 1990-91, c.F-22.01, section 23 amended

21 Clause 23(3)(i) of *The Freedom of Information and Protection of Privacy Act* is amended by adding “40.1 or” after “section”.

Coming into force

22(1) Subject to subsection (2), this Act comes into force on assent.

(2) Section 18 comes into force on assent but is retroactive and is deemed to have been in force on and from July 1, 2006.