

B I L L

No. 42

An Act to amend *The Traffic Safety Act* dealing with certain Enforcement Measures and other matters

(Assented to _____)

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 Enforcement Measures) Amendment Act, 2016*.

SS 2004, c T-18.1 amended

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

Section 2 amended

3 **Clause 2(1)(e) is repealed and the following substituted:**

“(e) ‘**dealer**’ means a vehicle dealer who is licensed pursuant to *The Consumer Protection and Business Practices Act* and the regulations made pursuant to that Act”.

New section 68

4 **Section 68 is repealed and the following substituted:**

“Dealer certificates of registration

68(1) Instead of registering each vehicle, the following persons may apply for 1 or more dealer certificates of registration for the vehicles controlled by them:

(a) a dealer;

(b) a person determined by the administrator to be conducting business in a manner that requires dealer certificates of registration.

(2) On production of evidence satisfactory to the administrator provided by the applicant that the applicant is a person mentioned in subsection (1), the administrator shall issue to the applicant a dealer certificate of registration.

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

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

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

Section 75 amended

5 The following clause is added after clause 75(1)(d):

“(d.1) in the case of a dealer certificate of registration, the person to whom it is issued uses it for a purpose other than that for which it was issued”.

Section 146 amended

6(1) Clause 146(1)(b) is repealed and the following substituted:

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

(2) Subclause 146(3)(a)(iii) is repealed and the following substituted:

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

(3) Subsections 146(4) to (6) are repealed and the following substituted:

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

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

(i) if the driver has not been subject to a previous designated notice in the 5 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 5 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 5 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 5 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 5 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 5 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.

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

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

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

- (a) if the driver has not been subject to a previous designated notice in the 5 years preceding the date of the issuance of the notice, participate in any prescribed program required by the administrator;
- (b) if the driver has been subject to 1 previous designated notice in the 5 years preceding the date of the issuance of the notice, participate in any prescribed program required by the administrator; or
- (c) if the driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice, complete an education or recovery program recommended by an addictions counsellor”.

(4) Subsection 146(9) is repealed and the following substituted:

“(9) Notwithstanding subsections (4), (6) and (7), but subject to subsections (10) to (12), if a driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of suspension, the driver is eligible to have his or her driver’s licence reinstated only if the driver:

- (a) does not drive a motor vehicle unless the vehicle is equipped with a prescribed ignition interlock device for a period of 1 year following enrolment in the ignition interlock program;
- (b) participates in the prescribed ignition interlock program; and
- (c) complies with any terms and conditions imposed by the administrator”.

Section 146.1 amended

7(1) Subclause 146.1(3)(a)(iii) is repealed and the following substituted:

“(iii) issue and serve a notice of suspension and a notice of immobilization or impoundment”.

(2) Subsections 146.1(4) and (5) are repealed and the following substituted:

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

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

(i) if the driver has not been subject to a previous designated notice in the 5 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 5 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 5 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 5 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 5 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 5 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.

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

(a) are effective immediately;

(b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver’s licence or permit; and

(c) prohibit that driver from applying for or holding a driver’s licence during the period of suspension set out in this section”.

(3) Subsection 146.1(9) is repealed and the following substituted:

“(9) Notwithstanding subsections (4), (6) and (7), but subject to subsections (10) to (12), if a driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of suspension, the driver is eligible to have his or her driver’s licence reinstated only if the driver:

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

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

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

Section 146.2 amended**8(1) Subclause 146.2(3)(a)(iii) is repealed and the following substituted:**

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

(2) Subsections 146.2(4) and (5) are repealed and the following substituted:

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

(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 5 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 5 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 5 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 5 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 5 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 5 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.

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

(a) are effective immediately;

(b) are effective notwithstanding that the peace officer is unable for any reason to take possession of the driver’s licence or permit; and

(c) prohibit the driver from applying for or holding a driver’s licence during the period of suspension set out in this section”.

(3) Subsection 146.2(8) is repealed and the following substituted:

“(8) Notwithstanding subsections (4), (6) and (7), but subject to subsections (9) to (11), if a driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of suspension, the driver is eligible to have his or her driver’s licence reinstated only if the driver:

- (a) does not drive a motor vehicle unless the vehicle is equipped with a prescribed ignition interlock device for a period of 1 year following enrolment in the ignition interlock program;
- (b) participates in the prescribed ignition interlock program; and
- (c) complies with any terms and conditions imposed by the administrator”.

Section 148 amended**9(1) Subsection 148(3) is amended by repealing clause (d) and substituting the following:**

“(d) issue and serve on the driver a notice of suspension and a notice of immobilization or impoundment”.

(2) Subsections 148(4) to (7) are repealed and the following substituted:

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

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

“(5) If, in the circumstances mentioned in subsection (2), a driver is served with a notice of suspension and a notice of immobilization or impoundment pursuant to this section and the driver is charged with an offence pursuant to clause 253(1)(b), subsection 254(5) or section 255 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(1), (2.2) or (3.2) of the *Criminal Code*, for a period of 60 consecutive days;
 - (ii) if the driver is charged pursuant to clause 253(1)(b) or subsection 255(1), (2), (2.1) or (3.1) of the *Criminal Code* and the venous blood of the driver exceeds 80 milligrams of alcohol per 100 millilitres of blood but less than 160 milligrams of alcohol per 100 millilitres of blood, for a period of 30 consecutive days; or
 - (iii) if the driver is charged pursuant to clause 253(1)(b) or subsection 255(1), (2), (2.1) or (3.1) of the *Criminal Code* and the venous blood of the driver is equal to or exceeds 160 milligrams of alcohol per 100 millilitres of blood, for a period of 60 consecutive days.

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

- (a) if the driver has not been subject to a previous notice of suspension and notice of immobilization or impoundment pursuant to this section in the 10 years preceding the date of the issuance of the notice of suspension and notice of immobilization or impoundment, he or she participates in any prescribed program required by the administrator;
- (b) if the driver has been subject to 1 previous notice of suspension and notice of immobilization or impoundment pursuant to this section in the 10 years preceding the date of the issuance of the notice of suspension and notice of immobilization or impoundment, he or she participates in any prescribed program required by the administrator; or
- (c) if the driver has been subject to 2 or more previous notices pursuant to this section in the 10 years preceding the date of the issuance of the notices, he or she completes an education or recovery program recommended by an addictions counsellor.

“(7) Notwithstanding subsection (5), but subject to subsections (7.1) to (11), if a driver is convicted of an offence pursuant to clause 253(1)(b), subsection 254(5) or subsection 255(1), (2), (2.1), (2.2) or (3.1) of the *Criminal Code*, the driver is not eligible to have his or her licence reinstated unless he or she participates in an ignition interlock program pursuant to subsection (7.1).

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

- (a) 1 year following the enrolment in the ignition interlock program if:
 - (i) the driver has a blood alcohol reading less than 160 milligrams of alcohol per 100 millilitres of blood;
 - (ii) the driver is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(b) of the *Criminal Code*; and
 - (iii) the driver has not previously been convicted of an offence pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction;
- (b) 2 years following the enrolment in the ignition interlock program if:
 - (i) the driver either:
 - (A) has a blood alcohol reading equal to or greater than 160 milligrams of alcohol per 100 millilitres of blood and is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(b) of the *Criminal Code*; or
 - (B) is convicted of an offence pursuant to subsection 254(5) or subsection 255(1), (2.2) or (3.2) of the *Criminal Code*; and
 - (ii) the driver has not previously been convicted of an offence pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction;

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- (c) 3 years following the enrolment in the ignition interlock program if:
- (i) the driver has a blood alcohol reading less than 160 milligrams of alcohol per 100 millilitres of blood;
 - (ii) the driver is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(b) of the *Criminal Code*; and
 - (iii) the driver has previously been convicted of 1 offence pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction;
- (d) 5 years following the enrolment in the ignition interlock program if:
- (i) the driver either:
 - (A) has a blood alcohol reading equal to or greater than 160 milligrams of alcohol per 100 millilitres of blood; or
 - (B) is convicted of an offence pursuant to subsection 254(5) or subsection 255(1), (2.2) or (3.2) of the *Criminal Code*; and
 - (ii) the driver has previously been convicted of 1 offence pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction; and
- (e) 10 years following the enrolment in the ignition interlock program if:
- (i) the driver is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(b) or subsection 254(5) of the *Criminal Code*; and
 - (ii) the driver has previously been convicted of 2 or more 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 date of the conviction”.

Section 150 amended

10(1) Subsection 150(1) is amended by repealing clause (a) and substituting the following:

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

“(a.1) **‘driver’** means either:

- (i) a new driver; or
- (ii) any person who is operating a motor vehicle and who is 21 years of age or less, whether or not he or she is the holder of a valid driver’s licence issued in Saskatchewan or any other jurisdiction”.

(2) Subsection 150(2) is amended in the portion preceding clause (a) by striking out “new driver” and substituting “driver”.

(3) Subsection 150(3) is amended:

(a) in clauses (a) to (c) by striking out “new driver” wherever it appears and in each case substituting “driver”; and

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

“(d) issue and serve on the driver a notice of suspension and a notice of immobilization or impoundment”.

(4) Subsections 150(4) to (6) are repealed and the following substituted:

“(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 5 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 5 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 5 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 5 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 5 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 5 years preceding the date of the issuance of the notice, for a period of 14 consecutive days.

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

- (a) if the driver has not been subject to a previous designated notice in the 5 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 5 years preceding the date of the issuance of the notice of suspension, participate in any prescribed program required by the administrator;
- (c) if the driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of suspension, complete an education or recovery program recommended by an addictions counsellor”.

(5) Subsection 150(7) is amended by striking out “new driver” wherever it appears and in each case substituting “driver”.

(6) Subsection 150(8) is repealed and the following substituted:

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

- (a) if a driver has been subject to 1 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of immobilization or impoundment, the driver may have his or her licence reinstated before the expiry of the period set out in subsection (6) if he or she participates in an ignition interlock program pursuant to subsection (8.1); and
- (b) if a driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of immobilization or impoundment, the driver is not eligible to have his or her licence reinstated unless he or she participates in an ignition interlock program pursuant to subsection (8.1).

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

- (a) if the driver has been subject to 1 previous designated notice in the 5 years preceding the date of the issuance of the notice of immobilization or impoundment, for a period of 120 days; or
- (b) if the driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of immobilization or impoundment, for a period of 1 year”.

(7) Subsection 150(9) is amended:

(a) by striking out “new driver” wherever it appears and in each case substituting “driver”;

(b) in clause (a) by striking out “notice of suspension and immobilization or impoundment” wherever it appears and in each case substituting “notice of immobilization and impoundment”; and

(c) in clause (b) by striking out “notice of suspension and immobilization or impoundment” wherever it appears and in each case substituting “notice of immobilization or impoundment”.

(8) Subsection 150(10) is amended by striking out “new driver” wherever it appears and in each case substituting “driver”.

(9) Subsection 150(11) is amended in the portion preceding clause (a) by striking out “new driver” wherever it appears and in each case substituting “driver”.

(10) Subsection 150(12) is amended by striking out “new driver” wherever it appears and in each case substituting “driver”.

(11) Subsection 150(13) is amended:

(a) by striking out “new driver” wherever it appears and in each case substituting “driver”; and

(b) in clause (b) by striking out “suspension and immobilization or impoundment” and substituting “immobilization or impoundment”.

(12) Subsection 150(15) is amended by striking out “new driver” and substituting “driver”.

Section 150.1 amended

11(1) 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 drug or substance in his or her body that causes the driver to be unable to safely drive a vehicle”.

(2) Subsection 150.1(2) is amended in the portion preceding clause (a) by striking out “new driver” wherever it appears and in each case substituting “driver”.

(3) Subsection 150.1(3) is amended:

(a) in clauses (a) to (c) by striking out “new driver” wherever it appears and in each case substituting “driver”; and

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

“(d) issue and serve on the driver a notice of suspension and a notice of immobilization or impoundment”.

(4) Subsections 150.1(4) and (5) are repealed and the following substituted:

“(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 5 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 5 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 5 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 5 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 5 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 5 years preceding the date of the issuance of the notice, for a period of 14 consecutive days”.

(5) Subsection 150.1(6) is amended:

- (a) by striking out “new driver” wherever it appears and in each case substituting “driver”; and**
- (b) in the portion preceding clause (a) by striking out “notice of suspension and immobilization or impoundment” and substituting “notice of immobilization or impoundment”.**

(6) Subsection 150.1(7) is amended by striking out “new driver” wherever it appears and in each case substituting “driver”.

(7) Subsection 150.1(8) is repealed and the following substituted:

- “(8) Notwithstanding subsection (6), but subject to subsections (8.1) to (10):
- (a) if a driver has been subject to 1 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of immobilization or impoundment, the driver may have his or her licence reinstated before the expiry of the period set out in subsection (6) if he or she participates in an ignition interlock program pursuant to subsection (8.1); and
 - (b) if a driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of immobilization or impoundment, the driver is not eligible to have his or her licence reinstated unless he or she participates in an ignition interlock program pursuant to subsection (8.1).

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

- (a) if the driver has been subject to 1 previous designated notice in the 5 years preceding the date of the issuance of the notice of immobilization or impoundment, for a period of 120 days; or
- (b) if the driver has been subject to 2 or more previous designated notices in the 5 years preceding the date of the issuance of the notice of immobilization or impoundment, for a period of 1 year”.

(8) Subsection 150.1(9) is amended:

- (a) by striking out “new driver” wherever it appears and in each case substituting “driver”; and**
- (b) in clause (a) by striking out “notice of suspension and immobilization or impoundment” and substituting “notice of immobilization or impoundment”.**

(9) Subsection 150.1(10) is amended by striking out “new driver” wherever it appears and in each case substituting “driver”.

(10) Subsection 150.1(11) is amended by striking out “new driver” wherever it appears and in each case substituting “driver”.

(11) Subsection 150.1(12) is amended by striking out “new driver” wherever it appears and in each case substituting “driver”.

(12) Subsection 150.1(13) is amended:

- (a) by striking out “new driver” wherever it appears and in each case substituting “driver”; and**
- (b) in clause (b) by striking out “suspension and immobilization or impoundment” and substituting “immobilization or impoundment”.**

(13) Subsection 150.1(15) is amended by striking out “new driver” and substituting “driver”.

Section 150.3 amended

12 The following subsection is added after subsection 150.3(2):

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

Section 150.4 amended

13 Subsection 150.4(2) is repealed and the following substituted:

“(2) Subject to subsection (3), if a driver is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(a) of the *Criminal Code*, the driver is not eligible to have his or her driver’s licence reinstated unless he or she:

- (a) pays the prescribed driver’s licence reinstatement fee; and
- (b) participates in an ignition interlock program pursuant to subsection (2.1).

“(2.1) 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:
 - (i) the driver has a blood alcohol reading less than 160 milligrams of alcohol per 100 millilitres of blood;
 - (ii) the driver is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(a) of the *Criminal Code*; and
 - (iii) the driver has not previously been convicted of an offence pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction;
- (b) 2 years following the enrolment in the ignition interlock program if:
 - (i) the driver either:
 - (A) has a blood alcohol reading equal to or greater than 160 milligrams of alcohol per 100 millilitres of blood and is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(a) of the *Criminal Code*; or
 - (B) is convicted of an offence pursuant to subsection 254(5) or subsection 255(1), (2.2) or (3.2) of the *Criminal Code*; and
 - (ii) the driver has not previously been convicted of an offence pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction;
- (c) 3 years following the enrolment in the ignition interlock program if:
 - (i) the driver has a blood alcohol reading less than 160 milligrams of alcohol per 100 millilitres of blood;
 - (ii) the driver is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(a) of the *Criminal Code*; and
 - (iii) the driver has previously been convicted of 1 offence pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction;
- (d) 5 years following the enrolment in the ignition interlock program if:
 - (i) the driver either:
 - (A) has a blood alcohol reading equal to or greater than 160 milligrams of alcohol per 100 millilitres of blood; or
 - (B) is convicted of an offence pursuant to subsection 254(5) or subsection 255(1), (2.2) or (3.2) of the *Criminal Code*; and
 - (ii) the driver has previously been convicted of 1 offence pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* in the 10 years preceding the date of the conviction;

- (e) 10 years following the enrolment in the ignition interlock program if:
 - (i) the driver is convicted pursuant to section 255 of the *Criminal Code* for an offence pursuant to clause 253(1)(a) or subsection 254(5) of the *Criminal Code*; and
 - (ii) the driver has previously been convicted of 2 or more 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 date of the conviction”.

Section 152 amended**14 Subsection 152(3) is repealed and the following substituted:**

“(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 notice of suspension or a notice of immobilization or impoundment issued pursuant to section 146 or 150, whether the board is satisfied that:
 - (i) in the case of a driver, other than a driver as defined in section 150, the driver drove a motor vehicle while that driver’s venous blood contained not less than 40 milligrams of alcohol per 100 millilitres of blood;
 - (ii) in the case of a driver as defined in section 150, the driver drove a motor vehicle having any alcohol in his or her body;
 - (iii) the driver failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 254 of the *Criminal Code*; or
 - (iv) the driver failed or refused, without reasonable excuse, to comply with a demand made pursuant to section 149; or
- (b) in the case of a notice of suspension or a notice of immobilization or impoundment issued pursuant to section 146.1, 146.2 or 150.1, whether the board is satisfied that:
 - (i) the driver refused to undergo the field sobriety test;
 - (ii) the driver failed to follow the peace officer’s instructions respecting the field sobriety test; or
 - (iii) the driver failed the field sobriety test”.

Section 153 amended

15(1) Subsection 153(2) is amended in the portion preceding clause (a) by striking out “notice of suspension and immobilization or impoundment” and substituting “notice of immobilization or impoundment”.

(2) Subsection 153(11) is amended in the portion preceding clause (a) by striking out “notice of suspension and immobilization or impoundment” and substituting “notice of immobilization or impoundment”.

(3) Clause 153(12)(a) is amended by striking out “notice of suspension and immobilization or impoundment” and substituting “notice of immobilization or impoundment”.

New sections 155.1 to 155.4**16 The following sections are added after section 155:****“Notice of suspension**

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

“Notice of immobilization or impoundment and notice of seizure and direction

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

“Incomplete notice

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

(a) the notice of suspension issued pursuant to section 146, 146.1, 146.2, 150, 150.1 or 150.2 must state that the driver is suspended from driving a motor vehicle for a period of 3 consecutive days;

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

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

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

“Confirmation of suspension period by registrar

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

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

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

Section 158 amended**17 The following subsection is added after subsection 158(4):**

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

Section 241.1 amended

18 Subsection 241.1(2) is repealed and the following substituted:

“(2) No driver shall hold, view, use or manipulate electronic communications equipment while driving a motor vehicle on a highway”.

Section 280 amended

19 The following subsection is added after subsection 280(2):

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

Transitional

20(1) On and after the coming into force of this Act, if a driver had been issued, before the coming into force of this Act, a notice of suspension or a notice of immobilization or impoundment pursuant to section 146, 146.1, 146.2, 148, 150 or 150.1 of *The Traffic Safety Act* as those provisions existed before the coming into force of this Act, that driver is subject to the administrative penalties set out in those provisions as they existed before the coming into force of this Act.

(2) On and after the coming into force of this Act, if a driver was subject, before the coming into force of this Act, to a driver’s licence suspension or a requirement to participate in an ignition interlock program for a conviction pursuant to clause 253(1)(a) or (b), subsection 254(5) or section 255 of the *Criminal Code* before the coming into force of this Act, that driver is subject to those administrative penalties set out in *The Traffic Safety Act* as they existed before the coming into force of this Act.

Coming into force

21 This Act comes into force on January 1, 2017.

FIRST SESSION
Twenty-eighth Legislature
SASKATCHEWAN

B I L L

No. 42

An Act to amend *The Traffic Safety Act* dealing with
certain Enforcement Measures and other matters

Received and read the

First time

Second time

Third time

And passed

Honourable Joe Hargrave
